
Kluwer Mediation Blog

The Profound Apology

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An apology can be given on many levels from a general acknowledgement at one end of the spectrum to a profound apology at the other end.

The profound apology requires a number of essential ingredients. The first, and most important, is preparation. For both the person giving the apology and the one receiving it, time is needed to prepare physically and emotionally for the meeting. This is best done with the assistance of a skilled professional mediator to facilitate the process.

The first step in the preparation is an assessment by the mediator as to whether such a meeting will breach the mediator's implied duty to do no harm. This 'do no harm' principle is particularly relevant if the person wanting to give the apology is the same person who has caused the original harm. There is a real danger that the original harm can be compounded by the process. This applies particularly to cases of sexual and extreme physical abuse. Those cases are excluded from the apology process which is instead given by the institutions within which those abuses occurred.

This assessment is carried out through pre-facilitation meetings with both the giver of the apology and the receiver. The aim is to assess not only the emotional readiness of both to engage with each other but more importantly whether they both have the capacity to relate to each other on a personal level. It is the ability of the two people to connect personally with each other that is at the heart of the profound apology. Without this connection the depth of the apology is greatly lessened.

The key to achieving this connection comes through the conduit of the mediator. The mediator must first develop a personal connection with each of the giver and the receiver. This is done through an unfocused conversation with each of them separately starting with the question "*How do you feel about meeting (other person) in a few weeks time?*" The mediator will then explore in conversation form how the parties are feeling at this moment in time. This enables the mediator to build a personal relationship with each party.

For the person receiving the apology it will include the following question "*If the meeting with the person giving the apology turns out to be okay and that sometime in the future things start to feel better than they are now - what would it look like?*" This question is designed to test whether the receiver is capable of looking forward to the

future or not. If the person receiving the apology cannot see any future then the mediator will need to explore more deeply the issue of capacity.

The next step in the pre-facilitation process is to ask both the giver and the receiver of the apology to prepare for the meeting by the paradox of not preparing. This helps create dissonance in their thinking and for the person giving the apology draws them away from the rational intellectual plane which is essential for them to connect personally with the person to whom they are giving the apology. Both parties are given formal instructions not to prepare but to simply come along to the meeting with an open mind.

The next step of the preparation is for the mediator to outline the facilitation process so that both parties are aware of what will happen when they meet. The facilitation starts with a short introduction by the mediator who will then ask the receiver of the apology the following question: *"What thoughts are going through your mind as you are sitting here today?"* The person giving the apology will be asked to sit and listen while the mediator engages in a general conversation with the receiver similar to that which occurred between them in the pre-facilitation meeting.

The mediator's role is to create a safe space for the receiver of the apology to say whatever they wish to say at that point. This allows the time and space for the giver of the apology to obtain a sense of that person through observing the conversation.

When the mediator feels that the time is right they will then turn to the giver of the apology and ask them the following question *"You have now had an opportunity to hear from (the receiver). What thoughts are going through your mind as you are sitting here at the moment?"* This will hopefully allow the giver to respond to the receiver at the same emotional level. At this point the words used by the giver are not as important as the tone and feeling of what they say. This is where the opportunity for a personal connection takes place.

The next step in the process is to call a break in the session and allow each party to have some time out. The session then resumes with a focus and a group discussion on how the receiver of the apology might move forward with their lives. This changes the conversation from the past to future. It is during this conversation that, at an appropriate time, the giver of the apology makes the formal declaration of apology.

In situations in which the person giving the apology also represents an institution, whether it is a religious body, the military or the police force, then there needs to be, in addition to a personal apology, a formal apology on behalf of that organisation. This apology is quite different and distinguishable from the personal apology given earlier.

The wording of the formal apology is important. The following wording is an example:

"I would now like to give you a formal apology on behalf of (the institution). I represent that institution today and I speak on behalf of all members of that institution past and present. On behalf of (the institution) I want to say to you 'sorry'. What happened to you should not have happened. And I say this on behalf of (my fellow bishops, fellow officers etc). It is important that I have met you today. I will take back the message and the lessons of your story to my institution and I will apply them in all

my future dealings. I want to thank you for coming today as I know it must be difficult for you. If I can be of any further help in the future you can always contact me."

In summary, a profound apology is built on both parties connecting deeply at a personal level. This is done through the story being heard in a way only the receiver of the apology can give it -that is through an 'in the moment' narrative conversation. The second and equally essential part of the profound apology is the formal expression of that sorrow. This English word 'sorry' has a profound psychological effect on the person receiving it if given from the heart.

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The image shows a screenshot of the Kluwer Arbitration Practice Plus web application. The interface is clean and professional, with a blue header and a white main content area. The header includes a checkmark icon and the text "Explore Practice Plus". The main content area displays a profile for "Gary R. Egan" with a profile picture, name, and various statistics. Below the profile, there are several circular charts and data visualizations, likely representing the "Relationship Indicator" mentioned in the text. The bottom of the image features the "Kluwer Arbitration" logo on the left and the "Wolters Kluwer" logo on the right.

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