

Holistic Communication
How to include the heart and soul in Mediation

It is widely known that there is a crisis of confidence in the professionals.¹ Almost every skill and trade has become a profession for status, for standards and for money. The crisis is largely related to a lack of trust in delivery of the profession. The professional who was once upon a time seen as the most honorable person one could find, is now seen as the new self serving businessman.

I am reminded of a doctor in South Africa who named his private boat. D&C (Dilation and Curette). The owner was having a not so funny joke about where the money for his luxury item came from. The boat was known for being larger than a house in Cape Town.

It is not such a strange question to ask; *What is the purpose of a professional?* One way of answering this is with the latest mind/brain research which for the last 15 or so years has widened its breadth and depth of interest to include all aspects of what is to be a human being. The result is that yes of course as we all know there is the survival element. One of the functions of being a person as well as a professional is **to survive**, to be able to pay bills, keep updating knowledge and satisfy the human needs that include feeding and housing self and family. The second function which is not a runner up, but actually considered as critical for defining a human being is the need **for transcendence**. The ability to go beyond the self. In Positive Psychology Martin Seligman has repositioned the direction for well being away from satisfying self to appreciation. This shift is a defining moment in the history of human educational development. The shift takes us away from the survival element of human needs, the focus on fear, on anxiety and on depression, towards a focus on the transcendent part of being human, developing awareness and practices that go beyond self centeredness. Many people knew this from the beginning of time, but for many reasons including the rise of the professional, this wisdom of compassion, generosity and kindness did not make it to the professional standards and competency list.

It is well known that many years ago, when a person went to their doctor with signs of stress, grief, depression or sadness, one of the recommendations was a change of scenery, (an experience of appreciation, and beauty) and to do some volunteer work, help others in need. (an experience of kindness, expanding beyond the self, generosity) The Psychologist Eric Erickson created a term to describe this stage of life from the mid 40's to the mid 60's. He named it Generativity vs Stagnation. Generativity is the concern for guiding the next generation based on what one has discovered was beneficial in one's own life. It takes us about 40 years to have enough experience and time to discover what really matters and Eric Erickson saw that successful and well adjusted elderly people were people who looked back over their lives and recognized where they had received benefit, where it came from and had the desire to give back, to keep the appreciation on a journey.

¹ Donald Schon The Reflective Practitioner Basic Books 1983 p4

Returning to the crisis of professionals and in particular mediators let us look at what one of the leaders in the Mediation world says about our current professional status.

In a recent interview taken with Christopher Moore who wrote one of the most used texts in the training of mediation² and is who is recognized as one of the pioneers in the professionalization of mediation. Christopher Moore was asked: ***Has the mediation movement given what you hoped for?***³

“Yes, and No.”.....From a small grass roots movement driven by environmental issues etc, now it has become very, very, mainstreamed. Lawyers think they invented it, but they didn’t, they are one stream among many. I am very pleased when I see how it is now practiced in so many fields. I am not as pleased when I see it is now being primarily practiced as a commercial enterprise, and it is not because I think Mediators should not earn their living by it, because I do believe people should be able to earn their living by it..I would like to see Mediation as a profession that has retained its heart, I believe we should be pragmatic dispute resolvers, we should also be dispute resolvers with souls and we should deal with the parties souls we are working with.”

In response to: ***What would that field look like, one that would have that heart and soul?***
Christopher Moore responded:...

*“ I think law schools and teachers that are teaching mediators need to teach not only the nuts and bolts of the practice but what are some of the values, what a good dispute resolution system should be fostering, because if you think of dispute resolution systems in general, and that is what we are working on, systems embody social values . There is no system that doesn’t have a set of social values **so what are the social values of mediation?**When I think of the united states, one of the things I think is a real dilemma is that we have very strong values of individualism, we are a culture that is very ‘me’ driven, which is okay. But one of the things we need to look at is the balance between being ‘me’ driven and the collectivity. So when we look at the back of our dollar it says, ‘E pluribus unum’ which means, out of diversity unity. One of the major tasks I think for our society is:*

we have a culture of individualism so how do you blend that culture of individualism to include interests in a collective good?

² Christopher Moore *The Mediation Process*. A pragmatic and strategic resource book for professionals written in 1986 and updated to include more contemporary issues being faced in Mediation in the 21st century.

³ Mediate.com interview with <http://www.mediate.com/articles/MooreCompleteInterview.cfm> October 2010

....And to me, that is something that mediation helps do...its really trying to look at a way that people can arrive at a consensus of the best public good, and it's not the lowest common denominator. It is I think when it works at its best, it is a really high quality decision that is better than any unilateral decision maker could make, or better than any compromise. The field we are working in is basically democracy at work. Its democracy at work, whether at the family level, community level, public policy...

