

Kluwer Mediation Blog

It Only Takes a Moment

John Sturrock (Core Solutions Group) · Saturday, November 2nd, 2019

“You’ve done what?”

It took just a moment. The red mist descended. The words were out before I could haul them back in. “You’ve just gone behind my back and undermined what I set out, and we had agreed, we would do....you might at least have had the courtesy.....”

The lawyer had just told me that he had met his opposite number and, apparently, agreed an approach which was different to that which he and I, as the mediator, had just a few minutes before agreed upon. I felt aggrieved, undermined, a loss of control.

It’s many years since I have had a moment’s lapse of self-discipline as a mediator. Normally, these days, I am fairly relaxed about whatever happens. But here it was. An unexpected trigger. And my unanticipated reaction.

In opening a mediation, I often talk about the reptilian brain and its fight or flight response. Especially when we’re under pressure, the “amygdala hijack” can occur. I warn parties that it might happen to them. I don’t expect it to happen to me, however. The curious thing was that a part of me (my neo-cortex no doubt) was well aware of what was happening and was trying to do something about it but to no avail. And once the reaction starts, how do you stop it?

A momentary incident like this can be very destabilising – for the process, the observers and the mediator. Superficially, one can paper over the event, pretend that it hasn’t happened and simply move on. But it lingers in the collective mind of those who were involved or witnessed it. What just happened? Will it happen again?

I took a walk in the corridor. Fortunately, the old safety devices of acknowledgement, apology and explanation kicked in and worked in this case. Better to be clear, open and honest about it. The lawyer and I had a conversation in the corridor. Apologies were reciprocated. He explained that it was never his intention to..... Nobody wants to offend the mediator I suppose. As is usually the case, the whole brief episode may have been more a misunderstanding than any deliberate plan.

It took just a moment. In Japan recently, I came across a wholly different appreciation of the importance of the moment. In that country, the tea ceremony is a much-loved tradition. Its founder, Sen no Rikyu, offered an explanation of its importance in one

simple phrase, ichigoichie: one time, one meeting. Or, put another way: each moment is unique; each moment occurs only once. It will not happen again. Therefore, every encounter, every meeting, must be deeply cherished.

The tea ceremony has a ritual to it, in which the host serves the guests with humility and courtesy. Guests' enjoyment is paramount. In Japan, much emphasis is placed on according importance to "other people" regardless of age, gender or status.

The principles which apply to the tea ceremony include harmony, respect and calmness. Imperfection and asymmetry are often referred to. Everyone is treated equally in the tea ceremony room. Simplicity, restraint, dignity, gracefulness, mindfulness, non-judgment, selflessness and the connectedness of all things are at its heart. It is about living in the moment. There are particular techniques performed, in a very specific way, and the setting is important too, as is the frequent bowing to one another.

As someone whose career has focused on helping people to build better relationships and to reduce unhelpful conflict, these ideas resonate with me. As a mediator, I am aware of how important the early meeting of disputing parties on a mediation day can be. Very often I invite the participants to meet together with me for breakfast. The idea is to use the sharing of simple food to create or restore working relationships which will underpin the negotiations which lie ahead that day. I try to set the tone with some remarks about the purpose of the meetings and the behaviours which, in my experience, tend to work well.

Reflecting on this moment in mediation, it occurs to me that the principles of the Japanese tea ceremony have application here, and indeed more widely. Respect, dignity, humility, seeking harmony, restraint, non-judgment; these are all helpful attributes in a productive negotiation, whether carried out in mediation or more directly. After all, each negotiation moment happens only once.

We just have to be careful not to make a mess of it.

PS Next time, I may write about the launch of Scotland's Citizen's Assembly but, for initial reflections, see [here](http://www.core-solutions.com/blog/citizens-assembly-underway/):

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