

Kluwer Mediation Blog

Conflict and the Loss of Story

Esther Pfaff (Associate Editor) (Hoffmann Eitle) · Wednesday, April 6th, 2022

As soon as the news of the Ukrainian invasion emerged in late February, I felt the urgent need to address in writing what had been unthinkable only days earlier but which has now changed Europe for good. At the same time, I felt a massive sense of despair and helplessness which rendered me mute. Weeks later, I have now joined a task force to help Ukrainian refugees, and I hear from many volunteers that they felt the same way, that it took them weeks to get back into action mode. A heartfelt thanks to all those who were on their feet right away.

The images we get from the Ukraine are certainly devastating. But still, I could not quite lay my finger on what created this numb emotion in me. It seemed to go beyond the obvious “Oh we simply had enough of bad news” kind of numbness, and was different from the shock the recent images of war crimes have created in all of us. By chance, I then found an expression in a book by Yuval Noah Harari, “21 Lessons for the 21st Century”, that struck a chord with me, and I will quote the passage here:

In 1938, humans were offered three global stories to choose from [the fascist story, the communist story and the liberal story], in 1968 just two [communism and the liberal story], in 1998 a single story seemed to prevail [the liberal story]; in 2018 we are down to zero.[...] To be suddenly left without any story is terrifying. Nothing makes any sense. [...] Unable to conduct a reality check, the mind latches on to catastrophic scenarios.

I. The Loss of a Story

When referring to the Liberal Story, Harari refers to the widespread belief, that nations that provide its people with liberty, the right to vote, the freedom of expression etc., will be rewarded with peace and prosperity, and every state that does not will struggle and ultimately fail. A “Story” in this context is understood as the narrative framework on which a society bases its identity. While we are all led to believe that we are extremely individual and independent creatures, when it comes to Story, we reveal ourselves as the collective herd animal that we are.

By referring to the year 2018, Harari refers to the crisis of the Liberal Story which emerged after liberalism allowed for Brexit and the rise of a politician like Donald

Trump. Those who still believed that Brexit and Trump were exceptions to confirm the rule, finally find all their beliefs shaken. Like me. One cannot help to ask: if Liberalism did not have the strength to protect a country like Ukraine and if it could not prevent the uprising of a despot like Putin in the first place, then what good is it? It may have outrun its course - but then what? What would it be replaced with? A despot like Putin strikes us like a ghost from the past, as he is clinging to a Story that to our mind died in the past century. But he and his followers still cannot cope, cannot adhere to a different Story and lash out in the most brutal way.

II. Story and Conflict in Mediation

Thinking back to the work of a mediator, the quote also made me realize that the loss of Story is typically what is at the center of a conflict that keeps escalating to irrational proportions, at least from the perspective of an outsider. The conflict seems to become unresolvable, no party is willing to let go, because it endangers or takes away the Story on which a life or a specific part of it has been based on. A divorce agreement cannot be accepted because it seems to render a life-long investment meaningless, leaving the divorcee "storyless". A failed research project cannot be resolved because it calls into question the very reputation of the lead scientist, the Story of his Life.

Mediation calls for focusing on your interests, on what you want to achieve, rather than on a certain legal position. But it is precisely when we lose our Story that our mind clings to a position we have identified as right, the last island of safety and righteousness for our identity in an ocean of meaninglessness. If we give up on this one, then nothing else seems worth fighting for, and so parties fight with existential rigor.

What mediation can do - in stark contrast to adversarial proceedings - is to encourage a dialogue or a train of thought that does perhaps not directly resolve the conflict at hand, but that allows the parties to define a new Story for themselves. A new Story that provides them with a new trajectory that they can adhere to and on which they want to move along. A new Story means a perspective that makes all efforts worthwhile again. The end of a marriage can then be seen as part of a life story, as one chapter, and not its dramatic loss or end. The failing of a scientific project can be seen as the inevitable part of the scientific struggle and not the absolute end of it. The so-called Narrative Mediation, a technique which was developed in the 1980s, makes specific use of this phenomenon by letting the parties tell their stories or the story of the conflict to each other and then works towards an alternative and possibly joint storyline.

III. Towards a New Societal Story

By the same token, I feel it is now our turn, to find a new societal story. Admittedly, to find a societal narrative is a lot more complex and will not be done overnight and with a flip chart. Therefore: what does this have to do with mediation?

I believe the lessons learned from mediation can indeed be most helpful here. They help us to overcome the idea that we need to choose between two positions that we

have defined as right and wrong: The previous Story of Liberalism - which we labelled "good" and has been struggling - and Totalitarianism - which is terrifying and inhumane and therefore neither an option. Hence the despair. But even when in awe for the efficient handling of Covid measures and impressed by the speedy building of ports and highways, it is important to remember that there is a world of nuances possible in-between these two. The fact that the previous Story of Liberalism seems to have failed in many areas does not automatically mean that we have now learned that freedom is overrated. More work on the details might be required though, the mere religious uplifting of the liberal Story might not do the trick. It has failed before and has been re-defined, for example during the French Revolution, when liberalism only applied to the elite of society and was nothing but intellectual flattery for the poor.

Same as in mediation, we will have to work hard to free our mind from what we believe our righteous or the other wrongful position is, go beyond such position taking and work from the angle of focusing on the world we want to live in and the values we cherish. And built common ground from there with all the stakeholders involved. Phenomena like cancel culture where the participants of a discussion only seem to wait for a buzzword identifying the other as a member of the "wrong belief" are also desperately trying to define a Story that recreates a lost identity or reinforces an endangered one. But simply attacking the identity and beliefs of others only adds to the level of aggression and hostility we see in the world today.

I hope that we can enter this endeavor of developing a new Story for humanity with the same neutral optimism with which a mediator enters a challenging mediation session. Even when one there is no good solution in sight from the start, the mediator has learned to have faith, and will transport this faith to all involved, believing strongly that a good solution will emerge. With enough energy to sit calmly through the long hours of uncertainty, where no solution is in sight, without turning a possible apocalyptic scenario into a self-fulfilling prophecy. Having that kind of faith is hard when faced with so much suffering. And yet, when the most urgent support and care has been provided and the world is dealing with the aftermath and the question "what now", then this faith will be so much needed.

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The image shows a screenshot of the Kluwer Arbitration Practice Plus web application. The interface is primarily blue and white. At the top right, there is a logo for 'Explore Practice Plus' with a checkmark icon. Below this, there are several overlapping panels. One panel shows a profile for 'Gary R. Egan' with a photo and some statistics. Another panel shows a 'Relationship Indicator' section with a list of names and a 'By Relationship' filter. There are also three circular charts or donut charts displaying data. At the bottom of the screenshot, there is a dark blue bar containing the 'Kluwer Arbitration' logo on the left and the 'Wolters Kluwer' logo on the right.

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