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# *In Theory*

## Confectionery and Conflict Resolution? What *Chocolat* Reveals about Mediation

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*A close analysis of the film Chocolat discloses a new metaphor for the mediator — the mediator as cook. The use of this metaphor throughout the film suggests new insights about mediator style and practice. Specifically, the mediator-protagonist in Chocolat demonstrates that: (1) mediations need not be voluntary to be sound, (2) non-neutral, directive, evaluative mediators can be effective if they individualize their approaches to each disputant and dispute, and (3) effective approaches to mediation celebrate emotion and pleasure, contrary to many conflict resolution theorists who write about the importance of emotions, but do not privilege them in practice.*

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### **Mediators in the Movies**

In Canada and the U.S., mediation and negotiation are the most popular forms of conflict resolution, yet mediation and mediators are not well represented in film, and neither law and film theorists nor conflict resolution scholars have investigated how film depicts mediators. Although huge numbers of cases no longer go to court because more than 90

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percent of all civil and criminal cases end in negotiated settlement, there is no conflict resolution film genre, and very few films depict mediation explicitly — as far as I am aware, only two: *Disclosure* and *Wedding Crashers*.<sup>1</sup>

This article is thus a first attempt to “see” mediation in film, even in cases where it might not explicitly be labeled as mediation. Mediation is the intervention in a conflict of an acceptable third party who has no authoritative decision-making power but who assists the parties in reaching a mutually acceptable settlement of the issues in dispute. Mapping the cinematic contours of conflict resolution processes such as mediation is valuable because, as Marcel Danesi notes, films are “perhaps the most influential art form of the last century. If we live today in a ‘visually mediated’ world — a world where visual images shape lifestyle and inculcate values — we owe it first and foremost to the movies” (2002: 107). Movies tell some of today’s most compelling stories, and as such, are intrinsic to our metaphorical understandings and signifying orders. Richard Sherwin asks: “Where else can one go but to the screen? It is where people look these days for reality” (1996: 894). Films are social artifacts, texts, and examples of cultural production that reflect, reproduce, and shape meaning, often using metaphors. When films are examined as texts, they can provide valuable insights into the human condition and our understanding of it — including our understanding of the process of mediation.

In this article I describe what the film *Chocolat*, released by Miramax Films in 2000, reveals about mediation that we may not find described in classic mediation texts (Hallström 2000).<sup>2</sup> I examine the cultural-legal construction of mediation through a close analysis of one particular film.<sup>3</sup> In so doing, I will attempt to discern filmic understandings of mediation and see how, through metaphor, film can help construct images of the mediator and teach us new things about her. I approach the film *Chocolat* with a view to answering several questions. What metaphor describes mediators as they are depicted on film? What can we learn from this metaphor, and what does it tell us about mediation style and practice? In other words, how does this movie portray the mediator, and in so doing, actually help us to understand mediation better? In approaching these questions, I rely on an interpretative cultural-legal method that employs a metaphoric lens to focus on two key conflict resolution interventions depicted in the film and what they reveal about mediation.

## **A Mediator Blows into Town: A Synopsis of *Chocolat***

*Chocolat* is based on an eponymous novel by Joanne Harris (1999). The screenplay was written by Robert Nelson Jacobs, and the film was directed by Lasse Hallström (2000). In it, Vianne Rocher, the protagonist, played by Juliette Binoche, is a female conflict resolver whose many mediations resolve disputes in a small French village in 1959. The movie highlights

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what Elayne Rapping has described as “duelling narratives of gender and patriarchy” (1997: 96) by pitting a woman mediator, representing justice, against the film’s antagonist, a male mayor, who embodies the law. Vianne must overcome the mayor, or Le Comte de Reynaud, played by Alfred Molina, and she struggles against him until she emerges victorious at the end of the film. Thus, in *Chocolat*, the law, embodied by the mayor, is less powerful than mediation, embodied by Vianne.

I have chosen to call Vianne a conflict resolver or a mediator. However, she might just as easily be deemed a conflict intervener, self-interested negotiator, or social activist, depending upon which of her filmic conflict interventions one studies. While I recognize Vianne’s conflict resolution range and the fact that not every one of her interventions in *Chocolat* can easily be labeled mediation, I have chosen to focus on two of her most important mediative endeavors because the resolution of these two conflict situations are climactic. Through the mediation of these two conflicts, all the movie’s characters come together, and viewers are able to see the successful resolution of all the film’s other conflicts. Thus, I call Vianne a mediator, and analyze the mediation she conducts between Le Comte de Reynaud (or the town) and a band of gypsies, and the mediation later conducted by Joséphine, Vianne’s friend and trainee, which resolves the dispute between Vianne and the town.

The film opens with an aerial view of a picturesque, sleepy French village. The first character we meet is Le Comte de Reynaud, the mayor, as he ushers parishioners into church. Inside the church, a young priest reminds the congregation that “the season of Lent is upon us.”<sup>4</sup> This is important because French Catholics acknowledge the forty days before Easter by giving up favorite foods. When the priest asks, “Where will we find truth?” the answer appears to come from the wind. That is to say, immediately after he poses the question, the wind blows Vianne Rocher into town, suggesting to the viewer that perhaps Vianne will bring truth.

Vianne rents a patisserie and the apartment above it from the town’s oldest resident, Armande Voizin, played by Judi Dench. Then, in secret, she goes about transforming the patisserie into the “Chocolaterie Maya,” a confectionery shop. The shop’s name clues viewers to the fact that Vianne is different — she is part Guatemalan and therefore not “purely” French. The viewer learns that Vianne’s father was a French apothecary and her mother, Chitza, was from Guatemala. It is Vianne’s mother who inspires the Chocolaterie Maya, the chocolate recipes, Vianne’s colorful clothing, and her wandering nature.

On Sunday, Le Comte comes to Vianne’s shop to welcome her to the town and invite her to worship. Vianne, who is working on the Sabbath (a sin in Le Comte’s mind), informs him that not only does she not attend church, but she has never been married, which makes her daughter, Anouk, “illegitimate,” according to Le Comte. Deeply disturbed by her sacrilegious

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shop, opened during Lent and operational on Sundays, and by her status as an unwed mother, the mayor determines that something must be done to stop this radical newcomer and places a ban on the Chocolaterie Maya.

When Vianne first hears of the ban on her shop she storms over to Le Comte's in red shoes and a Guatemalan shawl to find Le Comte all in black in his formal office. The leather-bound volumes, imposing shelves, and dim lighting of the mayor's office all mark Le Comte's patriarchal authority. In *Chocolat*, a formalistic, conservative conception of law is embodied by Le Comte, while Vianne's character is more emblematic of humanistic conflict intervention. This genders law and conflict resolution in familiar ways, and positions them in opposition to one another theoretically, and cinematically — Vianne and Le Comte literally stand in opposition to each other — appearing on opposite sides of the screen throughout most of the film.

Another source of conflict appears in the film with the arrival of a group of gypsies.<sup>5</sup> Interestingly, the gypsies are even more alien (or "othered") in the film than Vianne is. When the gypsies and their leader, Roux, played by Johnny Depp, arrive, their outsider status is underscored by the fact that the villagers must go beyond the village walls, through a gate, to get to the river to see the newcomers. All the other mothers drag their very interested children away, but Vianne and Anouk go together to meet Roux, who facetiously identifies his group as "river rats . . . the dregs of society, [with] horrible diseases and criminal impulses." When Vianne sees Le Comte disdainfully observing her interaction with Roux from afar, she buys two of Roux's necklaces, even though they are overpriced, because she wants to be seen as supportive of these outsiders. Rejecting the town's mores and legal authority, she makes no effort to hide her individuality or to appear conventional. Rather, she goes out of her way to establish her distinctiveness when she knows Le Comte is watching.

