

The
Third
Side

Why We Fight and
How We Can Stop

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Chapter 6

RESOLVE

Mediator, Arbiter, Equalizer, Healer

Jaw jaw is better than war war.

—Winston Churchill



I spent the spring and summer of 1980 working as a mediator at a strife-torn coal mine in eastern Kentucky. Angry miners had been striking almost weekly in violation of their union contract, and management had fired a third of the workforce in retaliation. A local judge had jailed another third for a night for disobeying his order not to strike. The mine was receiving bomb threats and miners were carrying guns to work. The national coal miners' union expressed fears that the situation could end up triggering a nationwide coal strike.

Every morning for weeks, I donned miner's clothes, a lamp, and a safety mask and descended into the coal mine to listen to the miners' grievances. They led a hard life, spending their working hours in pitch-black tunnels a mile under the earth. The ceilings were so low in most places that miners had to walk bent halfway over. They had no lights other than headlamps and no bathroom facilities. The dust hung so thick in the air that my face and saliva had turned black by the time I emerged at the end of the day.

When I asked why they were striking, the miners did not, however, complain about their working conditions, but focused instead on management's actions, the layoffs and jailings.

"What could management do?" I inquired.

"Fire the mine foreman!" replied the local union president.

"The troublemaker is the union president!" management countered. "If we can get rid of him and a couple of other bad apples, the problem will go away."

The basic pattern of conflict was finger-pointing, personal animosity, and tit-for-tat retaliation. The principal problem seemed to reside less in the nature of individual grievances than in the way differences were handled.

Interests, Rights, Power—and Relationship

Upon investigation, my colleagues Stephen Goldberg, Jeanne Brett, and I came to realize that a miner who felt he had been unjustly treated had but three ways to respond: try to talk it out with his foreman, file a contractual grievance with the union, or turn his water bottle upside down and walk out on strike with his fellow miners. The first option led nowhere, the miners felt; the foremen never did anything to fix the problem. The second, filing a grievance, converted the problem into incomprehensible legal jargon, took forever, and rarely produced any satisfaction. The third, walking out, was the easiest and most direct; even if it produced no change, it felt good to strike back at injustice and make the company pay. Hence the constant walkouts followed by the retaliatory layoffs, lawsuits, and jailings.

My colleagues and I set to work, together with the union and management, to change the way disputes were handled. We sought to restore the miners' option of talking out their problems. Since employees had no specified person in management to whom they could bring their grievances, we recommended that management hire a full-time labor relations director. Similarly, since many of the

strikes had begun on the midnight work shift when union officials were generally asleep, we asked the union to post an official on that shift to assist employees who had problems. To help both sides learn how to handle the inevitable tensions, I led a training workshop in joint problem-solving methods.

For three months, moreover, I worked at the mine as an informal mediator, listening to miners' grievances, bringing both sides together, and helping them find solutions. Surprised at their initial successes in grievance resolution, miners and managers began to develop confidence in their own ability to resolve their problems through negotiation. The result of all these changes: Both sides started to talk out even their most difficult issues and the strikes ceased.

As my colleagues and I reflected on this experience afterward, we came to realize that the three approaches at the miners' disposal for resolving disputes were, in fact, universal. Either one tries to reconcile the conflicting *interests* of each side through talking, or one takes the issue to a third party who determines the *rights* of each side, or one decides on the basis of *power*—by striking, for instance. Even though the interests approach is generally preferable, the rights and power approaches have an important role to play, if only as backups when talking alone does not succeed.

A fourth approach exists, parallel to the other three. It concerns the *relationship* between the parties. At the mine, for example, the accumulated distrust and hostility between miners and managers proved a huge obstacle to collaborative problem-solving. The fourth approach is to heal the strained relationship.

The third side can make a critical contribution to each of the four resolution approaches. As Mediators, we can help reconcile the parties' interests. As Arbiters, we can determine rights. As Equalizers, we can help balance the power between the parties. And as Healers, we can help repair injured relationships.

WHY CONFLICT ESCALATES		WAYS TO RESOLVE CONFLICT
Conflicting interests	→	4. The Mediator
Disputed rights	→	5. The Arbiter
Unequal power	→	6. The Equalizer
Injured relationships	→	7. The Healer



4. THE MEDIATOR

RECONCILING CONFLICTING INTERESTS

It was a family feud. Dan and Sally were in the middle of an acrimonious divorce. Sally's father, Jim, who had employed Dan in his business, refused to pay him for work he had done. Furious, Dan sued his father-in-law to recover his lost wages. The judge, however, suggested that they try talking with a volunteer mediator first. I was the volunteer; it was one of my first mediation cases twenty years ago.

Dan, Jim, and I sat in a little room in the courthouse. Clearly a little uncomfortable, they would not at first even look one another in the eye. I began by explaining the process.

"Mediation is very different from arbitration," I said. "As a mediator, I don't decide the case. You do. My job is to help you reach an agreement if possible. If we can't reach agreement, the case goes back to the judge."

I made it clear that anything they told me I would hold confidential, and then set out some ground rules for our discussion—no interruptions, no name-calling, keep to the point. "Any objections or additions?" I asked. They said no and we began.

"Why don't we start with you, Dan?" I asked. "Why don't you tell us what the problem is from your perspective?"

"Well, it all started when Jim—"

"That's not true!" Jim protested heatedly.

"Jim," I responded, "remember you agreed not to interrupt. You'll get your turn to speak in a moment. Okay?"

"Okay," Jim sighed.

