

The Orange Story

Published in Santa Monica Business Journal in May 1996

By Lee Jay Berman

Once upon a time there was a mother who had two children. One day, the kids came to the mother fighting. There was one orange left in the house and they both wanted it--typical of small children. What is a parent to do?

Some parents say that they would take the orange away and send the kids to their rooms for fighting. Most parents say that they would cut the orange in half, giving each child an equal share. Finally, the parents with more experience, anticipating a further argument over which half each child wants, would improvise. By allowing one child to carefully cut the orange in half, and then letting the other child choose the half he or she wants, parents give the incentive to the child who cuts the orange to be as fair as possible, since he or she suffers the loss if the halves are not equal. Seems fair.

Luckily, this particular mother is a mediator. She takes the orange from the crying children and asks them why they want it. When asked, one child expresses the desire to make orange juice. The other is baking muffins and needs to shave the peel into the recipe. The children, with the help of their mother, compromise. By allowing one to make all the juice he or she wants, giving the leftover peel to the other only once every drop of juice has been squeezed out of it, the other gets the entire peel intact. Both are therefore satisfied.

In our society, we are raised to think that when there is a conflict, one person has to win and the other has to lose. We are not accustomed to working out win-win solutions. It is harder to do. It requires more effort. The outcome, however, is worth it. By working together, cooperatively and collaboratively, we can come up with better solutions, whether in parenting, in employment settings, in business transactions or even in lawsuits.

By asking what people in a dispute want, a mediator is able to allocate resources more efficiently, without waste, making everyone more satisfied with the outcome. Had these children hired legal counsel and fought this out in a court of law, the only possible outcome is for one to end up with the whole orange or to split it as the judge sees fit. The same goes for arbitration. Only in a mediation setting do the disputants get to discuss what they really want and why. Only in mediation is anything possible.



Lee Jay Berman is a full-time mediator and trainer based in southern California. He is a Distinguished Fellow with the International Academy of Mediators and a Diplomat with the California and National Academies of Distinguished Neutrals. He is the founder and President of the American Institute of Mediation, offering world class training for the complete mediator. He can be reached at 310-478-5600 or leejay@mediationtools.com.