

FAQ's Regarding Christian Conciliation

An Introduction to Christian Conciliation

1. What is Christian conciliation?

Christian conciliation is a process for reconciling people and resolving disputes out of court in a biblical manner. The process is conciliatory rather than adversarial in nature--that is, it encourages honest communication and reasonable cooperation rather than unnecessary contention and advocacy.

Christian conciliation may involve three steps. Initially, one or both parties may receive *individual counseling/coaching* on how to resolve a dispute personally and privately using biblical principles. If private efforts are unsuccessful, the parties may submit their dispute for *mediation*, a process in which one or more mediators meet with them to promote constructive dialogue and encourage a voluntary settlement of their differences. Finally, if mediation is unsuccessful, the parties may proceed to *arbitration*, which means that one or more arbitrators will hear their case and render a legally binding decision.

The term "conciliator" is used in this booklet to describe someone who is serving as either a conflict coach, mediator, or arbitrator.

2. Who provides Christian conciliation services?

Christian conciliation services may be provided by an individual volunteer, a professional mediator, a Certified Christian Conciliator™, a local church, or a formally established conciliation ministry, such as the Institute for Christian Conciliation, which is a division of Peacemaker Ministries.

3. What types of disputes can be resolved through Christian conciliation?

Christian conciliation has been used to settle a wide variety of disputes, including contract, employment, family, personal injury, church, landlord/tenant, real estate, creditor/debtor, and professional conflicts. The monetary claims in these cases have ranged from nothing to several million dollars. Some of the cases that have been resolved through Christian conciliation arose when:

- the owner of a house accused a builder of doing defective work
- an employee claimed that she was improperly fired from her job
- the owners of a business could not agree on how to divide its assets
- a church was being torn apart by doctrinal and personality conflicts
- a partner in an oil and gas development venture believed he had been defrauded
- a patient alleged that a doctor had performed surgery improperly
- the birth mother of a child wanted to reverse an adoption
- an author claimed that a publisher had broken a contract to publish his book
- a family was fighting over a deceased parent's estate
- a husband and wife were struggling with an impending divorce
- a family was frequently disturbed by their neighbors' barking dog
- two ranchers disagreed on road right-of-way
- a company claimed that its competitor's product infringed on its patent
- a divorced couple disagreed constantly over child support and visitation

4. How expensive is Christian conciliation?

Christian conciliation is usually less expensive than litigation. Some conciliators serve on a volunteer basis, while others charge an hourly fee ranging from \$50 to \$350 per hour. In cases of financial hardship, most conciliators will work with the parties to develop a manageable payment plan.

5. May I use Christian conciliation even after a lawsuit has been filed?

Yes. If the other party is willing, the two of you may agree to postpone further legal proceedings while you attempt to resolve your differences through conciliation. If conciliation is successful, you may file a stipulation with the court to close the case.

6. Can Christian conciliation result in a legally binding agreement or decision?

Yes, if you and the other party so desire. Agreements reached through private negotiations or mediation may be documented in legal contracts or stipulations. Arbitration decisions are legally binding and can be enforced as a judgment of a civil court.

7. Can a conciliator help me to resolve a dispute in private?

Yes. Before attempting mediation or arbitration, a conciliator can provide you with written materials and individual biblical counseling/coaching designed to help you explore ways to resolve your dispute by talking privately with the other party. Only after private efforts have been exhausted should you bring more people into the process (see Matt. 18:15-16).

8. Do I have to commit myself to arbitration in order to work with a conciliator?

No. If attempts at a private resolution have been unsuccessful, and if the other party agrees to work with a conciliator, you may choose any one of these options:

- *Mediation* is a relatively informal and voluntary process in which mediators facilitate communication and negotiation between the parties. Mediators are as concerned with reconciling the parties as with helping them to settle their substantive differences. If the parties do not reach an agreement on their own, they may ask the mediators to issue an advisory opinion, which is not legally binding but is often accepted by both sides. If mediation is unsuccessful, the parties may decide to quit the process, or they may agree to submit unresolved issues to arbitration.
- *Mediation/Arbitration* is a process that begins with mediation. If mediation is unsuccessful, the parties are legally obligated to proceed to arbitration. Unless agreed otherwise, an entirely new panel of conciliators will be assigned to serve as arbitrators. Christian mediation is generally so successful that most cases do not need to go to arbitration.
- *Arbitration* deals primarily with the resolution of substantive issues. Arbitrators act as judges, and their decisions are legally binding. Going directly to arbitration without attempting mediation is usually not advisable, unless there are no personal issues to be resolved and there is no need for reconciliation between the parties.

