

Kluwer Mediation Blog

“I am a mediator,” I said. “What nonsense!” he answered. Why Mediators Need to Speak Up for What We Do

Greg Bond (Bond & Bond Mediation / University of Wildau) · Thursday, October 24th, 2019

Mediators should speak up confidently for mediation. In this post I will consider some reasons why this might be difficult, and others why it is so necessary. It is not only that mediation is not sufficiently known. It can also be intimidating, and it is our job to explain it.

Shortly after I had finished my mediation training, I was not very confident saying that I was a mediator. It took a while for those words to come easily and naturally, particularly when faced with the question: “what do you do?” This is an experience I might share with many trained mediators. Many of us work in other fields alongside mediating – in law firms, in academia, in training, or in other organisations and businesses. And it takes a number of cases under your belt to say confidently: “I am a mediator.”

It isn't only a matter of having case experience. There is also the fact that many mediators work part-time in mediation, while doing other work too. I have a university lectureship, so I am one of these people. Am I a university lecturer? A trainer? A coach? Am I a mediator? All of these. Which comes first? There are mediators who work full-time in mediation and are fully able to say that that is what they do, of course, but it takes time to get there, and many mediators will always be part-time.

There is something else that makes newly qualified mediators hesitant, something that is not relevant for freshly qualified lawyers, doctors, teachers, architects – and many other professions beside. This is the fact that mediation still has a way to go to being a recognised and known profession in its own right. Not the case for nurses, builders, bus drivers, shopkeepers and mechanics. If I say to people that I am a university teacher, they get it. If I say I am a mediator, they might need it explaining. When I tell them that my university teaching is in mediation and conflict management, it usually needs explaining too.

Now I have no reservations at all. I can confidently say that I am a mediator because I feel that that is what I do and is part of who I am, although it is not the only profession I pursue. I do sometimes meet with strange reactions when I say “I am a mediator.” Sometimes there is silence, as if people have no idea what to ask next.

I was talking recently to an old man who I have known for many years, though not well enough for us to share much personal information. We were sitting at a table with his family, having a beer. He surprised me by asking me what I do. “I am a mediator,” I said. “A kind of lawyer,” he said.

“No,” I answered. “My work is not advising people as to their rights, it is helping them to talk to each other.” “What nonsense!” he said.

I decided to give an example, to make it clearer, so I selected a case that I thought must make sense to anyone. I told the story of a case where I had mediated for a housing provider between two tenants and neighbours. There had been complaints about noise, and there had been a scuffle on the stairs, and each neighbour reported the other to the police, while also complaining about each other to their landlord, who offered mediation to them. I explained to my friend and his family that the two neighbours might be better served if they could talk to each other rather than bring their grievance to the police, who were likely to drop any investigation after each had made a statement. That they might then find a solution together.

Now there was at least no talk of what I do being nonsense. There was, however, not much reaction to mediation. My old friend instead told a story about how he once stuck up for his rights and sent someone who wanted something from him packing. He had been and still was proud that he had done so. So much for my attempt to explain mediation. I wondered if mediation can be intimidating. A second story suggests to me that it can.

A few years ago there was a conflict in the village where I live (part of the time) between a number of villagers and an organisation housing young people with considerable personal and social difficulties in a building in the village. Difficult youth. These teenagers had committed a number of small offences (walking on villagers’ property, breaking windows) and a number of villagers wanted them out. I facilitated (mediated) a series of meetings between villagers and social workers and management of the organisation. At the time, I was verbally attacked by a villager and neighbour for allegedly taking sides by being a “damned mediator.” The next day he apologised and I accepted the apology. Now we are perfectly friendly, and meet regularly on Fridays in the village pub.^[1]

This summer we held a large party, to which we invited many people from all walks of life. My neighbour was there, and, after a few beers, he told some friends of mine from the city that I was a good guy, “even though I was a mediator.” In spite of the fact, I suppose.

Could it be that mediators are not only faced with a lack of understanding as to what they do? Could it be that mediators are intimidating, though without intending to be so? That we represent ways of approaching difference and conflict that some people need to reject outright? That these ways of approaching conflict might seem threatening to someone who firmly believes – and who has experienced – that conflict is resolved by sorting out the winners and the losers?

I am afraid so. And these are the reasons why we mediators need to confidently say what we do, and to explain what we do, and to say it again and explain it again. And when it is not understood or not accepted, to try to understand why it is not understood. That understanding will be the subject of my next blogpost here.

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The graphic features a black background with white text and a white icon. The icon depicts a group of five stylized human figures, with a magnifying glass positioned over the central figure. The entire graphic is framed by a thin white border.

References[+]

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