Justice vs. Peace & Reconciliation:
Have We Been Asking the Wrong Question All Along?

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Since the beginning of recorded history, humanity has sought justice. From the crusades to the 21st century, society has demanded justice. Families of individual victims who have been wronged, whether in the civil or criminal realm, have craved what they believed would be satisfaction through justice. In the last twenty years, however, the world has begun to realize that justice is often an elusive, subjective and unsatisfying goal. We appear to be on the threshold of a new paradigm based upon a worldwide hunger for peace and reconciliation rather than retaliation and retribution. In this paper, we explore the place of Collaborative Practice in this evolution, evaluating the Collaborative movement in the global context of truth and reconciliation now employed in over twenty countries around the world.

Truth and Reconciliation?

On August 25, 1993, Fulbright Scholar Amy Biehl was driving her black colleagues back to Gugeletu Township outside Cape Town, South Africa. A group of young men who had just come from a Pan Africanist Student Organization meeting attacked her car, striking her with a rock. She fled but was overwhelmed by the group, who stabbed and beat her to death while her South African friends protested in vain. The 26 year old Stanford graduate who had already worked in humanitarian organizations in numerous countries throughout Africa died - two days before she was to return to a PhD program at Rutgers (Bergnani and Basinger, 2001). After serving only four years of their 18 year sentence for murder, her killers (Ntobeko Peni, Easy Notemelu, Vusumzi Ntamo and Mongezi Manqina were released under the parameters of the Truth and Reconciliation Commission (*New York Times* 1998, A5).

Rather than criticize the TRC process and the apparent amnesty that would free their daughter's assailants, Amy's parents Peter and Linda Biehl embraced the commission and its mission. Indeed, in moving beyond retribution and “justice,” they created the Amy Biehl Foundation, which has dozens of programs to address the harsh conditions in the townships that contributed to the hopelessness of the youth that killed their daughter. Two of Amy’s assailants (Easy Notemulu and Ntobeko Peni) continue to work for the foundation in a number of capacities. While I was with the University of Virginia’s Semester at Sea last year, I urged my students to get into the townships and investigate the progress and difficulties of South Africa’s transition. Upon their return, they waxed on about the emotional tour of Gugeletu with a representative of the Amy Biehl Foundation. As they continued to speak of their guide, I soon realized that it was indeed one of her convicted assailants.

Like a number of truth commissions, The TRC essentially had four mandates: 1) Describe the atrocities during the later period of Apartheid, 2) Provide amnesty to perpetrators in exchange for complete and truthful testimony, 3) Determine victims’ fates and enable victims (or their survivors) to convey their stories and move toward reparations, and 4) Disseminate a final report, which was a massive, 5-volume, 3000-page document (MacLean 1999, 269-270). While ultimate evaluation of the success of the TRC will be left to historians, many have given it credit for thrusting the country headlong into the constructive work of reconciliation.

More generally, many scholars have accepted Priscilla Hayner’s (2001) definition and conceptualization of truth commissions. Typically, commissions have four characteristics: 1) they focus on the past, 2) move beyond focusing on particular events toward a more comprehensive picture of human rights abuse or violation of humanitarian law, 3) they are temporary in nature in that they cease to exist with the completion of the final report of findings, and 4) they are officially authorized by the state (and at times also by armed opposition) to access information to investigate controversial issues.

South Africa's lauded Truth and Reconciliation Commission, while perhaps the most famous, is by no means the only attempt to move from retribution to reconciliation. Indeed, there have been over two dozen attempts in the last generation covering Latin America, Eastern Europe, Africa, and Asia. Those early ones in Latin America during the 1980s (especially Bolivia in 1982 and Argentina in 1983) coincided with the bloody transition from authoritarian regimes to democratization in the 1980s. Others examples across various regions include Uganda (1974, 1986-1995), Uruguay (1985), Zimbabwe (1985), Philippines (1986), Nepal (1990-1991), Chile (1990-1991), Chad (1990-1992), Germany (1992-4), El Salvador (1992-93), Sri Lanka (1994-97), Haiti (1995-96), Ecuador (1996-97), Guatemala (1997-99), Nigeria (1999-2000), Uruguay (2000-2002), Peru (2001-2003), Panama (2001-2002), South Korea (2001-2004), Serbia and Montenegro (2002-2003), East Timor (2002-2003), Sierra Leone (2002-2003) Ghana (2002-2003), Morocco (2004-2005), Paraguay (2004-present), and Liberia (2005) (http://www.usip.org/).

In assessing the utility of truth commissions, Emily Rodio (2008) takes a different tack than most of the contemporary research. She argues that the success of reconciliation can best be measured by the extent that countries have transitioned to truly democratic institutions. Here, she integrates the extensive social justice literature and the democratization literature, which has proliferated since the end of the Cold War. Beth Rushton (2006) also examines success of truth commissions and appears to be quite critical. For her, truth commissions typically fail to produce accurate and complete accounting of atrocities. However, truth seeking is not a product (e.g., final report), but rather a process, which actually can begin the long road toward reconciliation. At both the macro (international/global) and micro (individual) level, we feel that understanding reconciliation as a process is paramount.

Greg Grandin and Thomas Klubock (2007, 1) argue that truth commissions may have exhausted their utility recently in their move toward "…consolidating the "norms and institutions of liberal jurisprudence." They continue that focusing on catharsis and forgiveness over punishment discounts the "de jure or de facto amnesties that often came with it (2007, 5)." This may have occurred in Sierra Leone and Rwanda if not in Argentina, Chile and South Africa.[1] The most recent example could be Indonesia's move in 2004 toward a truth commission, where a culture of impunity may strip victims of genocide of their right for justice under the judicial system (2007, 5-6).

