

Medi & Ator

Two Passionated Mediators



A mediation couple shares their experience in mediation and the mediation landscape. An interesting read that will make you smile, realize and learn.

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Medi & Ator: Christmas Mediation VIII

Allegedly, these are all real cases and real events. This year, the two Christmas mediators are once again facing a new challenge. They have to deal with Farmhand Rupert and a problem that concerns Medi and Ator themselves. The reader may decide whether and where to find mediation and the real mediation landscape in the story of Farmhand Rupert. Of course, Medi & Ator will master this case in their own wondrous way.

Farmhand Rupert

Medi & Ator were sitting at the breakfast table, deep in thought. What does a Christmas mediator think of on a pre-Christmas winter morning? Of course, they were thinking about Christmas, people and mediation. Wasn't it obvious then, that Medi addressed an idea with which she wanted to bring Christmas mediation forward?

"There's a lot of fighting at Christmas" she said to Ator, "isn't there?" Ator was just about to cut open his breakfast egg. "Yes" he replied. "This is what we live on." "It would be good if people could be prepared a bit better for Christmas and have something like a Christmas license. Then they would know how to avoid a dispute. If they understand the idea of mediation, then maybe they wouldn't have to argue anymore." The egg nearly got stuck in Ator's throat. This was something he had to digest first. "Yeah, right. And what next?" it burst out of him. "Have you forgotten that we earn our living with all these quarrels at Christmas? Of course, we could offer some sort of training. That sounds like a good idea." Ator calmed down a bit and started to calculate. "But this is not the way cases come up!" he emphasized. "This way we would rather prevent them from happening. That should be clear to you. It would be much better to introduce mandatory Christmas mediation whenever a dispute arises at Christmas. This way we really do something for the people and for Christmas. Not for nothing we are open all day during Christmas anyway." Ator was proud helping people in his own way. "Christmas is the festival of love." Medi responded. "Love..." Ator sneered. "Those who love each other will argue with each other." he then maintained. He found this truism absolutely convincing and for a split second he considered himself the creator of this phrase. "What do YOU know about love," Medi replied. Her objection was more of a rhetorical question. She therefore did not wait for an answer and clarified her thought: "After having obtained a Christmas license, people would not only know how to avoid quarrels, they would also know exactly what mediation is and what Christmas stands for. They finally would know when and why a professional mediation is required." "They will know latest when they sign the mediation contract," Ator replied harshly. "You know about phase one?"

Ator was always thinking about how to bring mediation forward. Right now, he didn't feel that Medi's ideas confirmed his commitment. After all, Christmas mediation was their business. Their investments would have to pay off somehow. From his point of view,

Medi's thoughts on improving the world were absurd and even damaging their business. He didn't even want to have anything to do with that.

Medi and Ator started a heated discussion that lasted until the late afternoon. Medi was just about to stop their dispute as she wanted to free herself from the bad mood. In order to not jeopardize their relationship, the two had once agreed to postpone an argument as soon as bad feelings came up. Before she could remind Ator of this agreement, he said: "By the way - did you remember our appointment today?"

Oops - and look how easily he thwarts my intervention Medi thought to herself. But of course the appointment was priority number one, no question. Medi remembered that Ator had warned her: "Don't be shocked when you see Farmhand Rupert. He is one party to the mediation." Ator also mentioned that he had already had a long conversation with the other party, Father Christmas. "You remember him?" he asked Medi. Of course she remembered Dr. Chris. They had met at a Christmas conference two years ago. To Medi, he seemed to be the perfect mediator. "And he has a dispute with his employee?" she wondered. Ator explained that he had met Dr. Chris by chance. Father Christmas had explained and described to him in detail the very unfortunate situation and had told Ator whom they will be going to deal with. He also said that he could not mediate the case himself as he was an involved party. That's why he had commissioned Medi and Ator with this mediation straight away. Medi did not want to raise this frequently asked question again whether long and intensive preliminary talks were ethically justifiable, whether they influenced neutrality and whether they were accepted as individual talks without the opponent's consent. Now, on top of this ongoing issue, they knew one of the parties personally and moreover, Ator had already accepted this mediation case without asking her or the other party. Yes, they had discussed such questions many times before, but the answer had always been postponed for the sake of just doing mediation. For Medi & Ator, too, it was not easy to find cases. That is why they introduced the unwritten principle *in dubio pro mediatio*. Of course, Medi was not biased, even if she highly appreciated Father Christmas. However, she had to admit that after Ator's warning, she expected Mr. Rupert with extremely mixed feelings. However, by admitting this to herself, she recognized her own professionalism at the same time.