The mediation/arbitration option, which requires both parties to stay in the process until the matter is resolved, usually affords the greatest opportunity for reconciliation and a resolution of the dispute. Therefore, conciliators usually recommend this option.

9. What kinds of issues can be submitted to arbitration?

Arbitration may be used to resolve a broad range of issues. However, arbitration may not be used to resolve legal issues over which civil courts will not relinquish jurisdiction (e.g., child custody, support, and visitation); issues that are solely within the jurisdiction of the family (e.g., how to teach or discipline children); or issues that are solely within the jurisdiction of the church (e.g., determining doctrine, calling or dismissing a pastor, or exercising church discipline).

10. May I withdraw from the conciliation process once it begins?

Not necessarily. If you have committed yourself only to *mediation*, any party may withdraw at any time. But if you have committed yourself to either *arbitration* or *mediation/arbitration*, all of the parties are legally obligated to proceed with mediation and, if necessary, arbitration, unless all of the parties agree to cancel the conciliation agreement. Conciliation shall be the exclusive remedy for the dispute and the parties may

not later litigate the matter in civil court.

11. What are the major differences between mediation and arbitration?

During mediation, the parties retain control over the final outcome, and the mediators act only as facilitators. When a case goes to arbitration, the parties are legally obligated to abide by the arbitrators' decision.

Another difference is that arbitration deals primarily with substantive issues; that is, it establishes facts and determines rights and responsibilities. In contrast, mediation deals both with substantive issues and with personal and relational issues.

To put it another way, while arbitration determines what people *must* do as a matter of *law*, mediation helps them to see what they *should* do as a matter of *conscience*. (After an arbitration decision has been issued, the arbitrators may address behavior and attitudes they observed in the parties during the conciliation process.)

12. How confidential is the conciliation process?

The parties and the conciliators must agree at the outset that with few exceptions the conciliators will not be asked to divulge information outside of the conciliation process or the ecclesiastical structure of the parties' churches. In particular, they may not be subpoenaed to testify in subsequent legal proceedings (see Rules 16 and 17). The parties are required to commit to not divulging information to people who do not have a necessary and legitimate interest in the conflict.

13. Doesn't mediation always result in a compromise?

No. Although some disputes are properly resolved through compromise, conciliators should not encourage the parties to "split the difference" merely to get a matter settled. Christian conciliators take justice seriously, and they will do all they can to help people live up to their responsibilities, even when doing so is unpleasant and costly. As a result, solutions reached through conciliation are generally supported by both sides as being just and reasonable.

14. Doesn't conciliation result in favoritism to certain individuals?

Since conciliators are guided by both Scripture and the Holy Spirit, they should be especially sensitive to God's command to be impartial: "Do not pervert justice; do not show partiality to the poor or favoritism to the great, but judge your neighbor fairly" (Lev. 19:15). As they seek God's guidance in obeying this command, Christian conciliators are less likely to show favoritism than are secular arbitrators or judges and jurors in civil court.

15. How does Christian conciliation differ from other types of mediation?

Christian conciliation is more values-oriented than most other types of mediation. While all mediators will work to help the parties come to a voluntary settlement, many mediators will be reluctant to go beyond this, especially if doing so would require that they evaluate others' attitudes and behavior from a moral perspective.

In contrast, Christian conciliators make it a point to draw out the underlying reasons for a dispute, sometimes referred to as "matters of the heart." Believing that God has established timeless moral principles that he has recorded in Scripture and written in our hearts, Christian conciliators will draw the parties' attention to attitudes, motives, or actions that appear to be inconsistent with those standards. This will be especially true with parties who profess to be Christians; anyone who claims to be a follower of Christ will be encouraged to obey his commands and behave in a manner that will honor him.