After Dan finished telling his side of the story, I had a question.

"Dan, let me make sure I understand what you're saying. Your primary interest, as I hear it, is getting paid fairly for the work you did, is that right?"

"That's right."

"Okay, then, it's Jim's turn," I said.

Jim gave his account, which revolved around his dissatisfaction with Dan's frequent absences from work. It turned out that Dan, with Jim's consent, was working toward a business degree at the time.

"Okay, we're making progress here, at least in understanding each other's interests," I said. "Now, what are some ways to meet both your interests? Let's try to compile a list. I'm going to ask you to suspend your criticism for a bit while we try to come up with ideas. All right? And remember that these are just options, no one's committed to them. Now, anybody got an idea?"

"What if Jim pays me for my hours and I, in return, help train my replacement?" offered Dan.

"Good, that's one approach," I said. "What's another? Jim, you got an idea?"

The discussion was going well until somehow the subject of Sally came up.

"We were doing fine until her family started interfering," said Dan.

"What do you mean, you son of a gun? You were the one who left her in the dirt!" Jim fired back.

"Now, listen!" I interjected. "Remember, Dan, that Jim is the grandfather of your children. Jim, Dan is the father of your grandchildren. How do you want them to think of you—as bitter enemies or as men who dealt with their differences in a dignified fashion?"

In the end, after two and a half hours of discussion, Dan and Jim did reach agreement. They were pleasantly surprised, and I admit so was I. Jim agreed to pay Dan for the work he had done after deducting the health insurance payments Dan owed. Dan, in turn, agreed to drop the lawsuit and help train his replacement. We wrote up the

agreement on the court form, specifying what the payment would be and when it would be paid.

"I'm sorry about what I said," Jim said to Dan as we were preparing to leave. "I'm sorry too," replied Dan. "I was rough with you. It wasn't necessary." They shook hands and left the room—together.

Not every mediation concludes so successfully, but one impressive statistic is that roughly three-quarters of all civil cases that go through mediation end up with a settlement. This remains true whether the parties are tussling schoolkids, neighbors quarreling about their boundary line, or businesses trying to resolve a contractual dispute. For international disputes, the proportion of successful attempts is lower but still substantial—more than four out of ten. While parties going into mediation are more open to agreement than those who refuse it altogether, the success rate is encouraging.

Everyone's a Mediator

My four-and-a-half-year-old nephew Jonah occasionally mediates between his two older brothers, ages eight and twelve. When an argument breaks out, he holds up his hands and says, "Okay, stop fighting!" He shuttles back and forth between them, explaining to each brother how the other one feels, and often brings about a reconciliation.

Like Jonah, each of us has a chance to mediate every day, at least in an informal sense. Parents can mediate among their children, and children between their parents. Supervisors can mediate among their employees, and employees between their bosses. Colleagues can mediate among their peers, managers among their teammates, and friends among their friends. We may not think of it as mediation, but that is what we are doing whenever we listen attentively to people in dispute, when we ask them about what they really want, when we suggest possible approaches, and when we urge them to think hard about the costs of not reaching agreement.

The Mediator does not seek to determine who is right and who is wrong, but rather tries to get to the core of the dispute and resolve it. The core is each side's interests—in other words, their needs, concerns, desires, fears, and aspirations. Splitting the difference between two opposed positions is not enough; a Mediator needs to help the parties meet the interests underlying those positions. One family dispute among the Bushmen, for example, concerned a certain betrothal gift from the bride's mother that the groom's mother had expected would go to her present husband but was given to someone else instead. Through a process of community mediation, the parties agreed a few days later that the stepfather would receive a gift, not the one in question, but a gift that satisfied everybody so that, as one Bushman put it, "they could all start again in peace." Even if the position, the particular item in question, was not obtained, the underlying interest in recognizing the stepfather and the community's interest in harmony were fulfilled.

Bring the Parties to the Table

The first step is to get people to sit down together. This is often the biggest challenge, as my colleagues and I discovered in trying to arrange a peace discussion in The Hague between the Chechen and Russian leadership in 1997. While the Chechens welcomed the chance to put their case in an international forum, they feared they would experience pressure to accept less than full independence. And while the Russians considered it useful for the Chechens to hear international views, they felt reluctant to have outsiders meddling in what they regarded as their internal affairs. Each side required a great deal of reassurance and encouragement, particularly from their peers, the presidents of Tatarstan and Ingushetia, who were convening the meeting.

After three or four postponements, everyone finally agreed on a date, but then, as the Chechen delegation took off from Grozny in a private plane headed to The Hague, several Russian MiGs suddenly

appeared and forced them to land, on the grounds that they had not received Russian clearance to fly. Once this misunderstanding was cleared up, another promptly emerged; the Chechens insisted on using Chechen passports to enter the Netherlands, which did not recognize Chechnya. With the intervention of former Dutch prime minister Ruud Lubbers, we found a solution: The Dutch Foreign Ministry, knowing the Chechens had received visas in their Russian passports, agreed on a one-time basis to let them in without showing their passports. And all this—and more—took place before the Chechens and Russians even sat down to talk.

If the parties are not ready to meet, a Mediator can still help by using shuttle diplomacy. That is what Stephen Goldberg and I did in the first few months of our work at the coal mine mentioned earlier. Personal relationships were so strained and distrust so high that we felt it better to make some progress first in separate meetings with each side. Only when agreement seemed near, to the surprise of both sides, did we succeed in bringing them together for constructive talks.

