

Medi & Ator

Two Passionated Mediators



Medi & Ator is a couple that together is a mediator. Since they invited the christmas mediation in 2012, they share their insights every year.

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Medi & Ator the Christmas Mediation II

One year passed by. "This year went by quickly" says Medi to Ator. "It seems like the mediation between Santa Claus and the Easter Bunny was only over a few minutes ago. Do you remember? We did a great job, didn't we? Yesterday I was at the supermarket and I saw the Santa figures again". "You saw the packaging!" corrects Ator. "We never found out whether the chocolate figure inside the package is a Santa Claus or an Easter bunny". "That's why I like mediation" retorts Medi. "You can come to an agreement without getting to the bottom of things. Isn't that great?". "Is it?" wonders Ator. „I don't know. But anyway, we're the best" he is quickly points out. On that point, the two are always in agreement. "You're right," continues Ator. „The year went by so fast, almost as if nothing happened between Christmas and Christmas".

Just then the doorbell starts rings.

A very small guy is standing at the front door. He looks intimidated, confused and a bit irritated. He is wearing a red uniform with yellow braids and white buttons is shiny and is also missing some teeth. There is a golden crown on his head. His uniform seems to be a soldier's uniform. "He doesn't look like a soldier", think Medi and Ator. And the crown seems somehow out of place. Medi and Ator have to bend down to understand the Nutcracker's faltering voice. But of course active listening is nothing new for Medi and Ator. Bending down for listening is quite active, isn't it? .

The toothless man introduces himself: "I am the Nutcracker". "Aha," say Medi and Ator. Of course both of them had come to the door. to welcome their new client. "We can see that you are the Nutcracker. What can we do for you?". Medi and Ator have not really got used to their unusual clientele. First there were Santa Claus and the Easter Bunny and now the Nutcracker, what else might happen to them? Both had prepared themselves in a number of role-plays and trainings. However a nutcracker was definitely an unexpected client. But that's mediation. What might be his problem? Medi and Ator wondered. His appearance was one of their first hypotheses. Maybe he has problems with his wife is Medi's secret guess. It immediately occurs to her that Nutcrackers cannot have wives. She, at least, has never heard of a female nutcracker. Unfortunately Medi doesn't have the time to indulge her thoughts. However this brainwave was enough to remind her once again of the discrimination women suffer. Even German lawmakers only mention male mediators in the Mediation Act. It is with these gloomy thoughts of discrimination that Medi welcomes the Nutcracker: "Good day MR. Nutcracker". She can't control her feelings. Otherwise she would not have emphasised "MR." like she did. The Nutcracker knows what she is getting at. She has hit the nail on the head. He feels that he is not taken seriously as a man, not even by the female mediator. The nutcracker is about to leave. Ator intervenes: "Hello Nutcracker" he says, almost chummily. "Thank you for coming. How can we help you?". Ator deliberately doesn't wait for him to answer but simply continues: "But come in first". The Nutcracker has no choice. He follows the mediators wordlessly into the office, his wooden head hanging. Of course Ator had heard how Medi had spoken to the Nutcracker and so he

whispers: "Take it easy, will you?. What he would like most at the moment is to talk to the Nutcracker alone, however. He was taught that one to one conversations require permission from all parties. He doubts that Medi would agree to such a proposal and besides the Nutcracker is alone. There is no other party. How the hell can the opponent agree? Is Ator even allowed to talk to a party, as long as neither the co-mediator nor the opponents have consented? Would that be violating the law? Ator pushes away these thoughts. He is not a lawyer, so why should he worry about these legal niceties? He still doesn't really know what this is all about. He decides to make the best of the situation. He assumes that Medi has understood his message and that it would be better for him lead talks from now on. The Law on Mediation - he tries to convince himself - expects the leadership of the male mediator. He learned this interpretation of the law from the German mediation Act where "der Mediator" is a male mediator. So - to him - it is obvious. Ator decides, at least for the moment, not to talk to Medi about it.

