Challenging the Status Quo*

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In this contribution to our thinking about what the future may hold for those of us who are mediators, I would like to reflect on power, movements, paradigm shifts, interdependence and collaboration – and where mediation fits in.

I sense a need to be really careful. It is easy to sound presumptuous, patronizing or even paternalistic. And we each have our own vantage points and unique perspectives. There is also the danger of speaking in generalities as if one had access to some sort of universal truth. What I say here is a reflection of how I see things. I am aware that I will pose questions and not answer many of them and may not even coherently join up all the dots. In a sense, however, that is being true to our mediator calling, and I invite you to make links with your own work or field and ponder your own conclusions. We are a diverse group and not everything will apply to or work for everybody.

I am also aware that language itself is limiting and distorting and compels us to construct our realities in a certain way, creating a 'cognitive straitjacket' (according to the Sapir-Whorf theory) As ever, I am in that sense limited by my own expression.

And, of course, there is little that is new in the world. As someone recently reminded me: 'everything has already been said but, because no-one was listening, we have to say it again.' Or, perhaps, people were listening but did not do anything, or enough, about it. That possibility seems closer to my theme today.

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§5.01 SOME QUESTIONS

For me, the really interesting question for us today is this: can we take what we know as mediators and turn it into practical steps for making the world as a whole a better place – or at least our part of it?

Perhaps together we can begin (or even continue) a process that I have entitled A Collaboration Prospectus – an action plan if you like. In my own country, Scotland, for example, we have a lot of talk about collaboration and there are some good outcomes – but my sense is that a lot of the input and, in turn, the output is relatively unskilled and much less successful than it could be. (That said, as I revise this chapter, there is a real prospect of the establishment of a commission to explore collaboration in Scottish business. What an opportunity!)

As mediators, we have the understanding and experience to bring real competence to collaboration and to turn rhetoric into real action – a big question is: can we do it?

Let me begin by posing a number of specific questions about the world today:

- What if the way in which we have sought to resolve difficult disputes historically and continue to do so is not conducive to a really effective outcome (whether personal, local, national or global)?
- What if the way we have conducted and still conduct politics is not effective in dealing with the big issues of the day?
- What if the distribution of capital and income, wealth, in our societies, is so unbalanced that it risks our economic futures and overall security?
- What if our general approach to equality, to justice, to rights, is seriously flawed and is based on the wrong model and wrong ways of thinking?
- What if, throughout the world, people are tired of having things done to them rather than with them?
- What if, as writers such as Jeffrey Rifkin suggest, we are approaching the eclipse of capitalism and a new age of near zero marginal cost economics?
- What if there is a significant likelihood that our species is facing its own extinction?
- What if environmental degradation – pollution of the oceans, soil erosion, adverse changes in climate – is really as bad as 90% or more of the world's scientists say? What if we really are, as we are being told by credible voices, already well into the sixth mass extinction of species on the planet?
- What if more than 50% of global carbon reserves need to remain unextracted to have any hope of limiting increased CO_2 emissions to the maximum 2% to ensure a sustainable future?
- What if large parts of our capitalist economic model and its attendant future shareholder value along with future pension funding depends on extraction of that 50%? Indeed, what if our economic system and our planetary system are now effectively at war?

- What if mass migration will become the norm and if what we are seeing now is just the beginning of decades of movement of displaced people to places of perceived plenty?
- What if our conventional, binary, right/wrong, black/white approach to resolving our differences is insufficient to deal with the realities of modern existence? Indeed, what if it is conducive to species failure?
- What if we are close to the point of no return?
- Much more mundanely, what if the way we handle many of our own day-to-day conflicts is unnecessarily and disproportionately costly in time and money, detrimental to wellbeing, and damaging to relationships?
- What if we need to change our approach to how we work together in order to survive?

These are all hypotheticals of course. However, for an increasing number of people, there is only one rational response to these questions, and that is this: things are not as they should be; not as they need to be in the future; indeed, not as they need to be right now.

We need to act, to do something different – to change and to shift the paradigms.

