Why Apologize?

By Kimberly P. Fauss

Apology has long been of interest to conflict facilitators. A properly formulated apology can both provide consolation and restore integrity between clients. Facilitators can encourage apologies to clear the air, relieve stress and create an atmosphere of improved communication to achieve settlement. In addition to these substantial process benefits, an apology has the potential to transform the participants.

Through the lens of neuroscience, a conflict facilitator can see perspectives being expanded and empathy activated as an apology unfolds. The flow of information within our brains and bodies is not isolated; every person is connected with others in relationships which inform and alter the information flow because of their interaction.[1] In other words, our neurobiology depends on relationships to adapt, grow and thrive. Conflict facilitators can actively orchestrate such interactions in processes such as mediation or collaboration to move the participants toward resolution.

Apologies can preserve important relationships and allow us to adapt and grow from a specific event or choice that has fueled a conflict. Apologies can broaden the perspective of both disputants to allow each to extend beyond their particular story to co-create a new story about the future together. In some cases a sincere apology can even alleviate suffering, promote forgiveness and empower the participants to connect to their deepest values. An apology has the potential to transform if the participants can consider the question, "What kind of person do I want to be?" Conflict facilitators should be familiar with the terminology, steps of effective apology and neuro-systems activated in the formation, presentation and response to apology in order for apology to be an effective tool.

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Terminology. Apology is central to restorative justice systems. Restorative justice seeks to maintain balance in communities for social cohesion, resilience and sustainable change in behavior to align with the values of the community members. In contrast, the justice system relying on court-imposed solutions or punishments cannot access the voluntary and sincere realignment that apology can provide. Rather than using the terminology of "victim" and "offender" from the retributive system of justice, restorative circles describe (i) the "Author" of an action or choice, (ii) the "Recipient" of the impact of that action or choice, and (iii) the community surrounding the Author and Recipient which has been affected by the action/choice and its consequences.[2]

The relationship between Author and Recipient is important to the well-being of the community, and so the community is invested in meaningful resolution. This article will use the term “Author” and “Recipient” to refocus the relationship between the players. This shift in terminology in the facilitator’s thinking is an important step in moving beyond blame to understanding unmet needs of each player beneath the conflict.

Incident. There is an incident which is the nexus of the apology. Usually the incident has occurred because of a choice or action by the Author having either an intended or unintended consequence on the Recipient. The incident often develops significant meaning to the Recipient because it becomes symbolic of a pattern of interaction within a larger, on-going conflict. That conflict may be between the players or it may be internal to the Recipient, but regardless, the incident causes disruption between the players and often triggers the fight or flight response in the Recipient’s autonomic nervous system.

An apology may be the tool of choice of a conflict facilitator in order to move the clients beyond impasse. When the memory of the incident or the underlying pattern it represents to the Recipient continue to emerge during negotiations, the facilitator must make a choice of how and when to address the incident. The facilitator can assist in formulating the restatement of the particular incident through paraphrasing or reframing. The more specific the restatement of the incident with details of the action/choice and consequences, the more manageable the apology will be.

As a neutral, the facilitator should remain non-judgmental in the framing of the incident. It may also be helpful for the facilitator to distinguish between acceptable decisions of an Author that had unintended and costly consequences (amoral) and decisions which could be characterized as errors

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in judgment of the Author (implicating "right" and "wrong"). The goal of the facilitator initially is to provide clarity in understanding the agency of the Author of the action/choice and its impact and consequences on the Recipient. If the clients are then willing to consider apology, the facilitator can assist both Author and Recipient in addressing each of the remaining steps.

Broadening Perspective. This element of apology may be the most challenging to facilitate. Most people make choices and take actions which make sense to them under the particular circumstances at the time of the incident.[3] When the outcome is not as we expected, we activate complex mechanisms of self-justification. When we are blamed for a bad outcome, we immediately default to defensive explanations. Apologies which make excuses or focus on the Author's motivations or intentions are usually not successful.

A sincere apology is founded *in the experience of the incident by the Recipient and any outcomes suffered*. The exercise of crafting an apology forces the Author to see the incident through the eyes of the Recipient. Whether the Author agrees with this perspective or the Recipient's reaction is irrelevant. The change in understanding begins with the Author *accepting that the incident had a particular meaning* to the Recipient. For the facilitator this is the most significant (and most challenging) shift in the dynamic between the clients – introducing another perspective to the Author.

The central neuro-system involved in the broadening of perspective is empathy, the ability of a person to experience the feelings of another person. Empathy is not located in just one part of the brain, but involves specific structures in the cortex (thinking) and limbic (emotional) brains. Tom Lewis, a psychiatrist writing about empathy, compares this neuro-system to a software program that toggles between the Self program and the Other program.[4] We need information about the Self to determine how we will interact with our environment. In order to evaluate the effectiveness of those strategies, our brains toggle to the Other program to anticipate the motivations and actions of Other.