Most importantly, Christian conciliation focuses not only on what *we should do* ("law") but also on *what God has done and is doing* for those who trust in him ("gospel"). God has forgiven our sins and made peace with us through the death and resurrection of his Son (Rom. 6:23; 1 Pet. 3:18). And he has given us the freedom

and power to turn from sin (and conflict), to be conformed to the likeness of Christ (Eph. 2:1-10; Gal. 5:22-23; Rom. 8:28-29), and to become ambassadors of reconciliation (2 Cor. 5:16-20).

16. How are conciliators selected?

In most cases, a conciliation administrator will consult with the parties and then nominate one or more Christian conciliators for the parties' approval. Some cases need only a single conciliator, while others are better handled by a panel of three persons. It is often helpful to include a leader from each party's church on a panel. In other cases, a panel may include an attorney, a pastor or Christian leader, and one other individual who is suited to help resolve the particular dispute. For example, if a dispute involves the construction of a building, one member of the panel may be an architect or contractor.

17. Why should I allow strangers to get involved in my dispute?

If you cannot resolve a dispute in private, it may no longer be a question of *whether* you will work with strangers. The only question is *which* strangers you will work with. If your dispute ends up in court, you will have very little control over the selection of a judge and a jury, and you will have little, if any, knowledge of their basic values. In contrast, if you use Christian conciliation, you will have a voice in the selection of the conciliators, and you will know that the people nominated for Christian conciliation are committed to biblical principles.

18. What are the limitations on a conciliator's role?

Conciliators will not serve as religious investigators, prosecutors, or judges to bring before the general public issues that were not resolved within the ecclesiastical structure of the parties' churches. Nor will they play a "public relations" role by making statements to the general public about a particular conflict.

19. Is Christian conciliation available only to Christians?

No. Many people who do not profess to be Christians have submitted disputes to conciliation and have been pleased with the results. Christian conciliators evaluate each case on an individual basis, however, and may decline to accept a case if it appears that either party does not respect the Christian principles underlying the process.

20. What principles will I be expected to follow during Christian conciliation?

Christian conciliation promotes traditional Judeo-Christian values and principles that are an essential part of our common law and promote healthy relationships and the proper functioning of society. For example, if you submit a case to conciliation you will be encouraged to:

- **Be honest:** *Therefore, each of you must put off falsehood and speak truthfully to his neighbor* (Eph. 4:25).
- **Do what is just and merciful:** *And what does the Lord require of you? To act justly, and to love mercy, and to walk humbly with your God* (Mic. 6:8).
- **Accept responsibility for your actions and admit your wrongs:** *First take the plank out of your own eye, and then you will see clearly enough to remove the speck from your brother's eye* (Matt. 7:5).
- **Keep your word:** *Simply let your "yes" be "yes," and your "no" be "no"* (Matt. 5:37).
- **Be concerned about the interests of others:** *Each of you should look not only to your own interests, but also to the interests of others* (Phil. 2:4).
- **Listen carefully to what others say:** *He who answers before listening, that is his folly and his shame* (Prov. 18:13).
- **Overlook minor offenses:** *A man's wisdom gives him patience; it is to his glory to overlook an offense* (Prov. 19:11).
- **Confront others constructively:** *Do not let any unwholesome talk come out of your mouths, but only what is helpful for building others up according to their needs, that it may benefit those who listen* (Eph. 4:29).
- **Be open to forgiveness and reconciliation:** *Be kind and compassionate to one another, forgiving each*

- *other, just as in Christ God forgave you (Eph. 4:32).*
- **Change harmful attitudes and behavior:** *He who conceals his sins does not prosper, but whoever confesses and renounces them finds mercy (Prov. 28:13).*
- **Make restitution for any damage you have caused:** *If a man uncovers a pit or digs one and fails to cover it and an ox or a donkey falls into it, the owner of the pit must pay for the loss (Ex. 21:33-34).*

In other words, if you use Christian conciliation, you will be encouraged to follow the rule that God has given to govern relations between all people:

- *So in everything, do to others what you would have them do to you, for this sums up the Law and the Prophets (Matt. 7:12).*

21. What if I have a complaint against a Christian conciliator?

If you have a conflict with a Christian conciliator, you should go to that person and try to work out your differences personally and privately (see Matt. 5:23-24; 18:15). If repeated efforts to resolve your complaint in private do not succeed, the Bible teaches that you should seek assistance from other Christians in resolving the matter in a biblically faithful manner. The first place you should look for guidance and assistance in resolving the complaint is within your own church or local Christian community (Matt. 18:16-20; 1 Cor. 6:1-8). You may also want to seek help from the church leaders of the Christian conciliator against whom you have the complaint.