Sometimes, the community can *require* the parties to go through the mediation process. Many American schools, for example, demand that students who have been suspended for violence—or other reasons—resolve any outstanding disputes with other students, teachers, or administrators before they can return. The mediation sessions include parents and other significant people in their lives who constitute the third side. “We are strict about not letting unresolved conflicts fester,” explains one assistant principal Allan Lipsky. “The school has a different atmosphere than before we instituted the program.”

Facilitate Communication

One of the Mediator’s key functions is to help each side understand what the other is really saying or asking for. One union-management negotiation I facilitated became stuck on the issue of

“attendance.” Management complained that many employees were regularly absent; they wanted the union’s help in improving attendance. The union officials refused even to discuss the subject. Upon questioning them closely, I discovered that much of their resistance came from the word “attendance.” “People feel treated like school-children, being reprimanded by the teacher for not showing up for class!” exclaimed one union leader. Interestingly, once we reframed the issue as “increasing worker participation,” the union leaders became much more responsive. Participation was a positive issue they could support.

Simple ground rules can help. One rule that has helped prevent angry escalating exchanges is: Only one person can get angry at a time. The other person listens, knowing he or she will get a turn later. Another rule dates back at least as far as the Middle Ages, when theologians at the University of Paris used it to facilitate mutual understanding: One can speak only *after* one has repeated what the other side has said to that person’s satisfaction.

Help People Search for a Solution

The next step is to help the parties generate creative options for agreement. “The students, not the mediators, make suggestions on how to solve the conflict,” explains twelve-year-old peer mediator Stefanie Franson. “The mediator sums up the plan or the agreement that was reached.” Franson is right; ideally, the solution comes from the parties themselves. Sometimes, however, a Mediator can advance the process by proposing solutions for the parties to consider. Because many people tend to distrust ideas offered by the other side, an option suggested by the Mediator may prove easier for both sides to accept.

The goal is a mutually satisfactory agreement. One dispute between a big department store in Johannesburg and the street vendors camped on the sidewalk outside had escalated into a bitter fight. The store wanted the vendors to move, but the vendors refused. The store

then enlisted the help of the police, who, encountering fierce resistance, were reluctant to risk a violent confrontation. The deadlock was broken with the help of a community mediator, who began by probing for each side's interests. The store's managers, it turned out, feared that the vendors would scare away customers and damage its public image; the vendors just wanted a busy place to sell their wares. A creative brainstorming session resulted in a decision by the store to help the vendors set up proper booths, which enhanced the vendors' business as well as the street's appearance. In return, the vendors promised to keep the street clean and to look out for thieves, who had become a major problem for the store. Having begun as adversaries, the parties ended up as partners—thanks to mediation.



5. THE ARBITER

DETERMINING DISPUTED RIGHTS

When mediation doesn't work—or is not appropriate—the third side can usefully play the role of Arbiter. Whereas a Mediator can only suggest a solution, an Arbiter can decide.

The Arbiter is a familiar role, embodied in the judge in the courtroom or the arbitrator in a work setting. More informally, the Arbiter is the teacher deciding a dispute among two quarreling students, the parent ruling on a matter involving two children, or the manager determining an issue among two employees. In this sense, we are all potential Arbiters.

Peers Can Be Arbiters Too

To play the role of Arbiter, we need not necessarily be superior in status or power to the parties, as is traditional in hierarchically organized societies. As among the horizontally organized Bushmen and the Semai, we may simply be the parties' peers.

"Peer pressure seems to be the most important factor in whether a kid commits a crime," explained volunteer judge David Silverstein to the defendant, a thirteen-year-old boy who had stolen two packs of cigarettes from a Wal-Mart store. "Here you have a whole room of peer pressure, trying to turn you around."

Silverstein was referring to the six jurors in the case, all between the ages of ten and seventeen. After hearing from the boy, the six collectively decided on his "punishment": to perform twenty-eight hours of community service, make an apology to the store, and write two reports, one on the effect of stealing on the community's economy, and the other on the health hazards of smoking. They also directed him to serve as a juror himself on eight cases so that he could help the system that had helped him. Far from ostracizing him, then, they included him. "It's a second chance," the boy declared afterward.

"Since the inception of our youth court in 1983," reports police sergeant Gordon Ferguson, "our numbers [of juvenile crimes] have gone down drastically."

The Arbiter's goal, in such cases, is not just to determine who is right and who is wrong but to repair the harm to victims and to the community, and to reintegrate the offender as a constructive member of society. What works with teens works with adults as well. Hundreds of community courts have recently been established, part of a growing trend toward the restorative and compensatory justice long practiced in simpler societies. In Vermont, for example, citizen volunteers on Community Reparative Boards sentence nonviolent adult offenders to make amends to their victims and perform community service work. "They're trying to help, and not screw you over," explains one offender. "They have you think about what you did. I've learned a lot from it."

Replace Destructive Conflict

Adjudication stands as one of humanity's great social inventions if only because it provides an alternative to the violent resolution of

conflicts. Its true value can best be appreciated from the perspective of societies that lack such a mechanism. Caught up in constant and costly clan wars, New Guinea tribesmen, for example, took with alacrity during the early contact years to the rough-and-ready adjudication of their land disputes by Australian field officers. Anthropologist Mervyn Meggitt writes:

As expressed to me, the opinion of most men was straightforward: litigation appeared to be a speedy and effective way of achieving their individual and clan aims, one that was economical of time, energy, and blood, and that would permit them to get on with their gardening and exchanges without the annoying and painful interruptions posed by military mobilization, the evacuation of noncombatants and pigs, the rebuilding of burned houses and the replanting of ruined gardens.

