Kluwer Mediation Blog

Creating the conditions for conversation: ancient wisdom, modern knowledge

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

Many years ago, a group of friends were driving in the south of England in a rental car and, in need of directions (pre-Google maps and GPS), we pulled over to the side of the road to ask a gentleman the way. I leapt out, approached him and asked for the directions, to which he responded, slowly and in a firm and friendly manner, something to this effect: “Son, around here, when we want to ask a question, first of all we say hello, we have a chat about the day, we have a little exchange, probably introduce ourselves – and then we ask.” This has stuck with me for over four decades as a reminder not only of the essential courtesies of conversation, but also of the importance of avoiding inquisitorial ambushes and, primarily, taking the time with the preliminaries to make exchange more likely. And yes, we did get our directions.

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At the end of my previous blog I wrote that I hoped to look at how we begin to have “existential conversations” on the climate crisis, fractious politics, species extinction and other troubling matters, especially with young people. In part, that plan has been overtaken by the global “Extinction Rebellion” and “School Strikes for Climate” initiatives led by those young people. Those intended conversations are by no means redundant, but it was the negative reaction from some quarters to the school strikes and climate activism that suggested that there was an equally pressing need for a parallel engagement: in addition to some of the more vituperative observations about those youngsters, made by media pundits, politicians and those who would prefer to live by the old adage that children should be seen but not heard, there is simply a dearth of engagement between those young and concerned people and older observers.

The climate activism led by young people made me realise that, while I had taught topics on “the rights of future generations” and “ethical obligations to future generations” over the years, the reality now is that the future generations are right here and not entirely confident that they have a future. For that reason, I have made preliminary contact with some of the school strike leaders to look at ways of starting intergenerational conversations – and may return to this in later blogs.

The challenge of theories of intergenerational rights and obligations probably lies in the way in which notions of “rights” are constructed, so that the attributes of “rights holders” turn on their capacity to claim rights (hence, for some, precluding animals, except to the extent that humans might act as stewards for animals). Having rights might also depend on being able to identify and

articulate what the interests are that are to be protected by rights (and concomitant obligations). But again, a present-generation orientation allows us to regard the interests of the future as too contingent and uncertain to be able to act as the ground of rights. If, too, rights are only seen as formally grounded in legal prescription, then those contingent and possibly "natural" rights of future generations risk the kind of dismissal that Jeremy Bentham is famed for, seeing them as "nonsense upon stilts".

Leaving aside the more theoretical questions about rights, the challenge is still there as to how to have these social and political conversations. The opportunity to explore this came up over the last weekend, in two ways. First, on Friday of last week I was asked to join a group of men on Waiheke Island who had been meeting on a monthly basis for the past seven years, over a simple lunch, in order to talk about a chosen topic or to hear a speaker. In light of the present level of political toxicity (Brexit, Syria, climate change, diversity, immigration, gun control . . . you name it) I was asked to open a conversation about how we might begin to foster civil dialogue. The irony in this, at the outset, seems to be that the two things we (mostly) learn from an early age – talking and politeness – get trampled in the rush to divisive and positional conclusions and, increasingly, lost in the willingness to let convenience and 'winning' outweigh truth.

In wanting to think about how to initiate and reinvent civil dialogue, this group echoed Canadian political philosopher Mark Kingwell:

"The desire for a public conversation that is challenging, lively, decisive, undistorted, and fruitful is widespread. Unfortunately, disagreement about what this conversation should be like, and how it should be defended, is just as widespread. . . In the end . . . the best route to vigorous public debate lies in the conversational virtue of civility."

A Civil Tongue: Justice, Dialogue and the Politics of Pluralism (Penn State Uni Press, 1995][vii & viii]

Kingwell's approach, extended in later books, is that a central virtue of civility is more helpful than either grand theories of social justice (John Rawls et al) or principles of a kind of rigorous personal ethical consistency (such as Kant's demanding ethics). But the question remains at a practical level: how do we get there from here? As we can see in daily politics and family life, the mere exhortation to politeness and civility doesn't necessarily produce the results we need. For that reason, "civility" begins to look like a quality that is made possible by the preliminary creation of the conditions for civil conversation, which mediators will know well from the familiar practice of setting out the expectations of parties in the mediation process.

