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# Kluwer Mediation Blog

## The Alchemy of Mediation: Part 1 Actions to Outcomes

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### Setting

On the virtual veranda; sipping

### Introduction

**Adi:** Hello Margaret. How are you in these interesting times?.

**Marg:** I am well, thank you Adi. How are you?

**Adi:** I'm finding I have a slower pace and what I think is higher productivity.

**Marg:** I have been reflecting on our discussion about mediation and interests, as we said we would.

**Adi:** Yes, I have been too. I've been thinking of what is really meant by 'in your interests' and 'in the national interest'.

**Marg:** That's interesting! I think 'in your interests' applies to mediation because an agreement reached is crafted from the interests of all. As I see it, if an agreement is at least to some extent in my interests, then it's quite likely that it will be an agreement that is to some extent in your interests as well.

I think this is partly because an agreement that is in my interests is likely to include staying on good terms with you and the corollary is likely to be true.

So it would be at least partly 'in our interests' to reach agreement. What about the other part?

**Adi:** yes and 'in the national interest' refers to an outcome that will benefit all citizens collectively as distinct from an outcome that might be of selective benefit.

**Marg:** I'm listening to our topic gravitate toward mediation, which is to be expected since mediation is what we do and since the guiding principle and core strength of mediation is interests. I wonder if 'Mediation has a vested interest in interests'?

**Adi:** a mediated agreement is created by participants identifying and assembling channels of

interests which overlap and interact sufficiently by the time they reach agreement, to be in their mutual interest, like a scaled-down national interest.

An example that just springs to mind is that we possibly all have similar interests regarding COVID- 19 and yet those interests will manifest in very many different outcomes.

**Marg:** You know... here we are talking about interests easily and yet I know that identifying interests, focusing on interests and incorporating interests in negotiations about outcomes can be tricky for mediators from novices through to experienced mediators.

**Adi:** Yes...at times, focussing on interests appears to be inconsistent with natural patterns of participants' thinking, particularly when tensions rise and perceptions are that people's interests could not possibly be aligned.

**Marg:** It's my view that whether or not there is agreement, participants' interests are likely to be aligned. As you have said, this could be due to values, beliefs and paradigms of education.

**Adi:** A while ago when we started chatting and sipping, you mentioned a training technique that you use to improve mediators' awareness and understanding of interests. Remind me!

## Training technique

### Overview

**Marg:** Yes, I know the one. I will give you an overview first and then take us through it step-by-step.

For the purpose of the exercise, shall we assume that you and I have quite different points of view about how mornings with children are most appropriately run? We need to close it off because our disagreement has been picked up on by our children who are quoting us out of context.

**Adi:** Yes, morning protocols are probably particularly relevant in these 'stay-at-home' days.

**Marg:** there are two distinct parts to this training exercise. The first part focuses on what we do, our **activities** and our preferred **outcomes**. The second part, to follow, will focus on each of our preferred **outcomes** and our **interests**.

1. First, I will ask you and me to each write down three usual morning activities.
2. Then I will ask us to each write beside each activity what outcome we want from that activity.
3. Then I will ask you to look at my usual morning activities and to imagine that they are your usual morning activities and to write down what outcome you would want from each activity if it were your activity.
4. Meanwhile, I will look at your usual morning activities and I will imagine that they are my usual morning activities and I will write down what outcome I would want from each activity if it were my activity.

### Morning activities Adi and Marg

**Marg:** okay. Let's each write-down three things we each do regularly in the morning.

**Adi:** Done! I clean my teeth, chat with the children and pack my briefcase.

**Marg:** I have written ‘walk the dog’, ‘make the bed’ and ‘pack the lunches’.

**Adi:** and this is happening thousands of times over, all around the world ... I digress

Adi's morning activities	Marg's morning activities
Clean teeth	Walk the dog
Chat with children	Make the bed
Pack briefcase	Packed lunches

What happens next?

**Marg:** I'm going to ask you a few questions about what you said.

Adi, please tell me why you clean your teeth.