Incensed, Le Comte is determined to regain control over his village, whose residents have become so entranced by Vianne's chocolate shop. He convenes the town council to discuss taking action against the river gypsies. Vianne is not present. (Mediators, such as Vianne, tend to be outside the power structure.) Although the council has no legal authority to force the gypsies to move, the "ruthless, godless drifters," as Le Comte calls them, will be made to understand that they are unwelcome via a boycott. The mayor devises a scheme whereby all local businesspeople will display "Boycott Immorality" flyers and refuse to serve gypsy customers, which he hopes will drive them away.

Vianne, devastated by the lack of support from the town for anyone or anything different, asks her friend Armande for advice. Armande says, "Throw me a party. Wednesday's my seventieth. Let's show the bastards we're ready to go down dancing!"<sup>6</sup> Vianne prepares the party with the help of her friend and chocolate shop trainee, Joséphine Muscat, played by Lena

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Olin. In this critical scene, the camera zooms, pans, and rotates to enable the viewer to see the situation from many perspectives. Vianne has thrown a sumptuous outdoor dinner party, using cocoa in many of the dishes. Aside from Armande, Vianne, Anouk, and Joséphine, other sympathetic townspeople attend the party. Many of the guests grow uncomfortable when they learn that Roux is the dinner's cohost — after all, gypsies are to be boycotted. At the beginning of the dinner the townspeople shift in their chairs in an effort to move away from him. However, slowly but surely, they are won over by Vianne's exquisite meal. After the meal, Vianne informs the guests that dessert will be served on Roux's boat. When the villagers look concerned, Armande declares, "Any complaints — see me." The next scene shows the townspeople and gypsies laughing, dancing, drinking, and having a wonderful time on Roux's boat.

By bringing the townspeople to eat with Roux and dance on his boat, Vianne unites the villagers and the river dwellers. She successfully mediates a dispute by throwing a dinner party, and, as viewers watch the joyous riverboat party, they see that some of the film's lesser conflicts have also been resolved.<sup>7</sup> Le Comte, however, spying from dry land, is not moved. He tells Serge, Joséphine's abusive, estranged husband, that "something must be done." Serge interprets this as a directive and sets fire to Roux's boat. Although no one is harmed, the travellers lose their home. Also, sadly, Armande dies that night. After her friend's funeral, Vianne stands alone on the dock where the gypsies' boat had been moored, wearing red shoes, her hair blowing in the wind, and decides it is time to leave.

This brings us to the final, equally climactic mediation of the film, where Joséphine, Vianne's trainee, mediates the lingering dispute between Le Comte, the town, and Vianne. Vianne, who has decided it is time to go, begins packing over the protestations of Joséphine. Joséphine, echoing the viewer's thoughts, says, "If you leave everything will go back to the way it always was." So great is the change that Vianne has wrought — Joséphine simply cannot allow her to leave.

While Vianne packs, Joséphine secretly gathers many of the same sympathetic villagers from the dinner party to help her keep Vianne in town. Joséphine has learned well from her mentor and also uses food to resolve this dispute by bringing villagers into the kitchen of the chocolate shop to help prepare the grand Easter chocolate festival.

Meanwhile, after discovering that Serge set the fire and how that might implicate him, Le Comte evicts Serge from the village. When he looks out his window and sees a villager enter the chocolaterie to help Vianne, he realizes all his efforts have been in vain. He has lost. It is the night before Easter Sunday, and Vianne has not been driven out of business as he had hoped. Le Comte can stand it no longer, and, under cover of darkness, breaks into the Chocolaterie Maya. He destroys Vianne's gorgeous chocolate window display and ends his Lenten fast in a chocolate-

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feeding frenzy, eventually falling asleep in the midst of the plundered display.

On his way to lead Easter Mass the next morning, the priest sees Le Comte asleep in the window. So does Vianne, who now knows her dispute with the mayor is resolved. However, instead of becoming angry or gloating, she revives Le Comte with a beverage. Le Comte apologizes, and Vianne promises that she “won’t tell a soul.” Le Comte knows it is over and that he is beholden to Vianne and her conflict intervention efforts. A familiar trope in many movies, Le Comte’s confession (such as a trial in law films) assures viewers that the conflict resolution process has produced the correct result in *Chocolat*.

That Easter Sunday there is a new tone to the sermon. The priest speaks of kindness and tolerance and of measuring goodness by who we embrace and include, like the gypsies, and by what we create (chocolate, anyone?) The atmosphere of the town has changed, spirits are lighter; the villagers seem released, and the film ends with a joyous chocolate festival.

Viewers are reassured by the victory for conflict resolution in *Chocolat* because throughout the film, viewers are invited to adopt a certain perspective — Vianne’s perspective. Movies and their viewers “side” with certain viewpoints or characters. Thus, viewers find the film’s conclusion reassuring and satisfying because the film’s construction has encouraged them to adopt Vianne’s perspective. Indeed, a fundamental premise of the study of law and film, according to Orit Kamir (2003), is that some films — law or trial films especially — perform large-scale “legal indoctrination” and train audiences to judge (2003: 2). This engagement of viewers in cinematic judgment acts is generally accomplished by “[m]anipulation of viewer identification with on-screen characters and eliciting emotional responses to powerful imagery” (2003: 2). Kamir’s concept of viewer-engaging judgment means that viewers are successfully invited to adopt certain points of view and reach certain conclusions; in this film, those are Vianne’s.

The viewer’s tendency to identify with Vianne undermines Le Comte’s standing. His patriarchal, religious, legal veneers are stripped away, exposing his cowardice, bad faith, and envy. It is difficult to maintain any sense of identification with him. Indeed, it is to the credit of the film that viewers do not merely hate Le Comte. Rather, they may find him humorous and pitiable, and even likable in some scenes, when, for example, he attempts to rehabilitate Serge, the wife abuser. Nonetheless, ultimately the film pushes the viewer to sympathize and “root for” Vianne.

Thus, the duelling stories of gender and patriarchy in *Chocolat* are resolved in favor of woman-led humanistic conflict intervention. Orit Kamir (2006) discusses these contesting narratives in her analysis of the film *Death and the Maiden*:

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The two competing notions of law and justice are thus not merely cinematically gendered, but also bound together by powerful bonds of . . . hatred, guilt, . . . commitment, dependence and desire. Both notions are scrutinized and judged by the film — as well as by the viewer, who is invited to play an active, judgmental role (7).

In *Chocolat*, we see the same bonds of guilt and desire in Le Comte's relationship with Vianne and her chocolate shop, which culminates in his nearly orgasmic consumption of the window display. We, as viewers, are invited to play a judging role and to find for the underdog, Vianne. As Mark Tushnet explains in an analysis of the film *Class Action*: "By linking justice with the Other, the 'law versus justice' trope implicitly valorizes the subordinate Other as well" (1996: 244). Vianne the underdog thereby becomes the victor, prevailing over law.

### **Conflict and Cooking: Mediation Style in *Chocolat***

Vianne's conflict resolution victories over formal law reveal important insights about mediation, mediators, and mediation style. For example, some conflict resolution scholars might argue that *Chocolat* provides a clear portrayal of transformative mediation. Robert A. Baruch Bush and Joseph P. Folger (2005), who developed transformative mediation, describe the style as follows:

According to transformative theory, what people find most significant about conflict is not that it frustrates their satisfaction of some right, interest, or pursuit, no matter how important, but that it leads and even forces them to behave toward themselves and others in ways that they find uncomfortable and even repellent. More specifically, it alienates them from their sense of their own strength and their sense of connection to others, thereby disrupting and undermining the interaction between them as human beings (45–46).

