

Mediation and Covid19 share the same DNA.

Liminality and the Adjacent Possible.

By Greg Rooney

We are often told to think outside the box.
But how do you think when there is no box.

Paradoxically, despite the lockdown, we have a new type of freedom where the shackles or inhibitors of the past are released. This creates unforeseeable opportunities. It is the realm of pure possibility.

This short paper looks to the natural sciences to find a pathway out of the current coronavirus crisis and the similarities to the approach taken by mediators when working with parties in a joint session environment.

Liminality

With the coronavirus disrupting our health, social interaction and the economy it seems that all the structures that we knew are in hibernation. Many might never recover.

We are now going through what anthropologists call a liminal stage particularly as the pre-Covid world starts to fade in our memories.

Wikipedia describes liminality this way. In anthropology, liminality is the quality of ambiguity or disorientation that occurs in the middle stage of a rite of passage, when

participants no longer hold their pre-ritual status but have not yet begun the transition to the status they will hold when the rite is complete.

With Covid and the lockdowns we are now inhabiting that liminal space. It is a period of suspension, change and recalibration. The anthropologist Victor Turner refers to this space as *'the realm of pure possibility'*.

Paradoxically, despite the lockdown, we have a new type of freedom where the shackles or inhibitors of the past are released. This creates unforeseeable opportunities.

It is not so much that we do not know what *will* happen post Covid 19 but more significantly we do not know what *can* happen. There is an important difference.

The future will emerge of its own accord quite outside of our control and current understanding. It is unknowable and there is nothing we can do to stop it happening.

Therefore, reason alone will not be sufficient to guide us through this stage. We cannot deduce our way to a logical certain conclusion of what the post Covid 19 world will look like.

We will have to try a different way of thinking. One that allows the future to find us. It will require a presence of mind that embraces these moments of liminality and takes the opportunity and space to explore this in-between area. This prepares us for the emergence of the new in whatever form it chooses to take.

Poets and philosophers refer to this state of mind as 'negative capability' which is the ability to perceive, think and operate beyond the state of knowing. It is making peace with life's mystery and ambiguity without any irritability reaching after fact, reason or understanding.

The challenge is to let go of control by remaining totally present in the moment while keeping multiple possibilities open - allowing the future to unfold unbidden. It is through this form of patient resilience that unexpected opportunities can emerge for those early adapters who are fully open to the new.

Mediation and Liminality

Mediators who are comfortable working at a face-to-face human level with the parties can create a liminal effect particularly in the exploration stage at the beginning of the mediation. It requires an ability to hold the space for the parties as they start to let go of their starting positions. It is an unsettling time, but the mediator can be a role model in supporting and containing them. The longer

the mediator can hold the parties in this in-between stage the more options of pure possibility can emerge. Time is the mediator's friend in this liminal phase.

Implied in this approach is the principle that there is no one solution waiting to be discovered but multiple options waiting to emerge. The mediator becomes the container in which multiple perspectives are held in suspension until the right option emerges and finds the parties. It is process focused as opposed to solution focused.

There are mediators who have little appetite for working with the parties face-to-face in joint session. They find comfort in avoiding any meaningful human interaction, keeping them in separate rooms and focusing on the solution by working to close the gap between their starting positions. They use a form of gap analysis to frame their thinking. They then hypothesise a possible end solution point and engage in back-and-forth positional bargaining with the aim of closing that gap.

The main difference between the two approaches is that the joint session mediator (known as the facilitative or humanistic mediator) uses the liminal period to allow multiple solutions to gestate whereas the positional mediator (known as a dispute resolver) focuses on the resolution - one resolution - the one that the parties come to through the closing the gap process. It could be said that the facilitative/ humanistic

mediator is engaging in dispute evolution rather than dispute resolution.

The Santa Fe Institute

The global pandemic has reminded us that life is uncertain and unpredictable. We in the developed industrialised world are somehow thrown by this event. We are shocked by how overnight our ordered lives have been changed and by the sense of loss of control.

The idea that we have any control over our world is an illusion. The universe is complex and the real world we inhabit is ill-defined, ambiguous and radically uncertain.

A number of Nobel Prize winners and nuclear physicists established the Santa Fe Institute in the mid-1980s to ponder the question of how scientists could conduct traditional scientific experimentation in a world of perpetual novelty and non-repeatability. Where the testing of hypotheses against data is futile because of the inability to see what the future variables will be.

This illusion of control can be traced back two centuries to Sir Isaac Newton and his three mechanical laws of motion and gravity. He ushered in the industrial revolution and the concept of the factory floor where uncertainty and unpredictability could be eliminated, and nature controlled. We built machines and put a man on the moon. We have been so successful that we have become conditioned

to seeing life and the economy through this controlled industrialised prism.

But the world that exists outside of the factory walls defies precise analysis or calculations. Newtonian mechanical physics has been superseded by the two laws of thermodynamics (the circle of life) and quantum physics which includes the principle of uncertainty. These laws are the best explanation of how everything in nature works including chemistry and biology. They are compatible with the complex interconnected society that we now inhabit.

