

## Mediation, Neutrality, Political Conflicts and the 2020 Elections

By Kenneth Cloke

*"Of all the forms of inequality, injustice in health care is the most shocking and inhumane."*

Martin Luther King, Jr.

*"Even America feels today [1938] that democracy is not an assured possession, that it has enemies, that it is threatened from within and from without, that it has once more become a problem. [Politics] is no longer a game, played according to certain, generally acknowledged rules.... It is a matter of ultimate values."*

Thomas Mann

*"The first lesson a disaster teaches is that everything is connected. In fact, disasters ... are crash courses in those connections. At moments of immense change, we see with new clarity the systems – political, economic, social, ecological – in which we are immersed as they change around us. We see what's strong, what's weak, what's corrupt, what matters and what doesn't."*

Rebecca Solnit

In the US, and in different ways in countries around the world, we are now facing five, and perhaps six significant crises, each with its own distinct set of conflicts:

1. *A Social Crisis.* Sparked by racism and police brutality, and extending to violence and discrimination against women, LGBTQ people, Jews, Muslims, Asians, immigrants, and others
2. *An Economic Crisis.* Sparked by the global lock-down, and extending to economic inequity, poverty, class exploitation, and prioritization of profits over people and planet
3. *A Political Crisis.* Sparked by autocracy and denials of the right to vote, and extending to gerrymandering, the Electoral College, voting by mail, and the continuation of democracy itself
4. *A Health Crisis.* Sparked by the Corona virus, and extending to Ebola and other diseases, the availability of health care for all, drug resistance, and attacks on science, disease experts, and the World Health Organization
5. *An Ecological and Environmental Crisis.* Sparked by global warming and species extinctions, and extending to air, water and soil pollution, destruction of rain forests and coral reefs, use of pesticides and fossil fuels, and ecological unsustainability

These seemingly separate and unique crises intermingle and interact, making all the others more serious and difficult to resolve without addressing them as well. They can therefore combine, amplify, and synergize, potentially giving rise to a sixth, multi-systemic *general* crisis, leading either to profound, far-reaching, transformational changes; or to regression, retreat, barbarism, and collapse.

Through these crises and conflicts, we are rapidly approaching a point on which the future of our planet, our people, our profession, and our personal lives, will pivot. The most immediate and important of these points will be reached in November 2020, with the election of a U.S. President and members of Congress (and therefore the Supreme Court), which will profoundly impact our global future.

The potential consequences can be seen in the extreme polarizations we are witnessing, just in response to Covid 19 and racism. On the one side are many Republican politicians, flanked by white-supremacist ultra-right militias armed with assault rifles, confederate flags, conspiracy theories, and Nazi regalia, demanding the lifting of health precautions, and harassing minorities and people wearing masks. On the other side are many Democratic politicians, flanked by healthcare professionals, grocery clerks, essential employees, and members of progressive and left political groups arguing for facts, science, personal protective equipment, and empathy, demanding equality and wearing masks.

These escalating polarizations extend to efforts to halt gender inequities, police violence, global warming, and climate change; to the advance of autocracy, hatred of foreigners, and the acceptability of pollution and environmental destruction; to the willingness to cooperate, or even participate in international partnerships; to the coercive use of military force, nuclear threats, protectionist tariffs, and denial of medical aid directed against "hostile" nations; to the continuation of explicit, implicit, and systemic bias, and intolerance of diversity; to the survival of independent journalism; to the right to vote; to whether political leaders are above the law; even to the *desirability* of democracy and constitutional government.

Polarization, in every conflict, is a sign that we are approaching a crossroads, a definitive choice, a point of departure. It is a signal that something deep, fundamental, and systemic has *already* been born; that the past is over, yet the future is uncertain and insecure; and that confusion, nostalgia, resistance, and fear of loss are intensifying in an effort to reverse course and return to a world that no longer exists, and *can* no longer exist.

What has any of this to do with the practice of mediation, peace building, and conflict resolution? Ultimately, *everything*.