Bush and Folger argue that transformative mediation can best be understood as a process of conflict transformation, and indeed, changing the quality of conflict interaction is what Vianne strives to do throughout *Chocolat*. Like transformative mediators, she focuses on transforming the parties' conflict interaction by encouraging empowerment and recognition shifts (which Bush and Folger define as a party's willingness and ability to recognize the other party's perspective). She tries to nurture parties' core capacities for personal strength and interpersonal connection, and to "find the common humanity that it is the promise of mediation to reveal" (Bush and Folger 2005: 266).<sup>8</sup>

While it can be argued that *Chocolat* provides an example of transformative mediation, this is less important than the film's depiction of a successful mediation style that subverts classic mediation theory (as well as

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standard transformative practice). Vianne is not cooking for consensus. Rather, she uses her food-based interventions for destabilization. *Chocolat* can thus be understood as a heroic, feminist text wherein a woman mediator subverts the *status quo*. Importantly, the film tells us things about mediation style that are very different from conflict resolution teachings. Vianne's conflict resolution style in the film deviates from these teachings in three important ways:

- Vianne's mediations are not voluntary on the part of disputants, as mandated by conflict resolution scholars, but they are sound.
- Vianne is not neutral and she is more directive and evaluative than classical mediation permits. However, she successfully individualizes her approach to each disputant and dispute and is appreciated for it.
- Vianne's approach to mediation celebrates emotion and pleasure, contrary to many conflict resolution theorists who write about the importance of emotions but do not privilege them in practice.

### ***Involuntary, yet Sound***

Classical definitions of mediation, such as Christopher Moore's, describe it as a voluntary process of conflict resolution: "[the mediator] has . . . no authoritative decision-making power but . . . assists the involved parties in voluntarily reaching a mutually acceptable settlement of issues in dispute" (1996: 15). Vianne's mediations and conflict interventions are *not* voluntary; she is never asked or invited to mediate. She intervenes when *she* thinks mediation is necessary or deserved. Sometimes the disputants do not even know they are participating in a conflict resolution process. Vianne is not an "official," formally designated mediator. Instead, she involves herself in others' conflict situations without invitation, without consent, and without preparation on the part of the disputants, and therefore her mediations are involuntary. Her disputants, however, ultimately perceive her process to be sound.

Vianne lacks an institutional or societal base of support for her mediation activities. Like most unofficial mediators, she is outside the power structure, working on her own, using her position as shop-owner and the sheer force of her personality to pursue her chocolate and conflict resolution agendas. As Deborah Kolb notes, the agendas of outsiders "are quite different from those of the field builders and professionals":

Outsiders have specific ends in mind and see mediation as a means to pursue them. As a result, they get involved in cases that fit these criteria. That is, they choose cases in which they think they can make a difference. They are not professionals. They lack the systematic approaches of the professionals and the commitment to bridging theory and practice that field builders have. Outsiders are more likely to improvise based on what they find; their approach

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is ad hoc, relying on their personalities, their relationships with the parties, and their positions (Kolb 1994: 356-357).

Vianne is just such a nonprofessional outsider. She chooses to intervene in conflicts she thinks she can help resolve, improvises based on what she finds, and relies on her relationships with the parties to see her through. She utilizes a fluid mediation style, similar to that practiced by Hawaiian mediator Linda Colburn. Neil Milner, describing Colburn's conflict resolution work, deems it "far less formulaic, far more fluid, and far less frequently taught than generic mediation" (1994: 397). In fact, both Colburn and Vianne practice a type of mediation that might be described as "on-the-spot" mediation.

"On-the-spot" mediation is an informal, improvisational style of mediation. While traditional mediation training stresses the informality of the process, in reality mediators often operate in fairly structured, inflexible ways in mediation chambers, with planned seating arrangements, signed terms of mediation, and strictly delineated ground rules. Vianne, of course, has no such special room, establishes no seating arrangements, certainly has no mediation agreement, and articulates no ground rules. She operates without a formal mediation platform, and her disputants are often not given any advance notice of the session or any time to prepare. She simply intervenes when the circumstances, in her view, warrant it. This style of mediation tends to be faster, louder, coarser, and less resource-rich — there is less time to consult sources or bring in outside experts and no mediation center to visit. Instead, the mediator intervenes where she is, the parties speak informally to one another, no lawyers are present, and the parties may or may not even be aware that their dispute is being mediated.

Vianne has no rules on her side and therefore most of her interventions are surreptitious, hidden in offers of chocolate. Disputants often do not know they are about to be involved in a conflict resolution process; she "tricks" them, as, for example, when she invites the villagers to Armande's birthday party. They are not told who is throwing the party, for fear that, should they discover that Vianne is the hostess, they will not come. They are also not informed until the end of the meal that dessert will be served on Roux's boat. Vianne must operate in this secret, involuntary way, otherwise, she will be unable to engage in her conflict resolution initiatives. She requires cooperation to succeed, but because she is incapable of inflicting consequences for noncooperation, she resorts to benign deception.

"Disorientation" is another way of describing Vianne's somewhat deceptive technique. In one of Linda Colburn's memorable cases, known as "the pizza case," Colburn "employed what she calls 'disorientation,' a technique she often used to get involved when she was not invited. Colburn believes that 'people are the most genuine and revealing when they are disoriented' " (Milner 1994: 414). Colburn engendered disorientation by

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pretending to be a pizza delivery person so that the man in conflict lost the physical momentum of the assault he was about to perpetrate. In *Chocolat*, Vianne disoriented Armande's dinner party guests by not revealing herself and Roux to be the hosts. In their momentary discombobulation upon discovering the truth, the townspeople gave in to their desires for more great food and chocolate, and followed Vianne and Roux to the riverboat. This approach demonstrates that it is possible (though some would argue not laudable) for a mediator to depend on an element of surprise and still offer a sound approach to conflict resolution.<sup>9</sup> Indeed, Bernard Mayer (2004) might point out that we have something to learn from Vianne's mediation style because conflict specialists, as Vianne certainly is, have the option to play nontraditional roles and still call themselves conflict specialists who offer sound processes.

Soundness and safety are essential in conflict resolution endeavors. Conflict resolution research, however, provides conflicting information about the safety of mediation sessions. For example, I participated in a collaborative research project led by Julie Macfarlane and funded by the Law Commission of Canada and the Social Sciences and Humanities Research Council (Macfarlane 2002). I discovered that there is a dichotomy in commercial litigators' understanding of mandatory mediation processes in Ontario (Schulz 2001b). Macfarlane's data revealed that some Toronto commercial litigators think mediation is so easy that anyone can do it, and, consequently, that mandatory mediation is safe. Conversely, others think mediation is risky and could actually be dangerous to one's self or to one's clients. This paradox of safety and danger is illustrated by the comments of interview participants. Regarding the safety of mediation, one participant said:

There are other times when . . . the mediator is like a teddy bear. It doesn't matter whether he was there or whether there was a teddy bear on the table — it's just the process of getting the parties together . . . The real key is to have a teddy bear sitting there who can understand enough (Macfarlane 2002).<sup>10</sup>

But other interview participants' comments highlight the perceived riskiness and dangers of mediation:

Part of what mediation is — what mediators are trained to do — is to lie. This is to get parties who are giving something up to feel that they are gaining something or the other party is losing a lot more than they are. To make them feel better — they lie; that is part of the training process (Macfarlane 2002).<sup>11</sup>

Mediators are not trying to get the right mediation result — they are trying to get any result — they don't care what the right result is. So that is a serious problem with the system. I might as well tell my client at the very beginning, write a cheque for 50 percent

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because a lot of the times that's all they're going to get you to do after blowing your brains out (Macfarlane 2002).<sup>12</sup>

So, despite the fact that conflict resolution scholarship describes the mediator as someone who helpfully facilitates the resolution of disputes, one litigator who participated in Ontario's Mandatory Mediation Program views mediators as people who could "blow your brains out." This perceived danger in mediation clearly speaks of the importance of creating a safe and sound process, something that Vianne understands and tries to model in *Chocolat*.

