

CollabOrate
Peacemakers #11
Prediction

What effect has the belief system of the peacemaker upon outcomes in human conflict? Is the peacemaker a mere facilitating functionary in the process of conflict resolution, or is she a player in the outcome? Every lawyer answers the following questions, aware or unaware of doing so: What sort of animals are humans? Is man congenitally prone to coercion? Is mankind a bent twig, fatally abrading its issuing branch in every inclement gust? Or is humankind bootstrapping itself from gory African predation toward global hyper-cooperation? Is violence essentially human, like language and complex ideation and upright ambulation? Or is the human legacy of bloodshed a jarring rapids to be painfully negotiated in our long seaward tumble toward a mutually respectful future?

Do an experiment with me. Predict the outcome of this story.

Joe and Sasha sit across their kitchen table. Cold coffee puddles in their mugs. Sasha has just told Joe she wants a divorce. Joe is flabbergasted. Joe blurts choice imprecations he first learned from foul-mouthed junior high buddies. He shoves his chair back, preparing to storm out. Sasha suppresses a sneer. Joe's outburst will not sit well with her yoga girlfriends—or Joe's mother, for that matter. Neither makes eye contact. Breathing sounds shallow, rapid. Peter, their nine year old, walks into the kitchen for water. Both parents shudder and simulate normalcy. Joe fingers his newspaper. Sasha fusses with dirty breakfast dishes. Peter breezes out the kitchen door, oblivious.

As one believes, one predicts. Where one becomes a member, however temporary, of a social system, one's predictions teeter toward facticity. Considered alone, raw facts bear alternative constructions. In interpretation, one bridges uncertainties about Joe's and Sasha's circumstance (as in any detail-starved situation) with one's own expectations. Will Sasha and Joe bludgeon one another in litigation? Will Joe kill Sasha, or Sasha Joe, in a domestic violence nightmare? Will they mediate a new normalcy as mature adults navigating fundamental change? Will they, for good or ill, reconcile? If you become Sasha's or Joe's attorney, your expectations about their likely outcome will prejudice their outcome in favor of a resolution that conforms to your beliefs. Your belief system will not be the *only* pressure in their negotiation, but it will be *one* pressure. Of special concern is the possibility that your expectations might become the *determinative* pressure in their negotiation. So, your beliefs matter to Joe's and Sasha's negotiation.

Thomas Hobbes (English, 18th century) styled human life nasty, poor, brutal, and short. The cause of human misery is mankind. Left to his own devices, a man wars with every other. Ultimately, for self-preservation, survivors appoint a Leviathan to aggregate their lethal powers, relinquishing to a monarch their several privileges of homicide. Might the ego-maniacal excesses of the British Empire be one result of Hobbes's popularity? Friedrich Nietzsche (German, 19th century) painted mankind as sheep waiting for slaughter at will by supermen exempted from social norms, as eagles soar far above the slavish morality of bleating lambs. Hitler embraced Nietzsche. Might one fount of the Nazi horrors be the belief systems of the many whom Nietzsche convinced? Grim views of human potential abound. Augustine's original sin, Calvin's total depravity, Darwin's survival of the fittest, and Ardrey's violent African ape shape the expectations of many.

Not all close the human book at its damp crimson pages. Mohandas Gandhi (Indian, 20th century) argued that every man harbors a good heart. Evil is an appearance, not reality. When confused or threatened, some persons behave badly. Those who err must be opposed, but gently, nonviolently, without disparagement. One ends war only by making the enemy a friend. Influenced by Gandhi, India drove Britain from its hegemony over the subcontinent, mostly nonviolently. Martin Luther King Jr. (American, 20th century) confronted racial prejudices bluntly, but nonviolently. He and civil rights activists suffered, some fatally. But, influenced by King, millions self-criticized, finding within themselves that of which King complained. Many moderated their prejudices, and the United States made room at its social table for the descendants of slaves. Peter Block (American, 21st century) builds restorative communities. He urges members to stop recriminating about systemic injustice, and remediate the present ethos of one's own particular small group. Healthy small groups make this meeting right now the sort of place they dream of inhabiting years from now. Such communities, Block argues, are the natural home of healthy humans. Dacher Keltner (American, 21st century) argues, based on recent neuroscience, that humans are built for relating, for compassion, for doing good. Human-effected horrors evidence natural human systems gone terribly awry. My point here is this: One can, without being glib, find in humanity a core of goodness that warrants predicting good outcomes. The bloody facts about mankind are equivocal.

My own prediction about Sasha's and Joe's circumstance has changed in the last decade. Once, I sighed as I led a Joe or a Sasha to temporary orders hearings and trial, knowing their family would never again be peaceful. There was nothing better to be done, so I believed. My view has changed. Given adequate supports, Joe and Sasha may respect one

another during conflict, treat one another with dignity, and work out, as mature adults, an altered normalcy. Joe and Sasha can effect meaningful, well-conceived adult change without bitterness or recrimination or breaking their bank. Fantastically, my expectation positively affects the outcomes of my Joes and Sashas.

Lawyers exert tremendous influence on the pained circumstances of their clients. The peacemaking attorney brings to conflict a well-warranted prediction of good outcomes. A lawyer's prediction may well become her clients' reality.

Right now, I predict a good outcome if the cynics and grouches among us ruminate on this insight.

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