**Adi:** I clean my teeth **because it keeps me away from the dentist.**

**Marg:** I see. And why do you want to keep away from the dentist?

**Adi:** I want to keep away from the dentist **because it's such a long way and the parking there is very difficult to find.**

**Marg:** And you chat with the children?' What are you looking for when are chatting with the children?

**Adi:** I chat with the children **because I want to stay in touch with them. And because then they know a bit about my day. Mainly because I enjoy chatting with them.**

**Marg:** I think the other morning activity you mentioned was packing your briefcase?' What is that about?

**Adi:** I pack my briefcase **because it gets my head in the right space for the day.**

### Morning activities and outcomes of Adi

Adi's morning activities	Outcome of Adi's activities
Clean teeth	Avoid the dentist
Chat with children	Stay in touch
Pack briefcase	Get my head in the right space

**Marg:** We will now move on to me and while we do, we need to hang on to what you said so I've made a few notes in the table above.

I walk the dog **because then I can catch up with neighbours.**

I make the bed **because then I come home to a tidy house.**

I pack the lunches **because that keeps food costs down and also because the children might**

**think of me during their day!**

### Morning activities and outcomes of Marg

Marg's morning activities	Outcome of Marg's activities
Walk the dog	Catch up with the neighbours
Make the bed	Have tidy house
Pack the lunches	Keep costs down

**Adi:** Well we have a lot of information now!

**Marg:** We do. The information we have highlights our individuality.

**Adi:** I recall you saying that your next step is to swap morning activities! So that means I am going to walk the dog, make the bed and pack the lunches. And I am going to tell you what outcomes I would be looking for in each of those activities. Then you will clean your teeth, chat with the children and pack your briefcase, telling me what outcomes you would be looking for if you were to do those activities.

I would walk the dog **because that would make it tired** during the day and it **would therefore leave my garden patches alone!** I would make the bed **because all day I would have the satisfaction** of knowing that if someone dropped in, I could be cool and serene. And I would pack the children's lunches **because I would be looking forward to hearing** that as a result of having healthy lunches the children have been energetic and attentive at school.

### Marg's morning activities (and outcomes) with Adi's outcomes

Marg's morning activities	Marg's outcome of Marg's morning activities	Adi doing Marg's morning activities	Adi's Outcome of doing Marg's morning activities
Walk the dog	Catch up with neighbours	Walk the dog	Garden intact
Make the bed	Have tidy house	Make the bed	Keeping cool and serene
Pack the lunches	Keep costs down	Pack the lunches	Energetic attentive children

**Marg:** Now I am going to consider the outcome I'm looking for when I clean my teeth, chat with the children and pack my briefcase. I would clean my teeth **because I like to stick with my routine.** I would chat with the children **because that way I can run a checklist on the day** and I would pack my briefcase **because then I would have some options of what I will be doing at work.**

### Adi's morning activities (and outcomes) with Marg's outcomes

Adi's morning activities	Adi's outcome of Adi's morning activities	Marg doing Adi's morning activities	Marg's outcome of doing Adi's morning activities
Clean teeth	Avoid the dentist	Clean teeth	Essential activity
Chat with children	Stay in touch	Chat with children	See if they are organised
Pack briefcase	Be organised	Pack briefcase	Keep options open

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## Interim conclusions: WYSINWYG

**Adi:** so now we have a lot of information and it seems to me not much of a way forward for agreeing on how mornings might be run more effectively. Some of our outcomes seem incompatible. If we're to make an agreement I think we need a different type of information. That information will build on what we have and come from a fundamentally different approach.

**Marg:** let me see if I can summarise where we are up to. What we now know is that whatever we are doing, we are doing for our own outcomes. That means we need to keep in front of mind that we do not know why someone else is doing something, even when it is similar to what we are doing. And from a mediator's perspective, it follows that 'we know nothing' other than what we are told by participants.

**Adi:** Where are we going?

**Marg:** What's happened to interests?

**Adi:** Maybe they have been there all along.

**Marg:** That's for our next post.

...the virtual veranda remains...

...for now, sipping has come to an end...

Please fill your glass and share your reflections.

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