Vianne evinces her concern for safety by the premediation work she does. She epitomizes reflective practice. Although she does not allow much time for disputants to prepare, she prepares herself. Then she works with disputants individually, a form of private caucus, even if they do not know they are being worked on. For example, when attempting to reconcile Armande with her grandson, Luc, Vianne ponders various approaches before settling on her strategy to bring them together via a portrait-painting session. But before inviting Luc, a budding artist, to her chocolate shop to paint his grandma's picture, Vianne works with him individually, compliments his talent, and coaches him to be more independent. Similarly, Vianne talks with Armande, makes sure she is ready for such intimacy with her grandson, and then provides the location for their first meeting. In this way, Vianne employs her version of private caucus to build rapport with disputants.

Vianne has an ability to move in and out of cultures and work settings to make disputants feel at ease and secure. Her cultural fluency, openness, spontaneity, and generosity with chocolate develop into creative, caring, and empathic conflict intervention. She creates the space that is needed for people to feel safe enough to "confess" and talk about their problems: "Is this a chocolaterie, or is this a confessional?" Armande asks. Although Le Comte believes he should be the "Father Confessor" for the town, Vianne actually takes on that role in her capacity as "Mother Confectioner," and the townspeople feel safe with her. Many people, from lonely bachelors seeking companionship to housewives wanting to improve their moribund sex lives, confide in Vianne and are helped by her.

It is important that the disputants feel safe and sound with Vianne because on-the-spot mediation holds significant process dangers for disputants. Most obviously, disputants may not even wish to have their dispute mediated. If conflict intervention then occurs, they may feel their lives have been interfered with without their consent, which can be experienced as invasive or dangerous. Also, because this informal approach to mediation lacks guidelines for what to do if the parties are very heated at the time of intervention, it presents the risk of physical danger for disputants and mediators alike. In *Chocolat*, this danger arises when Serge

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comes to Vianne's shop, breaks and enters, and violently tries to force his wife Joséphine to come back to him. Although Vianne and Joséphine protect themselves against Serge's attack, the incident highlights the fact that when you insinuate yourself "on the spot" into the conflicts of others, you must always do so with an eye toward the safety of all parties involved.

### ***Not Neutral, Very Directive, yet Individualized***

Although Vianne employs a conflict resolution process that disputants appreciate as sound, her mediations do indeed begin on an involuntary basis. She insinuates herself into conflicts that she believes will benefit from her mediation approach. This suggests that she has an idea about the way conflicts should be resolved and a viewpoint about the "proper" outcome. In her mediative role, Vianne is clearly *not* neutral. This, of course, is mediation heresy because classic mediation theory stresses the importance of the mediator's neutrality. As Maureen Laflin has noted, "[t]he hallmark of mediation . . . is the self-determination of the parties and the impartiality of the mediator" (2000: 483–484).

Vianne's notion of mediation is the opposite; she is not neutral and not impartial and has definitive ideas about who or what should prevail. She manipulates interactions between disputants to help ensure her preferred result, interfering when the circumstances, in her view, warrant interference. So, not only is Vianne an uninvited mediator known to the disputants, she has opinions on what the mediated outcomes should be.

In order to achieve her preferred outcomes, Vianne is more interventionist, manipulative, directive, and evaluative than many mediation theorists would consider appropriate. Lon Fuller's classic definition of mediation describes its central quality, "namely, its capacity to reorient the parties toward each other, not by imposing rules on them, but by helping them to achieve a new and shared perception of their relationship, a perception that will redirect their attitudes and dispositions toward one another" (1971: 328). Although Vianne is ultimately successful in reorienting the disputants toward one another and transforming their relationships, she does not do so in the facilitative fashion described by Fuller. Rather, she takes a directive approach.

Watching Vianne at work could persuade viewers that mediators need not be neutral and facilitative in order to be successful. In *Chocolat* we see a very directive mediation style that succeeds despite its deviation from classic mediation teachings. Law school teaches that there are always two sides to every dispute, and mediators know there are often *more* than two sides. Vianne's method may suggest that just because there are multiple sides does not mean that each is equally valid.

Some might argue that Vianne should take the approach advocated by Lawrence Susskind, as explained in an interview with John Forester:

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When I say I'm committed to the best possible outcome, it means several things. It means the outcome's viewed as fair by all parties; it means I ask questions; it means I help put more options on the table; it means I help train people to advocate their own interests but I offer the same training to everybody. It *doesn't* mean I take sides (Forester 1994: 332).

Vianne, however, would likely argue that she must take sides because she cares about achieving a good outcome. Susskind argues that it is possible to care about the quality of the mediated resolution without taking sides:

So, when I say I'm accountable for the quality of a mediated outcome, people say, "Well, then you're not neutral, because then you're trying to steer the outcome toward a particular outcome *you* think is good." And I say, "No." Accountability for the quality of the outcome — providing training for everybody and helping them maximize joint gains — is the focus of my activism. It's all in the phrase "maximize joint gains" (Forester 1994: 332).

Vianne also cares about the quality of the resolution, but she actively tries to move disputants toward *her* view of the best outcome. As a directive mediator, she purposefully moves the parties where she wants them to go.<sup>13</sup> Classical mediation theory requires that mediators not judge, but Vianne, and therefore the viewer through her, performs judging acts. It appears that even in conflict resolution movies, adversarialness and judgment are difficult to escape. (Or, perhaps happy endings and the victory of the "right side" make for better box office returns).

In making judgments in the film, Vianne demonstrates her direct approach and that she is willing to use her power to her advantage. Although most mediators do use their power unconsciously, Vianne uses her power overtly and in a nonstereotypical way. Our cultural stereotypes portray men as more likely to employ power-based conflict resolution styles, while women tend to be more facilitative. Indeed, *Chocolat* casts Le Comte in a power-based role and Vianne in a more feelings-based role. But some research indicates that women mediators, such as Vianne, do employ directive, power-based approaches. Helena Syna Desivilya, Hanita Ady-Nagar, and Esther Ben-Bashat interviewed only six Israeli mediators for one hour each, so their results are certainly not generalizable, but they are interesting nonetheless. They found that:

The participants' construal of mediation practice by and large contradict gender stereotypes and relevant research findings. Women mediators seemed to advocate use of their power in an attempt to control the mediation process [like Vianne does], while men mediators viewed empowerment as the main mode to facilitate the process. In a similar vein, the former [i.e., women]

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seem to reflect task orientation and evaluative stance in their perception of [the] mediator's role in contrast with their male counterparts who revealed opposite tendencies, traditionally ascribed to women (2004: 11-12).

