

Kluwer Mediation Blog

Doing the Covid walk: negotiating social distance

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“All of humanity’s problems stem from [one’s] inability to sit quietly in a room alone.”

– Blaise Pascal, Pensées

We have done a lot of walking in recent weeks. As we approach the end of the extended “[Level 4](#)” of the Covid-19 lockdown in New Zealand, we look forward to only slightly lifted restrictions on our activities. For the past five weeks, while we have been required to “stay in place”, and while almost all businesses except supermarkets, pharmacies and essential services have closed, we have been able (indeed, recommended) to venture outside for fresh air and exercise – with the caveat that this does not involve driving any distance to your favourite beach, or heading off to your holiday cottage for a long weekend, or engaging in risky activities that might require your being rescued.

By and large, New Zealanders have complied, accepting that the restrictions are in the best interests of general public safety. Of course, there have been the predictable defections and the police have been kept busy turning people back from non-essential travel (and one Government Minister was demoted for driving his family 20km to a beach for a stroll early in the lockdown). There seems also to be a widespread approval of the government’s rapid and stringent response to the threat of Covid-19.

We, as in many other countries, have been required to observe “physical distancing” while out and about – that is, keeping a 2-metre gap in supermarket queues or in passing others on the street. There were early reports of some shoppers taking this a little too seriously and carrying tape measures extended to 2 metres in order to keep fellow shoppers at a distance. We’ve also seen neighbours talking at a distance across driveways or even across the road. And – at the other end of the scale – we see people whose sense of “2 metres” is a variable and reduced measure.

We, in our own little “bubble” (the term used to describe the group within which you will confine your contacts during lockdown) have been fortunate in that we have a lovely beach only 5 minutes’ walk from our apartment, or there’s an easy walk to the neighbouring suburb – about a 5km round trip – or other accessible options. And it was during the course of those walks that we began to observe not only the distance people by and large maintained but also the unspoken norms by which those distances were navigated or negotiated.

Observing those “negotiations” and our own adjustments to our passage along the beach brought to mind an article written 25 years ago (where did those years disappear?) by my colleague Prof Guy

Olivier Faure, a Professor of Sociology and International Conflict at the Sorbonne, whose work will be known to many of you. In “Nonverbal Negotiation in China: Cycling in Beijing“ (*Negotiation Journal*, v.11, pp.11–17 (1995)) reprinted in “Cycling in Beijing”, in *How People Negotiate: Resolving Disputes in Different Cultures*, (ed G O Faure, 2003), Prof Faure observes the constant micro-negotiations involved in cycling through the crowded “Hutongs” of Beijing or the busy intersections of major roads.

I will return to a couple of his conclusions shortly; for the moment, I will note two observations about negotiating public interaction under these distance restrictions: first, a broad account of the different walking-while-distancing styles; and second, an entirely unempirical comment on norm-related behaviour we’ve observed (or employed).

So, first, the range of walking styles while observing social distance seems to include:

- full speed ahead and unwavering: the walker who has set a path on beach or footpath and will make no adjustment for oncoming walkers;
- the headphone-wearing walker, often engaged in an Important Conversation who, likewise, makes no adjustment;
- the other kind of headphone-wearer who is oblivious to the world beyond that sound shell;
- the dog walker whose path is that of the dog;
- the jogger who is on a mission from which they will not be deflected (this seems to be an international phenomenon, so much so that there are calls in some places for jogging to be banned while under lockdown);
- the walker who, on seeing oncoming pedestrians, steps off the footpath or into a driveway;
- the walker – such as ourselves – who looks ahead to gauge the likely trajectory of oncoming walkers and makes an adjustment to direction (this is the weaving path along the beach, unlike the direct path);
- those who, on seeing others, move into single file to create more space on the footpath;
- the more extreme compliant conduct involving crossing the road, turning one’s face from others, retreating into doorways;
- and others you will have seen.

Second, there appear to be norm-related actions, as part of this negotiation of space, related both to the expectations of social safety and to the underlying values of broad compliance. These include, in no special order:

- an enhanced capacity for long-distance anticipation: reading the likely trajectory of oncoming walkers, to avoid that last-minute and slight change in direction that is typically sufficient in urban settings;
- as part of that first change, an increased focus on or attention to reading the non-verbal signals, or the body language: are those others paying attention, are they likely to make any adjustments, are they distracted by kids, dogs, headphones, are they making eye contact with me, are they moving at speed?
- recognition and acknowledgement: the nod, the smile, the small indication that the adjustment in direction was noted and appreciated and that “we’re in this together”;
- the ‘modelling’ of expected conduct – moving early to one side, changing direction, walking in single file, stepping off the footpath if necessary;
- the signalling of expected conduct, which is a little different to the preceding normative action in that it carries a more overt expectation of the “moves” required – ie a signal that you (the other)

need to move over a bit more; or that you (the person engaged in that loud Important Conversation on headphones) need to be aware of others. Here, even small hand gestures, or pointing to the “correct” side of the footpath, seem to be sufficient in most cases.

What can we make of this and how might it be related to negotiation or mediation? On that second question, I note only that negotiations are, in daily life, usually micro-activities, anticipating, signalling, complying with, acknowledging or – sometimes – defecting from norm-related expectations and outcomes. If you live with others, then you’re doing this all the time and most of it is either norm-compliant or norm-creating. And, in the usual course of events, we trip over those expectations when we mis-read the signals or misinterpret the expectations or norms. We may also use those occasions to signal a need to adjust the norms to the new conduct.

Prof Faure’s brief conclusion from his cycling adventures in Beijing is that that activity was an exercise in “regime building” – affirming, adapting to and possibly breaking social norms of at least that particular activity through patterns of observation, compliance and adjustment. By way of brief parallel, I recall our first few days of confusion and terror in trying to understand the rules governing pedestrians crossing busy roads in Pisa, when it seemed that cars swerved to aim directly at us as we stepped off the footpath (pedestrian crossings made no difference at all). It was only on realising that they were swerving to enter the space that we were about to create by moving forward that we began to understand the norms. We were later told that there were two basic norms: don’t give way and don’t hesitate. Once we knew that, we were fine for the remainder of our time living there and in Lucca.

Faure’s wider sociological conclusions which, I think, are relevant to our lives in negotiation, were that we are constantly playing within the rules and with the rules: this is both norm-compliance and norm-creation. In the negotiation process, there’s scope for the parties to create their own norm-based outcomes; and in the process of getting there, they will constantly refer to expectations of fairness, precedent, friendship and so on. Under the novel conditions of Covid-related constraints, we do the same: we construct our norms of interaction (and walking) together, non-verbally, with others; and we do so in the expectation that those others have a reasonable handle on what’s the right thing to do. As Faure notes:

“The actors’ strategies are displayed within a system of constraints and require specific faculties that aim at reaching an optimum solution. These faculties include perception; decoding and simultaneous integration of signals; the management of an action connoted by a high level of uncertainty; and a capacity to anticipate and innovate. . . . As in any negotiated order, an interactive decision-making process takes place, that is, a succession of individual moves closely related to what others do in terms of responses aggregated in a flow” [How People Negotiate, p.64]

“A little fresh air would be good for you just now. The weather is lovely; and a little stroll in the park will bring the colour back to your cheeks.”

– J. Palgrave Simpson (Victorian playwright), *For Ever and Never*, 1884


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