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JUDGE NOT, LEST YE BE JUDGED.

By

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Does this biblical exhortation apply to mediation ?

People constantly judge one another, but they do not agree on the norms of evaluation.

Is it their wealth that serves as a standard for assessment ? Character, position or power ? Preference as to norms turns on their goals in life. Don't judge; but they do. It is their judgement that yields a clue to the response they have to make to a given situation. Judgements precede the choices made by a disputant in the course of negotiations. It is through the choice -making that the disputant participate in the negotiations. It is an integral part of the process that shapes the solution. Indeed, judgements are not confined to conflict situations alone. Even in friendly contexts, judgement precedes gestures and demonstrative actions that mark them. The message such actions convey is determined by the judgement that dictates them. The only difference is that in a conflict of situations, judgement is clouded by anger, malice, bitterness and other emotions and not by reason alone. The norms are different in other words.

In the course of the attempt at resolving a matrimonial dispute at the mediation centre at Tiruporur, this question of judgement figured very much. The spouses met after a lapse of 7 years during which time the husband had been in jail, working out a sentence by the Sessions court on a charge of murder. The mediator aimed at rehabilitation and thought reunion of the couple would ensure it. The wife, initially appeared to be ready to live with her husband forgetting the stigma of her husband having been an ex-convict. But, it was apparent, that she was all the time assessing the changes in him. The talks went on for an hour. The husband said he too was ready to restart their marital life with her. He had another 'wife' even before he married the initiator and on release went back to her. That would appear to have hurt this woman and she was quizzing him about it. He pointed out to her how he had sent to the initiator Rs.500/- even while in jail and would that not suffice to prove his loyalty to her, he asked. She retorted that he had given Rs.10000/- to the other woman, selling a piece of land. Why ?, she demanded. She wanted to test his professions of loyalty to her by demanding that he transfer in her name an acre of land. "It is a provision for your girl child", she said. She had not brought the child to the centre. When the mediator, in search for some factor which would cement the ties again, asked her why she had not brought the 8 year old girl, she said she feared he might take her away forcibly.

It was obvious she did not have faith in his bona fides. Nor did she believe his professed readiness to restart life with her. But he was at a loss to find out why she should come to the centre at all. When she demanded one acre of land before she joined him, he at once grabbed it as a talking point. "See, she has come for my land and not for resuming her marital life", he accused her. Each was judging the other.

Why not; They met after a long lapse of 7 years. She expressed apprehension that her husband had become insensitive after all these years in jail. In fact there was fear lurking beneath her words and gestures that she would not be equal to him, should he turn violent. She is also a worker. They are

tribal, doing earth work, sinking wells, travelling from district to district in search of work. They belong to Salem district in Tamil Nadu. They are used to camping in the open, if need be. If he is toughened by prison life, she has been hardened by travails of separation on top of the privations of poverty.

When he asked her, why she should want the land, she wanted to know, if she had not loyally waited 7 years without marrying anybody else. She is 28 years old. "Am I not entitled to some token of your appreciation of my steady loyalty to you ?", she demanded to know. Thus she wanted to test him, before she wanted to judge him. In her view, he failed when he refused to countenance the idea of settling one acre of land on her and their child. He resented the very notion of being judged by her. This was evident from his withdrawing from the negotiations in a huff. He could not show any appreciation or sympathy for the wife who patiently waited seven years for him to return to her. Does not prison life de-humanise the individual ? Was she unrealistic in expecting such of her feelings from him? Should she have joined unconditionally without calling for any gesture or token of his bona fides? She did not have the courage to do so. Actually she lived with him for a few days on his release, according to his version. There was a lurking fear of him dictating her words and moves. He could not shed the stigma of an ex-convict. There was little sympathy for him, even at the centre. Of course, by his unrelenting attitude he had forfeited all claim to mental participation in the process of negotiation. The route to shared experience was blocked by his ultimatum to his wife, "Join me unconditionally or not at all."

Judgement yields a framework for the choices to be made by the disputants in the course of their negotiations. Hence judge you must and judged you must be. His 'high and mighty' attitude towards his wife was perhaps a cover for his complex arising out of his being an ex-convict. His norm was her acceptance, unconditional and unhesitating. He was anxious that he was none the worse for his incarceration and could still call the shots. He had overshot the mark. She rejected his expression of readiness to live with her as not bona fide. He insisted that he would live with the other woman too. In her judgement, separation had not made him any fonder of her or the child. That was her norm for judgement.