Medi, Ator and the Nutcracker arrive at the office door that has "Christmas mediations" written on it. Politely they ask the Nutcracker to go in first. Of course, the mediation room is set up in the spirit of mediation. There is a round table about 1 metre in diameter, 4 chairs, not too hard with red cushions for the parties and green chair cushions for the mediators. Medi and Ator discussed the choice of colours at length. The parties do not really know what to do, they are, so to speak stuck at a red light. The mediators, who make things possible are like a green traffic light. They also discussed other details, such as the colour of the wallpaper. In the end, they chose pink. Yellow was a possibility because it fit the traffic light theme so well. However, they went with pink, because it is a calming colour. Medi and Ator read about that in *Cosmopolitan*, a woman's magazine Medi reads regularly. Besides, pink goes well with red. Since Medi and Ator call themselves Christmas mediators, of course there are a lot of references to Christmas. There is a poster showing Santa Claus is making a very sad face in Phase 1. With each phase he looks a little happier until, in phase 5, he can be seen laughing and shaking hands with another Santa. In this picture, the mediator is floating on a cloud above the Santa Clauses. Medi and Ator wanted to show the potential of mediation, the axes of communication and draw attention to the mediator's neutrality. Yes, they put a lot of thought into decorating the office. There is a Christmas wreath on the table of course, with four thick, red candles nestled in it. Medi had lovingly decorated the wreath. In the middle she mounted a bowl of sweets, pastries and of course a few walnuts. Walnuts are symbolic, they are the fruit of love. The kernel also symbolizes the sweet flesh of Christ. So what could be better than to put walnuts on the table for a mediation to do with Christmas? And where there are nuts there is, of course, a nutcracker.

As soon as the Nutcracker enters the room his glance immediately lands on the nutcracker in the middle of the walnuts. He feels uncomfortable once again and would just like to leave the room. Everyone feels slightly embarrassed but cannot explain exactly why Ator once learned: there are no problems in mediation, only opportunities. Now he is trying to think of a way to turn this embarrassing situation into an opportunity. All he could think of saying was, "Look, your guild is represented here. We

even chose a particularly fine example of a nutcracker to decorate the plate". Ator's smile is forced. And frankly his remark hasn't seemed to lighten the mood. It has occurred to him that the nutcracker in the Christmas wreath still has all his teeth, that it appears freshly painted a shiny, rather self-confident character; exactly the opposite of his client in fact. Ator tries to dispel the mood by spooling off what he once learned: "Are you here voluntarily?", he asks the Nutcracker. The question is not very helpful, it actually brings another issue to light. The Nutcracker is not sure what to say. He is doubtful whether Medi and Ator can help him. Despite his doubts, he answers politely "Pirlipat sent me". That isn't really what Medi and Ator wanted to hear. Is it still voluntary, when one has been sent to mediation, they ask themselves? Can a mediation still take place? The law states that the mediator has to make sure parties are willing to participate. They are so preoccupied by this that they forget to ask who Pirlipat is. They prefer not to go into the legal issues any further since they are both clear on one thing: one cannot send clients away as this is not good for business. Also, they still do not know what it's all about. Ator, the dogmatist, immediately goes to the flipchart. He draws a thick line on the lower third of the sheet to write below: "Car-park : Voluntariness". Looking in the client's direction, he says: "We will come back to this subject again. But please take a seat". "Which one?", asks the Nutcracker still irritated. "Maybe where you do not see your colleagues?" answers Medi teasing. It was meant as a joke. Medi and Ator attended trainings on how to use humour in mediation. The lecturer had explained that humour can lighten the situation but somehow this joke had not had that effect. Maybe the lecturer was wrong? Ator, the active mediator, reacts immediately taking the nutcracker off the plate and saying: "There, now you can sit wherever you like". At least he seems to understand me, thinks the Nutcracker. He still has mixed feelings but he takes a seat. "Would you like a coffee? Please help yourself to the biscuits and take as many nuts as you want" offers Medi. Being the female mediator she feels she should make sure everyone is taken care of. She does see this as stereotyping women. On the contrary, this is a positive feminine characteristic. So, she is taken aback when the Nutcracker says: "Without a nutcracker". Is he being sarcastic? Medi and Ator decide to ignore this comment. "Then don't have any nuts they think to themselves. Ator decides to get things going: "I had better start by telling you what mediation is", he says. Without waiting for an answer, he continues: ". Medi and I have trained as mediators and specialised in Christmas mediation. We have even mediated between Santa Claus and the Easter Bunny. We brought them to an agreement". Now Medi wonders whether she should mention how many hours of training she has done. The law says the mediator only has to do this at the request of the parties. Pity no one has asked her. She is so proud of her 1000-hours- There is no better proof of her competence She can't help herself: "We are certified mediators, you know, and I have 1000 hours of training". Medi and Ator haven't realised that mentioning Father Christmas and Easter Bunny is a breach of confidentiality. They didn't mention their names. So what is the problem? Ator continues: "Mediation is a process where the mediators bring parties to an agreement. Is that understood?" That should be a good enough explanation think Medi and Ator. Suddenly they realise that there's only one party present. . Oops Can a mediation take place if there is only one party? Before they

