

COLLAB ORATE  
Peacemakers #2

**Little “p” peace**

What peace should lawyers seek to make? I distinguish Big-P from little-p peace.

Big-P Peace is heaven on earth. Unfortunately, Big-P Peace is a putty that mashes into any shape one prefers. The same is true of Big-L Love, Big-F Freedom, and Big-J Justice. These capital-letter aspirations capture cherished human values. Yet, none have concrete referents. We cannot point and say, *Peace resides in Marysville. Did you catch that glimpse of Freedom on CNN? Whoa! I just saw Justice on that bus.* The world is just too muddy for Big Ideas to root themselves. Big Ideas guide us, like maps. Yet, they detail terrain that exists only in our hearts. We worry (or should worry) that Big-P Peace suffers such intellectual plasticity that it lacks meaning altogether.

Much Peace-talk is utopian. Lions and lambs snuggle together. Swords disappear; plows abound. Evildoers are reconfigured as misunderstood children suffering attachment disorder. The libertinism of militant crowds is deemed to express only repressed, well-justified political rage. God frequently sneaks into our Peace-talk. Human and urban perfection is, according to Augustine, the *City of God*. Jesus and his disciples marched toward a shining Yahwist city on a hill. Utopias seem forever distant. Thomas More’s *Utopia* lay on an imaginary Atlantic island off the shores of the New World, a frolicking pastoral vision of Christian communism. Plato’s *Republic* was inaccessible, not by virtue of distance, but because of the mire of ordinary minds. We muckers are chained in dark caves; none but philosophical elites glimpse utopian suns. Seyyid Qutb, a militant Islamic theorist, urged Peace by Islamic war against all non-Islamic authorities (*Milestones*). Only when Divine Law (Shariah) is every land’s rule will people be truly free to choose Allah. Then Qutb’s version of Peace will blossom. Hitler’s Germanic utopia was Jew-free. Violence and utopia seem intellectual cousins, chummy at family dinners. I have little interest in Big-P peace, because I cannot really get hold of it. I doubt courts and lawyers have much to do with Big-P Peace. Utopias seem the bastions of mystics and prophets and dreamers. The peace lawyers and courts can make is little-p peace.

Little-p peace is not necessarily little. Martin Luther King Jr. and his activists employed non-violent means to push back American racial segregation. They marched in Birmingham and Washington and Detroit to the beat of King’s sonorous speeches. They avoided retaliation when attacked. They forged unlikely alliances. Mohandas Gandhi drove the British Empire from India by *Satyagraha* (non-violent resistance). He taught countrymen to weave native thread and boycott British textiles, to harvest their own salt from the sea, and to resist injustice first within, then without. It is important to recognize that the little-p peace of King and Gandhi was earthly and flawed. Each leader suffered foibles. Gandhi was an ascetic anorexic; King had an ill-restrained appetite for women. Occasional violence erupted from followers, usually in response to outrageous mistreatment by opponents. Both King and Gandhi died by assassination. These sad blemishes teach that little-p peace is a human artifact. Real people with feet of clay make little-p peace. The upside is this. We can make peace, despite our shortcomings, if we wish. But there will be obstacles.

Our courts have peacemaking quite backwards. We lawyers, in our various capacities, comprise the courts. Our habit is to file suit, then negotiate. Backwards. When we file lawsuits, we lead with coercion. Read a summons. When we acquiesce in the rules of civil procedure as a guide to conflict resolution, we affirm predicates of violence. Unwilling participants may be compelled to accept unchosen outcomes. The results dismay. Legal peacemakers invert the civil rules. They do not begin with the summons, but end there, only with reluctance, on those rare occasions when listening, negotiation, patience, mediation, and collaboration have, after long perseverance, failed. Peacemakers recognize their skill deficits as part of the problem. They train themselves to hear, to care, to brainstorm, to find common ground, and to narrate a broader, more constructive, more humane story to teach clients about opponents.

Peacemakers help people cope with conflicts constructively. Peacemakers settle divorces by leading negotiating clients toward hard-won agreements and compromises in a threat-free, information-laden environment. Peacemakers drag warring siblings to probate mediations, put doctors and their unwittingly injured patients at the same table, and give bitter neighbors cups of coffee from a common pot. Peacemakers teach disputants narratives that weave and transcend divergent perspectives, and harbor previously unimagined solutions. Little-p peace is real people in gritty conflict finding workable solutions without coercion. The peacemaking lawyer becomes midwife of a new equilibrium.

Little-p peace does not aggregate to become the kingdom of heaven. Little-p peace is penultimate; we all imagine better, more utopian, outcomes. But, unlike Big-P Peace, I can get hold of peace. On good days, I can even make it. So too can you.

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