
Kluwer Mediation Blog

Ken Cloke's latest – and last – book: his magnum opus?

John Sturrock (Core Solutions Group) · Friday, January 26th, 2024

The Magic in Mediation

This is a longer blog post than is normal but I will not be alone in describing Ken Cloke as one of the most influential figures in my life, both professionally and personally. Ken's wisdom and humanity, expressed so well in his many books and seminars, have been hugely important to me in my work as a mediator. His deep understanding of the human condition, and of the causes of – and potential solutions to – seemingly endless conflict, may well be unsurpassed. That I can also count Ken as a personal friend is a privilege I do not take lightly. In reviewing Ken's latest book, **'The Magic in Mediation: A Search for Symmetries, Metaphors and Scale-Free Practices'**, I am aware that prior influence and personal friendship are two biases which I need to disclose to avoid falling foul of Ken's advice in the preface to his book! To give the semblance at least of a little detachment, I choose in this review to refer to Ken, with great respect, as "Cloke" and "the author".

Cloke tells us that this is likely to be his last book on conflict resolution, commenting that he is *"nearing the end of what feels like a lifetime of learning things I could never have imagined about conflict and resolution, neurophysiology and emotional intelligence, apology and forgiveness, transformation and transcendence"* and that he feels *"a need to express in writing some of the ideas I've thought about, sometimes for decades, but never put in writing."* We, the readers, are the grateful beneficiaries of that desire. With characteristic humility, he expresses hope that the book *"may lead, in some far-off time or corner of the globe, to a rare flash of insight that, without warning, sees things clearly, and changes everything."* The book's very existence makes that aspiration more likely.

The scope of the book is vast: *"a search for ways of describing [the magic of mediation], unpacking it, transforming it into technique, and discovering ways of practicing and applying it — not only in small-scale interpersonal disputes, but mid- and large-scale political ones as well."* The emphasis throughout the book is on the search for, and use of, often little understood or undeveloped "higher order skills", at all levels from the personal to the global, so that what may be familiar and indeed successful in small- or mid-scale disputes can be deployed, scale-free, in the most significant of the human conflicts we face. There is a sense that our survival is dependent on such an evolution – and on whether we can make the proposed changes in time to avoid our own extinction.

We are facing wars, pandemics, climate change and environmental conflicts that cannot be

resolved or prevented except globally, collaboratively, and meditatively, using scaled-up, higher order dispute resolution skills. This, Cloke asserts, is the core mission and calling of conflict resolvers around the world. As he notes, it was Albert Einstein who famously remarked, “*The significant problems we face cannot be solved at the same level of thinking we were at when we created them.*”

Cloke argues that “*all that is required to dramatically reduce the cost of human conflicts are five relatively simple, inexpensive, easily implementable steps:*

1. *Mediate every conflict on every scale before it escalates and becomes needlessly damaging and costly to resolve.*
2. *Make conflict resolution skills and services available, affordable, abundant, and ubiquitous.*
3. *Require first use of mediative methodologies, such as informal problem-solving, conflict coaching, facilitated dialogue, consensus building, restorative justice, mediation, arbitration, etc., before getting violent or going to court.*
4. *Train people globally in applying these skills and methodologies, and shaping them to fit their cultures and communities.*
5. *Design preventative dispute resolution systems to assist couples, families, communities, and organizations on all scales to redress the chronic, systemic sources of conflict, including those that arise in our social, economic, and political lives.”*

If only it was that easy, I hear you say!

Cloke discusses “*the underlying unities, and universality of conflict as a human experience*”. The book explores the possibility that we might benefit from a “grand unified theory” or “fundamental theorem” of dispute resolution and mediation. While acknowledging that we are a long way from discovering such a grand unified theory, Cloke notes that “*we have made significant progress in understanding the nature of conflict and what successfully resolves it across diverse parties, cultures, issues, scales, histories, and settings.*” We are also increasingly able, he says, “*to connect conflict resolution ideas and practices with those in seemingly disconnected fields, starting with law and psychology and extending outward—not just to mathematics and physics, but literature, anthropology, sociology, politics, philosophy, spiritual practices, organizational theory, systems design, and many others.*”

This extensive list of disciplines gives a foretaste of what is to come in the book’s 519 pages. Cloke explores the relationship of mediation and conflict resolution with literature, drama, poetry, mathematics and physics, displaying his deep learning about each subject (for example, who would have thought that the proposition that “*space can travel faster than light without contradicting relativity*” would find its place in a book about mediation?!). Cloke addresses colonialism (and de-colonising), indigenous restorative practices, capitalism, economics, war and political conflicts (including the war in Ukraine), mediation as a change process – enabling us to prevent catastrophe – and the “interest based state” (his “10 Proposals for a more interest based nation state”, if implemented, would make a huge difference!). He concludes with a deeply personal chapter entitled “*Mediating Death, Dying, Trauma, and Renewal*”.