If the Christian conciliator is an active Certified Christian Conciliator™ with the Institute for Christian Conciliation™ (ICC), a division of Peacemaker® Ministries, or is a candidate currently enrolled in the ICC Certification Program, you may also contact the ICC.

You will be encouraged to try to resolve the matter privately and with the assistance of your church. In addition, if it appears that the conciliator may have violated the ICC Standard of Conduct for Christian Conciliators, the ICC will investigate your complaint and may take remedial or restorative disciplinary actions against the conciliator. *Please note:* Peacemaker Ministries has no authority over Christian conciliators outside of the ICC Certification Program.

22. Is a Christian free to sue another Christian?

Generally, Christians are not free to sue other Christians, at least not until they have exhausted the process that Jesus sets forth in Matthew 18:15-20 and 1 Corinthians 6:1-8. God instructs Christians to resolve their disputes within the church itself, with the assistance of other Christians if necessary. When the apostle Paul learned that the Christians in Corinth were suing one another, he wrote the following to them:

If any of you has a dispute against another, dare he take it before the ungodly for judgment instead of before the saints? Do you not know that the saints will judge the world? And if you are to judge the world, are you not competent to judge trivial cases? Do you not know that we will judge angels? How much more the things of this life! Therefore, if you have disputes about such matters, appoint as judges even men of little account in the church! I say this to shame you. Is it possible that there is nobody among you wise enough to judge a dispute between believers? But instead, one brother goes to law against another--and this in front of unbelievers!

The very fact that you have lawsuits among you means you have been completely defeated already. Why not rather be wronged? Why not rather be cheated? Instead, you yourselves cheat and do wrong, and you do this to your brothers (1 Cor. 6:1-8).

Many Christians are unaware of this teaching, or they believe that it no longer applies today. In contrast, here is what Associate United States Supreme Court Justice Antonin Scalia said about this passage in 1987:

I think this passage has something to say about the proper Christian attitude toward civil litigation. Paul says that the mediation of a mutual friend, such as the parish priest, should be sought before parties run off to the

law courts.... I think we are too ready today to seek vindication or vengeance through adversary proceedings rather than peace through mediation.... Good Christians, just as they are slow to anger, should be slow to sue.

Justice Scalia is not the first attorney to discourage people from taking their disagreements to court. This is what Abraham Lincoln said to a class of law students over a century ago:

Discourage litigation. Persuade your neighbors to compromise whenever you can. Point out to them how the nominal winner is often a real loser in fees, expenses, and waste of time.

23. Why does God want Christians to avoid taking their differences to court?

One reason is that a purely legal approach to resolving a dispute often heightens animosities and permanently destroys relationships. In contrast, Christian conciliation encourages forgiveness and promotes reconciliation, which can preserve valuable relationships.

Furthermore, a court process usually fails to deal with the real causes of conflict, such as pride, selfishness, fear, vengeance, greed, bitterness, or unforgiveness. In fact, the adversarial process, which encourages people to focus on what they have done right and what others have done wrong, often leaves the parties with a distorted view of reality and actually ingrains the very attitudes and behaviors that caused the conflict in the first place. In contrast, Christian conciliation helps people to identify root problems and to make changes in their lives so that they will experience less conflict and healthier relationships in the future (see Matt. 7:3-5).

For a Christian, a primary reason for resolving disputes in a conciliatory way is to prevent a public quarrel that would give others an opportunity to criticize and mock Christianity. Resolving conflict biblically also allows us to show through our actions that we genuinely believe in Jesus Christ and trust in his teachings (see John 13:34; 14:15; 17:20-23; Eph. 4:1-3). Peace and unity are so important to Jesus that He commands us to seek reconciliation with an offended person even ahead of public worship:

Therefore, if you are offering your gift at the altar and there remember that your brother has something against you, leave your gift there in front of the altar. First go and be reconciled to your brother; then come and offer your gift. Settle matters quickly with your adversary who is taking you to court. Do it while you are still with him on the way (Matt. 5:23-25).

