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# Kluwer Mediation Blog

## What gives you hope?

Ian Macduff (NZ Centre for ICT Law & School of Law, Auckland University) · Monday, August 26th, 2019

Brings you down to buy a paper  
If you read between the lines  
No one seems to have the answer  
To living in these troubled times  
Still you try and you try  
And you do what you must do

“Living in these troubled times” R. Cook, S. Hogin, P. Donnelly; sung by [Maura O’Connell](#) (amongst others)

This blog is an extended question and invitation. It might even be a challenge, or a *wero* of the kind that precedes and lays the ground for the ensuing conversation.

My theme here has its roots in two conversations on hope, one observed on TV, the other while talking with a friend. First, a couple of weeks ago, late night TV hosts Stephen Colbert and John Oliver were in conversation on the former’s nightly show. Colbert asked Oliver, “what gives you hope?”. As a satirist, humorist and professional cynic, Oliver relished the opportunity to squirm dramatically and, in the end, to say that he really found little – certainly in the present political environment – that gave him hope. When asked what worried him, he of course leapt into enthusiastic action to begin to list all of those things that keep the headlines burning. He did, in the end, offer one glimmer of hope: when he saw young people being kind to each other, that gave him hope.

Secondly, I recently had a long lunch with a friend who has had particularly hard few years, with the loss of his daughter in her 30s, then his wife, and now the terminal illness of a dear friend. As a retired teacher and high school headmaster, and life-long environmental scientist, observing the decline of species globally, the degradation of our fresh waterways, the political denials of climate change, he asked me whether, in these troubled times, I have hope and if so, about what. I’ll come back to that question; but it struck me – and still does – that this is an important question to dwell on, if only because the unremitting tenor of the messages we receive seems to drive us more towards despair than hope.

On that point, I’m reminded of a colleague from several decades ago who travelled to the UK to undertake doctoral studies in sociology, researching those attributes of modern life that create anxiety and depression. One consequence of that period of study was that she ended up so

thoroughly depressed that she then returned to Australia, with her PhD, determined to study what she called “meliors”, that is, those factors in our lives that enhance – or ameliorate – our lives.

In my own experience, I spent years teaching ethics in Singapore, as a mandatory course on every degree programme, and looking each week for global examples of the topics under discussion: corruption, misleading advertising, environmental degradation, workplace practices, corporate social responsibility. As you might expect, there was no shortage of examples; and a struggle at times to gain traction with the classes on what the ethical dilemmas might be with, for example, “grease payments” to ensure political approval of projects, despite clear legal and ethical prohibitions.

And yet, at the same time, there were always clear and hope-filled examples of constructive steps taken at global and local levels to counteract corruption, to limit environmental despoliation, to improve workplace conditions and safety, to protect consumers from the more egregious examples of deception or exploitation. And there were always students for whom, at some point, the lights came on about the power and imperative of ethical thinking.

In thinking about this core question, it seemed to me also that there are parallels both with the role of individual mediators who deal with conflicts on a daily basis, and with the hopes for mediation generally. On the first point, I wonder whether it’s part of the job of mediators to provide at least some hope to disputants that there might be ways through their current dilemmas. And, on the general question about the emergence of modern mediation, recall that we began, 40-plus years ago, with at least two hopes for mediation: that it may provide enhanced access to justice (or at least resolution) to those for whom the courts and the law were remote, expensive and often culturally alien; and that direct participation in the process of dialogue and resolution served as a form of confidence- and competence-building. (Whether that latter aspiration has been met, in the contexts of increasing institutionalising of mediation, is a matter for later conversations and research, I think.)

So, here’s the question again: what gives you hope? In particular, what is it, in your work and experience in responding to conflicts, that gives you cause for optimism? This is not an invitation to naive optimism, but rather a reflection on the reasons for staying engaged – and, if I think about the conversations that prompted this, [reasons](#) for encouraging others to stay engaged.

My own “starter kit” list would have to include, for example:

- The emergence of political and environmental engagement and activism in young people, exemplified in the Extinction Rebellion movement;
- the significant volunteer engagement, typically flying under the radar of the mainstream news, in programmes such as [Kauri 2000](#), responsible in the last decade for the planting of over 45,000 [kauri](#) seedlings, to begin the regeneration of the once-magnificent stands of forest in the northern half of the North Island of New Zealand
- the huge success of language recovery programmes in New Zealand, that have brought the Maori language from the brink of extinction (and, in the earlier years of colonisation, deliberate programmes to obliterate the language) to the point where thousands of kids are taking their elementary classes in “language immersion” schools, and the language is in good shape;
- the terrific young people whom I have had the privilege to meet in classes, at the ICC’s mediation competition and elsewhere, who have now ‘discovered’ for themselves the power of mediation;
- and even the “little victories” of recent days in, for example, the banning of single use plastic

bags, and noting how quickly we've moved from cries of indignation at the intrusion of the state into our daily lives and freedoms, to the now-familiar sight of shoppers taking their own bags to the supermarket. It's not that hard, but there's work to be done on those single use coffee cups, especially in a nation of coffee addicts.

- and, on quite a different note (so to speak) what gives me hope is seeing the talented young musicians trained by Joan Chamorro at the [Sant Andreu Jazz Band](#) in Barcelona – jazz and music are in good hands. Go on, take some time to listen now.

In writing this, I also anticipate my next blog, in which I hope to ask some questions about how to have conversations about 'existential' matters – climate change, global politics, species extinction etc – without scaring the living daylights out of our children and grandchildren. These kids are hearing about the [IPCC Reports](#) on climate change, on the imperatives and risks and it's scary stuff. As a recent article in *The Chronicle of Higher Education* [pointed out](#), despair and pessimism have become almost conventional – which, while acknowledging the challenges we face, hardly opens us to engagement: “fashionable fatalism” risks bowing to the status quo. We know about difficult conversations; but what can we do about those larger questions that go to the core of our being (without then becoming questions of faith or belief – or inertia)? These are the kinds of questions that form the agenda for the Cambridge [Centre for the Study of Existential Risk](#) and the Oxford [Future of Humanity Institute](#). When we bring those questions down from the lofty heights of that important research, they are also the questions that, for most of us and in more vernacular ways, prompt my opening invitation to consider what gives us hope.

Ring the bells that still can ring  
 Forget your perfect offering  
 There is a crack, a crack in everything  
 That's how the light gets in.

Leonard Cohen, *Anthem*

“Hope” is the thing with feathers –  
 That perches in the soul –  
 And sings the tune without the words –  
 And never stops – at all –

Emily Dickinson, *“Hope” is the thing with feathers*

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