

An Engagement with The Magic in Mediation: A Search for Symmetries, Metaphors, and Scale-Free Practices

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Abstract

Feminists have for a long time emphasized relational dynamics and challenged masculinized frameworks of neutrality. However, in Conflict Resolution and Peacebuilding, neutrality has been kept front and center. In a recent work *The Magic in Mediation*, Kenneth Cloke critiques neutrality as unattainable and undesirable. He seeks to demystify the enigmatic “magic” often observed during the mediation process. He contends that this perceived magic is neither mere luck nor coincidence but arises from a confluence of profound factors—human connection, empathy, and creativity. What does such mediation practice that transcends conventional methods achieve? How does Cloke’s approach address structural inequalities and take on board intersectionality? Can mediation based on the ethos of care, emotional intelligence and self-awareness prove transformative? Using Cloke’s work, these questions are explored in the paper.

Author Profile

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Kenneth Cloke's *The Magic in Mediation: A Search for Symmetries, Metaphors, and Scale-Free Practices* (2023) is a profound philosophical exploration of mediation, expanding its role far beyond just a tool for conflict resolution. Drawing on decades of experience as a mediator and conflict resolution expert, Cloke challenges conventional paradigms, uncovering hidden opportunities within the mediation process and offering new insights that broaden both its theoretical foundations and practical applications. This book holds special significance as the author has revealed it to be his final contribution to the field of conflict resolution, marking a poignant culmination of his illustrious career devoted to transforming the practice and understanding of mediation and conflict management.

Rooted in the ethos of care, Cloke's approach to mediation aligns with that of feminist theorists such as Carol Gilligan (1982) and Joan Tronto (1993), emphasizing relational dynamics and challenging masculinized frameworks of neutrality. While his work advocates for equity and disrupts patriarchal norms in conflict resolution, it falls short of critically examining how mediation can perpetuate gendered power imbalances. Scholars like bell hooks (2000) and Catherine MacKinnon (1989) caution that without explicit attention to structural inequalities and intersectionality, such frameworks risk reinforcing patriarchal norms. Cloke's universalizing of emotional intelligence, though compelling, overlooks the disproportionate emotional labor borne by women and marginalized genders in conflict settings.

At its heart, *The Magic in Mediation* seeks to demystify the enigmatic "magic" often observed during the mediation process. Cloke argues that this perceived magic is neither mere luck nor coincidence but arises from a confluence of profound factors—human connection, empathy, and creativity. He describes the hidden interplay of art and science that underpins the mediation process, creating the illusion of magic. Rather than leaving it unexplored, Cloke helps readers to critically investigate the origins of this magic, examine the conditions under which it manifests, and explore ways to replicate it consistently in conflict resolution practices. He cautions against standardization in mediation, asserting that "everyone mediates differently." The magic of mediation, as he frames it, is not a fixed construct but a fluid and evolving phenomenon. This dynamism, he argues, necessitates higher-order skills, including the capacity for open, honest dialogue and the ability to engage in creative contention aimed at achieving win/win, non-zero-sum outcomes.

The author draws from an array of disciplines—including psychology, biology, mathematics, physics, and the arts. This interdisciplinary approach stands out as one of the book's most compelling features, highlighting both the universality and adaptability of mediation. Central to

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his argument is the concept of “scale-free” practices—innovative frameworks that retain their efficacy and relevance regardless of the scope or complexity of the conflict they aim to resolve. The book is structured into sections that seamlessly intertwine theory, metaphor and practical tools. Yet, one cannot help but yearn for a more intimate glimpse into Cloke’s personal experiences—real-life examples drawn from his own distinguished practice of mediation. Such anecdotes would have offered a richer, more nuanced understanding of how these concepts manifest in the complexities of actual human interaction and conflict resolution.

One of the most interesting aspects of the book is Cloke’s masterful use of metaphor to unravel complex ideas. He provocatively traces the origins of conflict to the Big Bang, suggesting that the inherent coexistence of opposites—such as positive and negative charges within time and space—makes conflict as natural as existence itself. For Cloke, metaphors are not merely rhetorical devices but essential tools for understanding abstract concepts and navigating the logic of conflict resolution. He observes that metaphors often conceal emotional messages, patiently waiting to be uncovered and understood by the other party, thus serving as a bridge to deeper mutual comprehension. A particularly intriguing metaphor Cloke proposes is the adoption of dimensionality in dispute resolution. He conceptualizes conflict resolution as a progression through dimensions: a zero-dimensional approach signifies an impasse; two dimensions represent compromise solutions; and four dimensions embody transformational solutions that transcend the immediate conflict. This framework not only enriches the theoretical landscape of mediation but also offers practitioners a lens through which to evaluate and elevate their approaches. He further extends his exploration of mediation by employing the metaphor of mathematics. While this may resonate with readers who appreciate abstract theoretical frameworks, it occasionally veers into dense mathematical jargon that feels tangential and unnecessarily complex, potentially detracting from the book’s broader accessibility. Moreover, overemphasis on metaphors further risks obscuring the material realities of power asymmetries that women and marginalized genders often face during mediation. A sharper focus on how systemic inequities manifest within mediation spaces would make his work more robust from a gendered perspective, ensuring that it not only transforms conflicts but also actively disrupts the structures that perpetuate them. The book could benefit from a more critical engagement with intersectionality, as proposed by Kimberlé Crenshaw (1991). The absence of a nuanced discussion on how race, class, and gender intersect within mediation contexts limits the applicability of his framework to diverse, real-world disputes.

