
In Memoriam: pages 459-465

TONY WHATLING (1939–2024)

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Tony Whatling's death in November 2024 in Ely, Cambridge, of Kennedy's disease, a rare neuromuscular disorder, has left a major void in the field of family mediation in England where he was recognized as one of the leading trainers and practitioners as well as a pioneer in this field.

A protégé of John Haynes, the well-known North America-based trainer and practitioner, Tony, while embracing Haynes' theories, disagreed with him on the extent to which the past in a conflict needs to be addressed in order to bring about an effective closure. Tony's varied background in social work and its associated disciplines predisposed him to play this critique not only in the United Kingdom (UK), where he practised and trained mediators for over 35 years, but also in the many countries where he trained mediators from 2000–2012.

Born in Glasgow, Scotland, in 1939 and brought up in Suffolk where he spent his early childhood years attending a local school, Tony, the son of a builder father and a homemaker mother, attained his first job as a printer's assistant, after which he joined the Royal Air Force as a nurse



Tony Whatling in traditional dress in Salamieh, Syria, with trainee mediators. Photograph by Ray Virani.



CAB chairs and members from across India in Mumbai with trainers from Portugal, the UK and USA. Photograph by Ray Virani.

for nine years with a stint in Fontainebleau, France. On his return to England he was posted to Wiltshire as an Evacuation Clerk attending to injured returning airmen who needed to be allocated to suitable hospitals for treatment and rehabilitation therapy. It was there that he became interested in social care.

Building on his years of experience in this field, Tony engaged with child care, adult mental health, family therapy, psychotherapy and area team management, pursuing an MSc in the Sociology of Mental Health and working his way up to becoming the head of Social Work Education at the Anglia Ruskin University in Cambridge, a position he held for 10 years. During all this time, Tony worked as a mediator, consultant and trainer and went on to write three books—all practical, skills-imparting texts. These are: *Mediation Skills and Strategies—A Practical Guide*; *Mediation and Dispute Resolution—Contemporary Issues and Developments*; and *Dealing with Disputes and Conflicts—a Self Help Tool-Kit for Resolving Arguments in Everyday Life*.

In a discipline where some 45 years ago very little or nothing was known of mediation as a discrete tool of dispute resolution, Tony's contribution was seminal. Being aware of what the other professions entailed, Tony knew what mediation was not. It was not mentoring, it was not therapy, it was not counselling and, by reminding would-be mediators of what it was not, he was able to contribute to the definition of mediation's basic contours and its uncompromisable principles, which he saw as malleable and not immutable in the face of making mediation culturally adaptable. Tony also understood culture in its broadest sense and acknowledged its various dimensions such as rural versus urban, social economic, class, gender and so on.

Being so deeply involved in defining the shape of family mediation in England—and here it must be remembered that he was not alone

but was part of a pioneering group of people such as Lisa Parkinson, Henry Brown, Marian Roberts, Sonia Shah-Kazemi and others who were affiliated with various family mediation organizations in England—Tony distinguished himself as a trainer who was concerned about cultural sensibility and, more particularly, the appropriateness or otherwise of a model for training conceived in a predominantly Western, individualistic and atomized context. As time went by, Tony interrogated this model and, realizing that it was not even sufficient for a Western context, contributed to its adaptation through his practice and his training. It is in this area of reflection that Tony’s contribution to the Ismaili Muslim community’s pioneering effort in refurbishing a traditional system with modern principles of mediation provided him with a crucible to test his hypothesis.

In the summer of 2000, the Aga Khan—Imam (spiritual leader) of the global Shia Ismaili Muslim community—decided to establish a new mediation training programme that would combine the Islamic principle of negotiated settlement (which the Ismaili community had been practising for centuries) with the principles of modern mediation, which were then being refined in the Western world. The Aga Khan was explicit about the need to combine traditional systems with modern principles but always keeping in mind the ethical values that Islam enjoins such as compassion, care for the marginalized in society and the resolution of an issue in which there was neither a victor nor a vanquished. Some 14 years earlier the Aga Khan had promulgated a new global constitution



The East African National CAB members (from Kenya, Uganda and Tanzania) at a training session in Kampala, Uganda. Photograph by Ray Virani.



Tony Whatling receiving feedback from CAB trainees and Julgado de Paz at the Ismaili Centre, Lisbon. Photograph by Ray Virani.

that provided for special boards, entitled Conciliation and Arbitration Boards (CABs), which were staffed by well-qualified individuals, both men and women. These individuals were highly motivated volunteers and, while the system was working, it was the Aga Khan's wish that it should be informed by modern principles of dispute management which had emerged in the United States (US) following the Pound Conference in 1976 and were now being refined and applied in the UK. The task of co-ordinating this whole process devolved on me as I was just finishing my LLM at the School of Oriental and African Studies, University of London. The Aga Khan's Secretariat negotiated with two of Britain's leading institutions in this field: National Family Mediation (NFM) and the Centre for Effective Dispute Resolution (CEDR). It is here that Tony, designated by NFM to lead the family mediation part of the programme, established his credentials as being eminently suitable and well placed to deliver what the Aga Khan had envisioned. Admittedly, there was no model suited to the needs of a global Muslim community settled in over 25 countries of the world with a range of different legal systems operating within them. What we had was an "etic" (top-down) model and what was needed was an "emic" (bottom-up) one, but we could not wait till a new curriculum was developed. What we found to be practical was to adapt the existing curriculum which was available with each new

rollout. In colloquial terms, we were cutting a pathway while walking through the forest.

