
JEFFERSON COUNTY MEDIATION SERVICES
VOLUNTEER COLLOQUIUM MINUTES
January 19, 2016

Volunteers Present: Nelia Achter, Marty Atlas, Shawna Burdick, Jim Carr, Debby Cooper, Terry Ehrlich, Jill Fleishman, Mary Ann Foster, Sally Friedman, Anita Gilbertson, Hazel Hanley, Sharon Hebenstreit, Matt Jarvinen, Habib Khazali, Joe Lasky, Karen Lest, Marianne Lizza-Irwin, Nuria Lopez, Mike McClimans, Scott Methling, Paul Myskiw, Debbie Plotkin, Elaine Rains, Bill Renno, Ronnie Rosenbaum, Jaime Roth, Alexa Sample, Jerry Schopen, Joel Scoville, Marta Skrovrinski, Del Smith, Julie Trent

Others Present: Ann Dowell, Kris Kinney, Carolee Scoville, Del Smith

Staff Present: Brian Beck, Julie Carter, Helena Jo Goldstein, Mark Loye, Beth Merritts

I. Welcome:

Mark Loye welcomed everyone to the meeting and introduced Myra Isenhart.

II. Presentation: Unforgiveable Acts: What Role Does a Mediator Have?

Presenter: Myra Isenhart, PhD, Organizational Communication, Inc.

Dr. Isenhart presented her research into forgiveness and discussed its link to mediation. In her presentation, Dr. Isenhart defined forgiveness, shared the results of her survey, and discussed constraints mediators may face, and the tactics mediators can use when forgiveness is a factor in mediation.

Forgiveness or a lack of forgiveness plays a role in mediation. Dr. Isenhart found that mediation agreements were regularly blocked due to a lack of forgiveness or a need for forgiveness. The need for forgiveness or the need for an apology can block a settlement. Parties who are able to forgive, have more cases settled out of court and report being more satisfied with their agreements.

Dr. Isenhart explained that forgiveness may be needed at three different levels. The psychological level is for self-repair, focusing on forgiving oneself. There is also a relational level of forgiveness, where forgiveness is needed for someone else. Finally, there is the spiritual level, where forgiveness is necessary to heal the spirit.

Dr. Isenhart stressed that forgiveness does not condone the harm, nor does forgiveness require that a party give up their right to justice or restitution. Furthermore, forgiveness cannot be required or forced. While many people have heard the term “forgive and forget,” Dr. Isenhart explained that forgiveness can happen, without forgetting.

Forgiveness is not given easily. There are many barriers to forgiveness. Parties may feel the need to seek revenge, or protect themselves from future harm. Parties may fear appearing weak if they forgive the other party, or they may feel comfortable with the status quo, their current feelings, and or their toxic emotions. Forgiveness may be difficult to give, because community norms surrounding the idea of forgiveness differ from culture to culture, and community to community. In some communities and cultures, forgiveness is customary and held in high regard, while in other communities forgiveness may be considered a weakness and revenge is preferred.

In her research, Dr. Isenhardt, found that 50% of the nearly 300 participants surveyed in her study, reported forgiveness was practiced in their families. 30% of the participants reported forgiveness was seldom or never practiced in their families, and the remaining 20% reported that forgiveness occurred randomly in their families. Parties who grew up practicing forgiveness in their families were more likely to be inclined to practice it in mediation. Dr. Isenhardt explained that parties show a willingness to forgive when they believe the other party is willing to change, or when the investment in the relationship is important. Additionally, parties may be willing to forgive when they imagine or want a better future.

Dr. Isenhardt found that most of her survey participants reported that the most hurt related to unforgivable acts, occurred in families, either by a spouse, parent, child or other family member. Survey participants reported that within intimate relationships, it was impossible to forgive for acts of: adultery, sexual abuse, rape, domestic violence, emotional abuse and abandonment. Within families, participants reported it was impossible to forgive for acts of: taking money, physical harm, domestic abuse, emotional abuse and one time acts, such as killing a family pet. In friendships, participants reported that they were unable to forgive for instances such as money taking, dishonesty, and broken confidence, such as revealing private or confidential information. Lastly, within the workplace, survey participants reported they were unable to forgive when there was a termination of job without cause, passed over for promotion, or when an abuse of power occurred.

Mediators may sense forgiveness is a factor in the mediation dynamic. If so, mediators should follow the lead of parties. Some parties may be resistant to forgiveness, and are unwilling to forgive or feel forgiveness is inappropriate. Mediators must respect the parties' rights with regard to forgiveness. There are external constraints for mediators, such as the nature of the abuse, or the relationship of the parties. There may be personal constraints for mediators, such as their mediator style, their background or expertise, and their overall willingness to explore forgiveness. Other factors that may prevent a mediator from discussing forgiveness are: time constraints, a sense of power imbalance between the parties and concerns about maintaining neutrality.

In mediation, Dr. Isenhardt suggested that mediators can use caucus sessions and various tactics to discuss forgiveness. When working with the offended party, a mediator may invite the possibility of forgiveness, discuss the consequences of forgiveness, ask the party to engage in "what if" scenarios. Mediators may use a caucus session to allow a safe place for reflection, or

allow the party time to write or consider a new narrative. When working with the offender in caucus, mediators may find it helpful to explore with the party, asking if they are comfortable with the current relationship, do they have any regrets, are they willing to take responsibility or willing to offer an apology. It may also be helpful to ask the offender, if there was anything that could have been done differently, or if they can understand why the other party is offended.

Dr. Isenhardt concluded her presentation, by offering more information on forgiveness in her newly released book: Forgiving Others, Forgiving Ourselves: Understanding & Healing Our Emotional Wounds. Cost \$18.00.

IV. Next Colloquium: Tuesday, March 15, 2016, 6:00 – 8:00 p.m. in the Open Space Hearing Room. **Speakers:** JCMS Staff and All of you!

From time to time JCMS offers a case debriefing session. This is an opportunity for mediator to mediator talk. Do you have an example of an effective technique, to share with your fellow volunteers? Do you want to toss a situation out to the room, to hear what other mediators might have done in a similar situation? Come discuss your best moments, pose tough questions, and learn from fellow mediators. These case debriefings are always interesting and informative.

The meeting was adjourned.

Submitted by: *Helena Jo Goldstein*

Helena Jo Goldstein, Program Director

Approved by: *Mark Loye*

Mark Loye, Executive Director