Vianne's non-neutral, directive, power-based approach to conflict resolution is in line with Desivilya, Ady-Nagar, and Ben-Bashat's findings. Her approach also mirrors Susskind's activist mediation as they both can be seen to challenge the concepts of neutrality held by many mediators. *Chocolat* demonstrates that neutrality and impartiality may not be essential for successful mediation, and that a directive mediation style can be as effective as a facilitative style. These views are, of course, heretical to classic conflict resolution theory, and most conflict resolution scholars would not endorse Vianne's style. For example, while Christopher Honeyman (1995) would agree that mediators should be like Vianne and demonstrate emotional stability, maturity, and sensitivity, he, and many others, would disagree with Vianne's non-neutral approach.<sup>14</sup> Thus, there is a clear discrepancy between conflict resolution literature and this filmic text.

In conflict resolution scholarship, there has been a general consensus that mediators should possess such qualities as self-awareness, listening and facilitation skills, empathy, respect, cultural sensitivity, and the ability to maintain confidentiality and impartiality. Yet, there is no actual agreement on "official" mediator roles, no North American court has ever ruled on any aspect of "proper" mediator behavior (Schulz 2001a), and popular culture depicts "non-classical" but successful mediation strategies. *Chocolat* subverts common conflict resolution understandings and teachings, and Vianne demonstrates contrary-to-theory mediation skills. I would argue, however, and I expect most viewers of the film would agree, that Vianne's interventions achieve positive results. Although her notion of mediation neither entails traditional concepts of neutrality, nor excludes the law's judging posture, she still successfully mediates many disputes because she individualizes her approach to each disputant and dispute.

Vianne does not have a one-size-fits-all approach to mediation. Rather, she tailors her conflict interventions in the same way she tailors her chocolates — by individualizing them for each person. Vianne has "a knack for guessing people's favorites." She relies on her intuition more than formal conflict resolution training to help resolve disputes. In this way, Vianne's approach mirrors Linda Colburn's, who notes, "I think that a rule for me is to pay homage to my intuition" (Milner 1994: 398). Vianne honors her intuition as well and uses it to guess people's favorite chocolates and provide different chocolate remedies for different disputes.

This is not a cookie-cutter approach to conflict. People and their problems are considered on their own merits, and solutions from previous resolutions are not imposed on anyone. Just as people should be willing to

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eat or try new things (as Roux demonstrates when he mimes eating a worm for Anouk's imaginary pet kangaroo), so too should disputants and mediators be willing to try new approaches to conflict resolution. This is, of course, exactly what proper, culturally appropriate, disputant-centered mediation practice demands. Vianne's approach, it could be argued, demonstrates that if mediators are willing to individualize their approaches and try something new for each dispute, they can be successful, even if they are also direct and partial.

Some scholars have criticized mediation's focus on individual resolutions, arguing that the individualized nature of private dispute resolution has negative implications for positive social change (Fiss 1984). Although personal conflict transformations hold promise for systemic change, they often bring relief to only a few, neglecting the larger, systemic problems of many. Therefore, it has been argued that mediation may be better equipped to address individual disputes than societal injustices. Similarly, cinematic representations of conflict resolution favor individual approaches because, as Dominic Strinati observes, "the typical Hollywood narrative will tend to focus upon personalities and individuals, rather than the structure of social, economic and political conditions" (2000: 32).

Certainly, *Chocolat*, like most films, focuses on individuals such as Vianne and Le Comte more than the sociopolitical structure of their community. Mediation, by definition, is a facilitative, private process meant to "reorient the parties toward each other, not by imposing rules on them, but by helping them to achieve a new and shared perception of their relationship" (Fuller 1971: 328). As such, when mediation does not specifically address systemic injustices, it may just be mediation doing what it was designed to do, or mediation doing what the disputants want it to do, rather than a fatal indictment of the mediation process. Importantly, however, in *Chocolat*, systemic injustices *are* addressed. Vianne's efforts to resolve the conflicts confronting the gypsies and Joséphine do address larger, public, social problems such as discrimination and domestic abuse. When mediation facilitates peacemaking and social development — as Vianne's interventions do — it is to be celebrated for it.

### ***Emotion and Pleasure***

Vianne manages to succeed in her unconventional mediation style because she values, acknowledges, and encourages emotion and pleasure. When she feels a relationship is suffering, she intervenes. In this way, she privileges emotion and makes it a cornerstone of her mediation approach. Many conflict resolution theorists write about the importance of emotions or feelings, both positive and negative, but do not privilege them in practice. (For example, many mediators state that emotions are important, but, in their mediation ground rules, disallow expressions of anger or loud speech).

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Traditionally, the emotional terrain has not been easy for lawyers, and pleasure and repairing relationships have not been goals of the legal system. Elizabeth Thornburg claims that: “The lawyer disconnects from thinking about what she is doing except to take pride in doing it very well. . . . Thus, the gladiator finds that he has lost touch with his own emotions” (1995: 265). Lawyers repress their own emotions, and many feel to work with emotions is to behave unprofessionally — that is not what lawyers “do.” Therefore, lawyers also often fail to make sense of their clients’ emotions. Kimberlyn Leary (2003) has said that lawyers approach client emotions as “cognitions with color” or as “souped-up thoughts,” not as important feelings in their own right. Indeed, most lawyers warn clients, “don’t get emotional,” because emotionality, whether positive or negative, is perceived negatively, as the opposite of being reasonable. As Don Welch points out, “[t]he traditional criticisms of emotional decision-making parallel and reflect the denigration of women and those traits considered ‘feminine’” (1997: 73). Therefore, injecting legal process with emotions is considered antithetical by many lawyers, and legal education “ultimately commits itself away from any acknowledgement of or attention to the emotional, affective, and experiential aspects of the law” (Black 1999: 124). Lawyers are discouraged from dealing with emotions by a legal education that does not acknowledge emotions and a legal culture that devalues them. Worse yet, law students are led to believe that their earlier faith in emotional arguments is “a sign of intellectual immaturity and that adoption of the value-free professional model is a form of personal progress” (Denvir 2003).

Sadly, mediation, envisioned as an alternative to litigation that would recognize client emotions, is losing its focus on emotion. According to Erin Ryan, “Even lawyers who practice in such ‘soft’ legal areas as mediation are hindered by the legal culture’s disdain for acknowledging the role of deliberative emotionality” (2005: 250). If emotions are viewed as oppositional to analytical reason, then privileging emotions by working with them risks undermining perceptions of the lawyer as a rational professional. And, in the case of the mediator, if emotions suggest weakness, betraying trace emotionality or relishing working with emotions could compromise perceptions of the mediator’s strength.

Susan Podziba (2003) expresses regret at losing the emotion in mediation because one of the greatest resources available to the mediator is the seething passion of the disputants. “Embedded within the chaos that fosters conflict is the powerful energy of passion that, if properly harnessed, can lead to progress through actionable agreement” (287–288). Michelle LeBaron (2002) argues for conflict resolution “from the heart,” stressing a creative, relational approach to conflict. Because “mediation is a venue where it is at least theoretically possible to welcome divergent ways of being in and seeing the world” (LeBaron and Zumeta 2003: 470), LeBaron

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recommends that mediators become more aware of connections and shared meanings by harnessing creative ways of knowing through emotions. Bernard Mayer argues that mediators should focus more on passionate speech, advocacy, and emotions, and less on “constructive communication,” which not only reinforces conflict-avoiding tendencies but also promotes the view that it “is better to speak nicely than to risk stirring up emotions” (2004: 131–132). Carrie Menkel-Meadow (2003) agrees that disputants must be encouraged to engage in passionate discourse. Many mediators attempt to move emotional people toward interests discourse when they would prefer to operate at the passionate level of needs and emotions. This is problematic and thus Menkel-Meadow argues that good mediation process would, of necessity, not neglect emotions, as they are essential for successful, forward-looking, conflict resolution.