Cloke moves apparently effortlessly between the abstract and conceptual and the everyday and applied. Thus, among sometimes quite lengthy and philosophical chapters (some might even have been short books in themselves), are to be found very practical sections on consensus building, large group facilitation and the art of asking questions, topics which, for those who know the author’s writing, have always had a magical quality to them. The following comment nicely sums

up the importance of questions: *“If, as Sigmund Freud wrote, psychoanalysis is “the talking cure,” mediation can be considered “the questioning cure.”*” Cloke recognises the duality inherent in his work: *“Mediation, at its best, invites us to become more skilful in both; to be analytical, and at the same time empathetic; abstract, yet fully present; practical, while generously acknowledging; critical, as well as unconditionally caring.”*

For some readers, the chapter on mediation, meditation (with which mediation, the author says, has a natural affinity) and mindfulness will open up new possibilities for personal development and repay frequent re-reading, especially the *“10-step meditative practice mediators, coaches, and conflict resolvers can use before, after, and even during their next session”*.

Throughout the book, Cloke is searching for the often-hidden sources of magic in the “wisdom tradition” of mediation, the art and science under the surface, with particular emphasis on meaning and mediation’s metaphorical quality. He recognises that, in mediation, *“we allow ourselves, just for a moment, to become the magic the parties are seeking, simply because they do not yet understand that the magic is already present and waiting for them. The greatest magic of all is their discovery that the magic is not in the mediators, but within, between, and around them.”* He tells us that *“everything in mediation is imbued with magical possibilities.”* What we therefore need to do, is *“work together to figure out what it consists of, where it comes from, how to release it, and gradually get better at finding, feeding, and fomenting it.”* I was particularly struck by the idea of mediation having an infinite number of dimensions, and hence opportunities for magic. These added dimensions allow us to locate conflicts more precisely in a multi-dimensional field, or “conflict space,” that offers mediators and parties additional degrees of freedom to resolve, transform, and transcend them in each location. This idea is explored in an early chapter and more fully in the sections on mathematics and physics.

I found Cloke’s critique of neutrality, while familiar, as stimulating as ever, and the idea, described in the chapter on literature, that emotional arcs found in stories tend to mirror the need in mediation to let the process do its job, let the story unfold, take time and not rush to settlement, is persuasive. I have long been fascinated by, and indeed have written about, the connection between the mediator’s role (in adding value to parties) and the concept of game theory in economics. Thus, the author’s section on the “theory of games” is especially engaging.

Discussing mediation and physics, Cloke uses the metaphor of quantum mechanics – the very small – and the metaphor of Einstein’s theory of general relativity – the very large – and takes us to “the black holes of conflict”. Continuing the theme of the metaphor of physics, Cloke draws on one of his favourite sources, Neils Bohr, in discussing complementarity as “a great truth, whose opposite is also a great truth” and draws this conclusion: *“Therefore, rather than forcing the parties, as power- and rights-based processes typically do, to choose between opposing truths, mediation and other interest-based processes allow mediators to acknowledge, affirm, and accept both, even when they are flatly contradictory, by paying attention to the hidden forces (such as meaning) that connect them.”* This compelling passage captures much of what underpins the book and enables Cloke to return to the prospect of a unified theory for conflict resolution: *“And since conflicts are inherently complex, multi-dimensional, multi-determined, subtle, paradoxical, and chaotic, a “grand unified theory” of conflict resolution will be helpful in integrating our understanding of the very small, the very large, and the very complex into a scale-free description that allows us to translate our insights, intuitions, experiences, and techniques seamlessly from one scale, issue, and party to another.”* Indeed, he argues that the absence of unification is directly connected to global conflicts on many levels.

In this year of a possible monumental change in US politics, Cloke's words are a chilling reminder of what may lie ahead: "... *autocratic, fascistic, dictatorial, tyrannical, reactionary regimes on all scales often begin by attacking complexity in the form of racial and gender differences, religious and cultural diversities, petty disagreements, and seemingly inconsequential social and political dissents, which are viewed as dangerous, or seditious, or uncontrollable sources of conflict and anarchy that are hostile to domination, or harbingers of trauma and loss, and repressed in ways that paradoxically bring about the very things that are feared.*" Denial and blaming others become the standard responses. He cites, as an example, Adolf Hitler, who wrote: "*I will tell you what has carried me to the position I have reached. Our political problems appeared complicated. The German people could make nothing of them. ... I, on the other hand, reduced them to the simplest terms. The masses realized this and followed me.*" Chilling indeed.