Post Newtonian scientists accept that our society and nature in general are based on relationships, emerging patterns and iterations which constantly adapt to their environment.

The Santa Fe Institute took a multidisciplinary approach and called it complexity science. They described the systems we live in as a complex adaptive system where order emerges rather than being predetermined. There is no cause-and-effect relationship and outcomes cannot be predicted based on what has happened before.

Complex adaptive systems apply to everything in nature including humans, markets, industries, governments, organisms and everything else in the real world that exists outside of a controlled factory environment.

Covid 19 and facilitative/humanistic mediation are both examples of a complex adaptive system. They share the same DNA.

Mediation and complex adaptive systems.

Mediators who practise 'dispute resolution' are applying the Newtonian mechanical model to the mediation process by keeping the parties housed in separate rooms, much like in a factory setting. This maintains control over the process thus avoiding the uncertainty and unpredictability coming from any direct human interaction. It de-humanises the mediation process.

The facilitative/humanistic mediation approach is more in alignment with modern post Newtonian science particularly the thermodynamic circle of life and quantum theory. It is consistent with our living world that is built on relationships, emerging patterns and iterations. It is about exploring probabilities and creating the space for small or sometimes large quantum leaps. It allows for the emergence of the new and the unexpected. It brings humanity directly into the mediation process.

The Adjacent Possible

Stuart Kauffman, an associate Professor at the Santa Fe Institute, introduced the term the 'adjacent possible' to explain why nature in general and the global economy, or the economic web as he calls it, have become so diverse.

As the name implies, it refers to what is adjacent to where you are now that is an immediately available entry point to take a step forward. As we take each step into that adjacent space a new set of 'adjacent possibles' immediately opens. Each step increases the diversity of what can happen next creating options for a reinvention or a new adaptation (exaptation).

Kauffman describes the 'adjacent possible' as where things happen. He maintains that the complex systems best able to adapt are those poised on the border between chaos and disorder. That the process of stepping into the 'adjacent possible' is one of being sucked into opportunities and innovation.

The key to the 'adjacent possible' is that it is a low-cost option. It entices us to take a small step which once taken broadens the horizon with new possibilities. It then starts to generate its own momentum as the path ahead takes shape. In biology as in human systems it develops into an autonomous agent feeding of itself. It is the basis of how the world has evolved and will continue to evolve into the future. It is why the natural and human world is infinitely diverse.

The Industrial Revolution is an example of a high cost process that has led to cities, overpopulation, energy consumption, pollution, and global warming. It requires ever increasing high cost responses. It is built on dehumanised the workforce making them

units of production and consumption. It is solution focused and outcome driven. It does not handle chaos and disorder very well.

With Covid 19 we find ourselves poised on the border of chaos and disorder. As Kauffman said, this is where things happen. We are entering the unknown and the unknowable. Something will emerge. For example, one low-cost 'adjacent possible' – Zoom. Entering the 'Zoom' door has already increased the diversity of how mediators will practice their craft in the future.

The adjacent possible is the mother of diversity. It is diversity that will save us. It is therefore important that Sweden's approach to Covid 19 is different from New Zealand and is different from Vietnam. Diversity is the bridge to small and sometimes large quantum leaps that can take us to somewhere beyond the pandemic to a place we could not have imagined.

Mediation and the adjacent possible

The term adjacent possible is a great way of describing those incremental steps that occur

during the liminal exploration period of the mediation where small concessions are made or in moments of self-realisation by one or both of the parties. These small steps lead to further concessions and movement as the parties feed off each other. It creates the opportunities for those small and at times large quantum leaps that are often referred to as 'aha' moments.

While the 'dispute resolver' mediator approach can achieve a benefit for parties stuck in conflict through forcing a consensus, its use of gap analysis and mechanical formulations reduces the chances of reinvention and adaptation in the pursuit of a solution. It is focused and efficient - attributes that kill diversity.

The facilitative/ humanistic mediator has a more ambitious goal through the process of containing the parties in a supporting common space until the adjacent door opens to reveal a path forward. It might wind around in all directions, but it can lead to something beyond what can be imagined. A quantum leap into the new and unexpected.

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Greg Rooney has been a practising mediator in Australia since 1991. He has mediated more than 1,500 disputes in a diverse range of conflicts including multi-party disputes involving government institutions, commercial and industrial disputes, agricultural disputes, franchise disputes, matrimonial disputes and disputes involving conflict in the workplace.

Greg is a Director of the Mediator Standards Board that regulates the Australian National Mediation Accreditation Scheme. For the last eleven years he has mediated over 200 face-to-face mediations between religious leaders and individual victims of sexual abuse in the Catholic, Anglican and Protestants religions in Australia as well as abuse within the Australian Defence Forces.

He has lectured in mediation, dispute system design and project Alliancing in a number of Australian universities, including the University of Queensland and Southern Cross University. Greg has conducted dispute resolution training for a number of public and private Australian institutions. He has published papers on a number of mediation based topics in a number of national and international journals copies of which can be downloaded from his web site.

Website: www.gregrooney.com.au