Introduction

This is the second book of stories mediators tell, and importantly, these stories come from around the world. The remarkable stories in the first book all came from the United States, leaving a major gap in the narratives about mediation, as mediation has become a worldwide movement. We attempt to fill this gap here with the tales and testimony of twenty-five international conflict resolvers.

Why do we need more stories about mediation? Did you hear this morning’s stories about suicide bombers in Turkey and Afghanistan? Do you remember the horrific shootings in Michigan and Myanmar? And the many places in between? Have you seen beheadings on the Internet? Do the stories of homeless wanderers from Syria, unwanted in the countries to which they flee, confront you each day? Are you horrified by the tensions between police and civilians, particularly with respect to racial differences? Do you have family members who are fighting? We consume these stories every day, and indeed, they consume our days as we reimage and retell them. Though impactful and important, the stories that come out of these events do not offer a complete view of who we are and what we can expect from one another — we need other pathways to human connection, and we need to know more about how to navigate the trail toward understanding and collaboration. The stories in this book aid in this effort.

The writers—top international mediators—were asked to write about moving, successful, unsuccessful, happy, sad, and funny mediations or incidents in mediation. No further direction was supplied, and here you have the remarkable result.

Not all of the stories are tales of transformation in relationships or business. Some of the writers lament that although a settlement was achieved, no genuine reconciliation occurred.
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Read on, and in Part 1, Finding the Hidden Vein of Gold, you will find evidence of the remarkable skills that allow some mediators—in the midst of bitter conflict—to find a hidden vein of gold that will enable parties to reconcile and resolve their disputes, to move on and up. If one digs deep into conflicts that appear intractable and bitter on the surface, there are, nonetheless, commonalities of interests and shared human desires for connection, friendship, and community. Where a mediator proceeds skillfully, these common interests and desires can be brought to the fore. For example, see how Jeremy Lack in the “Tower of Babel” brings bitter business parties together by thinking and acting outside the box as he delivers an opening in two languages; the resulting humor generates momentum in a constructive direction. In “The Matryoshka Case,” Tsisana Shamlakashvili uncovers layer after layer of a story until the truth about what is really happening sets the parties back on a positive course. In “Let Your Soul Be Your Pilot,” Mohamed Alli Chicktay shows how a mediator can help parties reach a more holistic conclusion by getting the backstory to a presenting story.

One summer, one of the editors (Lela) was involved in a celebration in a fishing village in Labrador, welcoming the governor of the province. Over and over the townspeople practiced their welcome song, which included the line: “Don’t stay where you’re to, come where we’re at.” It was an invitation for guests and homecomers to shed their outsidersness. In Part 2, Don’t Stay Where You’re To, Come Where We’re At, storytellers explore what happens when dispute resolution efforts don’t take into account local customs and local information. Particularly where dispute resolution efforts span different countries, cultures, generations, and legal regimes, successful efforts require bridges of sensitivity to differences and concerted efforts to discover and walk across those bridges. Joanna Kalowski, with her story “Opening the Gate,” set in Australia, demonstrates how a mediator can inadvertently violate cultural norms and potentially put herself out of business. Andrew Wei-Min Lee, from China, in “Clash on the Construction Site,” provides a story about the challenges of getting rural and urban groups on the same page. In “Dumbbells, Defibrillators, and Different Legal Cultures,” Colin Wall explores how attorneys who fail to do their
homework about local laws and customs when working internationally can encounter failure and impasses.

One debate in the mediation field has centered around whether mediators need substantive expertise in the field in which the dispute occurs or whether they need process expertise only. In Part 3, With Process Expertise Only, two storytellers share what can be done with only the latter. It may be that a lack of expertise lends fresh eyes and common sense, a tendency not to judge quickly, and a need to ask questions that show parties what their misunderstandings may be—and, consequently, a way to get out of the sometimes narrow box that the dispute has become. Thierry Garby, in a story set in Paris, “Do You Hear Me?”, displays how a mediator who is not an expert in the fields involved in the dispute can help spark commonsense ideas that no one in a litigation frame of mind could imagine. Srđan Šimac, a commercial mediator asked to work with a divorcing couple, also helps the parties to a breakthrough by making a thoughtful observation about human behavior under stress—that is, in the dentist’s chair—hence the title of his story, “The Dentist’s Chair and the Rolling Stones”.

Many in the mediation field are results oriented—that is, focused on getting an agreement for the parties. In Part 4, It’s About the Encounter, Not the Agreement, several writers demonstrate that an agreement isn’t always the most desired goal. Sometimes the need to talk and connect is more important than obtaining any particular result. The stories in this part explore that theme — when the meeting itself is the solution. Thierry Garby, in “Variations on a Theme,” examines a variety of mediation scenarios where parties want to reconnect or get recognition and don’t care about agreement. Tony Allen, taking us to South Africa in “Healing an Unnecessarily Deep Rift,” shows us how a mediator-managed encounter can bring parties to a place where they can move beyond the conflict. Tat Lim, from Singapore, also explores the need to connect rather than agree in his “Mediating a Medical Matter.”