I'll return to this soon.

The second rich conversational experience came through a weekend with old friends, traversing our recent lives, enjoying wine and good food and playing music. On our way home we reflected that what made the conversation so easy was our feeling safe with these friends, even though it had been some time since we last caught up. That sense of safety made it possible to deal with topics that might be edgy, and to know that the integrity of unspoken conversational values would prevail.

Here's where I circle back to my starting point, including the little travel narrative: what are the conditions and actions that contribute to the likelihood of civility in dialogue or to the possibility that conversations and encounters – personal and political and intergenerational – can traverse

tricky grounds and be “challenging, lively, decisive, undistorted”? In thinking about this, I will very briefly touch on lessons from recent research in neurophysiology and from traditional practices.

First, recent work by Stephen Porges and colleagues, in a field he calls “contemplative neuroscience”, shows that openness to others, the basis of compassion, is not an attitude or an action but rather a “state” made possible by a calm physiological state. The “safety” we might feel in the company of old friends or trusted professionals is the precondition to the receptiveness to others and, I think, the civility that Kingwell and others aspire to.

“. . . our brains don’t allow us to experience compassion for others until we feel safe. Creating calm spaces in which to explore our differences is an essential step towards rebuilding democratic life.”
[“Vagal Pathways: Portals to Compassion”, in *The Oxford Handbook of Compassion Science* (2017). Oxford University Press; pp189-202.]

And:

“. . . The critical portal to express compassion would be dependent on the capacity to recruit the vagal pathways that actively inhibit sympathetic reactivity and promote a calm physiological state that projects safety and acceptance to others.” (190)

Thus, attention and openness (and possibly civility) are not actions but states made possible. Compassion is an “emergent process dependent on one’s neurophysiological state” [189] When the newer vagal circuits (the ‘older’ circuits are the core fight-flight responses) are operating, social interactions are enhanced and stress-related reactions inhibited: “Social communication and the ability to co-regulate another, via reciprocal social engagement systems, leads to a sense of connectedness, which is a defining feature of the human experience.” [195]

How, then, do we “recruit” those pathways? Porges’ interesting conclusion from his research is that meditation, music, movement, prayer – rituals of preparation and connection – are typically associated with a calm state, with a sense of safety of self and hence openness. Modern research brings us back to ancient practices.

For those who have explored some of the pre-history of modern mediation, you will recall drawing on traditional practices not merely of a third party intervention, but also of the preparations for dialogue and talking – the talking circles of American First Nations; or the ‘ritual’ practices that anthropologists such as Victor Turner saw as fostering a “liminal” state, a threshold state between conflict and reconciliation.

Our own experience of running conflict resolution and training of trainers workshops in Sri Lanka, between 1999 and 2004, during the civil war was that each workshop was opened with the lighting of candles, prayers (in at least two languages) and song.

In traditional and contemporary M?ori practice, meetings and negotiations (the process of talking or k?rero) will always be preceded by song (waiata) and the recitation of connection and genealogy (whakapapa). [Interestingly, whakap?p? – with the diacritical marks – means to be in contact or to have skirmishes].

As the central character in Tina Makereti’s novel, *The Imaginary Lives of James Poneke*, says:

“Yes, my reader, I can see the question behind your eyes. What is whakapapa? It is a magnificent cloak that connects each person around the fire to each other person and the places they are from. It is kinship to the mountains and waters and lands. It is who one is, who is connected to who [sic], who one’s ancestors are.” (p. 51)

The common thread here is that recent neurophysiological research and traditional practices point to the actions that both create the calm spaces and the sense of connectedness that make openness to the other possible.

“A friend is one to whom one may pour out the contents of one’s heart, chaff and grain together, knowing that gentle hands will take and sift it, keep what is worth keeping, and with a breath of kindness, blow the rest away.”
George Eliot

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