As mediators, it is often difficult for us to assist those who are in conflict to listen to each other, communicate, engage in dialogue, jointly solve problems, collaboratively negotiate, and not just settle, but *resolve* their disputes. It is especially difficult to do so in deeply divisive, highly emotional, and immensely consequential political disputes, where there is resistance even to the *idea* of conversing, negotiating, or engaging in dialogue with "the other side," who are routinely stereotyped, demonized, and regarded with intense hostility and suspicion.

It is therefore *critical* that mediators, peace builders and conflict resolvers actively search for ways of plying these skills in political conflicts, and help turn divisive, excessively polarized conflicts in the direction of collaborative social problem solving, in part by designing, organizing, and facilitating democratic dialogues over difficult and dangerous issues.

Yet, it is essential in doing so, that we recognize the possibility that social, economic, political, health care, and environmental conditions can worsen and become so thoroughly polarized, and the parties so deeply discredited and reviled, that our efforts fail completely, making the work of communicating and connecting across even minimal differences nearly impossible -- as often happens in active warfare, and under brutal autocracies and dictatorships.

In Nazi Germany, for example, what was actually, yet still somewhat invisibly at stake in the election of 1932, included the willingness to accept even the *existence* of Jews, communists, socialists, gypsies, homosexuals, people with disabilities, foreigners, "degenerate" artists, and other "undesirables," let alone to mediate, negotiate, or engage in dialogue and joint problem solving with them. In such times, as William Butler Yeats brilliantly described,

*Things fall apart; the centre cannot hold;  
Mere anarchy is loosed upon the world,  
The blood-dimmed tide is loosed, and everywhere  
The ceremony of innocence is drowned;  
The best lack all conviction, while the worst  
Are full of passionate intensity ...  
And what rough beast, its hour come round at last,  
Slouches towards Bethlehem to be born?*

In 1938, Hitler met in Munich with Mussolini, Chamberlain of Great Britain, and Daladier of France, ostensibly to prevent war and resolve conflicts over Czechoslovakia. Through several "collaborative negotiations" they reached a "mediated agreement" that resulted in the German takeover of Czechoslovakia, and convinced Hitler that the Allies would not risk war over the secretly planned

invasion of Poland scheduled for the following year. Neither Czechoslovakia nor Poland, of course, were invited to the mediation, nor were any of those who would die in the ensuing conflagration. The mediator was Mussolini.

What happened in Munich is seen today as a classic case of betrayal, and what anthropologist Laura Nader, in her critique of mediation, called "trading justice for harmony." More deeply, it exposes a *political singularity*, a place of no return, both for democracy and mediation, foretold and set in motion by the election of 1932 and the polarizations fascism purposefully provoked in order to achieve these ends.

It is the intention of fascists everywhere to dominate and *annihilate* the Other; to deny the possibility of a common center that links us to one another; and to suppress and undermine all processes and methodologies that remind us of our common humanity and capacity for kindness – especially democracy, but also honest, principled, empathetic mediation and collaborative peace building. This is the "rough beast" whose face we can now make out not far in the distance, still somewhat isolated and disorganized, but growing in strength around the world and in the U.S., whose future we will vote on in November.

We will vote in November on the *idea* and the importance of social justice, economic equity, and political democracy. Additionally, we will vote on:

- Whether all citizens will have the right to vote
- Whether we will live in a democracy, and how authoritarian or participatory our political decision-making will be
- Whether the ruling party will be limited by the Constitution and the rule of law
- Whether the children of immigrants will be separated from their parents and held in prisons
- Whether we will listen to scientists and health care professionals in responding to pandemics
- Whether health care will be available to all
- Whether it will be regarded as acceptable anywhere in the world to attack or murder Blacks, Women, Jews, Muslims, and LGBTQ people
- Whether government officials and supporters of those in power will be investigated, prosecuted, and imprisoned for perjury, corruption and wrongdoing
- Whether we will partner with other nations in tackling world problems such as global warming, pollution of air, land and water, species extinction, environmental destruction, alternative energy, and similar issues

- Whether nuclear war anywhere in the world will be regarded as a legitimate option for resolving conflicts
- Whether we will continue supporting brutal dictatorships, the murdering and muzzling of journalists, and massive violations of human rights around the world -- plus countless similar issues

It is especially important to understand that we will *also* be voting on the core principles and effectiveness of mediation; on the usefulness of dialogue, consensus building, collaborative negotiation, non-violent communication, appreciative inquiry, restorative justice, conflict coaching, and the continued growth and development of conflict resolution and peace building as a whole. Hostility to diversity and democracy always seek to expand beyond politics into workplaces and offices, art and social media, streets and public spaces, couples and families, and every conversation and conflict, undermining efforts to connect people everywhere.

