

'I Kent his Faither!'

Some notes on mediation in rural communities

I grew up in a small Highland fishing village but pretty much by accident have spent most of my career living in a city and mediating urban neighbourhood disputes. Many people have said a lot of things about the differences between city and village, but for me it is exemplified by one of the less dysfunctional of my own behavioural quirks.

When I'm walking down a busy urban street I look at every face that passes. This is markedly different from friends who grew up in the city and who tend to keep their eyes fixed on their destination, showing little interest in passers by unless they pose an immediate threat or are wearing fancy dress. I learned this behaviour from an early age - it is deeply ingrained and has evolved in rural populations for a good purpose. In a village you are likely to know most of the people you encounter, and you will know a significant proportion of them intimately. If you don't know them intimately, you are likely to be familiar with the life story and character traits of their daughter, mother or cousin. There is a finely demarcated range of relationships, some requiring the slightest of nods, others a prolonged chat, and some a nifty change of direction. Future relationships are affected by how you greet your fellow pedestrians. These brief pavement encounters confirm, reinforce and sometimes adjust the profile of a rural citizen's social relationships.

Mediation of course is all about relationships, whether they be commercial disputes, workplace tensions, family bust-ups or flare-ups between neighbours. Mediators seek to address the quality and the nature of communication where relationships have run into trouble, and in so doing most mediators will take account of the regularity of contact between the parties concerned. Regardless of a mediator's theoretical allegiances it seems pretty obvious that you're unlikely to be probing the emotional hurts and innermost needs of two construction firms arguing about the penalty clauses in a one-off contract, whereas you may well do just that in mediating a long-term dispute between the only two teachers in a village school. The nature and depth of past and likely future relationships has a major bearing on what is liable to constitute a viable and appropriate agreement.

In rural settings my experience is that people are generally far more likely to have a wide and in-depth knowledge of the person they are in conflict with, and this knowledge will have a direct bearing on their actions and wishes. There is no inevitability about this - some urban neighbourhoods still retain many extended family networks, some rural dwellers avoid interaction with 'the locals' and some competing professionals have an extensive and lengthy knowledge of their colleagues. Still, a mediator called to intervene in a rural dispute, may want to consider the particular nature of the challenges they are about to encounter.

As rural social networks are smaller, their inter-connectedness tends to be greater. Thus the old Gaelic saying '*Hit me and you hit the Clan!*' In other words, the repercussions of any particular action can reverberate right across the network, sometimes for generations. Rural people tend to be aware of this and act accordingly. What seems to

the mediator to be a blindingly obvious compromise may to the participants be political suicide.

Mediators generally operate on the principle '*Better out than in!*', and will quote the old mediator wisdom that conflicts will get worse if people don't acknowledge their existence and do something to resolve them. In some rural situations, particularly where interdependence is high (e.g. '*I'll help dig your peats if you help with the sheep-shearing!*'), people will beg to differ. They will consciously choose to ignore or avoid a conflict because the results of acknowledging it and failing to find a resolution will be severely disruptive and very, very difficult to mend. I, for one, would not always say they are wrong.

Every experienced mediator knows that language is a slippery fish, that people use words as weapons, and that people in conflict often express themselves in symbolic as well as literal terms. There is also frequently a 'presenting' source of the conflict and a more real 'underlying' source. Because of the interconnectedness and interdependence of rural communities, all of the above is true but with bells on. I once unsuccessfully attempted to mediate a dispute between two Lewis crofters about a boundary fence where both parties delivered full-blooded character assassinations on each other, their lifestyle, family and crofting skills, while not once mentioning any of the above. All of this was delivered quietly and with perfect surface politeness. I was clueless as to the 'underlying' reasons for the dispute and they certainly weren't about to tell me.

Confidentiality in mediation is relative – a mediator is free to break it if someone appears to be in danger of significant harm, for instance in the light of threats made during a mediation meeting. But it is usually relatively easy in urban settings for participants to remain anonymous. In rural settings the concept of confidentiality is often under strain on several fronts. Meeting venues are visible as are peoples' comings and goings, and strangers such as incoming mediators tend to be noticed in small communities. They may even be subject to polite but skilled and persistent questioning. Moreover the inter-relatedness of some communities mean that networks of cousins, second cousins and distant cousins, frequently overlapping between the parties, lends a certain structural leakiness to information passed on in confidence. Again, people in rural communities are aware of this, and the practical reality of community knowledge about a mediation process may result in potential participants declining the opportunity.

I am not saying that mediators should avoid rural disputes or that mediation has nothing to offer in a rural context. On the contrary, because of the particular delicate nature and complex impact of rural conflict that mediation can offer resolution where blunter instruments such as the law may only serve to harden positions and result in deep and long-lasting resentments. We would be well placed though, to pay even greater attention than usual to what is being said and what is not being said, to acknowledge to ourselves as well as to the participants that they know more than us about the complex social networks they inhabit, and to respect their awareness of risks and obstacles that may not even be visible to the mediator.

*A bheinn is àird' a th' anns an tìr,
'S ann oìr' is tric a chithear an ceò.*
The highest mountain in the land
Is oftenest covered with mist.