Court, in other words, replaced war as a more sensible manner of fighting. Indeed, the disputing clans would often appeal the decision to the next roving field officer—just as in a war, they might retire only to fight again. The virtues of this speedy and flexible process were underscored when, during the 1960s, the Australians made the mistake of formalizing the procedure, rendering it slow, cumbersome, and inflexible. The unfortunate but illuminating result: Many clans gave up on the court system and reverted back to warfare.

Adjudication does not always require the intervention of the state, however, but can be arranged simply through the consent of the parties. They can agree in advance to accept the binding decision of a trusted third party, jointly selected, to whom they then present their case. This private form of adjudication—called arbitration—is widely used to resolve commercial disputes, both domestic and international, as well as employee grievances. Indeed, ninety-five percent of all collective bargaining contracts in the United States provide for arbitration of labor grievances.

Arbitration can also be employed to end wars. After Peru and Ecuador fought a brief but intense war in 1995 over their border, international mediators worked hard but proved unable to procure a

complete agreement. Finally in 1998, under international prodding, the presidents of both countries agreed to seek arbitration by the four guarantors of a prior 1942 treaty: Brazil, Argentina, Chile, and the United States. To everyone's surprise, the legislatures of Peru and Ecuador consented in advance to accept the decision of the four guarantors. With nationalist passions still running strong, political leaders felt it easier to accept a ruling by others than to make direct concessions to the enemy.

Promote Justice

Peace is not the only aim of the Arbiter; so is justice. A ruling offers the community a chance to send a message about right and wrong. At the end of a Semai *bcaraa'*, for instance, writes anthropologist Clayton Robarchek:

The headman gives voice to the group's consensus. Lecturing one or both parties concerning their guilt in the matter . . . he instructs them in proper behavior, in the courses of action that they should have followed, and orders them not to repeat the offense or to raise this dispute again. The elders of the *waris* [extended families] of each of the disputants then lecture their own kinsman in the same vein.

Parents have a similar opportunity to reaffirm the principles of fairness when adjudicating among their children. In one case I know, seven-year-old Chip, who shared a bedroom with his five-year-old brother, Tony, announced one day that he would move to a separate bedroom. Terrified at the prospect of being left alone in the dark, Tony agreed to pay Chip his regular weekly allowance if Chip stayed. When their parents discovered the arrangement, however, they immediately stopped the transaction and used the occasion to teach both boys how wrong it was to use money in such a situation. They asked Chip to decide where he wanted to sleep without finan-

cial inducements. Chip chose to continue sharing the bedroom with Tony out of brotherly concern alone.

At a societal level, a court can use its rulings to establish critical principles protecting the rights of minorities, safeguarding the environment, and increasing safety in the workplace. If a dispute in Topeka, Kansas, in 1951 over the right of a little black girl named Linda Brown to attend the local all-white public elementary school had been resolved through negotiation, little Linda might have been granted permission to attend the school. As the dispute was adjudicated instead by the U.S. Supreme Court, the 1954 ruling in *Brown v. Board of Education* enabled millions of black children to attend formerly all-white public schools.

By promoting justice, courts might also one day help deter political violence. Domestic courts have already begun to extend their jurisdictions to hear cases involving crimes against humanity committed elsewhere in the world. One instance made worldwide headlines in the fall of 1998: Chilean ex-dictator Augusto Pinochet was arrested in Britain at the request of a Spanish magistrate for his involvement in the torture and murder of thousands of political opponents during the 1970s. Similarly in 1993, Bosnian Serb leader Radovan Karadzic was surprised in a New York hotel lobby by a man who shoved a sheaf of papers at him before being held back by Karadzic's security guards. Karadzic promptly found himself embroiled in a class-action lawsuit for rape, torture, and genocide. Thus far, no defendant has been brought to punishment, but if the trend continues and spreads to other nations, any individual who commits a crime against humanity will find it difficult to travel or do business without fearing arrest and the seizure of his assets.

Moreover, spurred by the massacres in Bosnia and Rwanda, and building on the precedent of the Nuremberg Tribunal, a hundred and twenty nations agreed in July 1998 to establish a permanent international criminal court in order to deter those who would commit genocide, aggression, and other crimes against humanity, such as mass rape and the forced recruitment of children as soldiers.

Eighteen judges from eighteen different countries will serve terms of nine years each. While the court's effectiveness remains to be seen, its establishment is a critical first step.

Encourage Negotiation

By deciding who is right and who is wrong, however, an Arbiter runs the risk of further straining the relationship among the parties. In the coal mine dispute, for example, the union and management initially expected my colleagues and me to act as Arbiters; they wanted to know who was wrong. But pointing fingers, we feared, would only compound the conflict; each side would take our report and use it to blame the other. Since any steps forward would need to have both sides' support, we resorted to mediation instead.

Paradoxically, then, the role of Arbiters is to encourage a negotiated settlement whenever possible and appropriate. Bosses can urge disputing employees who come to them for a decision to try first to resolve the matter by themselves, or a judge can take the parties into her chambers and instruct them to attempt mediation before returning. To assist the parties, the Arbiter can even suggest a standard or procedure of fairness to be employed in their settlement talks. A manager can specify the cost and quality criteria she wants met by two departments arguing about a product design. Or a parent can tell two children quarreling about a piece of cake: "Okay, Johnny, you cut the cake, and Mary, you get first pick."



