



CAN WE TALK?

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People around the world lament the growing inability to discuss disputed matters. Most of us, especially in the litigation world, tend to seek evidence (“facts” and authority) that confirms our positions and beliefs. Most also claim we know more than we really do, and when threatened, hold more firmly to prior beliefs (and also become agitated, defensive, and rigid).

Inability to converse with others who have conflicting beliefs has turned into outright warfare. The ubiquitous information network (including in-person gossip) allows people to fabricate “true facts,” exaggerate differences, and manipulate others. Through fear and reactionism, this leads to the increasingly dramatic and dangerous misunderstandings and extinguishes any opponent’s interest in exploring different opinions or “facts.” It seems our lives and our work are scrutinized with all the dirt anyone can dig up or make up to belittle another or gain advantage for ourselves.

I am always looking for skills and techniques that improve the mediation process. Inevitably, these approaches also have positive implications for our personal and professional lives.

Intellectual Humility

Developing business and interpersonal *skills* of kindness and replacing judgment with curiosity has proven to facilitate successful and meaningful communication in many contexts. A complement to those skills is the concept of intellectual humility. This is the quality of recognizing the limitations of one’s own beliefs and knowledge. It is different from open-mindedness or appreciating alternative points of view. Intellectual humility requires that we recognize that our knowledge is limited and that we are intellectually fallible.ⁱ

Intellectual humility can have important benefits in preventing and resolving conflict and improving communication. Yet intellectual humility could also impair the solidarity of a group that adheres to a particular belief. Embracing a group’s beliefs can be a form of self-persuasion, and once embedded and supported by those in the group and beyond, can lead to greater individual status and stronger relationships within the group. Accordingly, the concept must be considered carefully and in context.

Generations have taught their children that polite conversation “never” should include the subjects of sex, politics, and religion. Such matters were taboo because they touch on our core values and we risk offending others and creating rifts. However, today’s business and political world demands our attention to subjects that might offend. Not only are they all intertwined, but they are the principal subjects of our political discourse, of which there is very little remaining.

Benefits of Intellectual Humility

Enter intellectual humility, a quality very difficult to “learn,” but, in my view, one of the best skills with the potential to diminish disputes in the first place, facilitate successful mediations, and find our way toward general civil discourse.



Most people agree that they are wrong about some things; we just do not know what we are wrong about. **It takes a big leap to be sufficiently flexible in your beliefs to sincerely entertain the possibility that your beliefs might be incorrect.** It requires comfort with uncertainty, a desire to explore the issue with questions (not insults), and a fundamental respect for others. We must first facilitate the **manner** in which we communicate before we can discuss the issue itself.

Shaming is a brazen and misguided tool. I keep wondering why leaders, activists, and supporters of all kinds keep thinking this is useful. How could “unfriending” someone, or making judgmental comments such as “only a moron would support...” or “he is just a liar,” or “I have researched this fully and know the facts” possibly help resolve differences? There are many resources that demonstrate that “facts” are not persuasive. And bullying and insults? Have they ever encouraged anyone to see things your way? Word choice and tone matter – a lot.

But still, people routinely jump to conclusions and dismiss or belittle others. It is very difficult to be able to say “I don’t know” especially when you are a business executive, a litigation attorney, a parent, spouse, or politician. As leading figures, these people are expected to individually decide what they support and represent, and then commit to it.

I will never forget the epiphany a party once experienced toward the end of negotiations in a mediation. He said, “As much as I feel I have been wronged, I can see how [my opponents] feel that they too have been wronged.” The parties were then able to understand the magic ingredient in a successful mediation, or negotiation of any kind: **having sufficient humility to consider that you may not be altogether right or know all the facts.**

Recommendations

Next time you come to a mediation, prepare yourself and your clients for a new way of achieving your settlement goals. If you consciously decide to consider that you and your clients might not be right about everything, you will probably find solutions more quickly, the process will be less stressful, and the outcome might be more satisfying.

Next time you begin to have a heated argument, consider the “virtue” of intellectual humility. It could reduce individual and group polarization, improve communication and relationships among groups and their members, increase tolerance, reduce shaming, and increase personal well-being. In the mediation context, the association of intellectual humility with cooperation, inclination to forgive, orientation toward reconciliation, and less personal disparagement is particularly productive.

I see intellectual humility as a component of the skill of Kindness. All of these qualities are essential tools for success in law, business, politics, medicine, education, religion, etc. It always begins in a small, personal way. Test the waters.

ⁱ *Predictors and consequences of intellectual humility*, Porter, Elnakouri, Meyers, Shibayama, Jayawickreme, and Grossmann (Sept. 2022), <https://pubmed.ncbi.nlm.nih.gov/35789951/>