Vianne demonstrates attention to emotion in all of her mediations. In fact, *Chocolat* suggests not only that critical moments in mediation center around emotions, but also that critical moments may be analogized to secret ingredients in cooking. For Vianne, the secret ingredient of chocolate leads to critical, emotional moments of conflict resolution. For example, Vianne uses chocolate as a secret ingredient to bring a couple together by suggesting to Guillaume Blerot, a lonely, elderly bachelor, that he purchase chocolates for the Widow Audel. She correctly attends to the emotions of both of them and realizes that they have unexpressed feelings for one another. Vianne is also aware, however, that Guillaume is shy. With great deference to his feelings, she suggests a gift of chocolate seashells for Madame Audel. This gift becomes the critical, emotional moment that begins to unite two previously lonely people — whether in confectionery or in conflict resolution, the critical moment is likely to involve attention to “secret ingredients” such as emotions.

*Chocolat*, as a cinematic text, more vividly depicts the importance of emotions to mediation than do classical mediation texts. In so doing, it also supports David Maxwell’s (1992) study of Cleveland’s Prosecutor Mediation Program. This study is one of the few empirical studies comparing women and men as mediators. Maxwell found that male and female mediators are equally effective at reaching *initial* settlements, but that women mediators are significantly more effective at mediating *lasting* settlements. The greatest differences were observed in emotionally charged disputes, leading Maxwell to conclude that emotional issues in conflict are better addressed by a “female” style of mediation. Vianne’s mediation style, which privileges both emotion and mutually beneficial resolutions, may well be a style that could lead to more lasting settlements. Through emotional support and acute listening, Vianne builds trust and rapport and helps disputants resolve their disputes.

All mediations involve both substantive and emotional issues, and managing these affective currents — impulses, emotions, moods, and attitudes

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— leads to better mediated outcomes. Roger Fisher and Daniel Shapiro (2005) argue that by focusing on five core concerns that motivate people (appreciation, affiliation, autonomy, status, and role) mediators can work to generate helpful emotions in themselves and in disputants. Such an emotion-focused approach to conflict resolution, they argue, can lead to improved substantive outcomes and stronger, more sustainable relationships.

Vianne practices just such a focus on emotion. Although mediators can never really be sure how accurate they have been in attempting to understand disputants' emotions, by utilizing emotional energy, self-awareness, and self-reflection, they are likely to come closer to understanding. Besides, if we as mediators do not address and celebrate emotion, who are we privileging? Clearly, we do not wish to valorize the tiresome, dichotomous thinking that positions emotions, the body, and women on one side, and reason, the mind, and men on the other. As such, our mediation approaches must acknowledge *all* emotions and *all* feelings, whether positive or negative, as experienced by all disputants, whether male or female.<sup>15</sup>

In addition to reflecting on and dealing with all disputants' emotions, mediators must also deal with their *own* emotions. Michael Wheeler and Kimberly Leary have used Gerald Zaltman's patented Zaltman Metaphor Elicitation Technique (ZMET) method to elicit the imagery and metaphors underlying negotiators' thoughts and feelings as they anticipate negotiation (Leary and Wheeler 2002; Wheeler 2004; Zaltman 2003). They found that performance anxiety prior to negotiation is universal.<sup>16</sup> Thus, before even entering the negotiation or mediation chamber, mediators must be aware of the power of their own emotions. The recipe for success in mediation might very well be related to how mediators safely and sensitively balance or privilege emotions: "This was the balance the mediator would come to seek in her own professional life, a way to combine order with spontaneity and goal direction with creativity" (Milner 1994: 402).

When emotions are privileged in the mediation process, or when emotions are taken seriously, the feelings of the disputants and the mediators are made to count, and this is experienced as satisfying.<sup>17</sup> In this way, emotions, feelings, senses, and pleasure are linked. In *Chocolat*, emotions and pleasure are connected to chocolate, whose role in the film is so central, one could argue that it is a major character. In the movie, chocolate has medicinal, magical, and conflict resolving properties. Giving and receiving chocolate establishes trust and rapport, lifts spirits, and hints at love, forgiveness, passion, seduction, making up, magic, and healing. Sharing chocolate, and sharing food generally, is thus about pleasure, and *Chocolat* is a pleasurable movie. It engages our senses and provokes sentient reactions. As such, our bodies and our senses, not just our intellects, are involved in the process of meaning making engendered by the film.

Vianne, the mediator, puts emotions and compassion first in her approach to mediation. Part of her compassion is "passion," and the film

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enjoins us to be passionate about conflict resolution. By addressing and using emotions in the way Vianne does, disputes are more successfully resolved, disputants feel better, and the value of conflict resolution approaches such as mediation is highlighted. Like Vianne, I believe we may take pleasure in the job of conflict resolution — solving problems *is* pleasurable.

Vianne does not merely debunk and criticize the status quo in her sleepy French village. Rather, she engages in hopeful, positive mediation that privileges emotions and quite openly, through the metaphor of chocolate, leads to pleasure for the disputants. Indeed, one of the greatest strengths of *Chocolat* is that it opens up for consideration the ways in which feelings, senses, and pleasure are important to mediation. Unlike law films that portray law as hopeless and bleak, this mediation film presents positive conflict resolution options for legal change.<sup>18</sup> Conflict resolution and legal theory both emphasize separating people from the problem — dividing cognition and affect. Contrary to these theories, Vianne's vision of mediation does not split the mind and the body — a full range of emotions, feelings, and pleasurable sensory perceptions are embraced in her approach to conflict resolution.

Because we may take pleasure in conflict resolution, it is my argument that we should experience mediation, film, and the nexus of both, as fun. The possibilities of enchantment, pleasure, and fun should not be underestimated in conflict resolution studies just because they are desperately underrepresented in legal scholarship. Films about pleasure, such as *Chocolat*, can be connected with conflict resolution education to help mediators harness the enchantment inherent in conflict resolution. John Barkai notes that “in negotiation, people are under the influence of intoxicating emotions” (1996: 704). These emotions can be channeled by mediators, as Vianne does, to lead to more satisfying, more pleasurable resolutions.

Through pleasure in film viewing, we can make sense of emotions, thereby becoming more effective conflict resolvers. Although mediation alone cannot successfully transform power relations or redress inequalities, Vianne's feeling-based mediation methodology underscores that affect may be an emancipatory discourse. This is a challenge posed to masculine law from feminist conflict resolution, and begs the question: how can we link Vianne's mediation style to conflict resolution theory and practice?

### **The Mediator as Cook: Metaphor in *Chocolat***

I argue that one way to link Vianne's mediation style to conflict resolution theory and practice is through the interpretive framework of metaphor. If we are able to *understand* and *feel* mediation differently, the way Vianne does in *Chocolat*, we may then *talk* about mediation and *teach* it differently. One of the most effective ways of “talking differently” is to change metaphors.