This command is not conditioned on how serious the other person's complaint might be or whether it is even justified. Even in difficult circumstances, God wants his people to make every effort to resolve their personal differences outside of the courtroom.

24. Are there times when litigation is appropriate for a Christian?

Yes. God has given the civil courts jurisdiction to enforce the laws of the land and restrain crime (Rom. 13:1-7). Therefore, criminal violations, constitutional questions, and a variety of other disputes may legitimately be resolved through litigation. If one of these disputes includes personal differences between two Christians, however, they should usually try to resolve the problem in a personal way before looking to the courts for redress. Upon request, a conciliator will provide you with material that will help you to decide whether a particular dispute should be taken to court.

25. What are the benefits of Christian conciliation?

Christian conciliation promotes traditional values, preserves relationships, encourages beneficial change, avoids negative publicity, provides a positive witness, and is relatively inexpensive. In addition, when compared to litigation, Christian conciliation is less constrained by rigid procedures, thus often allowing more creative remedies and faster results.

Another benefit is that Christian conciliators have more flexibility than do civil judges when it comes to hearing testimony or reviewing evidence. Thus, if a dispute involves defects in the construction of a building or the repair of an automobile, a conciliator may personally inspect the building or drive the car. As a result

of this flexibility, parties often feel that the facts and issues in the case are given a more personal review than would occur in a court of law.

Christian conciliation is especially beneficial for people who sincerely want to do what is right and are open to learning where they may have been wrong. Conciliators can help them to identify improper attitudes or unwise practices, to understand more fully the effects of their decisions and policies, and to make improvements in their lives and businesses that will help them to avoid unnecessary conflict in the future. As one party wrote after conciliation:

The most valuable thing we received from Christian conciliation was sound advice seasoned with godly wisdom. I really believe that the right answer was attained. The answers you gave were not what I came to hear, but I knew they were right. You could not have been more helpful. Our only regret was that we waited much too long to come to you.

26. What are the disadvantages of Christian conciliation?

Christian conciliators do not have the same authority as civil judges. Therefore, they cannot compel parties to submit a dispute to conciliation or to cooperate with the process once it begins. (Once there is an agreement to use arbitration, a civil judge has the authority to compel a reluctant party to proceed with the process.)

Conciliation can be less predictable than litigation, because each case has different conciliators and the process is less constrained by procedures, statutes, and case precedents. Therefore, results achieved through conciliation may differ substantially from the outcome of litigation or secular mediation or arbitration. (For example, the biblical command to keep one's word may obligate a person to honor a contract that might otherwise be rescinded on technical legal grounds.)

Finally, there are only limited grounds for appealing *arbitrated* decisions. Therefore, parties will have little opportunity to have a decision reviewed by a higher authority. (At the same time, this means they will usually be spared from the expenses and delays inherent in prolonged appeals.)

27. What do attorneys think about Christian conciliation?

Although many attorneys are still unfamiliar with Christian conciliation, most of those who have participated in a conciliation process have been favorably impressed, and many of them later refer clients to Christian conciliation. The following endorsements were written by attorneys:

I have found this service to provide to the participants a real sense of satisfaction because they are able to take an active role in the resolution, rather than having to work through an attorney in a formal and unfamiliar courtroom setting.

Resolution of disputes through conciliation is a fine idea. A court battle is a disaster no matter how it turns out, certainly in terms of bitterness, anger, anxiety, and human suffering. You are doing a fine work.

My client and I wish to extend our sincere thanks and appreciation for all of your time and efforts extended in this dispute. We feel that you conducted these meetings with the utmost neutrality and professionalism.

(From a district judge) Christian conciliation has a focus that the court system lacks, that is, to resolve people's differences, not simply their disputes. Judges can decide cases, but often they don't have time to get to the root of the problem. As a result, litigants leave court with their case decided, but they are still mad. Conciliators try to reconcile the parties, so their future association will be harmonious. In the long run, this eliminates future disputes before they arise.

