

Timing and Authenticity of an Apology in Mediation

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An apology not received is no apology at all. In some mediations, an injured party may need a well-timed and authentic apology before they can move forward with conflict resolution. Timing and authenticity are the keys to an effective apology.

Let me illustrate with two examples.

I mediated a dispute involving a serious injury to a small child. The mother was still processing her grief, anger, pain, and frustration from the experience. Recognizing the importance of an apology in this case, at the start of the mediation, the defendant sought my input on when they should apologize to the mother. They recognized the need to apologize, but also the need to do so at a time and in a manner that the mother could hear and receive their apology. This was very insightful on their part.

Why? Because, as humans, when we are in an emotionally charged state, we may be unable to receive an apology. We may first need to process our pain, anguish, anger, or grief before we are receptive to hearing an apology. Or, the inverse may be true, we may need to hear a sincere apology before we can begin to process our emotions. In this case, the mother needed an opportunity to work through her emotions. Once she had processed her emotions and begun to focus on finding a path forward, then I brought the parties together. The defendant offered a very heartfelt and authentic apology.

From the tears in her eyes, it was clear the mother heard and received the apology. Soon thereafter, the case was settled.

My second example has nothing to do with mediation. Instead, it is based on a conversation that I overheard on the playground while watching my kids play. Two elementary school-aged kids were talking.

Kid 1: “Dude. He really owes you an apology. That was bad.”

Kid 2: “Yeah, it was bad. He said he was sorry.”

Kid 1: “He did?”

Kid 2: “Yes, but I told them that I didn't accept his apology because he wasn't on his knees begging for mercy.”

While begging for mercy is clearly overly dramatic, what was clear from Kid 2's words, tone, and body language was that he had not received the apology because it was inauthentic to him.

When an apology is a critical element of conflict resolution, then the apology needs to be both: (a) timed so the receiver is receptive to it, and (b) authentic so the receiver understands it to be an apology.

For timing, the injured party may need to process their emotions before they are receptive to the apology, or they may need the apology before they can process their emotions. An apology offered too soon or too late may simply be empty words.

For authenticity, the apology must be perceived as authentic by the receiver. The receiver must hear it as sincere, or it will fall flat.

In some mediations, a well-timed and authentic apology may be the bridge needed to find the path to resolution.