6. THE EQUALIZER

DEMOCRATIZING POWER

Every conflict takes place within the larger context of power. Imbalance of power often leads to abuse and injustice. The strong refuse

to negotiate with the weak or to submit their dispute to mediation or arbitration—why should they, they think, when they can win?

This is where the Equalizer has a contribution to make. Each of us holds a packet of power, a measure of influence over the parties around us. Individually, our influence may be small, but collectively, it can be considerable. We are capable of empowering the weak and the unrepresented so that they can negotiate a fair and mutually satisfactory resolution.

Help Bring the Powerful to the Table

Sally was faced with an alcoholic husband, John, who turned violent when drunk. John had repeatedly broken his promises to stop drinking and he absolutely refused to undergo treatment. In desperation, Sally resorted to an approach sometimes called an “intervention.” She turned to others for help: his children, siblings, closest friends, and work colleagues. They called a meeting with John. One by one they told him how much he meant to them and recounted specific incidents of violent behavior, dangerous driving, and personal embarrassment. Collectively they insisted he seek help. To make his decision easier, they had already prepared a list of three treatment centers and made reservations at each. They left the choice of treatment center up to him. Faced with an outpouring of concern and peer pressure from the people he most cared about, John decided to accept the help being offered and underwent treatment.

Sally’s effort would not have sufficed. It took the combined urging of the third side. “If one person tells you that you have a tail, you laugh,” goes an old adage. “If a second person tells you, you laugh again. But if a third tells you, you turn around to look!”

Each of us has many such opportunities to use our influence to bring about productive negotiations. A parent can equalize the power between a younger and an older child, insisting that they reach an agreement fair to both. A boss can direct a more powerful

department head to negotiate an even-handed resolution with a weaker rival. A chorus of newspaper editorials can promote talks between an unwilling company and its union, or vice versa. The neighbors of a country torn by civil war can exercise diplomatic peer pressure on that country's reluctant government to sit down with the rebels.

Ensuring that the weak and the unrepresented sits as equals at the table is just the first step, of course. As thirdsiders, we often need to remain involved so that the parties reach an equitable agreement—and carry it out. The job, for instance, of an organizational ombudsperson, who typically reports directly to the CEO, is to balance the power between a weaker employee (or customer) and someone more powerful inside the organization, such as a supervisor, so that the issue—racial discrimination, sexual harassment, or less serious matters—can be fairly addressed and a resolution fully implemented.

Build Collaborative Democracy

Stepping in to bring about a negotiation only temporarily equalizes the power balance. More sustainably, we as thirdsiders can build democracy and promote the fair sharing of power.

Democracy is fundamentally a mechanism for nonviolent conflict resolution. Historically in Europe, it evolved as a nonviolent power contest substituting for civil warfare among barons and kings. Political parties arose out of war parties, and parliaments replaced battlefields as the place to resolve political issues. On a visit to the English Parliament, I was struck to learn that the width of the corridor separating the seats of the governing party from those of the opposition is, not coincidentally, precisely two sword lengths. Intended to avert violence during the days when parliamentarians wore their weapons to work, the width of the corridor is a reminder of the times when force usually decided issues. In today's democracies, elections decide power. The ballot decides, not the bullet.

In working on mediation initiatives with former President Carter,

I have often admired his knack for persuading dictators like Daniel Ortega in Nicaragua to hold elections as a way to end a war. He plays on the conviction held by many dictators that they are genuinely popular and would actually win an election. Elections can also end dictatorships. Like Ortega, Augusto Pinochet in Chile and Ferdinand Marcos in the Philippines were dictators who mistakenly and fortunately believed they would emerge victorious from a democratic contest.

Voting is not only a nonviolent *power* contest, but a way to express the *interests* of the overall community. Families can vote about what movie they wish to see; work teams can vote about what schedule they want to adopt; and citizens can elect representatives who they think will represent their interests in legislative votes. Democracy is about much more than voting, however. It is about participating in decisions and negotiating agreements within a context of shared power. Voting can easily become divisive, ending in an outcome with winners and losers. In collaborative democracy, by contrast, people make every effort to reach a consensus that includes the full group. Voting becomes a last resort, not a first one.

Building democracy, moreover, extends beyond sharing power at the top; it involves devolving power from the top to the bottom. Families can give children increasing responsibility over their lives as they grow older. Companies can grant more authority to work teams on the shop floor. Nation-states can accord states, provinces, districts, and municipalities more power over issues like education, welfare, transportation, and taxation.

Creating a devolved and collaborative democracy helps handle difficult disputes, starting at home. Democratic family meetings can air contentious issues and allow creative agreements to be worked out. "We sit down maybe once a month, tears are shed, and we talk and air it out," explains Roger Atchison, father of a family of six. Parents and children participate as equals in such meetings, helping make decisions such as how to distribute chores fairly or where to go for a family vacation. It is not easy to share power, but it can work—if people learn to take the third side.

Collaborative democracy can be used in schools as well. The most effective strategy for preventing violence in American schools turns out not to be installing metal detectors but rather involving students in a problem-solving process. Adults frequently do not understand the depth of adolescent passions or what sets them off—the insults, the pressure to conform, the teasing in the school shower. Fellow students *can* understand and often have better ideas for what will work to resolve the problem. At one school cafeteria where fights were breaking out regularly on the lunch line, for example, students suggested creating two separate lines, one for pizza and the other for salad. The fighting stopped. There is a growing movement in the United States to place teenagers on the governing boards of organizations that address social problems such as teenage violence, job training for high school dropouts, and even food distribution to the poor and needy. “We know better than anyone what will keep us out of trouble,” high school senior Diane Rondeau explains. “Everybody in the community benefits.”