Conceptualizing Justice, Peace and Reconciliation

Justice

This begs the larger question as to what we mean by justice, peace and reconciliation. In one of the most exhaustive investigations of justice, John Rawls (1971, 1999) spends over 500 pages wrestling with the complexities of "a theory of justice." At the outset, he states that "Justice is the first virtue of social institutions, as truth is of systems of thought. A theory however elegant and economical must be rejected or revised if it is untrue; likewise laws and institutions no matter how efficient and well-arranged must be reformed or abolished if they are unjust (1999, 3)." In invoking Rawls, Chigas

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[1] The commission in Rwanda during this period (1992-1993) was only authorized with quasi-official status and received some limited cooperation from authorities.

(2000, 245-246) adds that justice is somewhat malleable and should change with time, reflecting the dynamics of a society. However, there is an inherent rub between ideals (opposing laws we view as unjust) and trying to alter laws for reasons of personal benefit. Michael Ignatieff (2006, 10) states that, "Justice in itself is not a problematic objective, but whether the attainment of justice always contributes to reconciliation is anything but evident. Truth, too, is a good thing; but as the African proverb reminds us, 'truth is not always good to say."

In the human rights literature debate, issues of cultural relativism versus universal international law also reflect this dilemma. Who is to say that Shari'a law imposed on an "adulterous" victim of rape in an Islamic country is not "just?" Conversely, the vast majority of countries around the world are outraged at the allegedly unfair and inequitable imposition of capital punishment in the United States. Needless to say, the sometimes subjective nature of "justice" rooted in ethics and law continues to be a slippery animal. So why since biblical times have many societies been rather consumed with the pursuit of justice?

Focusing on this desire for justice at least since the end of World War II, Western society has attempted to forge a system of accountability. Yves Beigbeder (1999) in his excellent summary of the movement toward trying war criminals presents a persuasive argument for working toward a permanent international criminal. He correctly observes that the humanitarian violations during WWII and later international and local conflicts indicate that humanitarian conventions, while necessary, do not provide sanctions against those individuals who violate the norms. Therefore, instruments of a judicial and enforcement nature are also required. Giving due credit to the first tribunals, Beigbeder states that the Nuremberg and Tokyo tribunals established the principle that individuals at the highest level of government could be prosecuted and punished by an international body for serious breaches of humanitarian law. Though stressing that truth commissions cannot be a substitute for criminal prosecution, he concedes that they can play a useful role in unstable situations where a state is making the transition from dictatorial rule to a more open, democratic regime. However, he feels that broad amnesty could hamper the important goal of identifying perpetrators and bringing reconciliation.

The International Tribunal for the Former Yugoslavia (ICTY) and the International Tribunal for Rwanda (ICTR) are the best example of ad-hoc attempts at international criminal justice. Neither of these can be viewed as rousing successes, especially in light of the death of Yugoslav President Slobodan Milosevic in custody and the decade-long delay of the arrest of Radovan Karadžić (who was just apprehended this July). The ICTR, while underfunded, has seen some limited success in obtaining custody of numerous primary leaders and perpetrators of the genocide (Biegbeder, 146-185).

On July 1, 2002, the permanent International Criminal Court (located in The Hague) was brought into force after the sixtieth state ratified the Rome Statute. Though President Bill Clinton initially signed the treaty in 2000, President Bush essentially “unsigned” the treaty and has since strenuously opposed its operation. This is primarily on the grounds that it will jeopardize the sovereignty of the US, not that the US prefers reconciliation to adjudication. Notwithstanding that opposition, there are currently four cases before the court involving defendants from the Democratic Republic of Congo, Uganda, Central African Republic, and Sudan (Schabas 2007, 22-57). Only time will tell if the funding and jurisdictional challenges can be overcome in this most auspicious attempt to prosecute individuals for war crimes, crimes against humanity, genocide, and crimes of aggression.

In many instances, both scholars and practitioners contend that the choice between justice and reconciliation may be somewhat complicated. Michael Humphrey (2003, 497) in his examination of intervention, justice and reconciliation in Bosnia and Rwanda argues that states must make difficult decisions during the transition to peace.

> Political compromises made during political transition influence the choice between adopting policies of justice and/or reconciliation. This choice is now usually understood as a choice between trials and truth commissions, between prosecuting the main perpetrators or witnessing the truth about atrocities in the victims' stories. The former emphasizes the victims' rights, while the latter emphasizes the victims' suffering as the vehicle for national renewal. In practice, trials and truth commissions are seen as either competing or complementary strategies shaped by political compromises made during peace negotiations which have conceded degrees of impunity for the past crimes of the political and military elite.

Ultimately, states (as well as individuals) must decide for themselves whether justice and reconciliation can be attempted simultaneously or whether one has to forgo the former for the latter.

Peace

In a similar vein as the struggle for justice, conceptualizing peace can perhaps be just as elusive. On the surface, a ready definition might come rather quickly. Merriam-Webster (2004) defines peace as

> "1**:** a state of tranquility or quiet: as a**:** freedom from civil disturbance b**:** a state of security or order within a community provided for by law or custom <a breach of the *peace*>, 2**:** freedom from disquieting or oppressive thoughts or emotions, 3**:** harmony in personal relations, 4 a**:** a state or period of mutual concord between governments b**:** a pact or

> agreement to end hostilities between those who have been at war or in a state of enmity."

Notwithstanding this rather straightforward definition or set of definitions, we should realize that at closer inspection, these definitions tend to be somewhat subjective.