find an answer they hear the Nutcracker saying: "Pirlipat forced me to come. She said it would be help. I think she just wanted to get rid of me. She will never agree to come. She doesn't even listen to what I say. ". "We've cracked many difficult parties already", said Medi and Ator simultaneously trying to comfort the Nutcracker. "I can't crack anything anymore ", murmurs the Nutcracker very sadly : "And that is exactly my problem. Without teeth I am useless . Things have been difficult with Pirlipat lately . She won't talk to me and everything I do is wrong. The more I try to get her attention the more she ignores me". The Nutcracker looks very sad now. Medi is surprised and proud of herself for feeling empathy towards a macho . "Did I understand you correctly", she continues, "You mean nothing works anymore?". Wow, she really hit the nail on the head. t. The Nutcracker adds: "Yes, exactly. Nothing works and I wonder what I am even doing here". "You are here because we can help you to solve the problem", Medi and Ator both say. "Then you have to convince Pirlipat", the Nutcracker claimed. "Is Pirlipat the topic then?", asks Ator.

Both now feel safely back in the process. " Is this a theme?" asks Ator . Without waiting for an answer, he draws another line on the flipchart . He writes the headline "Themes". Below the headline he writes "Pilipat". "Pi-R-lipat ", corrects the Nutcracker . "Her name is Pi-RRRR-lipat and she is the problem. Please note that too". "Earlier you said: Pilipat", Ator points out. "But ok", he continues, "I can correct that and write Pirlipat, if you insist". Ator crosses out "Pilipat" and writes "Pirlipat" in large letters underneath. "OK NOW?" he asks very annoyed. "Yes!", says the Nutcracker, pointing out again that "Pirlipat is the source of all my problems. She threw me out of the palace". She must have had her reasons thought Medi . She would have probably thrown the nutcracker out as well.

Medi already likes , even though she has never seen or met her. She likes the way Ator has written Pirlipat's name in big letters on the flipchart. If Pirlipat ever joins the mediation, then she will immediately see what influence women have. But what really is the issue here ?Shouldn't Ator just write down 'women power' . Medi calls a spade a spade. She would love to discuss this issue but of course she knows that it is the client's, rather than the mediator's issues, that should be on the list. But how can she bring the subject up?Men sometimes feel uncomfortable when women tackle an issue heads on. Maybe she should leave that to Ator. Why else is she doing co-mediation together with a male? However, Medi does worry that Ator won't address real issue.