Her worst fears were confirmed when the five gongs that remind of the five phases were heard. Mr. Rupert was the first to arrive. She saw a small man with an oversized hat and a grouchy expression on his face. He didn't have sack and rod with him but a piece of paper. Somehow he reminded Medi of Ebenezer Scrooge. As soon as the strange little man had greeted Medi with a condescending "Hello" he firmly handed over that paper to her. "You certainly will want this," he murmured. "That's why I'm here, aren't I?" he continued. "Chris knows nothing about my difficult job. Instead of supporting me, he takes side with the children. This is damaging the business and is not good for Christmas. Please teach him better." Medi thought it was better to ignore this request made in a very commanding

tone. This doesn't have to be discussed in passing she thought to herself. Apart from this, she found Ator's warning confirmed. Later it turned out that the piece of paper Mr. Rupert gave her was the Catalogue of *10 Claims to Promote Christmas*.

"Good afternoon, are you Mr. Rupert?" Medi greeted her guest unperturbed. "Who else if not me?" Rupert replied slightly annoyed. "Chris has ordered me here!" For a split second, the word *voluntariness* came to Medi's mind. *Everything seems to be going wrong here* she thought to herself. She remembered how research two years ago had shown that most mediations did not follow the classical procedure. This thought gave her some comfort when she decided to go for *in dubio pro mediatio* again. "Why don't you come in first," the experienced mediator said to this first party to the mediation.

When they arrived in the mediation room, Ator welcomed Mr. Rupert with a firm handshake. Ator had rehearsed these many times before. He had also learned that it was always good to look at his counterpart's mouth to make clear straight from the beginning who is dominating the situation. Medi did not notice any of Ator's little tricks. Maybe Ator, the wanna-be-man-cracker was the only one who was aware of these techniques. But what Medi noticed was that the chemistry between Ator and Farmhand Rupert seemed was just right. Mr. Rupert readily sat down on the chair assigned to him and slammed another copy of the *10 Claims to Promote Christmas* on the table. The writing was on top so that everyone in the room was immediately confronted with the claims. While Medi was still thinking about why there were 10 claims, not 3, 7 or 12, and what all this was about, the doorbell gonged again. Ding, ding, ding, dong, ding. Medi hurried to the door. She wanted to escape the situation to not to be left with Mr. Rupert in the mediation room. Before she left the room, she gave Ator a challenging look.

A few moments later she came back with Father Christmas. "You know each other, don't you." she just said. She did not assign a seat to him. Was this the voice of her subconscious that whispered *I wish they weren't here?* No, she didn't want to sit opposite either of them. Not opposite the one because she liked him, not opposite the other one because she didn't like him. So she chose to sit away from them next to the flipchart. But first, she offered everybody drinks and biscuits. Not because she wanted to express her role as a woman, but because it allowed her to escape the very unpleasant situation for a few further moments.

With this mediation case, the question of fees was solved. She knew from Ator that Father Christmas was going to take over the costs and had already signed the mediation contract. To Medi, this sounded like a burden. Apparently not only for her. Medi remembered Mr. Rupert's first words when he arrived. So it suited her to ask both parties in a feigned encouraging manner: "Have you come here voluntarily?" "That is my boss," replied Mr. Rupert in his typical condescending manner. With his short middle finger sticking out of his fist he pointed at Father Christmas without looking at him. "We have a few issues that we

would like to settle amicably" Father Christmas tried to appease the other party. "YOU want this," Rupert screamed. Now he fiercely looked at his opponent. His aggression was clearly noticeable. "But you want it, TOO!" Dr. Chris tried to convince him.