As Ira Chernas (1993, 100) indicates, "…, it is an image that we create to synthesize a broad range of values and guide policies toward realizing those values….Our definition of peace tells us not about something that exists outside us but, rather, about our own selves, our world-view, and our highest aspirations." In surveying the peace studies literature of the time, Gray Cox (1984, 103) argues that the scientific research is somewhat negative in its portrayal of peace. "Peace, they tell us is a kind of absence of something: war, violence, confrontation, tension, ….The blank is filled in various ways." Having said that, some have added positive notions with combinations of peace *with* justice. Johan Galtung (1972, 48) over thirty years ago broke new ground in integrating negative and positive peace. Essentially negative peace is the absence of personal violence while positive peace is only achieved through the absence of structural violence. Dedring (1976, 104) further argues that with this information …"we still need to learn what peace, in positive terms, *is*."

Reconciliation

Those struggling with reconciliation know that the concept itself can even be complicated. Commissioner Wynand Malan of the South African TRC referred to it as,

> … the acknowledgment of the dignity of victims for long ignored. It restores the individual's capacity to take hold of herself and to manage the future and herself in that future. It restores the capacity to live with or alongside the other. It allows us, while remembering, to bring closure to a chapter in our past. It enables us to live in the present, making our life as a

> nation and our lives as individuals in a shared future. It always remains a never-ending process.

Beth Ruston (2006, 133) argues in favor of dealing with reconciliation in both horizontal and vertical conceptions.

> Horizontal reconciliation focuses on restoring relationships between people within a contemporary timeframe. It is important because it allows sections of society to live together without conflict. Vertical reconciliation is concerned with reconciling the past with both the present and a possible or desired future; it allows people to incorporate an atrocious past into their lives in such a way that they can move forward.

Charles Hauss (2003) talks of reconciliation as "... the ultimate goal of peace building. It occurs when disputants develop a new relationship based on apology, forgiveness, and newly established trust." Mennonite peace builder and law professor John Paul Lederach (1997, 30) describes reconciliation as a system, and therefore more holistic, approach to conflict that focuses attention on the dynamics of relationships in what he calls the conflict system:

> Reconciliation must be proactive in seeking to create an encounter where people can focus on their relationship and share their perceptions, feelings, and experiences with one another, with the goal of creating new perceptions and a new shared experience.

Reconciliation therefore, brings people together, enabling them to grow beyond the past to re-establish a normalized, peaceful, and trusting relationship in the present.

Justice, Peace and Reconciliation in Conflict Resolution

Conflict

In examining inevitable situations of conflict (whether between individuals or countries), the question arises as to how parties address these alleged irreconcilable differences. Former war correspondent Chris Hedges (2002, 158), in *War is a Force that Gives Us Meaning,* quoted Sigmund Freud on this question.

> Sigmund Freud divided the forces of human nature between the Eros instinct, the impulse within us that propels us to become close to others, to preserve and conserve, and the Thanatos, or death instinct, the impulse that works toward the annihilation of all living things, including ourselves. For Freud, the forces were eternal conflicts. All human history, he argued, is a tug of war between these two instincts.

Hedges (2002, 171) goes on to describe how those impulses manifest themselves in the conflict resolution of war.

> [War] preys on our most primal and savage impulses. It allows us to do what peacetime society forbids or restrains us from doing. It allows us to kill. However much soldiers regret killing once it is finished, however much they spend their lives trying to cope with the experience, the act itself, fueled by fear, excitement, the pull of the crowd, and the god-like exhilaration of destroying, is often thrilling.

Tribalism

In *Jesus for the Non-Religious*, Shelby Spong (2007, 239-241) contends that:

> Human beings are by definition tribal people. At the dawn of self-consciousness, tribalism was the pathway to survival. We embraced that option and defined our humanity within it. Tribal mentalities are deeply embedded in every human being. When the world became ‘smaller,’ tribalism evolved into Nationalism, a figurative term of art, whether it is international war, the Crusades, or local sporting events, our corporate culture default is ‘Us vs. Them’ and ‘Win vs. Lose.’ Tribal thinking exists on almost every level of human life, from the international to the local. Westerners, in their lingering prejudice, act as if tribal warfare in Africa were something not quite modern or civilized. They do not seem to realize that Western Europe has always been divided on tribal lines—England is dominated by the Anglo-Saxon tribes; France is the country of the Franks; Germany is the land built on the coalition of Germanic tribes, especially the Prussians; Hungary is the land of the Huns—and that almost every human dispute the world over arises out of tribal history…There is within us all a basic, dominant, intrinsic fear of those tribes different from our own, a predisposition to be on guard against them, to reject them, to attack and even to kill them. This tribal tradition arises out of our insecure humanity…The reality is, however, that the more we sink into tribal

> attitudes, the more our lives are consumed with hatred; and as a direct result, the less human we become. When there is a common enemy, our hostilities go outward. Political coalitions have been built by exacerbating tribal fears and identifying the enemy to be hated. Hitler rode to power by galvanizing the latent German hostility toward the Jews into the policy of the Nazi government…The United States today is a multiracial, multicultural nation made up of many different tribes, but when this nation has been attacked by terrorists from another country and culture (or we even mistakenly assumed that that was what had happened), the people of this nation came together as if we were one people and responded in a traditionally tribal way.

Both Spong and Linenthal note that when threatened, our natural tendency is to revert to our tribalism mentality, no matter how "civilized" we think we have become.

