
Kluwer Mediation Blog

“What’s past is prologue”

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To what extent do we have control over our future? There is a lively debate among philosophers, neuroscientists and others (summarised in an [article](#) by Oliver Burkman) about the degree to which free will exists, or whether what happens to us is predetermined by what has gone before.

Burkman concludes his article with the reminder that: *“accidents of birth might affect the trajectories of our lives far more comprehensively than we realise, dictating not only the socioeconomic position into which we’re born, but also our personalities and experiences as a whole: our talents and our weaknesses, our capacity for joy, and our ability to overcome tendencies toward violence, laziness or despair, and the paths we end up travelling.”*

While this might suggest there is a limit to what we can do to influence the paths we will travel, he does see some benefit: *There is a deep sense of human fellowship in this picture of reality - in the idea that, in our utter exposure to forces beyond our control, we might all be in the same boat, clinging on for our lives, adrift on the storm-tossed ocean of luck.”*

Concerns about free will have a long history, as exemplified in Andrew Greig’s recent novel ‘*Rose Nicolson*’ set against the background of Scotland’s 16th century reformation. To quote one of the central characters: *“To ourselves, we seem to have Choice. But from the Creator’s viewpoint, we do not. So we are at once moral agents, and we are not.”*

To what extent can we make choices about the future or is everything we think and do governed by chains of cause and effect running back to the beginning of time, and/or the design of a higher being?

Path dependency is a well-recognised concept in social sciences, for example, with regard to how places and industries develop, here chance often plays a vital role in setting off a chain reaction. A classic example of this is the development of the carpet industry in Dalton Georgia, which can apparently be traced back to a local fifteen year old reviving a tradition of tufting a bedspread.

If free will is an illusion what scope do we have to exert some control over our destiny? Might chance and choice co-exist to some degree? Mediation begins from the assumption that we can decide which route to follow, indeed the mediation process is designed to offer those involved greater control of what happens.

Mediation gives participants the opportunity to reflect on the circumstances that led them to where they are today; to consider their thoughts and feelings with regard to their current situation; and to explore the possibilities and make decisions about moving forward which address the interests of all participants.

The questions mediators use reflect this past/present/future continuum. They might include:

- What's your perspective on how you arrived at your current situation?
- What might be the perspectives of other participants?
- What have you learned from what happened in the past?
- How might you have done things differently knowing what you now know?
- What are your thoughts and feelings at the moment?
- What are your current alternatives to negotiation and mediation?
- How would you feel if the concerns you have today could be put behind you?
- What do you really need to move forward?
- What might other participants really need?
- How might this be achieved in a way which addresses the needs of all concerned?
- What can you do now to help bring this about?

In his most recent book, *'The Upswing'*, Harvard professor of public policy Robert Putnam takes a historical perspective to consider the current polarised situation in the USA, exploring how it developed over the past hundred years or so and what the possibilities might be for the future, informed by what happened in the past.

He examines economic, political, social and cultural trends and find a similar pattern (an inverted U shape) in all four. He characterises the twentieth century as a period in which America went from an individualistic 'I' society at the turn of the 19th century to a more communitarian 'We' society (although far from fully inclusive with regard to race and gender) then back again, with the turning point at the top of the U occurring in the 1960s.

He considers the factors that influenced changes, in particular the mind-set, tools and tactics of early 20th century reformers whose words and deeds led to a greater sense of 'we', and the lessons that could be applied today to improve matters in the future. He cites the importance of moral awakening, civic revival, cross-pollination of ideas, grassroots and youthful mobilisation and astute political leadership.

According to research by *'More in Common'* and *'YouGov'*, a possible starting point for reducing the sort of polarisation identified by Putnam could be a greater appreciation, that despite positions taken and identities adopted and defended with vigour, there is often much more agreement among people when it comes to specific ideas, policies and initiatives. As Stephan Shakespeare and Joel Rogers de Waal of YouGov put it: *"What is more striking is how much people tend to have in common, when you scratch*

beneath the surface of political labels and loyalties.” This distinction between positions and underlying interests will come as little surprise to mediators.

In their recent [book](#) “The Dawn of Everything - A New History of Humanity”, anthropologist David Graeber and archaeologist David Wengrow go even further back in time as they explore how and why early human societies developed in the way in which they did. In doing so they consider the degree to which free will (or human agency as it is now often termed) helped determine the paths different groups took, compared to such things as environmental conditions or what had gone before. They conclude that judging the balance between the contribution of human agency and determinism is hard to make. However, from their exploration of the anthropological and archaeological record they think that *“human beings have more collective say over their own destiny than we ordinarily assume.”*

Graeber and Wengrow paraphrase Marx in saying *“we make our own history, but not under conditions of our own choosing”*. Putnam puts it another way in the introduction to his book, when he captures a mood which will resonate with mediators: *“the past merely sets the agenda for choice going forward”*. Free will sceptics may feel this is illusory but do we have any real option but to behave as if our conscious thoughts and actions today can make a difference to what happens in the future?

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The image shows a screenshot of the 'Explore Practice Plus' interface. At the top, there is a navigation bar with a checkmark icon and the text 'Explore Practice Plus'. Below this, the main content area displays a profile for 'Gary R. Egan' with a profile picture and a bio. The interface includes several data visualizations, including three donut charts and a list of results. The bottom of the image features a dark blue banner with the text 'Kluwer Arbitration' on the left and the 'Wolters Kluwer' logo on the right.

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