"Let's just leave this here." said Ator, who was both business-driven and experienced and stopped the quarrel that was just going to arise. *We don't want to risk anything* Medi added in her thoughts. Without waiting for an answer, Ator explained the concept of mediation. *He can do that without taking a breath*, Medi thought to herself. However, she preferred to not interfere.

Medi's sarcastic train of thoughts was interrupted by Ator's question: "What exactly is this dispute about? What issues shall we discuss?" "This!" Rupert interrupted him. "It's all written down here". He pointed at the piece of paper lying in front of him several times, as if he wanted to staple it to the table. "I definitely do a good job. It is me who has to drag the sack with the presents." *And stuff the children into it*, Medi remembered the tradition and the well-known role of Farmhand Rupert at Christmas. This time, again, she did not reveal her thoughts to the others although her thoughts just confirmed the impression, she had gained of Farmhand Rupert. It was bad enough that such associations came to her mind anyway, because that was exactly what she didn't want: Be confronted with her own prejudices. But then she remembered that she was a professional Christmas mediator and that of course she had to know all about the Christmas customs and traditions. So she was okay with that.

"I have a Beelzebub certificate," Rupert continued without being asked. "I am committed to Christmas. The children want their presents, but nobody wants the rod, not even the parents. They no longer have any respect for Christmas. Discipline and education have become words without meaning for them. Even Dr. Chris refuses to admit this. He always says we need more Christmas. But he does not stand behind me and does not stand up for the 10 claims that I have agreed on with the Beelzebub Association. They will make sure that Christmas becomes better demanded. I have already put forward these claims to the Christmas Board of Trustees. Everything's underway to rescue Christmas!"

Wow. Now everybody remained silent for a second. Not so Father Christmas. He said in a surprisingly calm voice: "But, Rupert, we're not getting anywhere. We've talked about this so many times. Do your claims really serve Christmas? And what impression will people have of us when you, as my companion, publish claims that we haven't agreed on together? Doesn't that cast a bad light on the idea of Christmas, which is mutual understanding and consensus? Your rod is no longer up-to-date. Who decides nowadays what is naughty and how children are supposed to be punished? You have to change your mindset. Motivation instead of punishment is the way!" "You don't tell me anything!" Farmhand Rupert replied. "That is MY decision. I have more than 3000 followers. How many do you have?"

While the two were arguing, Medi remembered what she had once learned. What the conflict analysis would look like she wondered. Without thinking about it any further, she turned to the parties: "You work together. Is that correct?" "Yes." was the unanimous answer, even if the question seemed somewhat confusing. "That is obvious, isn't it?" Rupert added in his typical arrogant manner. "It is obvious that you are in an employment relationship," Medi insisted. "But my question does not aim at that, the question is, do you work TOGETHER?" Now she emphasized the word together.