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It is generally accepted that metaphors are a basic way through which we conceptualize experience (Gibbs 1990; Lakoff 1987), so by using a new metaphor, we may reconceptualize mediation theory and practice. At the beginning of this article, I asked: what metaphor characterizes mediators as depicted in film, what can we learn from this metaphor, and what does it tell us about mediation style and practice? The metaphor that best characterizes Vianne in *Chocolat* is the metaphor of “the mediator as cook.”<sup>19</sup>

The metaphor of the mediator as cook, as opposed to, for example, the lawyer as warrior, alludes to warmth and kindness. Battle-based legal metaphors entrench adversarialness and enmity and are very gendered. They leave little room for those whose approach to conflict resolution diverges from “crushing one’s opponent.” If we wish to offer an alternative to traditional, adversarial, legal metaphors, why not employ the terminology of the kitchen and the cook? Food preparation is, at least in theory, gender neutral, not adversarial, and brings to mind nourishment, community, and satisfaction, and is thus an excellent metaphor for mediation.<sup>20</sup> We all eat, so food is an inclusive metaphor to use. For example, the average North American eats eleven pounds of chocolate per year and can thus relate to Vianne’s simple gesture of offering chocolate. Chocolate releases chemicals that might actually be helpful for mediation: serotonin for calm and endorphins, which can elevate mood.

The inclusive image of the mediator as cook resonates with most people and allows us to talk about conflict resolution differently. For example, mediators can help disputants develop the capacity to identify problematic language and then use cooking-related language instead to express themselves more productively in their negotiations. When disputants understand and work with one another’s metaphors, according to Oscar Nudler, “the highest phase in conflict resolution” can be reached, where both parties cooperate “in building a new frame transcending their original frames and the conflict between them” (1990:198). The metaphor of cooking can thus bridge divides, draw parties in, reveal additional openings for mutual gain, and produce important shifts in understanding needed to better resolve disputes.

What does this metaphor tell us about mediation style and practice? The metaphor of the mediator as cook helps us understand, talk about, and teach conflict resolution as a pleasurable process that addresses the disputant’s needs. Feminist engagement with the metaphor of the mediator as cook could help change the way we talk and think about mediation. It could disrupt and subvert traditional understandings of “proper” mediation style, just as serious consideration of Vianne’s mediation strategy in *Chocolat* could do.

When proposing the metaphor of the mediator as cook, one must consider the three questions Michelle LeBaron (2002: 209) asks about any conflict metaphor in use:

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1. What does the world look like from inside this image and how do we feel about it? Metaphors can tell us how to feel about conflict resolution interventions.
  2. What kinds of actions can you perform that fit with this metaphor? Metaphors can help participants define the tasks.
  3. What kinds of actions would not match this image? Or, as Michele Gelfand and Christopher McCusker might put it: what are the scripts or the norms for interaction? “Outside of the laboratory,” they write “the instructions for patterns of interaction are contained in metaphors” (2002: 301).

Happily, the world looks pleasant from inside the image of the mediator as cook. Cooking is a warm, generous, essential human process, and the metaphor of the mediator as cook suggests normalcy, sustenance, survival, and community. As such, the metaphor tells us that mediation is okay — it is safe. The actions that this metaphor suggests support feelings of safety and sustenance and leave little space for actions that glorify violence or suggest adversarialness.<sup>21</sup>

Each mediation task at every stage of the process can be performed within the rubric of this rich metaphor. Mediators might ask themselves whether the best resolutions, like the best dishes, are created by following the cookbook or recipe exactly, or by improvising? Does a “cookie-cutter approach” work in mediation?

Knowledge from food and cooking can be mapped onto mediation. As Gelfand and McCusker argue:

Much like knowing the rules of chess is a prerequisite to playing the game, knowledge of metaphors is a prerequisite to negotiation. In other words, negotiation is an experience that is possible because pre-existing ideas define a meaningful social context. Metaphors create the very possibility of ‘we are negotiating’” (2002: 301).

By applying knowledge of cooking to conflict resolution, the metaphor of the mediator as cook creates a meaningful social context and helps illuminate important facets of mediation. For example, the food-and-cooking frame helps one think about the mediation process and the substantive content of the mediation session. Joseph Folger writes:

Separating content and process is, in practice, impossible. The distinction between content and process is not at all like the relationship between setting the table and preparing the food. It is more like the relationship between how food is prepared and the way it ultimately tastes. Choices about frying, baking, or micro-waving have a direct impact on the texture and taste of food. Similarly, process and content are intertwined — the

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choices made about process have a direct and inevitable influence on the way conflict unfolds (2001: 57).

In Folger's (2001) words, we see the richness of the metaphor. Food and cooking metaphors can be applied to every stage of the mediation process. These metaphors tell us what mediation looks and feels like, and what kinds of tasks we can and cannot perform. So, for example, the preparatory phase of a mediation session might be deemed "setting the table." At this stage of the process, the mediator will prepare the disputants individually, or may even do so as a group, as the villagers prepared the chocolate with Joséphine at the end of the film. The disputants will need to know the *safety rules of the kitchen* (the mediation process), and the mediator will co-orient them toward a shared outcome — a *healthy, tasty meal* (resolution of the conflict). The mediator will concern her or himself with appetizers or hors d'oeuvres, and might use phrases such as: *bring to the table, start from scratch, break bread together, and what's cookin'?*

During the mediation session proper, which would be the *main course* or the *entrée*, the mediator would try to ensure that all parties felt comfortable, had *enough on their plates* (were comfortable with the agenda), and received *second helpings* should they so desire (have the opportunity to revisit important issues). Some of the strategies or recipes a mediator might use include: *expanding or slicing the pie, stirring the pot, spicing things up, and putting some issues on the back burner.*

The mediator can also use food-related metaphorical phrases to ask questions or make comments about feelings and appropriate actions: *What's on the menu? Let's get to the main course. That provides food for thought. You can't have your cake and eat it too. Now we're cooking with gas!*

The metaphor provides appropriate cooking-related language to describe the development of process problems and appropriate and inappropriate mediator and disputant action. As such, the process might be like *a dog's breakfast*, or suffer from *too many cooks spoiling the broth*. A particular disputant's action may be seen as a *red herring*, and parties may find themselves *in a pickle*.

When mistakes are made, as they inevitably will be, they may be discussed constructively: disputants may want to *eat their words* and *not bite off more than they can chew*. Disputants may find the facts to be *bitter pills to swallow, express sour grapes, or eat humble pie*.

Food-related metaphors can also characterize emotions during a mediation, including satisfaction (*pleased as punch, easy as pie, happy as a clam, and the best thing since sliced bread*) as well as less-positive emotions to describe the process, the conflict, or other disputants (*my brain is fried, not to my tastes, too spicy for me, too rich for my blood, a half-baked idea, thick as pea soup, slower than molasses, not the sharpest*

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*knife in the drawer, and what am I, chopped liver?*). Cooking metaphors can also be used to offer compliments: *cool as a cucumber, sharp as a knife, and as sweet as pie*.<sup>22</sup>

Finally, if the mediation process leads to resolution of the dispute, the parties can be said to be *at the dessert stage*. At this point, they have hit upon a *recipe for success* for their future interactions. They will see the *fruits of their labors, be done like dinner*, and have it *in a nutshell* — perhaps *with a cherry on top!* Quite simply, we may take the mediator as cook metaphor to its logical conclusion, and converse, teach, and mediate with food metaphors.

## Conclusion

A close reading of the film *Chocolat* reveals that the metaphor of the mediator as cook can operate at every stage of the mediation process, and is a richer, more inclusive metaphor for conflict resolution than “the lawyer as warrior” metaphor so commonly seen in film. The cook metaphor has much to inform conflict resolution theory and education. Most importantly, it reveals how a subversive mediation style might succeed. The mediator hero of *Chocolat*, Vianne, has a distinctive mediation style. Her approach to mediation demonstrates that mediation need not be voluntary to be sound. Mediators can be partial, directive, and evaluative and still be successful if they individualize their approaches to each disputant and dispute.