As mediators, we are accustomed to finding or creating spaces for ourselves *between* opposing parties, and consider ourselves either "neutral," or as I prefer, "omni-partial," and on everyone's side at the same time. Yet here are five fundamental issues to keep in mind as mediators in designing public dialogues and seeking to resolve political conflicts:

1. It is important to understand that "neutrality" can mask bias and be complicit in preserving it. Desmond Tutu described it nicely: *"If you are neutral in situations of injustice, you have chosen the side of the oppressor. If an elephant has its foot on the tail of a mouse and you say that you are neutral, the mouse will not appreciate your neutrality."* Instead, we need to seek ways of *transcending* oppression, *both* for the oppressed and the oppressor, and thereby eliminate it as a source of chronic conflict.
2. It is important to distinguish advocacy for *positions* – i.e., for particular candidates, proposals, or solutions – from advocacy for *interests* -- i.e., for democracy, mediation, dialogue, negotiation, peace building, inclusive processes, and collaborative relationships.
3. It is important to acknowledge, encourage, and support *everyone* in advocating and feeling passionately about their favored candidates, proposals, and solutions, and not seek to minimize their preferences or the strength of their convictions, but instead work to bring them into creative engagement, problem solving, dialogue, and constructive contention with one another based on their interests, commonalities, and the deeper meaning of their preferences or convictions. Inclusion, respect, empathy,

and collaboration, whether in democracy, dialogue, or mediation, do not require *agreement* with either sides' logic, "facts," proposals, candidates, or content -- but simply on a mutual willingness to strive for fairness and respect in communications, processes, and relationships.

4. It is important to recognize that democracy, like mediation, *inherently* requires systems, structures, processes, and relationships that are inclusive, diverse, egalitarian, equitable, and collaborative; that encourage and support joint problem solving, dialogue, consensus building, collaborative negotiation, and interest-based, rather than power- or rights-based communications; and that become far less effective when they are hierarchical, discriminatory, unequal, bureaucratic, adversarial, autocratic, or highly competitive.
5. It is important for us to learn how to adapt and apply conflict resolution processes and relationships to political disputes – not just for democratic values and principles to survive -- but to encourage them to *evolve* and generate higher orders of communication, participation, collaboration, and engagement. Indeed, it is the *inability* to resolve intensely adversarial political disputes that impedes lower orders of democracy and conflict resolution, prevents them from evolving, and fuels the desire for authority figures and autocratic leaders to end conflicts by deciding for one side and against the other; nearly always by suppressing diversity and crushing dissent.

Most *procedural*, representative, indirect, bureaucratic, rights-based, legally informed, *adversarial* forms of democracy discourage independent group activity, permit only voting, and operate digitally -- for or against, either/or, with one party and against another, and do not permit much popular input regarding content, process, or relationships, or encourage transformational changes.

By contrast, *substantive*, participatory, direct, flexible, interest-based, emotionally informed, *collaborative* forms of democracy invite independent group activity, and operate analogically -- us against it, both/and, with all and against no one, and offer considerable voice regarding content, process and relationship, and encourage transformational changes.

Because they require higher order, more complex, diverse, higher dimensional skills, they are able to solve higher order, more complex, diverse, and higher dimensional problems, which are increasingly essential to crack complicated and challenging global problems. I believe these higher order skills and capacities include, among others:

- An ability to work collaboratively, in partnership with diverse races, genders, cultures, classes, beliefs, personalities, physical conditions, and points of view
- A recognition of the value and importance of equality, caring, and authenticity in relationships, and a willingness to live them
- A willingness to explore and address implicit, systemic, and cognitive biases, and improve empathy and emotional intelligence
- A welcoming, curious, constructive attitude toward working with conflict, contradiction, ambiguity, enigma, and paradox
- An ability to acknowledge and affirm multiple truths, and to synthesize and creatively combine them in ways that reveal higher truths
- An ability to elicit personal stories, shameful narratives, painful experiences, unmet needs, and unsatisfied interests, and see them as requests for collaboration, mutual understanding, and change
- A willingness to search for ways of transforming fixed positions, beliefs, and ideas through artful questions, open dialogues, collaborative negotiations, emotionally intelligent conversations, and consensus building mediations