Nothing is happening the way they learnt on the course. Where is Pirlipat ? Medi is suddenly aware of her absence. It is more her feminine curiosity than the law on mediation that leads her to ask the question. "Where IS Pirlipat by the way?", she asks even though they already seem to be in Phase 2. Medi makes this assumption because Ator has begun to list the topics. Isn't that the main criteria of Phase 2? Not waiting for the Nutcracker's answer to Medi's question Ator asks him: "What I would like to know is why Pirlipat is behaving this way? ". the Nutcracker obviously liked this question. ". She was a beautiful princess and I was a handsome young man. Then an evil witch put a curse on both of us. She was transformed into a shapeless glassy-eyed creature and. I was turned into the Nutcracker. I freed her from that spell but now that she is once

again a beautiful princess she has realized how ugly I am and wants nothing more to do with me. ". "That's a terrible story", both Medi and Ator exclaim. "How can Pirlipat treat you like that? And what are you going to do now?". They asked this question out of curiosity and also perhaps to hide the fact that they didn't really know what to say next. "I have to become that handsome young man again and then she will take me back", was the Nutcracker's clear answer.

"I'll get the drinks now " says Medi trying to change the subject. She needed to talk to Ator alone so they could decide how to proceed. It is a strange situation . She would like to talk it through with a professional . Even though Ator is not a supervisor, talking to him is better than nothing, she thought. "We'll take away the Christmas plates, so you do not have to keep looking at those nuts", Medi added quickly ,giving them a good reason to leave the room. Medi asks Ator to help her carry the drinks. Both leave the room.

Finally, the co-mediators are able to discuss the situation . "What do you think of all this?", Medi asks her colleague. "f only I knew ," is Ator's honest reply. "This is all so different from what we learnt on the course". "Yes, exactly!", replies Medi. "I think he needs therapy more than mediation". "I've heard that when there is such an imbalance of power mediation is not possible at all". "So what shall we do now?", asks Medi. "Did you understand what d the Nutcracker wants?", she adds . "We have to convince Pirlipat to change her mind ?", speculates Ator. "We should help the Nutcracker become a handsome young man again", was what Medi had understood. "I got the impression it all boils down to masculinity," she says bringing up her favourite issue . "The Nutcracker", she is developing the main hypothesis , "feels threatened by women world. He has expectations that no woman can live up to, which is not surprising for a macho". "How can you call such a toothless weakling a macho?" says Ator. "Yes he IS!", Her tone of voice indicates that this is not up for discussion. She is sure the issue is that men have the wrong idea of women. Ator thinks it is the contrary. He understands t how the poor man feels. He tries to explain but Medi doesn't want to know: "You men are all the same. If you were to respect women, then the world would be a different place". "But women ...", Ator murmurs. "Maybe we better listen to what Pirlipat has to say," says Ator trying to change the subject. He knows this is a dangerous subject to discuss with Medi. Thank goodness they do not really have the time to discuss it at the moment. "The Nutcracker is probably already getting impatient", says Medi. "So, do you think this is a case for mediation?", Ator asks again. "How else are we going to make money ", snaps Medi . "If we want to come to an agreement, then we must have at least two parties . At the moment,we only have the Nutcracker. Even if we already know what the problem is, it might be a good idea to hear what Piripat has to say", says Ator. "Pirlipat", corrects Medi . "All right, Pirlipat if that makes you happy", replies Ator testily. "That's not going to solve the problem". Unfortunately Medi has to admit he is right there.. "So let's see how we can get Pirlipat to join the mediation voluntarily. We can think about the therapy issue later". So they go back to the other room armed with drinks and a plate that has no nuts or a nutcracker on it. .

The Nutcracker is sitting there, his head hanging. Does he want to hide his missing teeth?, Medi wonders. That's not very macho-like He looks absolutely miserable. She is

