

WORLDS APART

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You are gathered around the mediation table, the parties sitting across from each other an arm's length apart--until they each tell their stories. Now they are worlds apart.

It is the scenario that begins almost every mediation. And so we begin to extract the details of the issue. A half hour goes by. An hour. At some point, the problem and its possible solutions become clear to you. But the parties can't see it. Rather they continue to circle around each other like planets, each stuck in its orbital path, held there by the unseen forces of their emotional field.

I read a blog recently titled "Seeing Dark Matter as the Key to the Universe-- and Human Empathy." It was written by Professor Lisa Randall, a theoretical physicist at Harvard. I found its insights directly applicable to mediation. In the article, Professor Randall states, "Dark matter is the dominant form of matter in the universe -- it carries five times as much energy as ordinary matter." It is hidden. We don't fully understand it, but it is there.

When I mediate, I often sense that what is not being expressed is more powerful than what is being said. This hidden force exerts tremendous pressure on the parties to resist compromise, or empathy, if you will. It is the force that hardens the parties positions.

Nothing brought this into sharper focus for me than the following elder care dispute: A sister and brother, who have been estranged for years, are brought into conflict by their mother's advancing Parkinson's dementia. Although the family members live in close proximity to one another, the sister claims managing the physical care of her mom, as well as transportation to and from doctors appointments, has fallen to her. She has a full time job and lives with a man whom she never gets to see because all her spare time is spent tending to her mother. The stress is affecting both her performance at work and her relationship. She has reached out numerous times via telephone and email to her brother who has stopped returning her calls and messages. She is extremely angry at her brother and accuses him of callous indifference and neglect.

The brother is indignant at his sister's allegations. He accuses her of distorting the truth by not mentioning that it is he who pays for all of their mother's care including a daytime aide and medical expenses. Moreover, he says

that when he has offered to help, his sister has rebuffed him. He stopped returning her calls and messages because he says they became abusive, insulting, and “downright crazy”.

At the time of the mediation, the mother’s illness had progressed to a critical stage. From a mediator’s point of view, the possible solutions seemed evident: the brother and sister needed to determine if it was financially and physically viable to care for their mother at home or move her to a facility. If the former, they had to figure out the cost, the logistics of home care, and the part they would each take in it; if the latter, they had to figure out the appropriate facility and how to share the financial burden. But before they could do any of that, they had to be willing to talk to each other.

One of the perplexing aspects of this case, was that both parties had similar positions. They both wanted to care for their mother and both felt they were doing so, albeit in different ways. The big issue was communication-- or the utter lack of it. So convinced was each party of the rectitude of their position, that, like that planet stuck in its orbit, they could not move beyond it, regardless of the fact that their goals were similar.

As the mediation continued, the parties began to repeat their charges and countercharges. I was stymied. I sorely needed a way to break the feedback loop. Almost on instinct, I asked them about their childhood. The question surprised both of them. They sat in silence for a few minutes; then they began to talk. They described being raised in a middle class environment by warm and loving parents. The parents, however, were very religious and instilled their beliefs in their children. The trouble began after college when the sister fell in love with a man outside the family’s religion and moved in with him. The brother was totally offended by his sister’s decision. He regarded it as a disrespectful affront to everything the family stood for. But the two of them never talked this out. The sister had no clear idea of the depth of her brother’s feelings, while the brother nursed his unspoken resentment of his sister.

With this information finally out in the open, the parties were able to discuss their attitudes about love, religion and each other. It was as if the air in the room was able to melt the solidified ice dam that had built up over the years. When asked what they wanted as they moved forward, the sister replied, “I want my brother back.” Thereafter, they were able to resolve their dispute.

As Professor Randall observes, “...Most people mistake their own perspective, shaped by their subjective and limited perception, for the absolute reality of the external world.” The only way to expand the parties’ reality is to bring their dark matter into the light--into consciousness. It is the key to reconciliation. This, in my view, is the true art of mediation.