

The Mediator as Village Elder

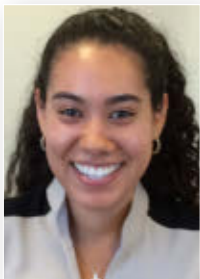
by
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About the Author



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Allow me to introduce you to two of my favorite mediators, though I have never met either of them.

The first is Sait Sanli, a butcher and cattle-rancher, who is a widely respected peacemaker in southeastern Turkey. Fifteen years ago Mr. Sanli turned over his business interests to his eight children, and now devotes most of his time, without pay, to resolving tribal conflicts, vendettas, and other high-stakes inter-family feuds. Many of these disputes extend over decades, claiming many lives. Mr. Sanli, who is 71 years old, barely 5-feet tall, and described by the *Wall Street Journal* as "energetic," has resolved nearly a thousand conflicts of this kind. One newspaper reported that he had 67 families on his waiting list for mediation services.

"One of his most complex cases," according to the *WSJ*, "involved a land dispute that started with two shepherds five years ago and mushroomed into a full-blown tribal feud that claimed 11 lives. After a year of negotiations, in which he pleaded with tribal chiefs to rise above the tit-for-tat, Mr. Sanli held a peace ceremony . . . that included 1,500 participants."

What are Mr. Sanli's methods? According to *The Christian Science Monitor*, "He cajoles, admonishes, and, occasionally threatens. When all else fails, he resorts to crying. The sight of tears rolling down a grown man's face is apparently enough to soften even the most hardened heart." In an interview with *The Washington Times*, Mr. Sanli said: "I kiss hands. I berate, I shout. Sometimes I cry. Above all, I listen to everybody involved, even the children."

The second mediator is known to me only through a story told by Prof. Michelle LeBaron in her book *Bridging Troubled Waters: Conflict Resolution from the Heart*. She describes him as an elder from a First Nations community of Canada. This village elder paid a visit to a neighbor who had an extremely bothersome dog.

That dog barked all night long, every night, kept the whole neighborhood awake. It was a really yappy dog, and nobody could stand it much longer. One afternoon, [the] elder went over to visit the dog owner without being announced. They had tea. Talked about the weather and upcoming pow-wow. They told a couple of stories. Then the

elder left. Still, the dog barked at night. A few days later, the same elder dropped by for another visit. Same thing. They talked about the weather and brushfire down in the coulee. Then the elder left. Still, no relief. A day or two later, the elder visited again. They had tea. Talked about the weather, the way the government negotiations were going. And the elder left. After that, the dog was kept in every night. Never caused anybody trouble anymore.

What were this elder's methods? He discerned that the key to resolving this conflict was protecting the dog owner from losing face. Thus, he made no mention of the dog to the dog owner, who, after the third visit, evidently figured out why he was getting these unannounced visits.

This elder's methods differ dramatically from those of Mr. Sanli, whose bluntness and emotional appeals to the disputants are nevertheless equally effective.

We can safely surmise that neither of these mediators has ever studied mediation theory or taken a 40-hour training course in mediation. They would probably find it puzzling — perhaps even a bit amusing — that mediators in our culture debate the question of whether mediation should be facilitative, evaluative, or transformative.

Their success as mediators seems to stem from the respect and trust that they have earned as elders in their community, and from their personal qualities, which include compassion, patience, and discernment. They are problem-solvers who have developed mediation techniques that play to their personal strengths. As I wrote in 1999 in an article called "Confessions of a Problem-Solving Mediator,"

In days of yore, people came to village elders to discuss their disputes — not because the elders had the best process skills but because they had experience and, hopefully, good judgment. . . . The elders' judgment and discernment were what led the parties to trust them with a role in resolving their dispute.

Sibel Utku Bila, writing in the Turkish newspaper *Hurriyet Daily News*, offered the following observations about Mr. Sanli: "The clout he enjoys that forces people to reconcile . . . stems from the respect he

enjoys as a wise and just person. His ability to ignore insults by the belligerent and deal patiently with the stubborn is also an indispensable asset."

For centuries, village elders have been the natural choice when people in conflict sought the services of a peacemaker. For example, in China there is "a long history of semi-formal community-based mediation wherein local elders and respected persons would act as mediators in interpersonal disputes." Among the Nuer people of southern Sudan, the "leopard-skin chief" – a religious figure who has no formal power – mediates blood feuds and other conflicts. In Hawaii, the traditional dispute resolution process known as *Ho'oponopono* is often led by a respected elder who knows the parties well.

Today, in the United States and elsewhere in the modern world, people turn to professional mediators to play that role. If we wish to emulate the success of those village elders, we have a lot to learn – and perhaps the most valuable lessons cannot be found in any text.

When I teach mediation, I have noticed that some of the most effective lessons – for both the students and for me – come from bringing in guest mediators and watching them mediate. Video recordings of experienced mediators are similarly beneficial. Direct observation instructs more powerfully, and in a far more nuanced way, than any lecture.

What the students are learning from these experiences is the variety of relational styles that effective mediators use. The best mediators adapt their distinctive style to the situation and to the people they are working with, but the core of their style is a constant, because it reflects the personality and character of the mediator.

Some mediators are gruff, some analytical, some chatty, and others highly empathic. No matter – each of these personality styles can be effective.

What seems to matter most is the mediator's authenticity, integrity, commitment, and connectedness. Mr. Sanli and the First Nations elder described above seem to possess these qualities.

But what about the fact that "village" life is a thing of the past in most of the modern world? And what about the fact that today's mediators are seeking to find work well before they become "elders?"

When I started out as a mediator, I realized that my lack of gray hair (of which I now have plenty) was an occupational handicap. I tried to make up for it by studying the facts of each case assiduously and trying to bring an abundance of curiosity and compassion to the

mediation. I hoped that earnest engagement on my part would compensate for my lack of seniority. I realized then, and still believe, that it often takes extra effort for a younger mediator to earn the trust and respect of the parties, particular the older ones, because there is an understandable bias on their part in favor of mediators who have more life experience. Think of your mediation as a marathon, with the race beginning with a long steep climb – ironically, it's the older mediators who can

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climb that slope more briskly. But, people of all ages run marathons and make it to the finish line. The discernment that effective mediators bring to the table is within everyone's reach, if we are fully present and paying full attention to the parties.

And as for the village, we as mediators can compensate for the fragmented quality of modern life by looking for points of human connection with all of the parties who come to us for help. But there is an even better answer than this – namely, dramatically expanding the availability of mediation training. Even in our fragmented society, there are "villages" in the form of religious congregations, community organizations, neighborhoods, school-based organizations, and even some workplaces where conflict resolution can be practiced at the local level. These are the places where the next generations of "village elder" mediators can be found.

Expanding the ranks of mediators in this way will add to the racial, ethnic, and class diversity of the mediation field, and will broaden the availability of mediation in communities where it is now barely known. Growing the ranks of "indigenous" mediators throughout our society will not obviate the need for professional mediators to resolve complex business, employment, environmental, and family cases. But perhaps peacemaking is too important to leave solely in the hands of professionals? ■