

## Odd conversations: Four vignettes

Kluwer Mediation Blog

January 26, 2018

Ian Macduff (NZ Centre for ICT Law & School of Law, Auckland University)

Please refer to this post as: Ian Macduff, 'Odd conversations: Four vignettes', Kluwer Mediation Blog, January 26 2018, <http://mediationblog.kluwerarbitration.com/2018/01/26/odd-conversations-four-vignettes/>

---

"It was impossible to get a good conversation going; everybody was talking too much." Yogi Berra

I use the word "odd" here in two of its meanings in English: odd as in occasional or sporadic; and odd as in strange, worthy of comment. This blog is a reflection on recent conversations observed or engaged in; and – like many of you, I expect – there are times when the mediator's perspectives and habits kick in, even during informal conversations or on wondering how public conversations might have gone better had those involved tried something a bit different. There are also the temptations, aren't there, to revert to the role of mediator when conversations are frustrating, fractious or fruitless.

First – the non-reciprocal conversation: I've touched on this in an earlier blog (April 2015), in reflecting on the experience that many of us will share, when we come away from an otherwise friendly conversation – or even a whole evening – realising that our companions will probably walk away with a sense of what a fine chat we've all had, but without having asked a single question of genuine interest. Alternatively, your conversational partner may indeed ask questions, but waits for the merest opportunity to give you his or her answer to or experience of the question you thought they'd asked you.

One of the key roles of the mediator, of course, is to ask questions on behalf of both parties, or to coach one or other of them into asking questions. This is not so easy in social settings, short of saying, in effect, "this is the point at which you ask me about how my day was" or "this is when you ask me why it is I hold these views". More likely, we might feel simply compelled to provide that information without being asked; or mumble off into the evening wondering when those others will ever learn reciprocity.

The mediation-related point here might be that, with our conventional focus on exploring the parties' interests (and not positions, of course), and even emphasising the primacy of individual interests, we might diminish the degree to which people can take an interest in others. If I were to shift the mantra of mediation to overcome this risk, it would be to the effect of forgetting about interests for the moment, and instead asking questions of genuine interest – which might get to the core of what each wants just as readily.

Second – the non-conversations on political and ideological differences: as I write this from a kitchen table in London rather than from my usual perch in Auckland, I'm aware again of the fractious debates about Brexit; and having seen the different media outlet responses, I'm also aware of the degree to which the camps become more entrenched the more they are informed by preferred media sources. At the same time, of course, we'll all want to argue that it's the other person's media source (insert preferred name of errant newspaper or TV station here) that is biased, partisan and plain wrong, while ours is neutral, balanced and of course right. We might even concede, as one recent conversational companion advised me, that the newspaper reflects our views and that's what we prefer to read.

This is all the more the case with so much of the opinion and sometimes analysis coming through frankly partisan source online. One response to this was suggested a few years ago by Cass Sunstein in his book *Republic.com 2.0*, in suggesting – so far to no avail – that all political or partisan websites ought to be required to carry links to other sites that reflect competing opinions: a kind of coercion to conversational and civic virtue.

The conversational challenge that came up for me in recent times on this question was not so much the content of the views (such as pro- or anti-Brexit; or the personal failings of named politicians, usually described in dismissive terms) but rather the unwillingness to examine those views. I'd imagine – or hope – that most of us will be willing to engage with those across the party lines; we might even struggle valiantly to engage with those whose views on the touch paper issues of race, gender, migration and so on are radically different to ours. But it's consistently difficult to engage with the substance of our differences when the response is, in effect, "that's what I believe, and that's all there is to it". At that point, the portcullis is brought down and what might have been a conversation turns into one of those grudging concessions that we agree to disagree, which never seems quite adequate.

Again, the mediator strategy in practice and conversation is to keep asking questions – those open questions that we hope are genuine exploration. In conversation, of course, this might uncover yet more entrenched views – or it might simply widen the gap.

One of the finest books on this is Rabbi Lord Jonathan Sack's *The Dignity of Difference* (2004), in writing at that time about the challenges of multiculturalism and pluralism. He, like Lord Bhikhu Parekh also writing on multiculturalism, provides a sustained and humanistic case for engagement about our radical differences.

Third – conversations on faith: I found myself in a congregation at a family christening recently and, prior to the main event, a member of the church committee announced that there would be a talk or a meeting for parishioners on how to talk with others (especially members of one's family) about faith. It was suggested that this is something usually avoided by those of faith and those not. While I can't speak for how those conversations were assumed to go, it struck me that there's a risk in this particular kind of conversation that – with a slight shift in spelling – it becomes an exercise in attempted conversion on either side. Again, these are hard conversations, especially when they go to the existential core of one's view of the order of things. Like those contemporary environmental issues involving competing uses of land and resources that are seen as contests between culture and commerce (or science), these conversations about faith are seen as pitting faith and reason against each other, with the former seen as the leap you take beyond the rational explanations, and the latter as sufficient (and sufficiently numinous) to provide the whole picture.

In a mere blog such as this, I'm not about to attempt anything approaching resolution, but I simply note this as one of the more enduring struggles to have – rather than to bypass – a conversation.

Fourth, and finally, the anonymous ambush tactics of the Internet. I recently went to the wonderful [Taylor Wessing Photographic Portrait](#) exhibition at the National Portrait Gallery in London and noted that the first and second prize-winning photos were of people escaping conflict; and the third placed photo was of a disturbingly lifelike robot. That these photos were of compellingly contemporary concerns is one matter; but what's of more relevance to this blog is the kind of "discussion" one can read about such competitions and photos. One of the photographers' sites that I read from time to time reported on the competition and the winners, which produced the familiar stream of comments on an only lightly moderated site. Readers will be all too familiar with the pattern of website comments in which the tone degenerates into competition, snarled critiques of others, and invective about the clearly challenged competence of the judging panel – all, of course, anonymously.

This raises for us the contemporary challenge as to how to have conversations in digital spaces, all the more so as that is the location in which more of us will spend more of our time and have much of our interaction. As psychologist Sherry Turkle comments, this is a matter of "reclaiming conversation" (the title of her 2015 book), all the more so if what has been lost or atrophied in recent times is the capacity for both empathy and self-awareness that conversation and mediation can foster.

We might agree with Michel de Montaigne that "there's no conversation more boring than one where everyone agrees"; but we'd hope – in the face of disagreement – that what is pursued is in fact conversation rather than conquest.