surprised by her thoughts, her helper instincts have been awakened. Medi and Ator want to help him, but they have no idea how. They decide to go by trial and error. Wasn't that what they had learned during training? Ator takes the initiative: "This won't work without Pirlipat. Mediation requires two parties. Would it be possible for you to invite Pirlipat here? Do you think she would be willing to come?". "Never", the Nutcracker replies immediately. "I've already told you. You can forget that idea. She doesn't want anything more to do with me. Not as long as I'm the toothless Nutcracker". "Did I understand correctly, if you had teeth, then Pirlipat would be willing to come?", asked Medi. "Pirlipat" corrected the Nutcracker automatically, "No, I don't think that would be enough. I'd have to change back into a handsome young man again and for that to happen a woman has to fall in love with me despite my appearance". "Have you tried www.coupleship.com?" Ator is very interested in the answer even though he has no idea if such a question is allowed in a mediation. This guy needs help, that's all that counts now. "No," replies the Nutcracker seriously. "I was hoping Pirlipat would be the woman.. After all, I freed her from the curse. She is a beautiful princess again. I could give her so much. I do not understand why she is even not able to see my fondness for her". "What did you do for Pirlipat to treat you like that? . Ator is doubtful whether such a question is appropriate in a mediation. So he quickly asks: "What has to happen for Pirlipat to like you again". "I've already told you", replies the Nutcracker. "You cannot force anyone to love you" comments Medi the expert on feelings. "So what can we do?", she asks the Nutcracker. " YOU should be telling ME what to do", says the Nutcracker. "I thought YOU were the Christmas mediators. YOU were the ones who told me mediation would bring a solution ". "Yes, that's true. But then both parties must be present", explains Ator. "And that must happen voluntarily", Medi quickly adds to remind everyone of the situation. "No opponent, no mediation!". Medi likes this decides to add it to her collection of mediation rules. One can never have enough rules, that's her motto.

"Anyway, we are not going to get anywhere like this. Incidentally, we still have to discuss payment". Ator was right - about everything but that doesn't help "Maybe I could win YOUR love?" suggests the Nutcracker bravely looking at Medi. She is shocked. Ator is secretly amused and curious as to how she will handle the situation. Medi is unfazed: "We are mediators. That means YOU are responsible for the outcome NOT us. We are also neutral. If we love you, then we must love Pirlipat as well. I'm not sure that's what you want". "Nobody loves me", says the Nutcracker and starts crying. Medi feels she should comfort him: "But that's not true. All the children love you. Nutcrackers are a nice Christmas gift. People used to give beautifully painted nutcrackers made of solid wood as presents". "That's just it", replied the Nutcracker feeling worse. "So you can only help me, if Pirlipat is party to the mediation and you cannot love me?". So as not to lose their client Medi answers: "We are mediators, we love everyone". "Really?", the Nutcracker asks unbelievably, "without exception?". "Yes, without exception", Medi assures him. Ator agrees. "Then you like me as well and you have grown to love me", says the Nutcracker slowly now daring to hope. "You could put it that way it", they say. They prefer the client to come to his own conclusions.

Just then something unexpected happens. The Nutcracker starts changing shape. His teeth grow back. His face changes too. It becomes soft and friendly. He looks young and handsome again much to the mediators' astonishment. Medi and Ator have learned how to mirror. So they quickly get a mirror from the spare toilet which is nearby. They hold up the mirror so the Nutcracker can see what he looks like. "is that me?", he asked incredulously. "Yes, that is really what you look like", Medi and Ator quickly confirm.

Mirroring has never been easier think Medi and Ator to themselves. As always, the mediation had taken an unexpected course, which they take as proof that a mediation had, in fact, taken place. Now they realise that they still haven't discussed their fee. The ex-nutcracker beats them to it He is overjoyed : "I never thought that mediation could be so effective. I'll pay you whatever you ask and I will definitely recommend you . To be perfectly honest, I was very sceptical at the beginning. I didn't feel you understood me and I thought you were more on Pirlipat's side than on the mine. Now I realise this was all part of your brilliant strategy , you had to provoke me in order, to get such a great result". Medi and Ator look at each other meaningfully but don't say anything other than name their fee. The ex-nutcracker pays them and leaves happily. "We cracked the Nutcracker", Medi whispers a little uncertainly. . They haven't quite understood what happened . "Maybe we shouldn't put nuts and nutcrackers on the Christmas plate in future?", suggests Ator . "I'll add it to my collection of rules", says Medi: "Nutcrackers are parties to mediation and they shouldn't be displayed on Christmas plates". "Are you sure?", asks Ator. This experience had shown them both once again that mediation creates a flow which, one way or another leads to a solution. Now they promise to learn how to control that flow a bit better.

Arthur Trossen, 24th December 2013
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