§5.02 CHOOSING HOW WE RESPOND

For some people, I know even raising this is all nonsense, fantasy, intellectual claptrap. You are entitled to hold that view of course, indeed to offer resistance. That is a natural reaction. I acknowledge and recognize that.

Frankly, while respecting that view, I do not have the time or the energy to seek to persuade you, although I also recognize that I may have a problem if you represent that very small percentage of humans who own or control a half of all human wealth with its levers of power. All I can hope for is that you will challenge your assumptions. Between my stimulus and your response, there is a space – and in that space you have the power to choose how you react. As William Ury says in his latest book, *Getting to Yes with Yourself*, 'We can choose to say yes or no.... And our choices make all the difference.'

For others, this is all obvious, the answers are clear and I am preaching to the converted. These people already get it. Again, I do not need to spend time or energy seeking to persuade you, but please do remember that starting or continuing a movement needs people who are prepared to be brave, to stand out and to take a risk or two. (Do take a look at a remarkably engaging You Tube video entitled 'How to Start a Movement').

My remarks here, however, are directed to the rest of us, that 70%-80% in the middle who are not quite sure and can see arguments either way. Or who prefer not to engage because, frankly, it is all too difficult.

It is, we know, easier to default to maintaining the status quo, to remain where we are. We are wired after all to resist radical changes. Risk aversion is a profound instinct, maintenance of the status quo usually feels preferable, group think and peer pressure influences what we do, fear of embarrassment or of standing out from the

crowd are strong motivators for inaction, 'system justification' or inertia is so familiar – and comfortable.

And yet, there are so many dangers. It has been few years since I first heard the story of the frog in water, which is brought to boiling point. Only then does the frog realize what is happening – and it is too late. That analogy is apt and concerning.

So, my proposition is that we need to anticipate what is coming, indeed, to begin to see what is already so obvious that we are, to quote the writer Margaret Heffernan, wilfully blind to it, shockingly unaware, just like the frog. If only we had eyes to see.

Most of us know it of course. At a profound level, deep within us, at a sub- or unconscious place perhaps, we know the answers to the questions posed above. Or, at least, we are implicitly aware of the very serious risk that these questions are not at all irrelevant to our collective and individual futures.

At a profound level too, we know how we can resolve our difficulties more effectively, how we could do politics differently, how we could address much of the economic inequality and environmental degradation, how we could live more sensitively and thoughtfully with our neighbours. We know we could do things differently.

As former UN Secretary General, Kofi Annan, observed: 'We have the means and capacity to deal with our problems – what we need is the [political] will.'

We see it occasionally in flashes, in the Mandelas, Malala Yousafzais, Gandhis and MLKs. Actually, we see it in countless people, unsung heroes, in every society, striving to make a difference.

But, the forces of incumbency are apparently strong, and resistant, some people have a lot to lose, or think they have, and maybe that includes us (well, of course it does). Our default protective settings are strong; they help us to survive in a demanding world. Or, rather they have helped us to survive. The risk now is that they are gradually killing us.

So, I argue, going on as we are is simply not good enough. In his seminal book *Leading from the Emerging Future*, Otto Scharmer writes:

> The framework we use today may have been appropriate in earlier times, but it is no longer in touch with the complex challenges and demands of our time.

Similarly, the great Edward de Bono once said:

> Our traditional thinking methods have not changed for centuries. While these methods were powerful in dealing with a relatively stable world (where ideas and concepts tended to live longer than people), they are no longer adequate to deal with the rapidly changing world of today where new concepts and ideas are urgently needed.

Or, in the words of Einstein: 'Insanity is doing the same thing over and over again and expecting different results.' And 'No problem can be solved from the same level of consciousness that created it.'

But this is what we tend to do. We repeat the same things over and over again, whether in our justice systems, our politics, our policy decisions or our economic behaviours and strategies. And we think we are going to get different results.

Somehow we need to raise to a conscious level that which may still be implicit – but which is often counter-intuitive and difficult to access consciously. For some of us, perhaps we should be angry, but that will not often help us. It must usually be better to redirect those energies.