Finally, Vianne’s approach to mediation demonstrates the value of embracing emotion and celebrating pleasure. Throughout the film, the interpretive framework of metaphor helps us understand how mediation looks and feels from inside the image of the mediator as cook. This inclusive metaphor celebrates nonadversarial conflict resolution and provides instructions or scripts for expressive mediation. The metaphor provides information about what kinds of actions can be performed that fit within the metaphor, and what kinds of actions do not. If the mediator can co-orient the disputants to the metaphor in all its lushness, productive, nourishing connections between the parties will be fostered and efforts toward resolution will be more likely to bear fruit.

## NOTES

1. *Disclosure* is a 1994 Barry Levinson film starring Demi Moore and Michael Douglas. There is only one mediation scene in the film, and it is extremely adversarial and brief (Levinson 1994). *Wedding Crashers* is a 2005 David Dobkin film starring Owen Wilson and Vince Vaughn as divorce mediators. The only mediation is the first scene in the film, wherein the two men use a very crass though cooperative, comediation style (Dobkin 2005).

2. Carrie Menkel-Meadow (2005) also notes the need to turn to “non-law” movies for insight into conflict resolution: “If we are trying to teach human beings to negotiate by exploring parties’ needs and interests, by looking for both common interests, and ‘tradeable’ complementary interests, and ways of creating value and making spaces for peaceful co-existence, it would seem to me we

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need some new popular culture. So far, I have found most of my models of good negotiation outside of legal settings” (604).

3. Close readings and storytelling, especially in legal scholarship, have been denigrated. As Margaret Montoya notes, “There is an aspect to storytelling that can be, and is, dismissed from the confines of the legal academy as solipsistic or overly self-referential. It is trivialized as perhaps literary and artistic but really unrelated to rigorous legal analysis. I vehemently disagree. In a manner that parallels the methodology of legal feminism, the jurisprudential method deployed and enacted here is intentionally narrational” (1998: 152).

4. All direct quotations from the film *Chocolat* were transcribed by me as I viewed the film.

5. Le Comte and the other villagers use the words “gypsies,” “river rats,” and “ruthless, godless drifters,” to describe a nomadic, bohemian, and seemingly disreputable group of people. The members of this group do not seem, however, to belong to the specific, often-persecuted, ethnic group known as Gypsies, or more properly, the Roma.

6. Having an amazing, climactic dinner party is a common ending in the food genre of films. See, for example, the climaxes of both *Babette’s Feast* and *Big Night*. Both movies end with grand finale dinners, designed by the chefs to tempt the palates of their naïve guests: gourmet Italian food for the spaghetti and meatball crowd in *Big Night* and an extravagant French meal for simple, melancholic Danish villagers in *Babette’s Feast*. In both films, while the guests loved the food, the banquets bankrupted the chefs.

7. A previously estranged couple, Yvette and Alphonse Marceau, enjoy conjugal bliss, and Joséphine is happy and safe, separated from her abusive husband, Serge Muscat. Two lonely, elderly singles, Guillaume Blerot and Madame Audel, now dance together; they have finally become a couple. And Caroline Clairmont, Armande’s daughter, sees her son Luc’s joyous dancing on the boat and, for the first time, does not forbid him from exerting himself or having fun. Instead, she goes home and fixes her deceased husband’s bicycle so that Luc can begin riding it, an activity she formerly forbade.

8. Bush and Folger (2005) note that: “If mediation is to be helpful in transforming conflict interaction, then its overlap with some therapeutic processes needs to be acknowledged and accepted” (228).

9. Vianne’s use of deception is not in line with the mission of professional mediators to communicate transparently and authentically, and might be unethical according to the Association for Conflict Resolution’s Model Standards of Conduct for Mediators. Indeed, in cases where mediators have deceived disputants, the chances of mediation going wrong are substantially heightened. Anecdotally, however, it appears that mediators do on occasion deceive disputants, for example, when they do not tell them “everything.” Thus, Vianne’s behavior may attune us to the fact that the reality of practice does not always match classic theory and teachings. What is important is that each perspective — classic conflict resolution theory and movie approaches — may become enriched by entering into a dialogue process.

10. These comments came from Toronto interview participant number three. This participant also had the following to say: “It’s kind of like mediation theory. I mean this is dispute resolution. So like, when King Solomon decided how to resolve the dispute he hadn’t read any journal articles on dispute resolution but he sure knew how to resolve disputes. I mean it’s always been there, it’s just somebody puts the tags on.” And: “You can now plug into the Internet and if you really wanted to, in probably the course of two weeks, you could internalize all of that. If you really did nothing else for two weeks you could figure out what dispute resolution is all about and be pretty sophisticated in it.” Toronto participant number two said: “The philosophical problem with ADR is that it is turning judges’ brains into mush, it’s turning everybody into a dispute resolution expert when what you need is a decision-maker.”

11. Toronto interview participant number two. This participant also said: “Yeah! That’s an effective mediation when the loser might die! That’s very effective!”

12. Toronto interview participant number six.

13. In so doing, Vianne may just be more honest or overt than most mediators, who undoubtedly (albeit perhaps more indirectly) attempt to influence mediation outcomes.

14. See the Association for Conflict Resolution’s Model Standards of Conduct for Mediators. These standards outline “proper” or ethical mediation behavior. Standard Two refers to impartiality and states: “A mediator shall decline a mediation if the mediator cannot conduct it in an impartial manner. Impartiality means freedom from favoritism, bias, or prejudice. A mediator shall conduct a mediation in an impartial manner and avoid conduct that gives the appearance of partiality. If at any time a mediator is unable to conduct a mediation in an impartial manner, the mediator shall

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withdraw.” Interestingly, Bernard Mayer is one conflict resolution scholar who might endorse Vianne’s non-neutral approach (see Mayer 2004).

15. While mediators should acknowledge all emotions in mediation sessions, it does not mean that all emotions are appropriate or acceptable in mediation sessions. For example, inciting hatred or making racial slurs is not appropriate. However, taking negative emotions seriously and finding ways to address them is important.

16. Of course, some degree of anxiety before negotiations or mediations is fine, as it recognizes the importance of the event and focuses the mediator — like making a fancy dinner in *Chocolat*, and in the films *Babette’s Feast* and *Big Night*.

17. Mediation satisfaction surveys routinely demonstrate that disputants who feel their emotions were validated in the mediation process rate mediation more highly, indicate they would use it again, and express satisfaction with the process (see Boulle and Kelly 1998: 271–272, where the authors survey the results of Australian, American, and Canadian user satisfaction and mediation effectiveness surveys).

18. See Michael Asimow’s work where he argues that the vast majority of law films portray lawyers, law firms, and the legal system as evil and corrupt (Asimow 2001; Asimow and Mader 2004). See also Bergman (2001), Gleason (1996), and Owens (2001).

19. I have purposefully used “cook” instead of “chef,” as “chef” often conjures a haughtier personage than “cook” — the stereotypical chef is an older, white, often French man in a starched uniform and hat who, while known for fine cuisine, is not necessarily warm in personality.

20. While some may see cooking as “women’s work,” many of the world’s great cooks are men, and thus it is certainly true to say that both women and men cook, and therefore that the metaphor of the mediator as cook is gender neutral.

21. While cooking is certainly not adversarial, it *can* sometimes be experienced as competitive or stressful; for example, cooking terminology such as “slicing and dicing” can be construed negatively. But generally speaking, the first association with the word “cooking” is not “competition,” and, when cooking is competitive, as it might be in a bake-off or on a television program such as *The Iron Chef*, that competition is seen as beneficial.

22. Thanks go to Stacey Atkin, Melanie Janzen, John Pozios, and Brendan Schulz for their help in generating this list of metaphorical expressions.

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