If Christopher Moore says it is the heart and soul of mediation that needs our attention then let us look at what others have said about the heart and soul of mediation. Kenneth Cloke Professor of Law and Dispute Resolution, writer, judge, past president and founding member of Mediators Beyond Borders, says that he is in mediation for the magic.⁴ In a paper written by Kenneth Cloke titled *"Let a Thousand Flowers Bloom: A Holistic, Pluralistic and Eclectic Approach to Mediation"* Kenneth Cloke says:

.....'I propose ...that we search for the hidden unities that connect these diverse practices; adopt a holistic, pluralistic and eclectic approach to mediation styles; seek to identify what makes each one successful in different circumstances; and "let a thousand flowers bloom." We are far too rich in hidden possibilities and the problems we address are far too layered in subtle, diverse forms of information to discourage or foreclose any potentially successful approaches.

The difficulty in doing so is that a holistic approach requires us to develop our intuition and deprives us of the comfort and safety that accompany a single style. More importantly, the deeper and more subtly we are able to describe the sources of any given conflict, the more responsive the conflict will be to minor interventions and fluctuations, especially those that are reflected in the attitude, openness, and personality of the mediator. In this sense, who we are is the technique, and what we search for is what we are most likely to find. Shouldn't we then search for many things instead of one? Shouldn't we become more capable and varied in using a broad range of approaches? And shouldn't we carefully examine the reasons behind our desire to adhere to a single approach, no matter how powerful or successful that approach may be? '...

So we see there is a strong case for following the heart and soul of mediation 'from out of many comes one.' This is the frontier of mediation. Journeying into the heart and soul needs a guide, without guidance the path could lead to madness, to ignoring the rational and intellectual aspects of our thinking and abandonment of reason. This is for sure a real possibility. In fact the word 'madness', means separating from mainstream society. When mainstream society ignores values that are held dear to one's life, then separating becomes a very real option for survival, for holding on to ones essence. This is what drew me into researching Holistic Practices. As a mediator for a local government in the mid 1990's I was fortunate to put into practice my dream cultivating from many to one. I was amazed at how

⁴ <http://www.donray.com/KennethCloke.htm>

many teachers, town planners, managers, leaders, policemen and policewomen to name a few jumped at opportunities to turn around their practices of dealing with conflict through exhaustion, through burn out and through frustration to take on board training practices that supported their already existing calling of practicing their work from their soul. What I found most intriguing was when a person was in tune with their own heart and soul, they were able to fully grasp the dreams that Conflict Resolution practice held. I saw schools transformed, mean men become partners in collaboration, I saw how the magic was dependent on the receptivity of values.

Let us try to define the word soul. Beginning with the wikipedia⁵ definition:

*“A **soul**, in certain spiritual, philosophical, and psychological traditions, is the incorporeal essence of a person or living thing or object.^[1] Many philosophical and spiritual systems teach that humans have souls; some attribute souls to all living things and even to inanimate objects (such as rivers); ..Soul sometimes functions as a synonym for spirit, mind or self.”*

To thicken this out a bit and give soul more meaning let us make a distinction between the intellect and the soul when it comes to ideas. An intellectual idea is strengthened with confirmatory evidence and weakened with logical objection. A spiritually perceived idea is neither strengthened with evidence or weakened with objections. Furthermore our physical nature perceives whatever is good and pleasurable in bodily things alone, whereas our spiritual nature perceives the good, delights in character refinement and appreciates the beauty of understanding.⁶ In my work of Conflict Resolution Consultancy, Mediation practice and teaching I have been fascinated with how the values of professionalization have taken over the workplace. Professionalization that puts specific attention on competencies, outcomes and process guidelines, to the extent that many workplace consultancies I have dealt with brought me face to face with the pain of what could be called ‘soul destroying experiences’. Soul destroying because the regulatory standards, guidelines or competencies take over the human aspect of struggling to locate the good.⁷ As Noel Preston says,

“it is unthinkable that we should continue to pursue a general and professional education that equips us technically and intellectually while ignoring the need to cultivate the ethical life and, with it, the capacity to make responsible ethical decisions,

⁵ <http://en.wikipedia.org/wiki/Soul> March 2010

⁶ Rabbi Yosef Yitzhak Schneerson of Lubavitch Likkutei Dibburim Vol 1 translated into English by Uri Kaplan in 1987 P197

⁷ I have a published paper on this topic that specifically looks at the Professionalisation of Mediation titled The Professionalisation of Mediation: Elitism and Ethics published by (2009) 20 ADRJ 244 Bond University Thompson Reuters

because this capacity is absolutely essential in contemporary workplaces and social relationships.’⁸

This workplace distress is now being termed ‘moral distress’. This level of distress is found in decision making, when a person finds their personal ethics being eroded by a workplace ethic.