Research suggests that the mirror neuron structures throughout the brain are activated when we observe another's actions allowing Self to experience, or *mirror* in our internal neural networks, the inner world of Other. There are times that the Self program, however, dominates due to emotional hijacks and thus may limit the ability of the Other program to provide information. The goal of apology is to reset the switch in the brain in order that both Author and Recipient may realign and balance the flow of information which, during conflict, may become dominated by the Self program.

Acknowledgement of Mistake. In assuming responsibility for the action/choice in an apology, the Author must take this perspective of Other and restate *how the incident was specifically experienced by the Recipient*. The Author should address each consequence individually and describe his understanding of how the Recipient felt. The brain of the Author is wired to resist characterizing our own behavior as wrong or a mistake; unmet expectations interrupt the release of pleasure neurotransmitters which we are designed to prefer. So this step may be difficult for the Author and require some facilitation.

Our brain interprets mistakes negatively so we tend to self-justify behavior and revise the stored memory of the act/choice retrospectively in order to conform to our ethical values. Yet our brains can rewire and learn from mistakes *if we can face them*. When we make ourselves vulnerable by embracing a mistake, the brain can then revise its prior models and patterns. This is the way neuro-connections, and ultimately learning, are made: by failure, reconstruction, and consolidation into a new network. Accepting mistakes through an apology then allows the Author to simulate a "do-over" in his inner thoughts: "What could I have done differently?" Even if this is only done within the imagination of the Author, new neural pathways can be formulated by the simulation.[5] When shared with the Recipient, the interaction of creating possible alternate courses of action can broaden perspective and provide greater resilience for future ethical choices for both players.

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Expression of Regret. In order to meet the emotional needs of the Recipient, an effective apology also includes an expression of regret or remorse by the Author. Regret and remorse imply both an intellectual understanding of the impact the Author's action had on the Recipient as well as an emotional quality of their on-going relationship. Again this expression must be specifically directed to the causal connection between the Author's act/choice and the experience by the Recipient. Facilitators may coach the Author into understanding that being sorry that the Recipient reacted or felt a certain way is not sufficient. ("I'm sorry you felt that way.") Apology must connect the

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Recipient's feelings directly with the Author's agency. ("I'm sorry that my action caused this impact on you.") For enduring conflicts, regret may not be possible within a facilitated setting.

For those clients who value the continuation of a healthy relationship in the future, remorse from the Author may well trigger similar feelings in the Recipient if effectively expressed. This moment between Author and Recipient can be allowed to expand into compassion. Compassion is a specialized skill developed in the prefrontal cortex, the part of the brain which makes us most human. Here we set intentions, plan for the future, experience empathy and kindle a desire to alleviate the suffering of others. Compassion is related to sympathy which has a connotation of pity or "feeling sorry for" another but detaching and placing the sympathizer in a superior position to Other. Buddhist traditions consider compassion, the desire to alleviate harm and suffering from another as the complementary virtue to loving-kindness, the desire to bring about well-being and happiness in others. This may suggest that these twin impulses arise from similar operations in the brain. If either client can access compassion or kindness for the other through the vehicle of apology, the barriers to resolution of their dispute can fall away. Even if it is just the facilitator who is moved by the effort of making and hearing apology, that introduction of compassion into the forum can change the dynamics moving forward.

Plan of Action. Not every apology goes so far as to propose reparations or restitution for consequences. But to create safety in continuing interactions between Author and Recipient, or even within the community, a plan of action or protocol may prevent the same mistake or choice in the future. Sometimes the Recipient needs merely acknowledgement and sometimes the Recipient may need assurance that the same pattern will not be repeated. Physical actions and repairs can also provide a simulated "do-over" to reinforce rewired neural connections in the Author.

Broader public values can be implemented in jointly-developed guidelines that incorporate the lessons learned from the incident, such as in medical malpractice apologies or employment discrimination. Reparations can give further meaning to the experience of the conflict between Author and Recipient by providing a broader context to learn from and implement the apology. Facilitators can be extremely useful in helping the players craft such a plan.

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Facilitation Challenges. Sincere apologies may require support and facilitation in achieving each of these steps in apology. The Author may have difficulty in fully accepting responsibility or may be eager to express justification for the action/choice. Facilitators can assist Authors in suspending the self-justification mechanism by acknowledging that there is another explanation or value than the Recipient's, but refocusing on the objective of meeting the Recipient's needs. The reluctant Author will ask "what about my needs?" which the facilitator might reframe as "what are the greater needs of this relationship?" An apology is not a debate about who is right or which point of view should prevail.

Likewise, the Recipient may want to blame the other person and focus on the personality rather than the action/choice. Even if an apology highlights a disagreement about the right or wrong of a particular choice, the facilitator must keep the focus off the personalities and on the consequences and impact for the Recipient. The longer the delay between the incident and the apology, the more entrenched the Recipient can become in a victim mentality which is locked in the past instead of focused on positive change for the future.

