

# Sergeant Pepper, Nostalgia and Missing Socks

Kluwer Mediation Blog  
June 2, 2017

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Please refer to this post as: John Sturrock, 'Sergeant Pepper, Nostalgia and Missing Socks', Kluwer Mediation Blog, June 2, 2017, <http://mediationblog.kluwerarbitration.com/2017/06/02/sergeant-pepper-nostalgia-missing-socks/>

It was fifty years ago at the end of May that the Beatles launched the album (or LP as it was then called) "Sergeant Pepper's Lonely Hearts Club Band" on the world - and the world was changed forever. 1967 was quite a year. It was the "Summer of Love". Revolution was in the air ... a revolution as much of consciousness as of physical uprising. Apparently the drug LSD heightened the awareness of many artists as they reached new levels of musical virtuosity. They could see so much more, they said. Visit the Pink Floyd retrospective at the V&A in London for more.

Fifty years on, many of these musicians continue to perform. In that same anniversary week, my wife and I attended a concert by some of the remaining members of the Beatles' main US rivals, the Beach Boys, who, in 1967, were apparently so overwhelmed by Sergeant Pepper that they could not complete their own magnum opus, "Smile". In 2017, they present as pleasant participants in an exercise of nostalgia. In 1967 one of the biggest - and most memorable - songs was "A Whiter Shade of Pale" by the improbably-named Procol Harum. Three weeks ago, I watched that band, with the same vocalist and pianist, perform that same song in Edinburgh. It was brilliant - or so it seemed to me. Memories of a bygone age came flooding back. I too was gripped by nostalgia.

Nostalgia is defined as "a sentimental longing or wistful affection for a period in the past." Apparently, the word nostalgia has its origins in a Greek compound, consisting of *nóstos*, meaning "homecoming", and *álgos*, meaning "pain" or "ache".

(Incidentally, this phenomenon may be particularly acute with music. We are told that psychologists and neuroscientists have found that songs from our adolescence and teenage years hold disproportionate power over our emotions. Musical nostalgia, in other words, isn't just a cultural phenomenon: it's a "neuronic command".)

What has this to do with mediation? Well, all of this has got me thinking about the continuing reluctance to use mediation, even among those who have had successful personal experiences of it. It is a puzzle, is it not, that we are still thinking about how we can promote mediation on a wide-scale, twenty to thirty years after it began to show itself, world-wide, to be a really useful process? It is a puzzle that, in many jurisdictions, it takes "encouragement" or even penalties imposed by courts to ensure that mediation is tried. That doesn't seem to make sense.

But perhaps this is explicable. The decision-makers are after all professionals and clients who may also yearn in different ways for the old days. There is a pain or ache in changing the habits of your job, in which you have been educated and trained, or in accepting an outcome which doesn't seem to fit into a worldview which you have held and nourished.

Our job as mediators may often be to help people to overcome nostalgia (our own as well as others). In thinking about how to do so, I recently overheard a bit of advice which struck me as useful:

"Kiss goodbye to the missing sock". That's what the man said. What he meant of course is that life is too short to worry about what are in fact little things. You've got to let some stuff go. How many of us have a sock drawer in which there is one sock or more awaiting reunion with its missing other half? Why? You can buy 5 pairs of socks for £4.99 (or similar in your own currency) at the local store. Throw it out.

That observation made quite an impact on me. Not only because I have socks like that but because the metaphor is apt too. Personally, I need to delegate more, and worry less about the detail. Accept that others are better placed than I am to carry out some of the tasks which I choose to labour over. That energy could be used, elsewhere, where I can add real value. So, let it go. Let go.

Of course, this applies to participants in mediation too. So often, they are carrying stuff, baggage, which can distract them from the real issues, causing frustration and disappointment. But letting go in order to move on can seem to be a weakness, to expose unnecessary vulnerability. Lawyers and other professionals can experience that. When you have invested so much time and intellectual energy into a case and its presentation, it can be very hard to accept that there is another angle or that, after all, your client needs to stop now. The same often applies to that client.

A crucial role for the mediator therefore is to help parties and their advisers to make this journey and to do so in a way which seems sensible and fair. In five or six mediations in a row during this past couple of months, I have been struck by the speed at which this can be achieved by sitting down with the principals in the same room, usually without advisers, and after careful individual planning meetings with them and their advisers.

These cases have involved a catastrophic aviation accident, whistle-blowing in a large, publicly listed company, a pre-emption clause arising in a retail distribution and franchise arrangement, the effects of public sector funding cuts on specialist anthropological research, an iconic construction project, and co-investors in an industry-defining technology. In each of these, commercial and personal issues arose.

It is fair to say that in each situation, the conversations between and among those most affected, mostly about non-commercial concerns, provided real turning points on the day. For some, these were genuinely life-changing or career-defining. In others, they would prompt significant institutional or project modifications. I think we might see these developments as a form of liberation through revolution, overcoming the limitations nurtured by nostalgia. Breakthroughs, in any event.

This is all food for thought. And, as an afterthought, those single socks are often the ones with holes in them anyway. If so, even if one finds the other sock, the pair is still useless. The moral of the story? It is easy to ignore the hole that exists when hoping that the other sock will reappear which will somehow take you back to where you once were. Willful blindness? Is that what happened in '67?!

**Editorial Note:** Readers will have noted an apparent discontinuity in this blog, with an attempt to knit together at least two seemingly different ideas. In fact, this started as two blogs, which have been joined together in the manner of Lennon and McCartney's construction of the extraordinary song, A Day in the Life, the last track on Sergeant Pepper. It worked for them.....