

Kluwer Mediation Blog

Sources of inspiration

Ian Macduff (NZ Centre for ICT Law & School of Law, Auckland University) · Saturday, May 26th, 2018

It may seem odd to suggest that a funeral and a book festival could, in the space of a few days, provide sources for a lot of reflection and – just possibly – mediation-related insight. Recently I flew from Auckland to Wellington to attend, and speak at, the funeral for a friend I'd known for over 40 years. I then returned almost immediately from that to join in three days of celebration of books, writing and reading at the [Auckland Writers Festival](#) (editors and pedants: please note no apostrophe in “writers”). Each of these events was accompanied by conversation and reflection and shared meals; and I came away from both with a sense of rich nourishment – even from the funeral.

Let me explain by seeking to extract a few thoughts from each experience, much of which I've also explored over dinners and the odd glass of wine with friends who were at each event – or, in some cases, both events.

I was asked to speak at the funeral, as one of the men who had known our departed friend for many years and through the various phases of his life; and we had been in regular contact with him as he faced the medical procedure that, in the end, didn't work. I prefaced my comments by playing a recording of the first two bars of a song by Paul Simon, “Old Friends” (from the “Bookends” album, 1968) to see who in the audience recognised just the two opening chords – distinctive major 7ths. The guitarists amongst you will also note that the song is accompanied almost entirely by 7th, major 7th and minor chords, which lend a suitably “low key” tone to the song. A gratifying and unsurprising number did know the song and album. There are also two relevant lines in that song:

“Memory brushes the same years,
Silently sharing the same fears”.

There are two things I drew from this, and which we also reflected on in later conversations: first, memory, stories, reflections are important and evocative repositories, gathering together the elements that are both distinctive to the person of whom we speak and shared by those to whom the stories are told. The point, I think, of even a few lines of reflection on a friend, is to say something that honours that person's memory and life but also to tweak the strands of memory that connect that friend to each of those who join the commemoration. Given, as was the case here, that the audience was – shall we say – of a certain age, there's a good deal of shared memory to call on and, in some cases, to resurrect. It also happens to be the case, conveniently, that our departed friend loved music, across the board of popular and classical genres; so there's something particularly powerful in the memories carried in songs or strands of music, as they carry embedded

reminders of where and when we first heard that piece.

Second, it seemed to me that time itself is something we share, in the sense that we occupy and speak of the “time slice” that we came of age in, or in which common experiences were formed. As it happened, much of the common memory and experience was around the therapeutic milieu we shared: the world of Gestalt therapy, encounter groups, psychodrama, reciprocal peer counselling . . . (now that puts an age on us, doesn’t it?). Whatever the time slice might be, it tends to mean that we can talk in “code” about our shared worlds – and need to translate for those who haven’t been part of that particular segment of time. What was also central to that common experience was the power of communication, of talking and – yes – delving into those recesses of emotional lives.

Emerging from that into the world of the Writers Festival, to be around literally thousands of people at the convention centre, each scurrying from one reading or lecture or panel discussion to the next, most dashing to the book sellers’ tables to scoop up the books being discussed, involved a very different kind of intensity and celebration, and yet with some continuities.

For present purposes (and recalling that this is meant to be a mediation blog) there are four things I want to extract, very briefly, from this wonderfully intense three-day event and the conversations with friends that accompanied it. First, as above, a festival of fiction and non-fiction is very much an exploration of memory and memoirs – including the possibility of the unreliability of memory. Second, and obviously, this was time spent in the company of storytellers, whether poets, historians, political writers, biographers, autobiographers, travel writers or novelists. As [Jonathan Gottschall](#)’s book title conveys, we are “the storytelling animal” and it is stories that make us human.

Third, it’s not merely the telling but also the listening that matters. As those of you who have seen the film – or read Eric Lomax’s book – [The Railway Man](#) will recall, one of the reasons why those who survived prisoner-of-war experiences such as the Burma-Thai Railway (my own father amongst them) did not speak of their time was in large part because others who were not there would simply not understand. Those who have the story to tell may not always find the audience ready or willing to listen.

Fourth, when the talk turns to our political lives and the protection of democracy against the threats it currently faces, as it did in the lecture by A C Grayling on “Democracy”, it’s clear that “democracy” consists of more than one or two identifiers such as voting or particular institutions. Whether it’s political institutions or mediation or law, we know that they are susceptible to hijack and manipulation; and what protects those institutions is – above all – an informed, critical and engaged population. In political life and conflict resolution, this involves capacity building and civic competence. Underpinning that informed engagement, too, is an attachment to the foundational ethos of institutions and practice. And that involves, even requires, clear attention to the norms of our practice (touched on recently [here](#) by John Sturrock in raising questions about fairness in mediation).

And finally, through all of this richness, there was a common thread – time spent with friends, family, colleagues (including a fair sprinkling of mediators) over pizzas, dinners, and post-funeral drinks at a nearby bar. As some of you have noted in earlier blogs in commenting on aspects of practice, there’s a power in peace meals.

This is the point at which I’d normally add a sentence or two about the implications for mediation;

but in this case that seems unnecessary, as I'm confident that the readership can do so just as well.

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