Change will come, as it has to, the only real question is how? Will it herald a new order or disastrous disorder? What we see already with mass migration – which has assumed an unimagined prominence even in the short time since I first delivered this paper – is a clear indication of the challenges we face.

§5.03 CHALLENGES FOR MEDIATORS?

What has all this got to do with mediation? Well, as it seems to me, everything, not least because all of these considerations are what we mediators have learned and work with in our day-to-day practices.

So, what should mediators do about any of this? More than that, if we accept that these are really significant risks (they do not need to be certainties, just really significant risks), what *will* we, as mediators, do?

The trouble could be that most of us think that, out there, there are other people or some other institution, which will deal with all of this. It is not for us, we say. *They/it* will do what needs to be done.

The trouble is that such a response could effectively constitute abdication. Or denial. The classic symptoms abound: 'It's not happening…' or 'it's not happening to us…' or 'it's not for us to stick our heads up above the parapet and do anything…'. 'Who are we to…?' '"They" will do it….After all, it is *their* problem…. They created it…' But where does that leave us?

If not us, who? If not us, what? If not us, how?

I suspect that many of us mediators are shy about what we do and do not realize or accept just how important mediation is. Yes, we evangelize and proselytize about mediation but we do so with reservations, a sense of diffidence or deference, an awareness perhaps that we are looked on with scepticism by 'them' – those who, we perceive, hold the conventional levers, 'the established order', of which are we not, in fact, often a comfortable part. (I think this is called 'authority bias' in the jargon). Or perhaps we are by nature, reserved people or just need to be loved and do not really want to rock too many boats? Or maybe that is just how I see it.

Why is mediation not already transforming the world? Why is a set of tools, ideas, attitudes and aptitudes, which nearly always help people to resolve difficult situations quickly, cost effectively, creatively and on a level that is human as well as legal, and which is also practical, business, family or community centred, not the primary method of dealing with conflict of all sorts? As William Ury suggests, this seems to be common sense but it is sense still relatively uncommonly applied

Here is a provocation: Why do we sometimes defer and say 'Yes of course, mediation is merely complimentary to the existing system and can add some value in appropriate cases…but, please, we don't want you to feel too threatened by us and what we do?'

Maybe we know at a deep level, again, that this is very powerful stuff. That it is threatening – to us as well as to others? Maybe we are frightened by the reality of its potential? Maybe, but who are we to be small?

I came across this by the master teacher, Thich Nhat Hanh, an octogenarian Vietnamese Zen Buddhist monk, teacher, author, poet and peace activist:

> We are imprisoned in our small selves, thinking only of the comfortable conditions for this small self, while we destroy our large self. We should be able to be our true self. That means we should be able to be the river, we should be able to be the forest, the sun, and the ozone layer. We must do this to understand and to have hope for the future.

The writer Marianne Williamson said, in a passage often attributed to Nelson Mandela:

> Our deepest fear is not that we are inadequate. Our deepest fear is that we are powerful beyond measure. It is our light, not our darkness that most frightens us. We ask ourselves, who am I to be brilliant, gorgeous, talented, and fabulous? Actually, who are you not to be? You are a child of God. Your playing small does not serve the world. There is nothing enlightened about shrinking so that other people will not feel insecure around you.

Mediators playing small do not serve the world. Shrinking to accommodate the insecurities or sensitivities or systems of others does not help us to address the real issues. Just as it can transform traditional dispute resolution, is there much real doubt that mediation describes a set of ideas, tools, attitudes and aptitudes that can help to save us more generally – our justice systems, our politics, our environment, our species?

I would suggest that the future of our human civilization depends to a considerable extent on adopting the kind of approach to disagreement and difference which mediation represents and encourages. We cannot go on fighting over diminishing resources and relying on binary win/lose, black/white decisions to resolve difficult issues such as climate change, distribution of wealth, migration, over-population, water shortage, environmental degradation and territorial disputes.