One test for a book might be the extent to which it causes the reader to re-appraise their own thinking. I can report that, by the time I reached page 34 in this book, I had made a number of additions and revisals to my principal slide presentation on mediation and conflict resolution. That process continued the more I read of the book. There are nuggets, new angles and gems throughout.

I read 'The Magic of Mediation' concurrently with two other deeply thoughtful and thought-provoking books: '**And Then What?**' by Baroness Cathy Ashton, formerly the lead representative for Foreign Affairs of the European Union and '**Follow the Money**' by leading UK economist, Paul Johnson. Both books deal with the reality of politics, whether that be international diplomacy or government decisions about public spending. Ashton's book describes efforts to mediate, accommodate and negotiate that ultimately had some success and not a little failure. And here lies the rub. We mediators understand exactly where Ken Cloke is coming from and we have seen the small- and mid-scale successes which mediation can achieve. But translating these to the really big issues of the day still seems a huge task. Not only is it not in the interests of some protagonists to seek consensus or interest-based solutions (ask President Putin – and many Ukrainian mediators specifically disavowed mediation in the early days of the war), the skills deficit at all levels is a major one – and resistance to learning these skills is also very real.*

It's the practicality of translating our abstract understanding of "higher order skills" to this real world, alongside Cloke's recognition that mere neutrality is often objectionable in the face of moral depravity, which is the bridge that needs to be crossed – and on which this book understandably touches only a little. As the author asks: "*How can democratic nations, organizations, and groups participate in principled ways in dialogues, collaborative negotiations, mediations, and other forms of courageous, constructive, creative contention, alongside autocrats, dictators, militarists, chauvinists, neo-Nazis, and armed opponents?*" He emphasises the point: "*many widely accepted corporate practices, established organizational processes, customary workplace relationships, autocratic leadership styles, hierarchical structures, and bureaucratic self-reinforcing systems, making what people say and do in mediation and other dispute resolution processes seem counter-intuitive, "touchy-feely," costly, time consuming, and vaguely subversive.*" Precisely.

And yet he argues: "*All we need to begin is an interest-based orientation, a diverse set of skills and processes that can be scaled- up or down, and a willingness to risk drawing people into dialogue, collaborative problem-solving, negotiation, and mediation.*" Perhaps that is where we, the readers, come in. It would be a fitting testament to this giant of conflict resolution that we all at least try our best to fulfil Cloke's hopes. He offers encouragement, courtesy of Henry David Thoreau: "*If you have built castles in the air, your work need not be lost; that is where they should*

be. Now put the foundations under them.” That is surely the job of the author’s followers.

Towards the end of the book, Cloke poses these simple questions, first raised by the Russian novelist and journalist Vasily Grossman, about “what may be the deepest and most profound issue of all”: “*What I want to know is — do you believe in the evolution of kindness, morality, mercy? Is man capable of evolving that way?*”

The answer to the first should surely be yes. As to the second....this book serves as an inspiring guide to how it might be done. Thank you, Ken, for showing us the way...

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* PS Since preparing this, a good friend has reminded me that we had, here in Edinburgh where I am writing, an excellent example 40 years ago of “higher order skills” being used in a really large-scale conflict, as large as you could get back in the 80s, namely the Cold War. The so-called ‘Edinburgh Conversations’ brought together senior US, British and American diplomats, military experts and academics to discuss ‘Survival in the Nuclear Age’. I was privileged to be a “fly on the wall” and to observe my mentor Michael Westcott, in his role as Secretary to the Conversations, weave magic as, with humility and kindness, he guided the parties through the most difficult and intricate of meetings. He was a mediator, though neither of us knew it then. And the Conversations (read more [here](#)) were instrumental in helping to bring that Cold War to an end. So, it can be done.

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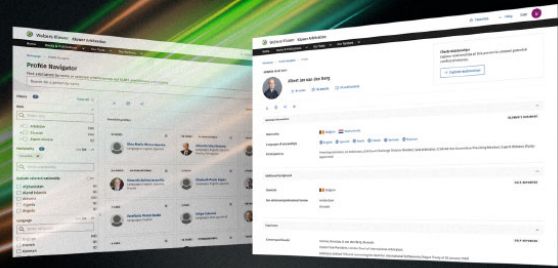
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