This task was further complicated by the fact that Tony as a trainer did not speak the languages of many of the Ismaili communities worldwide, and mediation as a discrete dispute resolution tool was not known in most of those languages. Tony's teaching materials had to be suitably adapted and translated into a number of Eastern languages for teaching purposes. Here, Tony's input and cultural understanding proved to be very valuable.

Fortunately, Tony understood change dynamics and the necessity of engendering change in a steady state. Also, the Ismaili community globally was most supportive, realizing that their Imam wished this for their well-being. Our internal team included two highly qualified volunteers—Rukhsana Abdulla, a child psychologist who worked in the CAB system in the UK with many years of practical dispute resolution hands-on experience, and Ray Virani, originally from Pakistan and based in Atlanta, who had years of experience with the community in the US.

The success of the programme was underwritten by two important factors which, looking back now, were critical. One was the Aga Khan's commitment to financing the whole training programme, but this was not unconditional. Each year I had to make a case for budgetary approval and, in characteristic fashion, the Aga Khan would raise critical questions such as in what period of time could we ensure full coverage of the demography, how did we cater for rural populations, how soon after appointment did CAB members get trained, what about training others, and so on. More importantly he would ask about case management and also how we evaluated success. How did we ensure that neither of the spouses or indeed the children in a dispute would become destitute? Something he referred to as "bandaging the wounds". He also wanted the institutions of the community to work synergistically through an effective feedback mechanism so that a good support structure could be in place to help disputants to recuperate after the dispute was formally settled.

In effect, the programme was adequately funded and the Aga Khan took a particular interest in its success. His feedback each year was communicated to Tony as part of the post-budget advisory, and here we worked very closely as a team. While Tony was the lead trainer, we also had the commercial mediation side to cover, and there we had two leading trainers globally, Lawrence Kershen QC of England and Rupert Watson of Kenya. In each programme Tony worked very closely with the commercial mediation trainers.



Tony Whatling in conversation with the Aga Khan for whose vision on mediation he had the greatest respect. Mohamed Keshavjee looks on: Lisbon 2008. Photograph AKDN.

Here, I need to highlight Tony's seminal contribution to the CAB programme. Tony was adept at listening. He listened not only with his eyes but also with his heart. He was able to pick up what was not said. He was emotionally very intelligent. He was good at conceptualizing role plays as he understood the value of appropriate pedagogy. He understood how to make learning an enjoyable activity. On this we presented a joint paper at the 5th International Conference of the World Mediation Forum in Crans-Montana, Switzerland, on 8 September 2005, entitled "Reflective Learnings from the Training Programmes of the Ismaili Muslim Conciliation and Arbitration Boards Globally".

The programme spawned two excellent training films where four CAB members produced a professional video in which Tony describes tools from the mediator's toolbox and explains how each tool can be used. These videos were dubbed in various languages such as Arabic, Urdu, Gujarati, Farsi and Portuguese.

In almost every country we visited we had an outreach component whereby we included participants from sister communities and trained them in the rudiments of mediation. This had a salutary effect in that other communities began to embrace mediation. In some cases, like

Syria, we included senior members of the judiciary. In Portugal our programme trained some 15 *Julgados da Paz* (Justices who staff local dispute resolution centres), and in Canada, at the request of the Canadian Foreign Ministry, the CAB programme trained three people, including a family court judge, on mediation principles for their work under the 1980 Hague Convention on International Interspousal Child Abduction.

During the Aga Khan's Golden Jubilee in 2007, Tony had the opportunity to personally meet the Aga Khan in Lisbon where he acknowledged his gratitude to Tony for his valuable contribution. Tony laid the foundation of the CAB training programme and as a lasting testimony to his memory this programme has now been running for the past 25 years and is fully self-sustaining with its own capability to train others. Tony always quoted the American philosopher and social critic, Eric Hoffer (who died in 1983): "In times of change, learners inherit the earth, while the learned find themselves beautifully equipped to deal with a world that no longer exists."

Till the end of his life Tony refused to stop learning and, in true form, taught others while he learned from them. He loved mediation and for him it was not only a skill, he actually perfected it into an art. Tony leaves behind him his widow, Carolyn (married 62 years), two sons, Steven and Stuart, and a grandson, Tony 2. True to his character he donated his body for medical research.

About the author

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