We cannot secure our futures by traditional power-based bargaining, where hierarchies and force are often used to achieve self-interested ends. We need to cooperate better than we do now, get more bangs for fewer bucks, recognize a multiplicity of needs, and work really hard to find intersections of interests and live interdependently and sustainably, whether we like it or not. To cooperate, we need to find common interests, understand real needs, identify and acknowledge concerns, hopes, fears and aspirations. We need to enable people to face up to and take risks, and to rediscover autonomy and self-help as they work out how to resolve their own issues, in other words, to do all the things we suggest as mediators every day.

This is not easy – as Mandela said, 'it always seems impossible until it's done' – but the skills and techniques of mediation are well suited to helping us to change the mindset at all levels. Is this a pipedream? Perhaps. But what is the alternative? What are

our BATNAs and WATNAs[respectively, our best and worst alternatives to a negotiated agreement]? What are the alternatives? The other options? This suggested option does not need to be perfect, only better than what we are presently doing.

Maybe the last great battle for us as humans is that between the command and control culture and sharing, between stark power and collaboration, between determination by third parties and consensual agreement, between hierarchical structures and enabling, empowering engagement?

§5.04 LOOKING AHEAD

Martin Nowak is a highly regarded Harvard mathematician. In his great book *Super Cooperators*, he writes, in a passage which merits being written in full:

> Previously, there were only two basic principles of evolution—mutation and selection—where the former generates genetic diversity and the latter picks the individuals that are best suited to a given environment.
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> For us to understand the creative aspects of evolution, we must now accept that cooperation is the third principle. For selection you need mutation and, in the same way, for cooperation you need both selection and mutation. From cooperation can emerge the constructive side of evolution, from genes to organisms to language and complex social behaviors. Cooperation is the master architect of evolution.
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> My work has also shown that cooperation always waxes and wanes. The degree to which individuals are able to cooperate rises and falls, like the great heartbeat of nature. That is why, even though we are extraordinary cooperators, human society has been—and always will be—riven with conflict.
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> Global human cooperation now teeters on a threshold. The accelerating wealth and industry of Earth's increasing inhabitants—itself a triumph of cooperation—is exhausting the ability of our home planet to support us all. There's rising pressure on each of us to compete for the planet's dwindling resources. Many problems that challenge us today can be traced back to a profound tension between what is good and desirable for society as a whole and what is good and desirable for an individual. That conflict can be found in global problems such as climate change, pollution, resource depletion, poverty, hunger, and overpopulation.

The trouble is that most of our world incorporates binary thinking. Yes/no, black/white, right/wrong, fault/blame, for/against, winners and losers, inclusion/exclusion, either/or, comparison/judgment, government/opposition –dualistic thinking. It is assumed that there is one true answer to any presenting problem, so we are argumentative and adversarial, advocating our chosen solution, breeding polarization and antagonism, as we emphasize difference rather than similarity in our human interactions.

In truth, these are the attributes of our court systems, characteristics of the way politics is done, and too often underpin the approach to international affairs. Ponder recent events.

And yet the world is more uncertain, non-linear, indeed volatile, than that, and most problems are more complex. Solutions to the biggest challenges are multi-faceted,

political responses need to be much more nuanced than we tend to see and there are usually many different ways of addressing challenging situations.

Nearly always, we have much more in common than separates us. Indeed, maybe difference is the only thing that binds us. Ambiguity abounds, uncertainty is universal, paradoxes are prevalent, contradictions must be lived with. The answers customarily lie in 'both/maybe' rather than one or the other. There are usually only shades of grey – alternative, multiple 'truths', which we need to seek out and be grateful for, seeing sameness and diversity as one. Indeed, if we are honest, all of these characteristics can be found within each of us, as well as in the world around us.

Nowak's point is that we are truly interdependent and need to work together. We should look for and believe the best in others and help them to flourish and thrive.

In mediation, we have turned (or rediscovered how to turn) these intellectual ideas into practical reality. All that I have described here is or should be at the heart of good mediation.

