

Kluwer Mediation Blog

Mediation Kindness in 2017?

John Sturrock (Core Solutions Group) · Friday, December 30th, 2016

"I often draw strength from meeting ordinary people doing extraordinary things ... their lives frequently embody a truth expressed by Mother Teresa, from this year Saint Teresa of Calcutta. She once said: 'Not all of us can do great things. But we can do small things with great love'.

But even with the inspiration of others, it's understandable that we sometimes think the world's problems are so big that we can do little to help. On our own, we cannot end wars or wipe out injustice, but the cumulative impact of thousands of small acts of goodness can be bigger than we imagine."

As we approach the uncertain world of 2017, these words delivered by **Her Majesty Queen Elizabeth in her Christmas message for 2016** are surely a call to arms for us all. For individual mediators who are privileged to work with people in difficult situations week in, week out, small acts of goodness, facilitated by us, can have an impact bigger than we imagine. For mediators collectively, the cumulative impact of what we do may be much greater than we can ever calculate.

Scotland's tourism body, Visit Scotland, is supporting a mission to encourage Scots to be kinder to one another for 21 days in January, following an initiative entitled Kinder Scotland to *"inspire the spirit of warmth and generosity in 2017."* Acknowledging that it takes 21 days to change a habit, participants will be asked to commit a deliberate act of kindness every single day until January 26, no matter how big or small the act.

Example are given of 'deliberate acts of kindness':

1. *Befriend a lonely person*
2. *Introduce yourself to your neighbours*
3. *Compliment a stranger*
4. *Pay for the coffee, the toll, or the bus fare for the person behind you*
5. *Hold the door open for someone*
6. *Play cupid - you know those two people who would totally be great together and they just haven't met yet? Get them in the same room together and let nature take its course.*
7. *Say "thank you" a lot - to the bus driver, the grocery store owner, the bin man*
8. *Call your parents (or others close to you) and tell them you love them*
9. *Let your partner watch their TV show - and don't roll your eyes or huff and puff*

about it

10. Don't be annoying – make a conscious effort to avoid doing the things you know annoy your spouse or friends

Kindness.org (<https://www.kindness.org/>) asks the question: “How would our world transform if each of us put kindness front and center (sic) in our lives?” They are sponsoring research at Oxford University to “advance our understanding of the causes and consequences of kindness, and help practitioners to maximise the effectiveness of kindness interventions.” (<http://www.ox.ac.uk/news/2016-10-05-being-kind-others-does-make-you-happy-concludes-large-scale-review-evidence>).

Today, I reminded myself of a little book published in 2009, entitled **On Kindness**, by Adam Phillips and Barbara Taylor, with its preface quotation: “We mutually belong to one another”. I recommend it.

As it happens and before conceiving this blog, this morning I bought a tuna and sweetcorn sandwich for the homeless man sitting outside a local shop: he told me he sleeps rough in the nearby graveyard and last week was attacked by five men who took the £160 he had spent four months saving. And I took flowers to the receptionist in my dentist who told me last week that Christmas would be sad for her as her mother had passed away just a short while ago. These are small acts in themselves, and deserve no special mention, except this: without sustained effort, I will pass over many other such opportunities in the weeks ahead. It will take real discipline to make the time and the effort to keep doing this kind of thing – on a daily basis.

And, as a mediator, how might I be more thoughtful about how I engage with people? What little and apparently random acts of kindness, consideration, care, respect and dignity might I bring to my work? What more might I do to show that I am genuinely concerned about what has happened to a client (empathy not sympathy) or the difficulty the lawyer or the expert have with the case? I recall, in a former life as a cross examiner of witnesses, how little I sought to understand or acknowledge what it must have felt like as a lay person to be under such scrutiny in the alien environment of a court room. While we regard mediation as a “safe place” in comparison, how easily do I slip into a comfort zone for myself as a mediator while failing to recognise, at the margins, the discomfort of others, for whom this may be a one-off, or awkward, experience? What might I do to ease that discomfort, to make more of a difference at a human level? What gestures of human feeling (in words or actions) can I offer without in any way compromising my independence or credibility?

Seneca the Younger (Lucius Annaeus Seneca, the Roman Stoic philosopher, statesman and dramatist, who interestingly lived at exactly the same time as Jesus Christ) said: “Wherever there is a human being, there is an opportunity for a kindness.”

As a mediator, I intend to work on that in 2017.

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The image shows a screenshot of the Kluwer Arbitration Practice Plus web application. The interface is displayed on a blue background. At the top right, there is a navigation menu with a checkmark icon and the text "Explore Practice Plus". Below this, the main content area shows a profile for "Gary R. Ryan" with a profile picture, name, and various statistics. To the left, there is a "Relationship Indicator" section with a "By Relationship" filter and a list of results. The bottom of the interface features a dark blue footer with the text "Kluwer Arbitration" on the left and the "Wolters Kluwer" logo on the right.

This entry was posted on Friday, December 30th, 2016 at 3:16 pm and is filed under [Language](#), [Mediation Practice](#), [mediation process](#), [Mediation Users/Clients](#), [Mediators' Conduct](#), [Scotland](#), [Skills](#), [Transformation](#)

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