Cloke draws a thought-provoking parallel between mediation and meditation, weaving together their shared philosophical underpinnings. He highlights the common threads between these practices, particularly within the framework of Buddhism, which he references extensively. By exploring truth as both an “it” (a fixed entity) and a “process” (a dynamic unfolding), Cloke offers mediators a deeper lens to understand the fluid nature of conflict and resolution. In this context, he draws upon the work of Stephen Batchelor (1997), who reinterprets the Four Noble Truths of Buddhism with fresh relevance for mediators. He also invokes the teachings of Jiddu Krishnamurti (1956) to deepen this introspective approach, emphasizing Buddhism’s call to look inward. He underscores that the sources of conflict often lie within ourselves—our biases, attachments, and fears—before manifesting outwardly. This perspective challenges mediators to approach disputes with a heightened sense of self-awareness, transforming the process into not just a resolution of external discord but also an internal journey toward clarity and compassion. Thus, the author beautifully presents mediation not merely as an external skill to be mastered but as an internal

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practice that can be cultivated through ancient meditative traditions such as *dhyaana* (focused meditation) or *jhaana* (profound meditative absorption). This perspective enriches the depth of his work, highlighting the potential of mindfulness in enhancing a mediator's capacity. He identifies implicit mediation practices rooted in meditation, blending reflective awareness and emotional regulation with the art of conflict resolution. The result is a mediation practice that transcends conventional methods, while adhering to the core principles of meditative traditions.

The author offers a sharp critique of neutrality, framing it as an unattainable and even undesirable ideal in mediation. He provocatively describes neutrality as an attempt to “erase the self,” arguing that to be human is inherently to be biased. While his perspective challenges traditional notions of the mediator's role, it is not without contention. Neutrality requires contextualization rather than outright rejection. There are instances—such as mediating historical atrocities like the Holocaust, as mentioned in the book—where striving for neutrality becomes both impractical and ethically fraught. Certain topics demand acknowledgment of moral and historical realities, making a purely neutral stance inappropriate. However, within the mediation process, neutrality can play a crucial role when understood as an active commitment to fairness, equitability, and an open-minded facilitation of dialogue, rather than an erasure of the mediator's humanity or values. The author's argument opens a critical conversation about the nuanced ways in which mediators navigate their own biases and engage with the complexities of human conflict. It challenges us to rethink not only the practicality of neutrality but also its ethical boundaries and applications. A particularly insightful section focuses on the art of asking questions—categorized by power, rights, and interests. Cloke emphasizes that questions anchored in interests tend to elicit deeper, more reflective responses, encouraging meaningful dialogue. He even delves into metacognitive aspects of questioning, urging mediators to reflect on the very act of asking questions. He highlights the importance of heart-centered questions addressing bullying, emotional distress, and empathy, framing questions as catalysts for wisdom and developing mutual understanding. Cloke also draws inspiration from literature, drama, and poetry, reflecting on how these forms of art have shaped his approach to mediation. He notes that literature, with its tendency to exaggerate emotions, mirrors the heightened states of individuals in conflict. By engaging with literary narratives, mediators can cultivate empathy and an appreciation for the complexity of human stories. The author seamlessly intertwines this with his philosophy, quoting great authors and exploring how the act of listening creates and reframes stories, ultimately enabling mediators to uncover the narratives that underlie conflict and facilitate resolution.

The Magic in Mediation addresses critical global issues such as colonialism and the pressing need for decolonization. It highlights indigenous restorative practices, such as the *palaver* or “talking cure,” where informal and unstructured conversations continue until consensus is reached by all parties. This practice exemplifies a profound contrast to Western hierarchical models, offering mediators a rich resource for inclusive and culturally sensitive approaches. One of the most interesting parallels the author draws is between the phenomenon of “catastrophic forgetting” in artificial intelligence and historical colonialism. He likens the way AI systems lose prior learning when tasked with new assignments to the deliberate erasure of cultural memory and identity that often followed colonial brutality and exploitation. This analogy underscores the enduring impact of historical injustices while serving as a cautionary tale for the ethical dimensions of technology, urging mediators and global actors to address systemic amnesia in both human and digital contexts.

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Cloke also explores the deep connections between capitalism, economics, and the complex impacts of war and political conflicts, including the ongoing war in Ukraine. He positions mediation not merely as a tool for resolution but as a *magical* process with the potential to prevent catastrophic outcomes. Drawing from this, Cloke proposes a mediated or negotiated ceasefire, emphasizing the importance of collaborative efforts—especially from global powers like China—to ensure lasting peace and stability in regions torn by conflict. Towards the conclusion of the book, Cloke reflects on life’s ultimate transitions—death and trauma—and the role of trauma-informed approach to mediation in navigating these complex human experiences. His reflections offer a humanistic perspective, showing how mediation extends beyond conflict resolution into the realm of personal healing and transformation. By weaving care and emotional intelligence into the fabric of mediation, he elevates the process from a transactional exercise to a profound act of human connection. From a critical theory perspective, the book would benefit from deeper engagement with power asymmetries and their structural roots to truly transform mediation practices. The author imparts a poignant lesson in the book’s closing urging us to open our hearts unconditionally—to both our adversaries and ourselves. In this act of vulnerability, he suggests, lies the true magic of mediation, one that transcends technique and taps into the deep well of compassion that can lead to lasting peace and personal renewal.

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