In William Ury's words, we are 'Third Siders', with no immediate interest in the outcome, with the ability to work with many differing viewpoints and vested interests, while recognizing and seeking to understand what is going on with others who may be trapped by their own biases. Our task is to help them to talk to and understand each other and acknowledge diverse perspectives, to identify where the real interests lie, even if counter-intuitive, and to reach for better outcomes.

Vaclev Havel, the former dissident who became the first President of the Czech Republic, feared the deterioration in public civility more than economic decline; he deplored political partisanship and argued that it undermined economic development. In *Politics, Morality and Civility*, he argued for respect, decency, tolerance, responsibility, a measured approach, and the placing of common interests above selfish ones. He had discovered that 'high politics' was about good taste and largely a matter of form.

In his masterful observations on Nelson Mandela's leadership characteristics, in *Mandela's Way: Lessons on Life*, Richard Stengel comments that putting ourselves in the shoes of those with whom we disagree is demanding, 'takes an effort of will, and…requires empathy and imagination'. But the reward he says, referring to Mandela's example, is 'something that can fairly be described as wisdom'.

These are aspirations we mediators can help others to aim for. Returning to Scotland, in 2013 we launched a Commitment to Respectful Dialogue as part of our Collaborative Scotland initiative during Scotland's referendum on independence. In our emerging Collaboration Hub, involving senior civil servants, business people and others, and in our work with parliaments and politics, we have wonderful opportunities to help build a framework of trust and responsibility, where ability to communicate and build effective relationships is seen as critical. The same has to be true in global issues like climate change.

Margaret Heffernan reminds us that, 'Collaboration is a habit of mind, solidified by routine, predicated on openness, generosity, rigour and patience. It requires precise and fearless communication, without status, awe or intimidation.'

§5.05 A MOVEMENT OF MEDIATORS?

So, shall we start a world-class movement as third-siders? Shall we be the change we would like to see in the world? In our powerlessness as mediators lies enormous power. This is true in a single mediation and I believe we need to make it true in the broader sense too.

It is about 'Getting to Yes'. Will we say 'Yes' as mediators to the biggest challenges facing us? One of my current favourite writers is the Jesuit priest Richard Rohr who says, 'You must begin with yes. You cannot begin with no, or it is not a beginning at all.'

We are after all only trustees, for generations past and in particular for genera- tions to come. Edmund Burke once said, 'Society is a partnership between the living, the dead and those who are yet to be born.' How true.

Martin Nowak reminds us that, despite nature's competitive setting, the winning strategies must have the attributes of hope, generosity and forgiveness – and, he says, self-sacrifice is built into our genetic make up. He tells us that:

> The biggest issues of all—saving the planet and maximizing the collective lifetime of the species Homo sapiens—cannot be solved by technology alone. They require novel ways for us to work in harmony. If we are to continue to thrive, we have but one option. We now have to manage the planet as a whole.
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> If we are to win the struggle for existence, and avoid a precipitous fall, there's no choice but to harness this extraordinary creative force. We now have to refine and to extend our ability to cooperate. We must become familiar with the science of cooperation. Now, more than ever, the world needs SuperCooperators.

What a call to arms for mediators.

We have responsibilities. Unless our sole motivation is selfish, we need to take a broader view of things. Indeed, if we have any notion of serving the public interest, we surely need to have a higher purpose, rising above parochial concerns, as part of an extended family: *ubuntu*, or the concept of oneness, in the African tradition. To come to terms with this is crucial, and potentially life saving. It suggests a worldview that sees nature, other nations, and our own neighbours 'not as adversaries, but rather as partners in a grand project of mutual reinvention'. (Naomi Klein in *This Changes Everything*).

If we accept that the present way is not working, we have no choice. To stand aside is to take a side, to align with the present way of doing things is to align ourselves with the problem and become part of it, not the solution. Nothing less than a transformation is required. Who else is any better placed to lead than those who understand and apply this already?

'It took me a lifetime,' said Picasso. This is a lifetime's work, indeed several lifetimes, but we are still the pioneers in our field. In our role as mediators, as Third Siders, we have choices. 'We can choose to say yes or no.... And our choices make all the difference.' I hope we will choose 'Yes'.