> Recalling April 19, 1995, *The Unfinished Bombing*, (Linenthal, 2001, 19) cites how immediately after the bombing there was a rush, within the citizenry and the media to assume that the terrorists were from the Middle East. Then after the perpetrators were identified, what was even more incomprehensible than the act itself was that …[T]his was not an act of Middle Eastern terrorists thrust upon an innocent and vulnerable nation by the outside wicked world…Rather, Americans were responsible for it. Before the arrest of McVeigh, American Muslims condemned the violence, sent letters of condolence and plead with the media not to "fan the flames of violence. Muslin physicians volunteered at area hospitals, and Governor Frank Keating, one of the few who cautioned against the rush to blame Islamic terrorists, wrote the executive director of the Council on American-Islamic Relations, thanking him for the council's relief efforts. "I am immensely proud of Oklahomans of all races, creeds, and faiths," the governor declared. "May Allah bless you always." But then the American psyche, instead of accepting that everything is not "black and white," answered this attack on our tribe or nation by again making it about "them vs. us, innocence vs. evil," claiming these two were part of the "militia movement and therefore from but not of America." Of course many within the militia movement vehemently denied any philosophical or other alliance with the perpetrators of the Oklahoma City Bombing.

Hedges (2002, 10, 13-14, 3, 10) sums up his philosophy of war being a force that gives us meaning:

> The historian Will Durant calculated that there have been only twenty-nine years in all of human history during which a war was not underway somewhere…In the wars of the twentieth century not less than 62 million civilians have perished, nearly 20 million more than the 43 million military personnel killed…While we venerate and mourn our own dead we are curiously indifferent about those we kill. Thus killing is done in our name, killing that concerns us little, while those who kill are own are seen as having crawled out of the deepest recesses of the earth, lacking our own humanity and goodness. Our dead. Their dead. They are not the same. Our dead matter, theirs do not…The rush of battle is a potent and often lethal addiction, one I ingested for many years. It is peddled by mythmakers—historians, war correspondents, filmmakers, novelists, and the state—all of whom endow it with qualities it often does possess: excitement, exoticism, power, chances to rise above our small stations in life…The enduring attraction of war is this: Even with its destruction and carnage it can give us what we long for in life. It can give us purpose, meaning, a reason for living…And war is an intoxicating elixir. It gives us a resolve, a cause. It allows us to be noble…War makes the world understandable, a black and white tableau of them and us. It suspends thought, self-critical thought. All bow before the supreme effort. We are one. Most of us willingly accept war as long as we can fold it into a belief system that paints the ensuing suffering as necessary for a higher good, for human beings seek not only happiness but also meaning. And tragically war is sometimes the most powerful way in human society to achieve meaning…

Sounds a lot like litigation, doesn't it?

Individual Conflict Resolution in History

In the Dark Ages, the favorite conflict resolution methods included swords and impaling. Even someone as enlightened as Shakespeare had favorite conflict resolution method in his writing such as knives and poison. Sadly, even as late as the 18th and 19th century, leaders of the United States, a country which considered itself enlightened enough to create a new type of nation, resolved conflict by duel. And of course, the movies' choice of conflict resolution in the late 1800's was the Wild West gunfight.

While mediation was once was favored in history, somewhere along with way mediation decreased and litigation became the norm. Eventually, litigation, at least in "civilized nations," became the primary method of conflict resolution. While litigation is arguably better than resolving conflict by physical violence, a decision by a Court may mean justice but it rarely includes reconciliation or peace.

Tribalism Continues as our Modern Cultural Default

In Politics

In March, 2008, when Reverend Jeremiah Wright, the minister where presidential candidate Barack Obama attended church, made inflammatory remarks about the United States, many cried out for Barack Obama to "disavow" this man who had meant so much to him. Whatever you feel about Obama's politics, he refused to take the easy rode of tribalism and polarization, disavowing Reverend Wright. He said he could no more completely disavow that man than he could his own family for their racist statements, that everyone is made up of many components and life is more complicated than sound bites. He was praised by many for what one reporter called his "willingness to have an adult conversation about a tough issue." While, later he did renounce Rev. Wright for his continued attacks on the United States, Barack Obama was willing to have conversation and dialogue rather than polarization of the issue, for which I will continue to feel he should be commended.

In Divorce

When Margaret Mead, the noted anthropologist, was interviewed by a newspaper man, he asked how she felt about the “failure of her first two marriages,” to which she replied, “My first two marriages were not failures. We were great matches when we got together, but through the years we simply changed. If our species is going to enjoy longer life spans, we are going to have to accept that we may need multiple relationships during the different phases of our lives, and that shouldn’t be a shameful thing.” She remained life-long friends with each of her previous husbands, in a very civilized fashion.

Pauline Teschler, one of the founders of the Collaborative Movement, had a similar experience when she and her husband divorced, and their family remained a family, albeit non-traditional, but still a close family.

Divorce should no longer be shameful and make the parties and their families feel that they must be enemies. We must move to a higher ground than these remnants of the old tribalism, the “us vs. them” mentality?

The institution of marriage can become a false idol. Any discipline that has ever dealt with families in crises have seen people so driven to hang on to and protect the institution of marriage, even after the relationship is dead, that the marriage, in my opinion, becomes a false idol that is worshipped by the party hanging on to it. Some parties may torture their spouse and they may themselves be living tortured or dead shells of lives, but conventionality has driven them to hang on, no matter what. And yet some clients that we have worked with are better friends and parents apart than together; many develop a much healthier relationship than if they stay together in a dead or unhealthy marriage.