Collaborative democracy can be applied even among elementary school children. In over seventy-five schools in sixty-three American cities, children start each year by brainstorming about their hopes and dreams; they then discuss what rules will be necessary to realize their aspirations. Having made their own rules, the children tend to stick to them, freeing the teacher to teach. “You see an increase in cooperative behavior and a decrease in discipline referrals,” reports educator Robert “Chip” Wood. In her “consensus classrooms,” teacher Linda Sartor goes even further. Her students decide on homework requirements and classroom work needed to meet the established curricular standards. Decision making is sometimes slow and difficult, but “once a decision is made that everyone agrees to,” says Sartor, “there is 100% participation with no opposition draining energy from the activity.”

Collaborative democracy can also make the workplace more satisfying and productive. In one radical example, Ricardo Semler, chief executive of Semco, a Brazilian company, responded to resentment and unrest among his employees by calling a general meeting where

he asked everyone to spell out their frustrations. The eventual result: a democratically managed company where the employees elected their bosses, set their own pay levels, and shared in the company's profits. "The interesting thing," says Semler, "is that, when given the chance to decide, employees make decisions that are as good or better than those of management. They judge their bosses fairly, and they know what is needed to make the company run." Within a few years, profits increased fivefold and productivity went up sevenfold. Critics may quibble about the explanation for this success and its long-term sustainability, but Semco's experiment serves to highlight the largely untapped potential of democracy in the workplace.

Building democracy can also help end wars. The more I have worked on ethnic conflicts in different parts of the world, the more convinced I have become of the value of sharing and devolving democratic power as strategies for defusing deadly differences. The violence ceased in Italy when the German-speaking minority was accorded autonomy in the 1970s. Malaysia, once torn by strife between ethnic Malays and Chinese in the 1950s and 1960s, learned to share power between the two communities and came to enjoy civil peace and prosperity in the 1970s and 1980s. At the time of this writing, a great experiment is under way to end the thirty-year civil war in Northern Ireland. In May 1998, the people of the entire island, North and South, voted together for the first time. Acting as thirdsiders, the great majority of them voiced their support for a peaceful solution through political power-sharing among Protestants and Catholics in the North. "The conflict isn't over," reflected one hopeful citizen on a radio talk show, "but the war is."

Support Nonviolent Action

Sometimes people resort to violence out of desperation, believing there is no other way to address their needs. Even in a democracy, the formal mechanisms of government may be insufficient to correct injustices. It is up to us as thirdsiders to show that nonviolent

action can work instead. Indeed, community support is the key mechanism through which nonviolent action ultimately achieves its goals.

No one has done more to develop and popularize the tool of nonviolent action than Mahatma Gandhi. At the beginning of the twentieth century, Gandhi was determined to free India from centuries of British rule; he was equally determined to do so without using violence. At the time, most people thought his enterprise laughable. How could one man take on the British Empire, the largest empire on the face of the earth? How many battalions did Gandhi command? his opponents asked contemptuously. But over time Britain weakened and grew weary with the costs of empire, whereas Gandhi only grew stronger.

Gandhi carefully crafted a strategy for measuring power in terms of the willingness of people to suffer for their cause—without inflicting violent harm on their adversaries. Through such nonviolent actions as breaking unjust laws and flooding the jails of colonial India, boycotting English textiles, provoking the wrath of the occupiers, and accepting whatever violent punishment they meted out, he persuaded a nation infinitely more powerful in conventional military terms to withdraw peacefully from a country it had occupied for four hundred years.

Gandhi succeeded by mobilizing the community itself, millions of Indians from all walks of life. He also aroused widespread sympathy and support for his cause around the world, including Great Britain itself. The third side, both outside and inside India, served to hold in check those British officials who counseled using massive force to put an end to Gandhi and his followers.

Gandhi's efforts have inspired the use of nonviolent action around the world. During the 1960s, Martin Luther King, Jr., led the American civil rights movement in an effective nonviolent campaign to obtain equal rights for black Americans. During the 1980s, nonviolent protests in Poland, East Germany, and Czechoslovakia, orchestrated by labor unions, churches, and other civil institutions, helped

bring an end to communist dictatorship. In all these cases, the wider public became engaged as thirdsiders and helped equalize the power between the weak and the strong.

Nonviolent action extends well beyond the political arena. It begins with babies; crying, after all, represents a nonviolent attempt to induce big, powerful adults to meet the baby's needs. In the workplace, employees use strikes and management resorts to lockouts when an impasse develops in contract negotiations. In schools too, students use nonviolent action. In one instance during the late 1960s, two hundred girls wore pants to a Massachusetts high school in violation of the dress code, confronting the principal with an unpleasant choice. He either had to suspend two hundred students or change the dress code; wisely, he chose to do the latter.

Whether the powerful negotiate with the weak usually depends on the rest of us. Whether or not we agree with the specific cause behind a nonviolent protest, an industrial strike or lockout, or a consumer boycott, we may choose as Equalizers to support nonviolence and assist the weaker party in bringing their stronger opponents to the table.



