



LEGACY LAW

Protecting the assets in your family tree

Legacy Law Book Club – “Belonging” by Owen Townsend

Why family history is not just nostalgia - it may be one of the most underused assets in family succession.

In my tireless search for ways to help families flourish, I have watched many rugby matches and read a few books about what businesses can learn from successful sporting teams.

James Kerr’s *Legacy* is well known, particularly for its lessons from the All Blacks. I have now read Owen Eastwood’s *Belonging*, which looks at identity, ancestry, purpose and the extra grit available to people who know what, and who, they are playing for.

In other words, it is a book about family, even when it is talking about teams.

We all know the phrase “blood is thicker than water”. It is also stickier and stains terribly, as King Charles III could tell us.

It can be a source of pride, safety and continuity. It can also be a source of confusion, rivalry and pain. The trick is not to pretend family does not matter. The trick is to understand why it matters so much.

One advantage functioning families have, when they need to operate as a group, is that they already have what corporations and clubs spend millions trying to manufacture: history, shared stories, rituals, loyalties and a sense of “us”.

Surprisingly, this asset is often untapped. Family history is not nostalgia, it is a home-made but reliable infrastructure for trust. While we may clash with family members from time to time, we have a huge amount of shared history and common interests. This is the gold under the fields on which we tread.

Eastwood gives particular attention to the Māori concept of whakapapa: the idea that we are part of an unbroken chain, connected to those who came before us and responsible for those who come after us. The All Blacks tap into that as a team who go to war (unfortunately against Australia a couple of times a year). I have my world cup ticket for that game next year.

Richard Shirreff of the British Army describes the idea as being part of a chain, with those before us and those after us, and the sun shining on us in this moment.

We are not the whole story. We are the current custodians. What we do now matters and has an impact on our family into the future.

In estate planning and family succession work, we often see families focused on documents, structures and control. These are important. But they are not enough. A Will may transfer assets. It does not transfer wisdom, identity or trust. For that, families need a story.

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Eastwood says people are highly tuned to what he calls “the story of us”. Values are a shorthand for that story. They are not marketing phrases. They are behavioural standards. They tell us what sort of people we are trying to be, especially when things are difficult.

The old African proverb refuses to get old: if you want to go fast, go alone; if you want to go far, go together.

Most families say they want to go together. Fewer have done the work to make that possible.

That work starts with belonging. The fear of being rejected by the tribe is deep in us. When people do not feel they belong, they spend enormous energy scanning the room, protecting themselves, comparing, withdrawing or fighting for position. Their focus is compromised. Their better self is harder to access. We already belong in our families but some deliberate effort is required to make sure that we feel that. Do we make our new in-laws feel like they belong?

If members of a family feel unsafe, excluded or unfairly treated, they are unlikely to bring their best judgment to family decisions. They are more likely to bring old grievances, suspicion and defensive behaviour.

That is why fairness is so important. Not mathematical equality, but the sense that people have been seen, heard and respected. When unfairness is in the air, belonging weakens. When belonging weakens, the family system becomes more fragile.

Eastwood is careful not to confuse belonging with sameness. He quotes the Irish poet and conflict mediator Pádraig Ó Tuama: “Difference can be the seabed of our delight with each other rather than something that has to be colonised.”

As an Irishman, I am always pleased to see a warning against colonisation being put to good use.

Families do not need to become cults. They do not need matching black tech tee shirts, laminated mission statements or compulsory enthusiasm. In fact, forcing unity usually achieves the opposite. Healthy belonging allows for difference. It gives people enough safety to be honest.

In my American family systems training, I learned about the constant tension between togetherness and individuality. Too much togetherness and people feel swallowed. Too much individuality and the group fragments. The art is to hold both.

Eastwood’s book, family systems theory, African proverbs, Māori wisdom and a few thousand years of human experience appear to be pointing in the same direction. There may be something in it.

To generalize, men may not be great at managing family dynamics so I use sport as a metaphor to meet them where they are at. Substitutions and impact from the bench are concepts we understand. I say the star player needs to work on becoming a star coach. It is not an innate skill but something that needs to be worked at.

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Phil Jackson, coach of Michael Jordan's Chicago Bulls, said the Bulls won championships because they plugged into "the power of oneness" rather than the power of one man. Jordan was the star, but the team became great only when the star bought into the team.