This theory could well come across to you as Ivory Tower idealism. So what are propounded in this thesis are really questions rather than position statements or conclusions. It would be pointless and disrespectful to revisit history and impose upon it the knowledge that we have now. The decisions that were made by our forefathers regarding the wars of their time were because they felt it necessary to fight, no doubt carefully thought out in the context of their time. But those who fought those wars would undoubtedly commend us for trying to find a better way to resolve conflict, both collectively and individually. Would anyone be able to imagine that George Washington, who personally experienced leeching and amputation of limbs on the battlefield, say that modern laser and arthroscopic surgery is not now the better way handle such medical problems? Those who have visited the concentration camp in Dachau, Germany, and seen some of the gas chambers that murdered millions of Jews in World War II would know that it is unrealistic to think that evil can be totally eradicated where the only explanation for what was done was either true evil or insanity. But what about the other conflict that which is not either true evil or insanity? Are we not mandated to bring these new options known to us for resolving conflict to the world?

It is hard to visit places such as Gettysburg and hear the stories of the courageous spirits of those who fought there and whose lives were lost—or even just forever broken by injury or broken spirit. In the movie “Gone with the Wind,” Rhett Butler expresses his frustration with the war when he says, “Waste always angers me, and that is what this is—pure waste.” What if those casualties in previous wars and the resources that they brought with them to the world had been able to be saved, gathered and used in a constructive way rather than destroyed by war, how much better might our world be now? Or was Freud right, that there something in the human nature that requires us to purge the human race every few years, detoxifying ourselves, if you will, of our conflicts, and then by either force or submission we all go in the same direction for a few years?

The Urge for Revenge and Justice Remains as Part of Our Human Reaction

The Oklahoma City Bombing

On April 19, 1995, when that bomb went off in a Ryder truck in front of the Murrah Federal Building in Oklahoma City, Oklahoma, this generation of could identify with those who have suffered from terrorist attacks on their own soil all over the world. The victims, including those killed, those injured, those families of victims and those who lived in Oklahoma City and other citizens in the United States and around the world had that flood of emotions that follows acts like this.

One of the most famous photographs in history was of Baylee Almon, whose tiny lifeless body was being carried away from the Murrah Building by a firefighter. Almost anyone who sees a picture like this immediately feels a yearning for revenge.

In January of this year, I went on a pilgrimage of my own to Oklahoma City. I had gone to Norman, Oklahoma, a city thirty minutes south of Oklahoma City, for a funeral. Having seen the movie “Elizabethtown,” which featured the Oklahoma City Memorial site, including the Survivor Tree, I decided I would go to the Oklahoma City Memorial after the funeral. I am so glad that I went, and I am so glad that my family decided to stay home because I do not think my experience would have been the same if I had not visited the memorial all by myself. That experience is what planted the seed in my mind and heart that grew into this presentation. It is a moving experience just to visit that memorial, but what struck me, as a collaborative professional, was a wall on one of the buildings across the street from the actual Murrah Building. On that building, there was a sign that was spray painted by a rescue team. It said,

“Team 5
4-19-95
We Search for the Truth
We Seek Justice.
The Courts Require It.
The Victims Cry for It.
And God Demands It!”

From that wall and the book called *The Unfinished Bombing*, (Linenthal, 2001) which I first caught a glimpse of in the Oklahoma City Memorial Bookstore, I began wrestling with the questions of justice versus peace and reconciliation. I left the memorial that day, telling myself that the feelings that I had were just because I had visited the memorial. One often has an impulse to buy something at a memorial bookstore after visiting such a memorial. I would not allow myself to buy that book at that time, assuming that such a purchase would have been one of those impulse buys. But all the way home I could not put excerpts that I read in the book and the rescue team’s statement out of my mind. They were haunting. So that night, I went online and read more excerpts from that book. Eventually, but the next day, I knew I had to order it and read it, and I did. For some reason, I felt that I had stepped into and onto holy ground, and I knew that it had something to teach me, that that place and that experience were not finished with me yet. There were so many aspects to that memorial. The committee members who painstakingly worked through the options of how to memorialize that event have built a life-transforming memorial, I believe, for anyone who ever visits that place. From the hauntingly empty chairs symbolizing all the lives lost to the damaged but still standing Records-Journal building across the street, I could not let it go. The Records-Journal Building now houses the museum of the Oklahoma City Memorial. Part of that building has been left just as it was at that moment when the bomb went off, including the clock that was thrust from the wall to the floor, forever frozen at 9:02 a.m. From that museum and the entire memorial, we not only reads and hears what it was like to be at that place on that date, but we learn to understand how those victims' and their families' lives are forever frozen in that moment. This site was my laboratory, where I learned so much about human nature and how those people who survived that experience have some things in common with those we work with each day and with us in many ways.

The Unfinished Bombing, seemed such a curious title that I felt drawn to it. This book was written by a man who came to Oklahoma City to study and write about the work of creating a memorial to those who were a part of this tragedy. The title, *The Unfinished Bombing,* came about because the author discovered at least four "narratives," as he called them, which were demonstrative of how the bombing was not just a single event but a continuing experience and for some an experience that would never have a neat or final conclusion, at least as most people think of it.

Linenthal (2001, 43-53) found something he termed the Progressive Narrative, which is where some people see something good coming out of such an event, like the kindness of strangers or how it brings people together. First United Methodist Church, across the street from the bombing site, was significantly damaged, but due to its proximity to the Murrah site, it was used as a temporary morgue. One of the remarkable things about this time was how everyone did work together. This Methodist Church was closed for three years, and during that time, they met at Trinity Baptist Church, rotating worship services and Sunday school schedules. There was never a cross word, Rev. Nick Harris of First United Methodist Church told Edward Linenthal. Before First United Methodist's repairs were completed, an outdoor open-air chapel with an altar built from granite from the Murrah Building, called "The Heartland Chapel," was constructed by the collaborative efforts of the Jewish and Muslim communities to offer shelter and reflective space for the many visitors to the Murrah site. The Heartland Chapel overlooks the Murrah site. People whose paths might never have crossed came together to build a truly moving chapel as a result of this tragedy.