In order to further understand this eclipse of the soul that I saw, I spent at least 10 years researching a wide variety of areas, including indigenous culture, cardioneuro science, and my own cultural heritage which includes the mystical and then wherever I felt a resonance. What I concluded with I put in a book titled *Conscious Connectivity, Creating Dignity in Conversation*⁹. Essentially I had to put in words what initially I found wordless. In fact I found other languages used words that described what was lacking in English, and was commonly used in some of these other languages. For example in Hawaiian the word *pono*, is translated as right, but right doesn’t do pono justice, excuse the pun. Pono is about a deep feeling of rightness that is not about a regulation or law that is manmade. Pono relates to a felt sense of equilibrium in psychosocial well being. *Ubuntu* is also a word used in an African nation that means a similar sense, a connection that goes beyond me to you and comes back to me. This African nation is the home state of Nelson Mandela and Desmond Tutu. In Hebrew there is a word *Bittul*, This means reducing the sense of I to a very small degree in order to perceive a wider perception, beyond the self.

What I believe is lacking in mainstream professional teaching and practicing of mediation is this appreciation for sensitive perception¹⁰, perception that is outside of our accepted standard for communication in English. To use the phrase sensitive perception to describe the soul comes close to the distinction that perception otherwise offers. It is developing the sensitivity of perception that can allow one to come close to the deeper layers of life, and the deeper layers that connect or disconnect us from each other.

I am not alone in seeing this sensitive perception is worthy of attaining, Kenneth Cloke has for a long time been using the wisdom of American Native Indians as part of his toolbox in practice and teachings. In a paper titled *Native American Wisdom: Lessons Learned From Mediation* by Joe Epstein,¹¹ Joe Epstein draws on Kenneth Clokes’ writing to capture the distinctive differences between the indigenous and non indigenous style of communication. In my book I talk about it as contextual communication.

For example the role of silence has a major task in high context or indigenous cultures, whereas silence in English or in low context cultures is not seen as being a highly valued quality of

⁸ Noel Preston *Understanding Ethics* Federations Press 2001 p219

⁹ Michelle Brenner *Conscious Connectivity Creating Dignity in Conversation* 2011 published by createspace

¹⁰ Yosef Yitzhak Schnnerson of Lubavitch relates this phrase to being able to hear.

¹¹ Joe Epstein *Native American Wisdom: Lessons Learned from Mediation*

<http://www.mediate.com/articles/epstein2.cfm>

development. Silence could be seen as “divesting oneself of intellect”,¹² reducing the functioning of the mind as a construct. Another quality is waiting. More recently Yishai Shalif¹³ from Israel has termed this as a ‘not knowing stance’, a sense of yearning or curiosity that again makes space for what has not yet been contrived or constructed within one’s own mind. The quality of atonement or forgiveness is seen as a glue that binds society, yet forgiveness is often neglected in communication training, and so far not to be seen as worthy in most professional standards or competency lists.

To further add to this insight that is spreading to unveil the lack of perception that we professionals could be ignoring, comes from a recent paper published in *The Behavioral and Brain Sciences*¹⁴ The paper poses that

*“Behavioral scientists routinely publish broad claims about human psychology and behavior in the world’s top journals based on samples drawn entirely from Western, Educated, Industrialized, Rich and Democratic (WEIRD) societies. Researchers—often implicitly—assume that either there is little variation across human populations, or that these “standard subjects” are as representative of the species as any other population. Are these assumptions justified?... The findings suggest that members of WEIRD societies, including young children, are among the least representative populations one could find for generalizing about humans.”*¹⁵

*‘...96% of psychological samples come from countries with only 12% of the world’s population.In sum, the available database does not reflect the full breadth of human diversity. Rather, we have largely been studying the nature of WEIRD people, a certainly narrow and potentially peculiar subpopulation’.*¹⁶

In relation to moral reasoning:

“Research in moral psychology indicates that typical Western subjects rely principally on justice and harm/care-based principles in judging morality. However, recent work indicates that non-Western adults and Western religious conservatives rely on a wider range of moral principles than these two dimensions of morality (Baek, 2002; Haidt & Graham, 2007; Haidt, Koller, & Dias, 1993; e.g., Miller & Bersoff, 1992).

“Shweder, Much, Mahapatra, and Park (1997) proposed that

¹² Rabbi Yosef Yitzhak Schneerson of Lubavitch

¹³ Yishai Shalif, M.A [Creating Care-Full Listening and Conversations between Members of Conflicting Groups in Israel: Narrative Means to Transformative Listening](#) *Journal of Systemic Therapies*: Vol. 24, No. 1, pp. 35-52.

