
Kluwer Mediation Blog

Putting Away Childish Things

John Sturrock (Core Solutions Group) · Tuesday, November 29th, 2016

I have just read Ian Macduff's recent Kluwer blog (26 November: "Upheaval and resilience: a note from the Shaky Isles"). What a privilege it is, in this blog, to follow Ian's erudite writing. He captures so well the spirit of the age, with all its uncertainty, tragedy, hope and opportunity.

On that theme, my wife and I both had the same thought one day last week and expressed it almost simultaneously: "What on earth is happening to us?" I am not sure what had provoked that question. Perhaps it was the latest political outburst, or the news that many species can no longer keep up with climate change. Perhaps it was the latest apparent confusion about Brexit in the UK or watching the desolation of Aleppo on TV. There was plenty of material. Actually, I think it was a simple act of crudity in the street, which seemed to exemplify the general loss of civility everywhere we look.

So, like Ian, I am on the lookout for positives in my life and work. Last week, I sat in the House of Commons gallery overlooking our Chancellor of the Exchequer as he presented his Autumn Statement. The atmosphere was electric and a bit like a bear pit. MPs were pressed against each other in a sweaty scrum of anticipation, anger and anxiety. As the Shadow Chancellor rose to speak, the baiting and baying increased in volume. Then the Speaker intervened: "Let me say now that if Members from either side want to shout out, they should not bother to stand, because they will not be called. I say that to Members on both sides—stop it. It is juvenile, low grade and hugely deprecated by the public, whose support we should be seeking and whom we should try to impress, not to repel." Spoken forcefully, these words temporarily quietened the place.

I have today written to Mr Speaker praising him for this stand and saying that we need the kind of courage and directness he showed if we are to have any prospect of rescuing parliamentary democracy.

I also mentioned that I had been able to refer to his words on BBC Radio Scotland the following day in an interview about behaviour in politics generally, post-Trump and the Brexit referendum. I had also referred to President Obama's (first) inaugural remarks when he spoke about putting away "childish things" (1 Corinthians 13). Timely words then and even more now. Interestingly, the Scottish Parliament has recently instigated a [Commission](#) to tackle "increasingly tribal and divisive" politics.

I used the Obama reference recently when I was privileged to give the annual Academy of Government lecture at the University of Edinburgh with the title "Beyond Adversarial Politics". I drew a lot on a wonderful [essay](#) by Václav Havel "Politics, Morality and Civility" and called for

better understanding in politics of behavioural psychology, neuro-science and the fight or flight/System 1 and 2 (Daniel Kahnemann) symptoms which can still prevail in us all, collectively and individually, especially when under pressure. I referred to cognitive biases and pondered how these might help us to understand what is happening to so many of our politicians – and to us. I called for respectful dialogue, building on the [Commitment to Respectful Dialogue of Collaborative Scotland](#) and suggested that we could audit the performance of politicians annually against these objective standards.

We discussed our ability to deal with paradox, ambiguity, nuance and uncertainty. The thoughtful writer and Franciscan priest, [Richard Rohr](#), reminds us that the contemporary mind has almost no training in how to think paradoxically, being stuck with dualist thought and locked into making seemingly clever distinctions, while devoid of wisdom. Mediators will recognise these traits, just as priests and political observers will. We know we can help others to wrestle with these productively.

In giving my lecture, I accepted the possibility of being thought naive but confessed a preference for that charge over a charge of mediocrity. In proposing changes, I pointed to the value of working in the margins (“Nobody made a greater mistake than he who did nothing because he could do only a little” – Edmund Burke). That applies to us all. Mediators know this so well.

Referring to the work of Martin Nowak, mentioned by Ian Macduff, and Havel’s observation that civility is essential for economic improvement, we posed the question: what if zero-sum, binary, adversarial politics are in fact detrimental to the generation of sustainable wealth or the delivery of effective services? What if positional partisan party politics are inimical to the national interest? In the UK (and pertinent in Scotland which voted significantly in favour of staying in the EU), what if the unskilled nature of political discourse contributed to the Brexit vote?

These were some of the themes when I addressed a group of 100 students, staff and lawyers in Florence in mid-November, on the occasion of the excellent mediation competition run there by the students in the law school, modelled on the ICC Paris event. These students have really grasped the importance of mediation as a set of tools with infinite potential in the broadest sense for use when problem-solving in the complicated, uncertain and dangerous world of their future. What hope they provide to the rest of us – and what encouragement and support they and their contemporaries will need from the rest of us.

A week or two earlier, I had visited Nairobi to help conduct a peace and reconciliation workshop for about 30 leaders of the South Sudanese Church. South Sudan is a newly independent country which is torn apart by civil war. There have been unspeakable atrocities committed there. We worked with people whose lives have been shattered by their experiences and who themselves are suffering from serious trauma.

And yet, the same ideas were as relevant to this group as elsewhere: engaging with “the enemy”, building relationships, separating people from the problem, listening to and understanding deeply the stories of the “other”, finding “win-win” solutions to intractable problems based on interests rather than polarised positions, and accepting and acknowledging our own imperfections and errors. They understood, as we all do when we really have to think about it.

All of this became more focussed in the days following the US Presidential Election. There was much email activity among my American colleagues in the International Academy of Mediators as they sought to understand what had occurred in their country. For some (though not all) it was a

journey from denial to despair, to blaming others and then themselves, moving to that sea of confusion that can consume us all as we struggle to come to terms with a traumatic event. Gradually, reality dawned and the acceptance grew that this is how it is and will be, and that they (and we) must all work to try to ensure that the Trump presidency is a successful one, another paradox for some and a pleasure for others.

So, it falls to each of us to seek out those we don't like or understand and listen to their stories. Alienation, disenfranchisement and despair seen more rife in the western world than ever before. There is no alternative but to try to understand why – and, more difficult, do something about it. And we mediators, as Ian observes, are well set to demonstrate how, by example.

In the same week, as a mediator, I saw the power of the process as one long-running complex issue regarding investment in a prominent start-up came to successful conclusion. Just the other day, another iconic project in the construction field has seen the benefit of eight days of regular facilitation of high-level progress meetings at a crucial stage in the workflow. The breakthrough has occurred. “We trust you again.” (The lawyers played a blinder in explaining the realities of litigation to the clients, in a joint presentation.) Quite separately, in a significant policy area in Scotland, the policy-makers, service providers, union representatives and, most importantly, the users of a nationwide service are celebrating ground-breaking proposals based on Getting to Yes principles, cultivated in a series of mediator-led workshops. And, on a mundane level, this from a legal adviser not long ago: “even if the mediation was not conventionally “successful”, it was useful. I am in no doubt that, following the opportunity to meet the individuals involved and to clarify the hurdles we see between us, both parties are far more likely to get to the nub of the issue, and be in a position to reflect on how evidence on the point affects their prospects, more quickly than would otherwise have been the case.”

We need to keep providing these opportunities. And we mediators know how to enable that to happen.

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