28. Should I talk to my attorney about using Christian conciliation?

Yes, if you already have an attorney. Conciliators encourage parties to consult with independent legal counsel, since Christian conciliators do not provide parties with legal advice or represent them in an

attorney/client relationship. The assistance of independent legal counsel is especially helpful when dealing with significant legal rights or when using arbitration, which is influenced by state or federal statutes. Christian conciliators are happy to work with any attorneys whom the parties have retained to advise or represent them during the conciliation process. If you have not already retained an attorney, you may contact a conciliator first to see whether he or she can suggest ways of resolving your dispute without unnecessary legal expenses.

29. What churches support Christian conciliation?

Since Christian conciliation promotes values and principles that are common to all Christian churches, it has gained the support of churches within every major Christian community. Conciliators regularly work with evangelical, mainline Protestant, charismatic, Roman Catholic, fundamentalist, and Reformed churches.

30. Should I talk with my pastor about using Christian conciliation?

Certainly. Jesus has given the church primary responsibility and authority for resolving conflict and alienation among Christians. In Matthew 18:15-20 Jesus sets forth a process that involves private discussions, mediation, and authority to make a binding decision:

If your brother sins against you, go and show him his fault, just between the two of you. If he listens to you, you have won your brother over. But if he will not listen, take one or two others along, so that "every matter may be established by the testimony of two or three witnesses." If he refuses to listen to them, tell it to the church; and if he refuses to listen to the church, treat him as you would a pagan or a tax collector.

I tell you the truth, whatever you bind on earth will be bound in heaven, and whatever you loose on earth will be loosed in heaven. Again, I tell you that if two of you on earth agree about anything you ask for, it will be done for you by my Father in heaven. For where two or three come together in my name, there am I with them.

Christian conciliation is designed to serve the church as it implements this process. Therefore, we encourage Christians involved in conflict to turn first to their church leaders for counsel and assistance. Should Christian parties desire to submit a case to Christian conciliation, we will cooperate with their churches throughout the conciliation process. Therefore, if you are involved in a conflict and belong to a church, please encourage your pastor to review this material and call us to discuss ways we can work together.

31. What if the other party refuses to consent to conciliation?

It is not unusual for people to have questions and apprehensions about using Christian conciliation, which, for many people, is a novel way to resolve conflict. In fact, sometimes the most challenging part of the entire conciliation process is simply getting both sides to come "to the table." We encourage you to pray as you gently and respectfully introduce the other party to Christian conciliation by directing them to our web site (www.Peacemaker.net) and asking them to review the Basic Principles, Frequently Asked Questions, and Rules of Procedure for Christian Conciliation. You may also want to provide them with a copy of these *Guidelines for Christian Conciliation*, a Peacemaker brochure, and maybe even a copy of *The Peacemaker* and *The Peacemaker Workbook*.

If the other party initially refuses to consent to conciliation, do not be discouraged. Instead, continue to pray and seek the assistance of your church leaders, and encourage the other party to work with his or her church as well. For guidance specific to your situation, a Christian conciliator often can suggest ways to help persuade the other person to reconsider and give conciliation a chance.

If your conflict involves a contract with a binding mediation-arbitration or arbitration clause pursuant to the ICC Rules of Procedure, you may be able to proceed in the absence of the other party. Please seek legal counsel and carefully read the ICC Rules of Procedure--paying particular attention to ICC Rule 37.

32. Is there anything I can do to make sure that future disputes are resolved through Christian

conciliation rather than litigation?

Yes. Whenever you write a contract, you may include a [conciliation clause](#), which requires that any disputes related to the contract be resolved through Christian conciliation rather than in court. These clauses are legally enforceable in most states and may be inserted in many types of contracts, including employment, construction, and vendor contracts. For more information, see Part III of this booklet.

33. Is there anything more I can do to promote biblical responses to conflict in my church, ministry, or business?

Yes. Peacemaker Ministries has developed resources and training to help Christian organizations learn and practice biblical conflict resolution. Please contact our office or visit www.Peacemaker.net for more information.

Adapted from [Guidelines for Christian Conciliation](#) ver 4.5 (03/05)