It is a sad sight when a once vibrant family can’t get along, when every encounter is one more opportunity to fight and recite perceived wrongs. Individuals who have severed critical family ties are often in great pain and,
in some respects, lost. In Part 5, **Bringing Family Back**, two writers show how mediation can play a role in family reunification. Laila Ollapally, in “Family Reunited,” which takes place in India, tells a moving story about a mediation that restores a family after the death of a son and husband. Ewan A. Malcolm, in “A Scottish Castle and Family Ties,” shows how family members can slip into unproductive roles and how mediation can help them reconstruct more meaningful relations.

In Part 6, **Agreement Without Accord**, several authors tell tales in which the parties are satisfied with mediation’s capacity to bring an end to disputes, but they do not achieve the larger healing that is possible with mediation. When reading these stories, we wonder whether the dispute was simply not ripe for a deeper reconciliation or whether another type of effort, perhaps at another time, would have achieved a more satisfactory conclusion. Karl Mackie presents, in “Agreement Without Accord,” a dispute involving three generations and the breakup of a family business as the older generation transitioned the business to the new. Despite the parties having strong reasons to pull the family back together, they reach an agreement but do not come together in any meaningful way. Ashok Panikkar, in his story of a mother and son at odds in India—“Home: Sanctuary or Salvation?”—uncover mediation’s capacity to help parties move toward some agreement and hence closure of the dispute, even though there is a failure to generate a deeper understanding or empathy between the parties. Similarly, Sherif Elnegahy, in “Can’t Get No Satisfaction” furthers the theme of a resolution not always being a satisfactory solution.

Part 7, **Stepping into the Middle**, shows what can happen when mediators find themselves involved in a dispute that is connected to their personal life. In “Whose Children?” Greg Bond steps into a dispute as a mediator, but he is also a party because he is a resident in the town in Germany where the dispute takes place. Similarly, while traveling in India, Prathamesh D. Popat, in “An Improv Mediation,” steps in as a mediator when one of his traveling companions is involved in a dispute with a young local group that has the potential for violence. And Sukhsimranjit Singh, in “Building Circles of Trust,” tells the story of his effort to mediate a dispute in an Indian temple in the Pacific Northwest that he frequented as part of his religious life.
In Part 8, **The Power of New Parties**, two stories remind us that adding (or taking away) participants in a mediation can result in entirely new directions. The power of new parties is immense—and perhaps understudied. In “Grandma Mare,” by Mushegh Manukyan, which takes place in Armenia, the reader can observe how the mediation changes directions radically when a new party is added or taken away. Similarly, Jawad Sarwana’s story, “It Really Happened in Frankfurt,” which begins in Pakistan but takes us to Germany too, shows how a new party can change everything.

Part 9, **New Tools, Outside Influences, and Unforeseen Events**, shows how mediations and parties in mediation are impacted by diverse circumstances—balls, TV, Buddhism, and soccer—to generate surprising new directions for conflicts—and how unforeseen events can wreak havoc with a mediation that is going well. In “Training Day and a Bag of Balls,” Brad Heckman tells the story of the remarkable influence that the introduction of balls (the kind you throw) can have on an otherwise tense group. María Cristina Camelino uses television to generate movement and change in a difficult mediation described in “Have a Conflict? Turn on Your TV!” In Eileen Carroll’s story, “An Inspired Change of Mind,” the mediator’s use of a caucus, in which parties can get in touch with their philosophical and spiritual beliefs on their own, results in a unique solution. And “A Fatal Eight Final,” by Ursula Caser and Lia Vasconcelos, chronicles the devastating impact a soccer match can have on progress in mediation in a Portuguese town.

The volume ends with Part 10, **Mediation Can Be Magical**, a proposition that is well understood by mediators who have experienced cases where genuine shifts occur and parties celebrate their capacities to move to a place of generosity and connection after (or instead of) exercising strategies to maximize their own gain at the expense of others. Srđan Šimac’s story, “A Christmastime Mediation”, is set in a holiday period of the year in the High Commercial Court of Croatia. Not only do the parties achieve reconciliation and a beneficial settlement, but their gratitude results in gifts to others.

It is our hope that with this volume, you can take a break from the news and its stories of random or deliberate violence and their devastating impact and turn toward these stories of how mediators try to bring
a happy ending to disputes that might otherwise end in violence as well. Stories of mediations can highlight peaceful settlement processes, thereby raising awareness of the benefits of this dispute resolution approach, both among mediators and the general public.

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And we both thank you, the reader, for giving yourself the opportunity to learn from these stories how we all might help people in conflict move in positive directions.

Lela Love and Glen Parker
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