Nobody seemed to know what to make of this question. Was it logical? Medi therefore added: "With your work you surely pursue the same goal. Is that correct?" "Yes, of course," Chris and Rupert answered at the same time. "And what is the goal?" Medi asked. "We promote Christmas." Again, both answered at the same time. "Christmas???" Medi asked, acting surprised, as if she did not know what this strange word meant. She loved the mediator's naive questioning techniques and enjoyed the totally confused faces of the two parties to the dispute. She waited exactly three seconds before she continued: "And what EXACTLY do you promote?" Now the emphasis was on the word exactly. Medi wanted to find out whether the two were pursuing the same goal. Promoting Christmas could mean everything and nothing. "I must carry the Christmas presents and punish the children if they have been naughty. For that, I need the rod. Chris considers himself too good for that," said Rupert. The word MUST was the word that struck Medi first. She recognized pretty well that it referred to the Christmas presents, not to the rod. "I don't consider myself too good for this," Father Christmas answered. "It only makes no sense to punish children if they don't believe in Christmas. And if they don't believe in me, then they will not believe in you. And if they do not believe in you, they do not understand the rod. And if they don't understand the rod, they'll misunderstand the idea of Christmas. It is a vicious circle that leads to fission, if the supposedly naughty children cannot find themselves in the idea of Christmas". "This is why a Christmas law must be introduced." said Rupert, referring to one of the 10 claims in his catalogue. He immediately added one more claim: "We must introduce a Beelzebub Certificate. The confusion only comes up because anyone can do the Beelzebub. YOU do not know what your colleagues do. They do everything wrong! There is not even a unified official title. One calls himself Ascheklas, the other one Krampus, then another one calls himself Pieterman and recently one is said to have battered a little girl without the rod". Rupert knew about the effect of this statement. Among the professionals around him though the indignation failed to appear. But Rupert was able to substantiate his idea of the apocalypse even further: "Many of these just simply call themselves Beelzebub to get rid of the scrap which they couldn't sell to people over the year. They don't care about educating you to believe."

"And you think the children will believe in Christmas again if Santa Claus' companion has a standardized title and a certificate from the Beelzebub Association?" Dr. Chris answered

provokingly. "Don't you think that the children will figure it out themselves when they remember what Christmas really means?" He didn't mention the Belsnickel Association at all, let alone the Rimpelklas Association or all the other associations. Nor did he wait for an answer. Instead, he added: "Not to mention that I don't know myself what exactly a Beelzebub does right or wrong. Apart from the crimes, no one has yet determined that." Dr. Chris instructed everybody around him. "The Beelzebub Certificate that you have in mind merely attests that you have completed some training. It does not say anything about the job. And to be honest, I don't know who benefits more: the children, Christmas or your association? Admittedly, there are considerable deviations. You're right about that. But do you keep an eye on everyone and are you sure that you are the only one who knows what is right? Isn't diversity a special feature of Christmas? Every culture treats it differently. Not everyone knows Beelzebub. And yes, others give him a different name. Shouldn't we first find common ground and try to understand?" As a matter of precaution, Rupert for sure did not want to get involved in such thoughts: "That's nonsense" was his convincing killer argument. "You just have to force the children into believing in the rod." He was sure he knew the solution to all problems: "Presents are only given when the children allow the certified Beelzebub to come to their house. That's how it works. It's as easy as that." Rupert continued and then he added: "That's how we ensure Christmas quality. And if we subsidize Christmas, then the children will learn how important punishment and education is." By the way, this was another point in his list of claims. "Compulsion, subsidy, claims and claims and claims," Dr. Chris replied. He now got very upset. "Is that all you can think of? All you care about is getting rid of the competition. It's easy to make claims. But where in all of your claims does the idea of Christmas, the feast of joy and love, appear? Where do you respond to the needs of children?" "My concern is to promote Christmas!" Rupert repeated his narrative, without answering Chris' question. "And that includes the rod!" he insisted.

Medi benefited from the dispute as it helped her to complete her conflict analysis. Now she assumed that Father Christmas and Rupert had a structural conflict which from their different points of view affected their relationship. And as a consequence, this might probably be expressed in a possible conflict in their relationship. She assumed that the two of them identified themselves with a role they thought they did not have to agree upon. Then there was possibly the conflict of values, she thought to herself. She noticed that the parties talked about Christmas all the time and that they wanted to promote Christmas. According to her perception, however, they did not promote the same thing and had different standards, which was expressed in different objectives. One of the two parties primarily focused on the solution, the other one on the idea. Medi also recognized a systemic conflict. It is the whole package in all its complexity, she then realized. Finally, she noticed that the selective arguments of Rupert and Father Christmas neither considered any expected benefits nor the consequences of the implementation. The chaos pendulum came to her mind.