Linenthal (2001, 53-70) also saw the redemptive narrative, which were people who believed there was a "reason" that this happened. Many religious extremists came to the site trying to evangelize that this had happened because of the state of the world, but those were persons were quickly removed from the relief efforts. But even regular folks, who had no agenda of saving the world from its evil, often cling to the concept of "there must be a reason for this," in trying to find sense or logic in loss.

Those who lived out or rather became stuck in the "toxic narrative," Linenthal (2001, 70-80) described as being unable to move past the tragedy, the ones who became "stuck" in that moment, sometimes for the rest of their lives. One grandmother, who lived in an apartment near the Murrah and whose grandchildren were both killed there, reconstructed her grandsons' bedrooms just like their were before her apartment was damaged by the bomb and her grandsons were killed. They are a permanent shrine, and while that gives her comfort, she may be also unable to ever move on from that moment in time. Mrs. Haversham in Charles Dickens' *Great Expectations* is a classic example of the toxic narrative, someone who is so paralyzed from their grief that they stay frozen in it and never begin living again.

Then finally Linenthal (2001, 90-91) talked about the traumatic or “medicalized” narrative. This narrative included the people whose grief was given a medical name such as Post Traumatic Stress Disorder. He said those people often suffered a permanent disability because they were branded with a “condition” rather than being given the tools to learn how to grieve in a healthy process or allowed to grieve in their own time and in their own way. Sister Helen Prejean, author of *Dead Men Walking,* told the author, after her visit to the Oklahoma City Bombing site, that “…anger in the beginning may be important; it may sustain your life. But that the term ‘reconcile’ may be more appropriate than ‘forgiveness’ because reconciliation implies living in tension with one’s anger, and offers the opportunity to be creative with it.” The author of *The Unfinished Bombing* recognized that, like our clients, those victims of such traumatic life events are the victims of “…an unfinished bombing, one that still reaches out to claim people through suicide, to shatter families through divorce, substance abuse, and the corrosive effects of profound and seemingly endless grief.” The author of *The Unfinished Bombing* seems to have learned from those victims of the Oklahoma City bombing that most people who suffer from such traumas have a combination of all these narratives, and that people need to accept that there will be no neatly packed “closure.” What I think Linenthal really was dazzled by was that those victims and families of victims and citizens of Oklahoma were able to bring all their narratives together and not without great tension and even at some points, they were able to collaborative work together and construct a memorial that is not only a memorial to those who were lost but a memorial that incorporates all those narratives and most importantly for me, the narrative of reconciliation.

For me, there is one story that I took away from the Oklahoma City Memorial and *The Unfinished Bombing* above all others. Bud Welch's grown daughter Julie was murdered by the bombers of the Murrah Building.

> A lifelong Catholic and death penalty opponent, Bud Welch said his opposition to the death penalty ended when Julie was killed. "I could have killed them with my bare hands, and I felt that way for months," he said. One day, however, while at the site, he recalled a conversation he had had with his daughter while driving home one day and she reacted to a story on the radio about an execution. She had told him that those people are only teaching their children to hate, and he said, "I began to realize that what took her life was an act of vengeance and hatred. I decided to honor Julie's convictions by speaking up about this issue. I made a decision not to let hate and anger transform me into someone whom Julie would not recognize if she were here." In a powerful act of reconciliation, Welch traveled to Buffalo, New York, in September 1998 to meet with Bill McVeigh, Timothy McVeigh's father, and his sister, Jennifer. He said, "I had seen Bill McVeigh on television, seen the pain in his face, and I knew that I wanted to talk with him and tell him that I cared about how he felt. I spent two hours with him, and when I left I hugged Jennifer and both of us were crying. I told her that I didn't want her brother to die and I would do everything I could to prevent it." In his *Guideposts* interview, Welch recalled that at that moment "I was thinking that I'd gone to church all my life and had never felt as close to God as I did at that moment." Linenthal, (2001, 65-67)

A powerful story of reconciliation.

Northern Ireland

In 1977, I had the privilege of attending an annual event sponsored by the American Legion, called the American Academy of Achievement. At that event, a host of world leaders in their professions are gathered together to meet with high school students from all over the United States to mentor them and give them inspiration to reach for their own greatness. The year I attended the event, John Chancellor, the newscaster, Howard Cossell, the sportscaster, Edward Asner the television actor, Helen Hayes, the

Broadway actress, and Alex Haley, the writer of “Roots,” were some of our speakers. But there was one other pair of speakers, much less famous at that time, that left the greatest impression on me. They were Mairead Corrigan and Betty Williams from Northern Ireland. One year earlier, in 1976, Mairead’s sister and her sister’s three children, one only 6 weeks old, had been run over by a car being driven by a IRA gunman fleeing from British law enforcement officers. Betty Williams was on the street and witnessed the tragedy. Mairead’s sister was critically injured by the car, so the task of going to the morgue and indentifying her sister’s three babies fell on Mairead. She said that, as she stood over their lifeless bodies, she kept saying to herself, “Enough. This has got to stop here and now.” Her tragedy was not over, however, as her sister, who could never emotionally recover, eventually committed suicide. She and Betty Williams set out to change their world in Northern Ireland. They believed that the world could change. They began the Community for Peace People, bringing 35,000 people from Republican and Loyalist groups together within one month of the deaths to demand that the violence in Northern Ireland end. As a result of their work the two won the Nobel Peace Prize for 1976. They have spent the rest of their lives to date never giving up on the notion that peace and reconciliation are possible. I will never forget that night in Orlando, Florida, when I mustered up enough courage to approach Mairead and Betty and say, “I want to know more.” We sat up late into the night as I listened to the rest of their story.