¹⁴ Joseph Henrich, Steven J. Heine and Ara Norenzayan *The WEIRDEST people in the world? BEHAVIORAL AND BRAIN SCIENCES* (2010) Cambridge University Press

¹⁵ Henrich and Norenzayan *Ibid* p1

¹⁶ Henrich and Norenzayan *Ibid* p3

*'in addition to a dominant justice-based morality, which they termed **an ethic of autonomy**, there are two other ethics that are commonly found outside the West: **an ethic of community**, in which morality derives from the fulfillment of interpersonal obligations that are tied to an individual's role within the social order, **and an ethic of divinity** in which people are perceived to be bearers of something holy or god-like, and have moral obligations to not act in ways that are degrading to or incommensurate with that holiness.'*

"The ethic of divinity requires that people treat their bodies as temples, not as playgrounds, and so personal choices that seem to harm nobody else (e.g., about food, sex, and hygiene) are sometimes moralized. In sum, the high-SES (socio economic status), secular Western populations that have been the primary target of study thus far appear unusual in a global context, based on their peculiarly narrow reliance, relative to the rest of humanity, on a single foundation for moral reasoning (based on justice, individual rights, and the avoidance of harm to others; cf., Haidt & Graham, 2007)."¹⁷

This research by Henrich and Norenzayan is iconoclastic within mainstream cognitive psychology, It is breaking a tradition of taking for granted that science based disciplines are no fault, that somehow the generalizations that become facts based on research and even evidence based research could be reliable for professional decision making. This takes us back to the lens with which we view our world and the world of others that come to us for professional services. The ethic of autonomy, the ethic of community and the ethic of divinity are not just names to describe cultural tendencies or diversity of approach, they are actually lenses that create the meanings of our lives. If we who are in positions of power and prestige, if we who are the leaders of the society perpetuate the survival range of our human condition ignoring the transcendent pathways, we are actually perpetuating Indignity, degradation and humiliation. How?, when our survival range of thinking is seen as the only reasonable way of thinking.

Responding to Christopher Moores suggestion of one of the major task for our society '*how do you blend that culture of individualism to include interests in a collective good?*', I propose we upgrade our communication language and skill sets so that the blending becomes our new social standard of what it is to be a professional.

I would like to conclude with a final quote, from a young Hawaiian lady who introduced the Hawaiian Forgiveness Day in 2008 in Oahu Hawaii. Leilani Perkins:¹⁸

¹⁷ Henrich and Norenzayan Ibid p13

¹⁸ The quote is direct from a video with permission from The Hawaiian Forgiveness Project. The brackets containing some clearer explanations or translations for ease of understanding the context.

“ Our Ohano (family) is made up of many generations. Some of our younger generations struggle to connect with Andrew Sato’s Legacy. (Andrew met and forgave his birth mother who had abandoned him in a park when he was 8 years old.)They are growing up in a world where alienation is the major risk factor. This generation is influenced not by kindness, courage and Aloha but by celebrating the number of fights posted on YouTube by fellow students. Our elders are passionately concerned about the world our children are inheriting.

We feel we are finally understanding what our ancestors understood. We are all caretakers and responsible for all relationships; including the land, ocean, each other and OPUA. The concept of the net helps us to understand this. The net reminds us that we are all connected. When one part of the net hurts or indeed is in conflict with someone else, it eventually hurts the entire net. This net includes each of us. And whether you are in the middle or the edge you can bring strength or weakness to us all.”

Holistic communication is about nurturing sensitive perception. There are character development skills to enable us of WEIRD backgrounds to tune into this wavelength, this aspect of being that we all have whether we develop it or not. For the past few years I have taught these skills as a resource for assertive communication. The majority of the students who have taken these classes have resonated with the good sense that these skills offer in dealing with challenging times and especially conflict. Bringing together traditional wisdom as passed down from mystical sages and drawing on recent multidisciplinary research allows us to view a fuller picture of reality, an inclusive and holistic vision.

As Kauila Clark says,

*“As the world evolves we become an Island,
As we become an Island
We need to seek out Islanders
To find out their systems and processes of sustainability”¹⁹*

Including the heart and soul into mediation practice requires a twofold process. The first is being able to tap into one’s own heart and soul, to discern between the body’s functioning and the souls perception. The second fold is being able to guide the parties into the same realization, that there is a whole world that may be bigger than the one we are used to interacting with, a whole world of otherness that may make peace and harmony closer to our lives if we take the time and space to seek it out.

¹⁹ Kauila Clark Forward p 12 in Conscious Connectivity Creating Dignity in Conversation by Michelle Brenner