As mediators and conflict resolvers, we recognize the deep relationship, in all disputes, between diversity and collaboration, dialogue and empathy, democracy and respect, dignity and the right to participate in decision-making. We search for ways of inviting people in conflict to acknowledge and embrace each other; construct relationships based on equality and equity, community and caring; surrender the lopsided, polarized power- and rights-based privileges and adversarial attitudes that have divided us; and search together for interest-based solutions and common ground.

It is important, in doing so, to recognize that there are lower and higher forms of connection, cooperation, and common ground. The lower form can be found in compromise, which requires far fewer skills. If we ask, for example, "What common ground can we find between masters and slaves?" it is clear that *any* mediated compromise can lead only to more or less oppressive or expansive forms of enslavement -- as occurred, for example, in the U. S. with the Missouri Compromise and the Compromise of 1850 -- but not to its abolition. Finding lower common ground *implicitly* means siding with slavery and against slaves.

To reach higher common ground, it is necessary to affirm the common humanity of both parties, which implicitly requires not only the abolition of slavery, but reconstruction, elimination of bias, protracted dialogue, and a deeply honest, empathetic search for the human beings formerly known as masters and slaves.

It is only through the use of higher order mediative, collaborative, democratic, dialogic, restorative justice processes that slavery, as a source of chronic, systemic conflicts, can not only be mitigated, but eliminated, transformed, transcended, and replaced by higher order, *human* conflicts.

In similar ways, elections in rights-based democracies are limited to lower order searches for *partisan* common ground, which routinely result in win/lose outcomes; chronic, unresolved, systemic conflicts; and compromises that may reduce harm or deescalate it, but rarely end, transform, or transcend it. As a result, we are periodically compelled by circumstances and fundamental principles to say and stand for what we believe in, and *then* to search for a higher common ground in which we abandon and exclude no one.

In crises, disasters, and intensely polarizing times, when neutrality and the center "cannot hold," the sources of chronic, systemic conflicts are revealed, and we can begin to see, as Rebecca Solnit describes, "what matters and what doesn't." It then becomes possible to transform fundamental values into higher order skills and capacities, processes and relationships, systems and structures, and extend empathy, cooperation, affection, and human decency to everyone everywhere.

Immediately following the November election, if a majority votes to reduce and resolve social, economic, political, healthcare, and environmental crises and conflicts, a broad range of collaboration, consensus building, dialogue, mediation, and conflict resolution skills will be needed, as those who lose will find it difficult to accept the outcome and may resort to violence; or refuse to mediate, engage in dialogue, or reconcile; or disrupt efforts to address the pandemic and other crises; or obstruct the ability to jointly invent and implement global solutions to the complex issues we face.

If, on the other hand, a majority votes to deny, ignore, suppress, or aggravate these crises and further polarize our conflicts, then democracy, mediation, and peace building will be pressured to retreat, water down their core values, become increasingly bureaucratic and superficial, and abandon their transformational promise -- until people re-awaken, re-group, and realize what they have lost. Given the severity of the crises we face, these losses will be immense.

We therefore need to work hard for the candidates who will make it possible for mediation and dialogue to succeed, and vote for the kind of world we believe in and want to build. But if we want to transform our current crises and conflicts at their source, and create higher order substantive, diverse, collaborative, participatory, interest-based forms of democracy, we need to learn how to work together in higher order ways, using skills that do not undermine or contradict these core values. To do so, we will need mediators, collaborative negotiators,



dialogue facilitators, consensus builders, conflict coaches, restorative justice practitioners, and peace builders of all kinds, willing to work in highly polarized neighborhoods and communities, workplaces and organizations, families and schools.

The time to strengthen our skills and capacity to both be and create the changes we want to see in the world is now. And we need to ask ourselves, with André Breton, "What are we waiting for? A woman? Two trees? Three flags? Nothing. What are we waiting for?"