Family businesses face this issue all the time. How do you honour talent without making the whole system dependent on one person? How do you respect the founder without freezing everyone else? How do you allow the next generation to grow without treating every mistake as evidence that they are not ready?

The answer is rarely more control. It is usually more clarity, more trust and better conversations.

Dacher Keltner, in *The Power Paradox*, makes the point that power is not simply grabbed by the most forceful person. It is given by groups to those who serve the group. That is a useful corrective for families where the loudest voice is mistaken for the leader.

The best family leader is not always the highest performer, the oldest child, the technical expert or the person with the most shares. Often it is the person who brings calm, keeps people connected and helps the group to think clearly and make better decisions together.

Eastwood also draws on the ancient wisdom of Lao Tzu: "A leader is best when people barely know he exists." That may be the best description of a good family steward.

Eastwood writes about how ancestors prepared for epic journeys by rehearsing foreseeable adversity so that the response was ready when needed. I understand the SAS do the same. Hopefully the English football team are also practising penalty shoot-outs before the next World Cup.

Families can do this too.

What happens if the founder becomes unwell? What happens if a child wants out of the business? What happens if an in-law becomes involved? What happens if one branch feels ignored? What happens if the family wealth becomes more burden than blessing?

These are not pleasant conversations, but they are much easier before the storm than during it. I offer adult children a "pre-nup for siblings" and their relationships often improve by working on this together and having clarity about the terms of their belonging. If the door is left slightly open, I can resist the urge to burst through the wall!

This is where family governance earns its keep. Not as bureaucracy. Not as a glossy binder. As a way of rehearsing foreseeable adversity while people are still calm enough to think.

The past has clues for the future. Someone in the family can be the historian.

In my family, it was my late cousin Carolan - thank you Carolan. Every family needs someone who keeps the stories alive, not as a museum exercise, but as a way of helping the next generation understand the chain they are part of. I have a tool to help families record their

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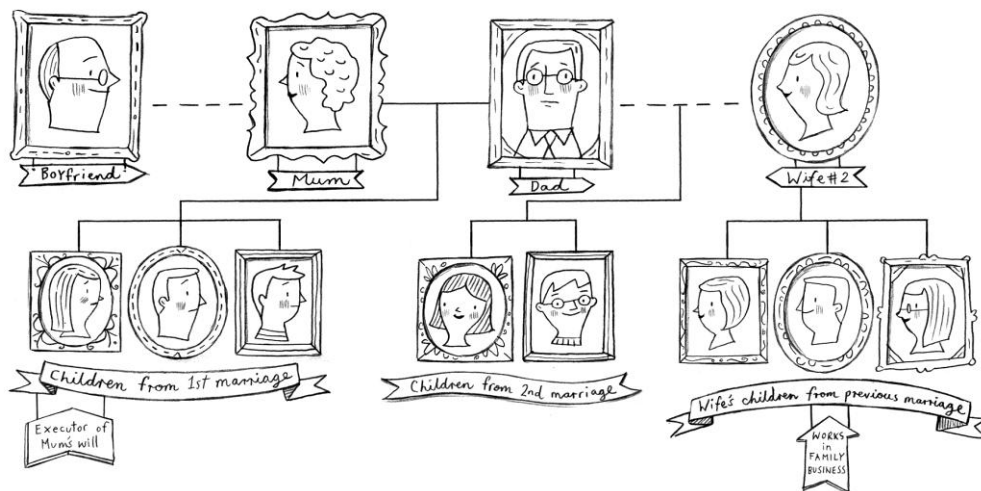


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stories. I even took my own advice and wrote “An Irish Book of Living and Dying” for our son in case I do not get to tell him all the old stories from Ireland, again and again.

This does not need to be grand. It might be a family tree. It might be a recorded interview with a parent. It might be a short statement of family values. It might be a family meeting where people tell the stories that shaped them.



The Native American idea of “longbody” looks at a team as a single living organism made up of relationships, ancestors, place and purpose. People forget that systems theory applies to families, not just to workplaces and sporting fields.

Connecting to something greater than yourself can be helpful. Even if you are not religious, available higher powers can include your family lineage, your whakapapa.

The challenge is to make the invisible visible and offer context and support.

What is the story of us? Who has carried it? Who needs to hear it? What responsibilities come with it? What should we stop repeating? What must we not forget?

There is a lot of work to be done, people. It needs a leader or guardian to start it and keep it on track.

Remember, as Marshall Goldsmith says, leadership is a contact sport.

So is family.

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