
Kluwer Mediation Blog

Can Mediation Emulate Progressive Rock?

John Sturrock (Core Solutions Group) · Friday, October 21st, 2011

Last weekend I was entertained by the “progressive rock” group Caravan, a lesser known group of musicians, the peak of whose glory was 40 years ago, in 1971. These grey-haired men in their mid-60’s displayed enthusiasm, energy and engagement as they took us down memory lane, with deft playing and masterly reconstruction of some of their finest moments. The basics were there but, as they had always done, they moved away from the conventional and safe, pushing out the boundaries with clever improvisation – and awareness that, to remain relevant, they had to do something different.

That got me thinking. What will ensure that mediation is still relevant in 40 years’ time? Progressive rock was in its infancy in 1971. For many of us, mediation remains in the foothills now. What will make it relevant in 2051? And how will we get there? Of course, it is easy to look back to 1971 in a concert hall today and identify the steps in the journey which got music to where it is now. It is far less easy to look forward from 2011.

But look forward we must. The world is changing. It is probably no exaggeration to say that the world today is remarkably uncertain, more so than at any time in the recent past. This presents opportunities for a relatively new field like mediation, just as it also presents threats. It might not be stretching things to suggest that mediation offers a measure of hope in a world which seems to be fast running out of creative options in many areas of human activity.

Our focus as mediators has often tended to be on the conventional areas of dispute resolution. Over-reliance on court programmes and dependence on judicial encouragement may have caused some of us to be too litigation-oriented – and narrow-minded? Many people within, and indeed outside, our emerging profession struggle to see the relevance of mediation in other fields. But the vast majority of “disputes” are handled without any judicial involvement, or even legal input – or are simply left, sadly, to fester. Mediation surely has a vital role here.

And what about all those other differences, conflicts and consultations which are handled in a less than satisfactory way? And what of the politics and policy-making, the decisions and debates which seem to stagnate in a black-white, win-lose paradigm or become polarised in a zero-sum game? When, in many countries, funding crises mean that we need to achieve more with less, difficult discussions about the allocation of limited resources cannot be avoided. How can mediators use their skills to help in these important areas?

Opportunities abound to take the idea (and skills) of mediation into many areas of public, business, political and social life. I am aware of initiatives in industrial relations (assisting triennial wage

negotiations), climate change (establishing a multi-state electricity grid), civic discourse (helping communities to address tough choices) and the churches (handling difficult theological discussions). Readers will be aware of others. With imagination and creativity we can expand, refine and enhance what we do.

Of course, we need to take care with language and purists may argue that “mediation” needs to be defined tightly. But why? The techniques, processes, skills and aptitude which we know work so well in resolving conventional disputes have been shown to work in a much broader range of circumstances. Of course, modification, creativity and flexibility are required. But there is nothing new in that, as our progressive rock group showed us. And just as Caravan operated within a well-crafted musical structure, the discipline and rigour of mediation gives a shape and framework often lacking in other processes.

It is surely our calling as mediators to offer our services and commitment to a broader range of human activity or, as leading mediator Stephen Ruttle has described it, to become “brokers of hope”, acting as stewards for a great idea which can provide the bridges which our society so desperately needs, helping people in all sorts of situations to have the difficult conversations they need to have? Such a response might also mean that mediators will have a central part to play in 2051.....

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