What now? she asked herself. She would have liked to confer with Ator, but she couldn't think of any excuse to suspend the meeting. The coffee was not empty and there still were plenty of biscuits. That's when she got the idea to use the Reflecting Team technique. So she turned to Ator: "Ator, I'd like to think about what's the best approach in this case." Medi did not wait for an answer. That was too dangerous. She was not sure how Ator would react to this uncoordinated intervention. So she quickly continued: "Nick and Rupert have come to sort out a problem. There are different ideas about Christmas and how it could be implemented. Mediation is SEEKING for a solution. Do you think that the parties are aware of the fact that they have to look for something?"

Ator now understood that he had not thoroughly worked out the goal of mediation well in phase one. But there was a reason for this. He also understood that Medi did not want to criticize him in front of the parties and she was not interested in having a professional discussion now. He therefore became curious about Medi's intervention. "I have my doubts," he said to her. "There are demands and expectations." he continued. "It is not really clear to me what the purpose of these demands and expectations is. But we will come back to that later anyway." Medi replied, still addressing Ator: "I see two opposing sides. Nevertheless, both claim to promote Christmas. But my suspicion is that they do not mean the same thing when they speak about promoting Christmas. Do you see it the same way?" she asked. "What I see is not important." Ator replied as expected, only to then turn to the parties: "How do you see it?" he asked them.

"Of course, I want to promote Christmas. But this is only possible if the punishment is carried out correctly and if there is a Beelzebub who is legitimized to use his rod properly. What other way is there to put children back on the right track? So, we need to push it a bit." said Rupert. "Christmas is an orientation, not a correction," Father Christmas replied. Immediately the two started arguing again.

"What would be the COMMON goal that you two pursue?" Ator just interrupted them unswervingly. "The promotion of Christmas." both repeated with one voice. The mediators realized that apparently the two parties still did not understand what their real problem was. "Ok then," Ator now said, without telling them what he'd just realized "then we'll just have to find out what it is, what it's good for and how it works." Medi was chuffed. Ator was now in the flow of the mediation. She recognized the window of opportunity for clarification: "We are here to help you find a solution to promote Christmas. So, the solution should be on a path that you both can follow. We may assume that you are both going into the right direction if you're both SATISFIED with the solution to be found. Is it ok if we concentrate on this first?" Medi counted to 25 in her head, of course starting from 20, so that the thought could settle. Then she wrote down the benefit-oriented search goal agreed on with the parties.

OK, phase one has now more or less been completed Medi thought to herself. We have already completed phase two, because the different positions and the respective arguments have been worked out. The fact that the arguments did not convince her and that Rupert's demands seemed more like a desperate attempt to do something for the sake of doing it, than solving the real problem, she kept to herself. Instead, she emphasized: "For both of you Christmas is near to your hearts." This appreciative feedback was the honest truth. Both sides had selective but serious arguments. The motives have not been worked out yet. Medi suspected that there were still very personal interests behind the arguments. Same as in their dispute at the breakfast table, she realized that the issue was the discrepancy between the idealistic and the economic aspect. From a distance, she realized that Christmas could be experienced without a rod and that the Beelzebub does not necessarily have to lose his job. Medi was in her element again. Now she was open to solutions. All the doubts she had at the beginning were gone. She moved her chair closer to the table and said: "Let's fix the criteria according to which the solution will be measured afterwards". Now she definitely was in phase three. Medi felt comfortable with the idea. Apparently, so did Ator, because he now introduced the phase completely correct and asked the parties in Ping-Pong style to answer the question of meaning: "What does Christmas mean to me?"

Stupid question," said Rupert. The parties were not yet mentally ready. To Dr. Chris it seemed clearer what was at stake. He was therefore the first to answer: "Christmas is the festival of joy and love. It is a celebration of understanding. Everybody who believes in Christmas will even allow Farmhand Rupert into their house". "Christmas is a business," Rupert interrupted. "If all SANTA CLAUSES do everything right, the children will get more presents. And with the presents comes faith". Father Christmas contradicted him: "You mean like Halloween, where everyone dresses up without knowing why?" Medi had one more ace up her sleeve to get the parties out of their dispute: "What do you think Christmas would say if it sat at our table like an involved party? Would Christmas itself like what it sees and hears and how it was dealt with?"