When I ponder if this aspiration of a different method of conflict resolution is possible, I think of what Mairead Corrigan said in her book, *The Vision of Peace,* “Some people will argue that this is too idealistic. I believe it is very realistic. I am convinced that humanity is fast evolving to this higher consciousness. For those who say it cannot be done, let us remember that humanity learned to abolish slavery. Our task now is no less than the abolition of violence and war… We can rejoice and celebrate today because we are living in a miraculous time. Everything is changing and everything is possible."

The stories of Bud Welch and Mairead Corrigan resonate with me. They both had every reason to seek revenge and retaliation, but somehow they had the wisdom and the vision to know that would never be enough, that that would never free them from the torture and torment of their tragedy. They knew that even justice would fall short of the satisfaction of peace and reconciliation. These people walked the walk of unimaginable tragedy and came from it talking the talk of peace and reconciliation, so I believe they are worthy of and deserve our attention.

Divorcing Families

Parties in Divorces often have those same impulses: revenge, retaliation, a yearning for “justice,” but is that because they have not been offered peace and reconciliation? How many families of divorce live forever in the toxic narrative, unable to release themselves from the bonds of hatred for their former spouses? Doesn’t it poison their children, their children’s future relationships and their own potential for future happiness? How many families of divorce are permanently trapped in the traumatic narrative of divorce, their life frozen on the day the found out they were going to be divorced or the day of their divorce. Can we help them come to terms with the concept that their will never be simple and finite “closure” and understand that this life experience offers the potential for personal growth and the ability to create for themselves a new “normal,” while letting the old “normal” go?

Recently, one woman particularly brought the opportunity we have home to me. She and her ex-husband have been warring for years. I heard her story and really just wanted to send her away, assuming from the story that they are people that just want to fight. But, as I always do, at the end of the conference I explained interest based negotiation to her. She began to cry. Her case had been initially handled in a very rural county which I doubt has ever heard of collaborative law or interest based negotiation. I asked her why she was starting to cry, and she said, “My ex-husband and I have tried over and over to work it out amicably, and sometimes we have, but then it falls apart. I have never heard of this as an option, and I know he hasn’t either. You people that are in this collaborative law are angels. You have given me hope—hope that I have never had before.” Now they are working toward resolving their conflicts through interest-based negotiation, and I think they both have hope. Those are the moments that give us hope that we can make a real difference.

The relationship between war/terrorism and divorce are not so far apart. To the families and individuals suffering through a divorce, their feelings are just a real as victims of war or terrorism. We cannot ask them to quantify their grief. We cannot say that to them the loss of the life they know is not just as catastrophic. So even though we may not be rescue personnel at a bombing site, our jobs are just as important to our clients as those rescue personnel are to the people they are rescuing. We are rescuing them from probably the greatest trauma any one of them will ever face, short of a death, and for some divorce is as bad as or worse than a death.

In *Storms Can’t Hurt the Sky: A Buddhist Past Through Divorce*, by Gabriel Cohen (2008), he recalls feeling in his and his wife’s therapist’s office. “We sat in the therapist's office like an Israeli and a Palestinian, and the poor woman saw little hope for détente. I'm not saying that as some kind of glib metaphor. As I write this, various wars rage around the world, and in every one, both sides are convinced that they're completely in the right. The result? Thousands of dead children, thousands of destroyed homes. Absolute belief can easily become a curse. The history of the twentieth century shows that nothing is more dangerous. From Hitler to Mao, from Stalin to Pol Pot, unbelievable carnage has been wreaked on the planet by righteousness. Imagine what a different world this could be if our leaders could be more open to other views, more compassionate, more willing to see the world afresh. What if all the fanatical, furious believers were able to pause now and then and tell themselves, *Not Necessarily so?* This is a book about divorce and not a polemic about world politics, but there's no separation between the small truths and the big ones. The road to world peace starts with being able to look at other riders on the subway and to see them in a new light."

A Common Narrative or Truth Must be Found

Chris Hedges (2002, 81-82) goes on to say, [In conflict] "…each side creates its own narrative. Neither is fully true. Until there is a common vocabulary and a shared historical memory, there is no peace in any society, only an absence of war…The search for a common narrative must, at times, be forced upon a society. Few societies seem able to do this willingly…But reconciliation, self-awareness, and finally the humility that makes peace possible come only when culture no longer serves a cause or myth but the most precious and elusive of all human narratives—truth." Isn't that what we provide in the collaborative context? - The opportunity for people to flush out their collective truth, whereas in litigation the nature of the beast is to slant or color the “truth” toward the oppositional positions that the parties are advancing.

Our Role as Collaborative Professionals in this New World Paradigm

In *Whistle While You Work*, a book by Richard J. Leider and David A. Shapiro (2001) they obviously reference Disney’s *Snow White,* which is the title and theme of the book.