7. THE HEALER

REPAIRING INJURED RELATIONSHIPS

"I am aware," the retired Turkish general told a group of Kurdish and Turkish civic leaders during a dialogue I was facilitating, "that there has been much violence in the last forty years against the Kurds initiated by our political leaders. And last night I was horrified to hear about the specific abuses committed against the Kurds. I wish to apologize on behalf of the Turks for the suffering inflicted on the Kurds." The silence in the room was intense, then both Kurds and Turks broke out into spontaneous applause. The general's apology proved to be a turning point; tensions diminished and a

genuine sense of solidarity began to emerge. While only one step along the journey, it built the trust necessary to go on to the next stage.

The general was playing the critical role of Healer. At the core of many conflicts, as in the civil war in Turkey, lie emotions—anger, fear, humiliation, hatred, insecurity, and grief. The wounds may run deep. Even if a conflict appears resolved after a process of mediation, adjudication, or voting, the wounds may remain and, with them, the danger that the conflict could recur. A conflict cannot be considered fully resolved until the injured relationships have begun to heal.

Each of us has a chance to heal the feuds in our families, in our workplaces, and in our communities. Sonia, a ten-year-old girl I know, once participated in a family meeting called by her father to discuss the rancorous conflict between her aunt and her grandparents. To everyone's surprise, the conversation took a healing turn; for the first time, people spoke from their hearts. All involved attributed the success to the presence of the little girl who had said nothing but who had silently reminded everyone of the importance of getting along. At the end of the meeting, when she proposed a family hug, none could resist. Like Sonia, anyone can play the role of Healer.

Healing is not limited to humans. On a visit to Yerkes Research Lab, I observed two chimpanzees, a male and a female, sitting together after a fight. The male groomed the female and then the female groomed the male. In this way, primatologist Frans de Waal explained, they repair their injured relationship. Chimps, he observed, are extremely sensitive to disruptions of their relationships, appearing to fear them as much as the physical effects of aggression. To initiate a reconciliation, chimps use gestures commonly considered human: They extend their hands to the other with an open palm, then kiss and hug.

Create the Right Climate

Healing ideally takes place not just at the conclusion of the process of dispute resolution, but at the very start. For talks to succeed, the right emotional climate must be set. That was the challenge faced at a meeting I facilitated between a group of American and Soviet policy advisers in 1984 at a time of high tension between the United States and the Soviet Union. Needing an icebreaker, a way to defuse the atmosphere of official hostility and mutual accusation, we decided to start the meeting with a New England lobster dinner. We figured that no one wearing a bib around the neck and trying to crack open lobster legs could remain aloof for long. Our hunch turned out to be correct—laughter and good-natured humanity broke through. That night, before retiring, our Soviet and American cochairs announced a special six A.M. session the next day entitled “Mutual Recriminations” for all those who wanted to show up. No one did.

A psychological wall of suspicion and hostility may separate the parties more definitively than any stone wall. Our task as Healers is to break through this psychological wall. “People would call me up angry,” explains Timothy Dayonot, a community relations officer for the University of California at San Francisco. “There’d always be some tough issue—student noise, or traffic, or construction, or radiation from the labs. My approach was to listen to them calmly and then, when they paused for a second, I’d say, ‘Do you have a pen and piece of paper handy?’ ‘Why?’ they’d ask irritably. ‘Because I want you to have my home telephone number. Any time you have a problem, day or night, feel free to give me a call.’ They’d be so surprised—they were expecting some kind of bureaucratic runaround—that their tone would change. They’d begin to trust me, and we could then talk through their problem.” In the five years Dayonot held the job, he reported that only once did he receive a call at home—and that was from a complainant who had been so impressed by Dayonot’s open approach that he wanted to offer him a job!

Trust-building can take place not just between individuals but

between nations. In May 1977, Egyptian President Anwar Sadat shocked the world and offered to fly to Jerusalem, the capital of his enemies, to talk peace. For the first time, he pierced the psychological wall dividing Arabs and Israelis. Up to that point, no Arab leader had publicly acknowledged the existence of the state of Israel, let alone even pronounced its name—it had always been the “Zionist entity.” Overnight, Sadat’s surprise trip to Jerusalem, undertaken within a week of his offer, seized the imagination of millions, both Israelis and Arabs, and created the atmosphere that led to the Camp David peace settlement between Egypt and Israel.

Listen and Acknowledge

One of the most powerful methods for healing a relationship is also the simplest. It is to listen, to give one’s complete attention to the aggrieved person for as long as he or she has something to say. This is the key to the Semai *bcaraa*’ [community dispute resolution meetings]. “A proper *bcaraa*’ cannot end while anyone still has anything more to say,” writes anthropologist Clayton Robarchek. “When the debate lags, the participants are asked by the elders of the *waris* [extended families] if they are still angry or if they have more to say. As long as anyone is willing or feels the need to talk, the *bcaraa*’ continues.”

Acknowledgment reinforces the effect of listening. “We have a lot of angry parents here,” says Gina Shine, a school secretary in Riverside, California, who comes face-to-face every day with parents of suspended and expelled students. “Sometimes they come right over the counter.” What works, she says, is to acknowledge their complaints and assure them that a school official will deal with their problem. “You validate their feelings of frustration,” explains Dana Langley, a customer service representative for Bell Atlantic who deals daily with angry customers. In couples therapy and marriage workshops, husbands and wives learn to listen to and acknowledge each

other's feelings. Indeed, sometimes what people really want most is a chance to have their grievance heard and acknowledged by others.

