Bellevue
Neighborhood Mediation Program

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Update

When Our Moral Compasses Collide

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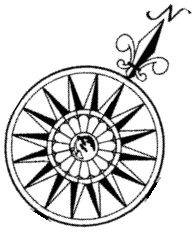

Imagine a dispute over an inheritance. One brother, Fred, is suing another brother, Jim, over their father's estate, alleging that he has not followed the law nor the letter of the will. Meanwhile a cousin, Mary, has gotten involved. Mary is really upset about Fred's lawsuit, which she believes could tear the family apart. She has spoken to many extended family members about her concerns and has even had several of them sign a letter which was sent to Fred asking him to withdraw his lawsuit. Fred is very concerned about Mary's involvement, and he does not understand her motivation. He believes that his concern is legitimate, that he is pursuing a responsible course of action that could benefit the whole family by establishing the proper legal process for the probating of the estate and honoring the letter of the will.

Fred has requested a mediation with Mary, and Mary has agreed. Let's say you are the mediator. Each party speaks passionately about their position. Mary is very concerned with the family relationships and how all the family members care for one another through this period of grief. Fred is concerned with protecting his father's right to have his will followed, and he believes that the courts are there to ensure that. As you listen to their statements, it becomes clear to you that these two people are using different moral compasses to determine what is the right thing to do.

In day-to-day life, we tend to assume that our own moral system is based on universal truths and is widely shared by those around us. But is it? Jean Piaget and Lawrence Kohlberg have described how children develop their sense of morality in a series of stages. However, Kohlberg's research suggests that different individuals attain different levels along his six stage process. According to Kohlberg, a significant portion of the population remain in the fourth stage, "conventional morality," where the main concern is following the law and honoring the obligations of duty. A minority proceed to "post conventional" morality, where the concern is focused on the principles and values that underlie a just society. This stage theory focuses on the ability of individuals to comprehend issues of applying rules, protecting rights, and promoting justice. In our imaginary mediation this focus on rights is the one that Fred emphasizes as he talks about his father's right to have his will followed.

But a morality that focuses on principles and rights may be only one moral orientation. Carol Gilligan criticized Piaget and Kohlberg's stage theory pointing out that the research had been done almost exclusively on boys. In her research, she was finding that girls scored lower on their tests of moral development. Gilligan did not believe that girls were morally inferior to boys, and she began to inquire more deeply into the girls' reasoning. She eventually described how girls' moral development tends to proceed along different lines. Rather than a morality based on rules, rights, and justice, the girls tended to develop a morality of care and relationship. Their concern was not how to articulate the rights and responsibilities of individuals, but how to honor the web of relationships between the members of the group. In our imaginary mediation, this focus on relationships and care-giving is the one that Mary emphasizes in her concern for the effect on the family relationships.

We should perhaps not overstate the gender basis of these different moral systems. There are plenty of women whose moral compass is based on a system of

justice (think Rosa Parks or Sandra Day O'Connor). And there are plenty of men whose moral compass is based on their relationship obligations (though this attribute is less likely to be a route to fame). Finally, many people use both orientations to some extent. But, no doubt, Gilligan was on to something with this gender generalization about moral development.

Back to the case of Fred and Mary, how might we figure out what to do with these colliding moral compasses? As mediators we typically help the parties explore their own and the other parties' underlying interests -- things they really want deep down. Down at this level, there may be ways to integrate those interests that were not evident when each party was focused on a solution that only addressed his or her interests.

But, in Fred and Mary's case, this integration may be a challenge. It may not be possible to reconcile Mary's interest in family members caring for one another with Fred's interest in protecting his late father's right to distribute his property as he wished.

If the parties' underlying interests are irreconcilable then perhaps then the goals of the mediation need to shift. Rather than aiming for an agreement that integrates underlying interests, the mediator can focus on the possibility of promoting a greater awareness in the parties of how they are each using a distinct moral compass. Rather than reaching the terms of an agreement, the goal of this dialogue would be to see if each party can acknowledge the validity of the other's moral compass. Not every mediation client wants to, or is able to, participate in such a dialogue -- it requires a level of detachment to acknowledge that your moral compass is not the universal one. But it is a worthwhile effort. In the end, the problem is not that the resolution of conflicts can be navigated with more than one moral compass – on the contrary, these multiple perspectives shed new light on the dimensions of a conflict. The real problem is that we become so convinced of the universality and rightness of our moral compass (after all a compass always points to "true" north) that we dismiss other ways of looking at the problem.