Now they were gaining momentum. Christmas was symbolically placed on an empty chair. The parties agreed that the chair should be placed between them, so that Christmas became the mediating element in the dispute on one side and in the relationship on the other side. Later, more empty chairs were added. The children sat on one of them. Now the arguments slowly vanished during the presentation of the motives.

After interests were revealed, the meanings questioned and sufficient criteria for the evaluation of the benefit to be achieved from all perspectives were compiled, the solution was found quickly. The parties agreed that the first step was to create a common awareness of the Christmas idea, an idea that everybody understood, agreed and adhered to, especially Christmas itself. The Beelzebub's role was of course still important; however, he was not

supposed to punish, but encourage to raise questions. The narratives as well as the conduct and the terms should correspond to the idea of peace and understanding. Rupert realized that his role was not questioned at all. It simply needed to be realigned. He had already put the *catalogue of claims* beside a while ago. The claims turned into ideas that were aligned with the previously elaborated use expectation. Rupert understood that the obligation to celebrate Christmas and the Beelzebub's training qualification could only be marginal phenomena which were not suitable to strengthen the faith in the Festival of Love.

Father Christmas and Rupert agreed that only if they bundled their forces, they would be able to promote Christmas. They agreed to not to work against each other in the future, to override their opposing positions and to even completely ignore them. They are going to ask the Christmas Board of Trustees to help bring together all the Santa Clauses and Beelzebubs, the children and all those who are concerned and argue about the subject and present to them the idea and philosophy of Christmas.

Medi & Ator congratulated the parties on the solution found and said goodbye. When they were alone, Medi said to Ator: "You've done well. I liked the way you reacted to the Reflecting Team. That was not planned." "You weren't bad either. We're just a good team." Ator confirmed. "Do you remember our dispute this morning?" he added. "Did you notice anything unusual?" Medi knew exactly what Ator was driving at. "Oh yes, absolutely." Still impressed by the breakfast egg that nearly suffocated Ator she said: "We argue about the hen and the egg and don't see the chick. I have realized that everything can be put together as soon as we agree on the common benefit. The monetary aspect is only one of many other aspects and everything is somehow linked to each other. If we do it this way, everyone benefits. Actually, as the hip Christmas mediators we are, we could have come up with this idea ourselves. Mediation happens in everything we do, if we only are prepared to see it. I wish you a Merry Christmas".

"Happy Christmas" Ator said. "The journey is the destination" he remembered. "And you just have to keep focusing on the horizon." Medi needed to add. With this statement, Medi had the last word. But indeed there was nothing more to say.

About Medi & Ator

Professionals have already noticed: Medi & Ator are confronted with questions that every mediator has to deal with in a mediation. Do you always do everything right? One thing is for sure: With every mediation, you will learn more about the thoughts with which the mediators or mediators have to deal with.

Medi & Ator were invited for the first time at Christmas 2012 by Arthur Trossen, who came up with these stories not only as encouraging training material, but also as a reflec-

tion of how he perceives the mediation landscape. The stories should be a gift to the members of the Association for Integrated Mediation e.V. and also perhaps a gift to mediation.

The readers have already taken Medi & Ator into their hearts. There have been many letters with the request to continue the story, to even publish the stories in a novel. As they enjoy sharing their experience, Medi & Ator have now told us about their 8th Christmas Mediation adventure.

You can download this story as a PDF from the website. You are explicitly entitled to pass on the file unchanged or to link it with a copyright notice of the author. The previous stories with Medi & Ator can be found on the website of the association Integrated Mediation. One part of the images was taken from Clker-Free-Vector-Images on Pixabay.