Healing can come from acknowledging the truth. In South Africa after apartheid, President Nelson Mandela established a Truth and Reconciliation Commission with a mandate to collect and investigate the accounts of the victims of apartheid, to offer amnesty for those who confessed their part in atrocities, and to make recommendations on reparations for the victims. The purpose was to use the healing power of the truth to help put the brutal past to rest. Limited by time and resources, the investigation could not possibly satisfy everyone's need for justice, but it did help many victims and their families. After testifying before the commission, one victim, Lucas Baba Sikwepere, who had been cruelly blinded by a police officer known as "Rambo," declared, "I feel what has been making me sick all the time is the fact that I couldn't tell my story. But now I—it feels like I got my sight back by coming here and telling you the story."

Encourage Apology

"I was part of a surgical team which made a mistake," the physician, a participant in one of my seminars, confided, "and we lost a child. I was in shock and didn't know what to say. I just went up to the child's mother and told her how very sorry I was. Three years later, the malpractice lawsuit finally came to court. Our lawyer just couldn't understand why I wasn't named when everyone else on the surgical team was. He asked me and I didn't know. Finally he couldn't contain his curiosity anymore so, during a deposition, he asked the child's mother why she wasn't suing me too. She replied, 'Because he was the only one who cared.'"

Apologies, sincerely offered, play a vital role in helping emotional wounds heal and restoring injured relationships. Recognizing this, the Bushmen, for instance, place great importance on apologies in

their dispute resolution. The community encourages the "offender" to ask forgiveness in front of everyone. If the "victim" remains unable to forgive, "the community holds a dance in a circle," the Kua elder Korakoradue told me, "and they sing and ask the gods to remove the bitterness in the person's heart."

As third parties, we often don't need to do much except offer encouragement. "Our last meeting changed how we view our marriage," announced a husband to Paul Coleman, the therapist he and his wife had been seeing for some time. "For all that's been accomplished this past year with you, your question to us about whether we'd ever forgive each other might be the most important thing you've ever said." Coleman was surprised, scarcely remembering having asked the question. Yet it proved to be a turning point. While up until then the couple had made slow progress backing away from the brink of divorce, after that, Coleman reports, they were a "transformed couple." "Forgiveness was their goal, and they worked hard on it. Resentments really did wither, hope emerged healthy and vigorous, and they were in love again. Six months after we terminated, they were still going strong."

The surrounding community's reaction to violence can often make the difference between vengeance and reconciliation. When, in December 1997, the first teenager in more than two years was killed in Boston, the neighbors did not respond the way they had always done before by simply adding another lock and bolt to their doors. Instead, they came in great numbers to offer their condolences to the family and to express their concern about future violence. It was a genuine showing of the third side. The slain youth's friends talked of revenge, but at the funeral, the victim's cousin Carl Jefferson announced, "His blood is crying out to all of us. What will you do in regard to his life and legacy? Let's end this violence." No vengeance killing took place.

Forgiveness is not easy. "I've heard people say that forgiveness is for wimps," writes Marietta Jaeger. "Well, I say then that they must never have tried it. *Forgiveness is hard work*. It demands diligent self-discipline, constant corralling of our basest instincts, custody of the

tongue, and a steadfast refusal not to get caught up in the mean-spiritedness of our times. It doesn't mean we forget, we condone, or we absolve responsibility. It does mean we let go of the hate, that we try to separate the loss and the cost from the recompense or punishment we deem is due. This is what happened to me," she explains as she recounts how she came to talk with and forgive the sick young man who murdered her seven-year-old daughter.

One person's act of forgiveness can sometimes move an entire nation. On Sunday, November 8, 1987, Gordon Wilson and his twenty-year-old daughter Marie were laying a wreath for the war dead at Enniskillen in Northern Ireland when a bomb exploded. Wilson lay buried under several feet of rubble, fumbling for his glasses, his shoulder dislocated. His daughter lay beside him, dying. Later that evening, in an interview with the BBC, Wilson described with anguish his last conversation with his daughter and his feelings toward her killers: "She held my hand tightly, and gripped me as hard as she could. She said, 'Daddy, I love you very much.' Those were her exact words to me, and those were the last words I ever heard her say." To the astonishment of listeners, Wilson went on to add, "But I bear no ill will. I bear no grudge. Dirty sort of talk is not going to bring her back to life. She was a great wee lassie. She loved her profession. She was a pet. She's dead. She's in Heaven and we shall meet again." As historian Jonathan Bardon recounts, "No words in more than twenty-five years of violence in Northern Ireland had such a powerful, emotional impact." In a few words, Gordon Wilson had spoken for all those on both sides who had lost family and friends—and he had furthered for many the slow painful process of healing.

The Goal Is Reconciliation

"Is there going to be a war?" my sons, aged nine and eleven, asked. I had been invited in the autumn of 1998 to facilitate a meeting of a group of community activists who had fallen out with one another.

"I don't know," I replied. As it turned out, each person spoke about his or her pain, about feeling disrespected or unappreciated by the others. Each person struggled to listen to the others, to acknowledge mistakes, to apologize, and to forgive. I did very little but listen. Later the boys asked me how the war went. "It went pretty well," I was able to say. "Each fought for their own truth in the best way possible—through dialogue and forgiveness."

As the Bushmen recognize, it is not enough simply to find a solution to the dispute. The community—the precious web of ties on which all depend—needs to be made whole again. One small way the company and union sought to achieve this at the strike-torn coal mine was to organize the first annual employees' picnic. Amid feasting and sporting activities, one of the mine foremen and his band played bluegrass and country music. The co-organizers of the event were the very men, the chief mine foreman and the local union president, who had initially blamed the conflict on each other. The wounds had begun to heal.