They contend that, “…our ‘gifts’ are those special aptitudes that we were born with. They’re the force behind those things we enjoy and do well-those that we never need to learn. Our gifts are God-given, but we naturally feel compelled to give them away; we simply want to *give back* through them. Expressing our gifts is what we do naturally, effortlessly, and without regard for what we might receive in return. Leider and Shapiro (2001, 51) also reference Oliver Wendell Holmes, who said, “Most people go to their graves with their music still inside them.” They recommend the way to determine what is a person’s calling is to ask himself the question: “What ‘work’ was I doing the last time I was so absorbed that I lost all track of time?” They state that, “We become deeply involved in what we’re doing, so much so that the clock seems to melt away. Time becomes irrelevant. An hour, even an entire day can go by in a single instant. We are so absorbed in the moment that the moments fly by.” Leider and Shapiro (2001, 46-47)

Leider and Shapiro (2001, 73) quote Theodore Roosevelt, who said, “Far and away the best prize that life offers is the chance to work hard at work worth doing.” They also quote Faulkner, who wrote that, “One of the saddest things is that the only thing people can do for eight hours a day, day after day, is work. He observed that we can’t eat or drink or make love for eight hours—and literally, he's right. But when our work sustains us, when it becomes an act of love, then perhaps it isn't so sad at all. Perhaps it is something to celebrate. Perhaps we are, in essence, performing a sacred, life-affirming act for the time we are devoted to work."

Leider and Shapiro (2001, 29) say that, "We bring our calling to our work every single day, by expressing our gifts, passions, and values in a manner that is consistent with the legacy we want to leave. People who have discovered their calling and choose to bring it to their work tend to be phenomenally energized about what they do. They have an almost childlike passion for their projects and a great sense of gratitude for their good fortune. They have answered the eternal question we face every day: 'Why do I get up in the morning?' They have answered it by aligning who they are with what they do. What do you want to leave behind as the legacy of your years of work? What would you like people to say about you and what you did? When we heed our life's calling, we make something more of our life than just our life. We spill over the edges of our allotted time and make a difference for the ages. In short, we leave a legacy that carries on after we're gone. Actually, to be honest" they go on to say, "we leave a legacy no matter what we do. The choices we made define the person we were whether we like it or not. It's just that some people leave legacies that express their *true* selves, while others simply leave a husk of a life that signifies little of what they were really about."

Leider and Shapiro (2001, 73) go on to say, "Finding the natural satisfaction that our work potentially affords us involves, as we have seen, fully utilizing our natural gifts to support something we really care about. What's important to remember, though, is that this 'something' doesn't have to be a matter of saving the world."

Sometimes in the most surprising places, you can find secrets of life. In a silly little romantic comedy, called, “While You Were Sleeping,” the heroine, who saved a commuter from being run over by a train, and the man she saved were talking about heroism. He said he had never done anything heroic. To that she responded that she watched him from the token booth where she took the token, and every day he gave up his seat to someone else. He said, “That’s not heroic.” To which she responded, “It is to the person that you give it up to.”

Conclusion

Last year, I visited Ground Zero, the September 11 site. I didn’t really want to go, but my family insisted that if we were in New York City it was important that we visit it. What struck me, ironically, was not the Ground Zero site itself, but what I discovered when we were coming up upon it. We passed a historic church, across the street from Ground Zero, and I am always drawn to historic buildings. I asked if we could go back to it after we visited Ground Zero. We almost didn’t because we were on the way to the Statute of Liberty. How less enriched my life would have been if we hadn’t gone back to that church.

As we walked into it, we were immediately sensed that there was something very special about this church, this St. Paul’s Chapel. It had been the church that founding fathers like George Washington had attended when New York City was the nation’s capital. But when you walk in, you realize there is something even more. “It was initially called the miracle of St. Paul’s because, ironically, when the dust began to settle from the 9/11 attack, it was discovered that St. Paul’s, just yards away from where the World Trade Center, had been spared completely, except for ash and soot, the building had survived unscathed.” It was the rescue workers’ home for the 260 days following the World Trade Center attack. It was where they went for rest, food, and emotional support after working endlessly day after day. And the lesson I learned from the newsreel I had seen on September 11, 2001, and now having personally witnessed the aura in that church, that in tragedy and grief, we as humans, have the greatest opportunity to sometimes do the greatest good. When I thought back on St. Paul’s and all that I saw and felt there and on the Oklahoma City Bombing Site and all the lessons that I learned from what had happened there, I thought of you and all that you do each day for the people that you serve

To all of you, who probably would not compare your efforts to rescue workers, I say you are not unlike them. To clients and their families who are devastated, you are their heroes and angels. In *Light at Ground Zero: St. Paul’s Chapel After 9/11,* written by Krystyna Sanderson (2004, Preface) who was the photographer who captured acts of heroism at St. Paul’s church, she said, “The ashes of those who perished were everywhere—on the boots of the relief workers, on our clothes, in the air we breathed. We all knew we were walking on holy ground. Like diamonds that are created when carbon is under tremendous pressure, diamonds of heroism and love emerged from the explosion of 9/11. I witnessed those diamonds emitting luminosity too bright to capture on film, a light that lightens the darkness of disbelief, shock, incomprehension, and grief, the light of God’s love and mercy and grace.”

There are those who may say that I am bold to make comparisons to the work that you are all doing to such a monumental event, but I disagree. I have watched you day by day, doing the miraculous work that you do, and I know what you do is changing those families' lives in monumental ways today and for generations to come. And with each of those small steps, you are changing the world. The world and the people in it are like that woman I saw in my office who cried and said she had never known there was any option other than fighting. The world and the people in it are thirsty for peace and reconciliation. We are on the verge of a New World Paradigm. We are at the tipping point; the world has seen and tasted little bits of peace and reconciliation, and they are ready. We have the privilege of using our gifts to introduce a process for peace and reconciliation too many people in the world, to help the world reach that tipping point that will bring the New World Paradigm. I cannot imagine a higher calling than that.

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