The facilitator must also make a judgment call on how much time he devotes to past conduct in forging apologies instead of future possibilities of relationship. The temporal structures in the brain can flood a Recipient with past memories of anger and helplessness unrelated to this incident if the facilitator dwells in the past and fails to redirect the players to the real control they have over future interactions. The facilitator is the representative of the community, not taking sides or judging the players, but instead focusing attention on the contributions each makes toward resolution. The facilitator helps the players find meaning in the conflict so that the communal need for safety and respect can be met.

Forgiveness. Facilitation at its best is about co-creating the future. An apology can clear away the obstacles of the past so that new choices can be made. Forgiveness, according to an Oprah show, is "finally accepting that the past cannot be changed." An apology allows Author and Recipient to experi-

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ence vulnerability safely so that each player can enter the world of the other and accept that mistakes can be fertile ground for new understanding. Future choices may produce new mistakes, but the facilitation process has provided a predictable way of talking about, considering and learning from the past.

But to allow this possibility of forgiveness to be genuine, we also must accept the converse: the Recipient may not be willing to accept the apology and forgive. The free will not to be changed creates the safety for the Recipient in entertaining the apology. The process of the apology offers the opportunity but not the necessity for each party to determine "who do I want to be?" For the facilitator, the process of the apology has changed the dynamics of the conflict regardless of forgiveness. In other words, it may be sufficient just for the Author to experience the Recipient's perspective even without forgiveness, since the Author then has new information about himself and Other. The facilitator must let go of any particular outcome and allow the struggle and expression of the apology to be the building blocks of the next stages of the dispute resolution process.

Community and Civil Discourse. Apology is about respect, co-existence and meaning. These are conditions essential to relationship whether as co-parents or neighbors or citizens. The community and the facilitator, as players in apology, can acknowledge that humans are ultimately social creatures and need each other to thrive. Restorative practices such as mediation and collaboration can focus not just on settlement but also on creative problem-solving that moves beyond "my" view and "your" view to our shared experience. Restorative circles which bridge time by examining feelings now, past motivations then and future actions can also be used as a facilitation exercise in tandem with apology. These non-adversarial conversations can forestall a heart from breaking *apart* by allowing it to break open "into greater capacity to hold the complexities and contradictions of human experience."[6]

As co-parents, neighbors and citizens we come to accept that our individual choices are not just about us but have consequences for our children, our neighborhoods and our country. *How* we make those choices draws on our deepest values. Civil discourse essentially allows the community to embrace differences among us. Apologies, listening to each other in those exchanges, seeking empathic connections even with perspectives radically different from our own, can create the possibility of changing our minds. Our willingness as facilitators to offer a safe space "to probe, question, explore, and engage in dialogue" creates a multi-dimensional view of reality.[7]

Apologies can help us value our differences through vulnerability and a willingness to be changed. Facilitated processes provide an infrastructure for the natural biological reactions of fight or flight and the resulting anxiety in conflict to be used as energy to propel the brain to learning and creativity. The facilitator can consciously use tools such as apology, restorative circles and reclaimed civil discourse to redirect clients to a co-created outcome that can also serve to renew relationship between them and within the greater community.

Notes:

1. Siegel, Daniel J. *The Mindful Therapist: A Clinician's Guide to Mindsight and Neural Integration.* New York: W.W. Norton &, 2010. Print.
2. *Restorative Circles.* Dominic Barter. Web. <http://www.restorativecircles.org>.
3. Stone, Douglas, Sheila Heen, and Bruce Patton. *Difficult Conversations: How to Discuss What Matters Most.* New York: Penguin, 2010 (p. 78).
4. Lewis, M.D., Thomas B. "Empathy." 2009. MS. University of San Francisco, San Francisco (p. 5).
5. Shpungin, Ph.D, Elaine. "Peacemeal." Psychology Today, 14 Jan. 2012. <http://www.psychologytoday.com/blog/peacemeal/201201/how-go-regret-reconnection-in-4-simple-steps>
6. Palmer, Parker J. *Healing the Heart of Democracy: The Courage to Create a Politics Worthy of the Human Spirit.* San Francisco, CA: Jossey-Bass, 2011. Print (pp. 14-15).
7. Id.at p. 18.

Other ADR Programs of Interest

Association for Conflict Resolution Annual Conference – September 12-15, 2012, Sheraton Hotel, New Orleans, LA. For more information: *www.acrnet.org*

Virginia Mediation Network Fall Conference – September 30 - October 2, 2012, Wintergreen Resort, Wintergreen, VA. For more information: *www.vamediation.org*

International Academy of Collaborative Professionals Annual Networking and Educational Forum – October 18-21, 2012, Palmer House Hilton Hotel, Chicago, IL. For more information: *www.collaborativepractice.com*