



# Introduction



This book originated with a shared inquiry about what makes us effective, or ineffective, as mediators. The two of us had come to dispute resolution as a career and a calling—an opportunity to make the world a better place. We had begun to realize how much our ability to influence the parties to a dispute in a positive way depended on the personal qualities we brought with us into the room. We also began to realize that those qualities have certain changeable dimensions and others not-so-easily changeable—something like a landscape that one views at dawn, with colors that may vary from day to day or minute to minute but an overall shape that is slow to change.

Each of us sought in our own way to understand what qualities of *being* as opposed to *doing* were influential in mediation. We were trying to look beyond the skills training each of us had pursued to find those qualities of heart and spirit that, on our best days, helped us open doors to peaceful resolution.

Our inquiry began during our work together on a complex, multiparty conflict involving approximately two hundred claims, arising within a spiritual community founded in the early 1970s. The conflict erupted over charges of serious, repeated sexual abuse and abuse of power by the community's spiritual leader. This mixture of sexual and spiritual abuse creates thermonuclear conflict. As we

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watched the conflict spin toward a destructive court battle, we were forced to confront our own limitations and came to realize that our engagement with such conflict required something more than our normal skills and techniques.

Gandhi is often quoted as saying, “We must be the change we want to see in the world.” Our immersion in the conflict that embroiled the spiritual community called upon us to embrace change within as a necessary means to fostering change in the community. Out of the painful, difficult, but ultimately successful struggles of that community toward resolution, we learned first-hand how life-altering our work could be not only for the parties but also for the dispute resolvers.

### Talking with Colleagues

To further explore what it means to *be* dispute resolvers—to “be the change we want to see in the world”—we offered a workshop several years ago at the annual conference of the Society for Professionals in Dispute Resolution (SPIDR, which has now merged with other organizations to become the Association for Conflict Resolution). In the workshop, we asked attendees to consider which of their personal qualities were helpful—and which unhelpful—in their work as dispute resolvers. We generated two long lists and then role-played two mediations, in which some of the best and worst qualities were acted out. It was an amusing and enlightening exercise.

What we have learned over many years of pursuing this inquiry—from the workshop, discussions with colleagues, and our experience as workaday mediators—is that our complexity as human beings makes it impossible to prescribe a single correct way to be a mediator. Recent efforts by some mediation theorists to define a correct form of mediation have been met with resistance by many practitioners who believe—as we do—that mediation cannot be so easily constrained. A variety of styles, techniques, and methods of mediation have proven to be effective, in large part

because so much depends on hard-to-define, and therefore hard-to-prescribe, personal elements. Mediators need to find an individual style that is congruent with their personal qualities and plays to their strengths, rather than imitating the styles of others. Such a truly authentic style will certainly borrow from others, yet its very authenticity requires constant grounding in self-reflection and self-awareness.

Thus we—and the other contributors to this book—provide no rules, guidelines, or advice that can be applied to all mediators as to what personal qualities are best. “Bringing peace into the room”—our shorthand way of describing what we mediators can do when we are at our best—does not necessarily mean that mediators should behave or live in a certain peaceful way. The peace that we seek to foster can take many shapes, just as each of us has his or her own way of developing the qualities that foster it. Some mediators succeed in bringing peace into the room with a manner that is excitable, blunt, or—like the “trickster” figures described by Robert Benjamin and Michelle LeBaron in this book—more akin to a wise guy than a sage.

### Writing About Our Work

After our workshop, we decided to collaborate on an article in which we tried to integrate our experience with insights from other mediators and scholarship from such diverse disciplines as psychotherapy and quantum physics. Two years and twenty-five drafts later, we published in the *Negotiation Journal* the article with which this volume begins. Our editor at Jossey-Bass, Alan Rinzler, asked us to expand our article into a book-length discussion, but we decided that we were more interested in hearing what other mediators might say on this subject. We felt certain then—and we believe the essays in this volume bear out our confidence—that a variety of views on this subject would be of more value than simply expanding the description of our own views. This is a subject that



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lends itself to a variety of approaches—none of them necessarily right for everyone.

### Purpose of This Book

These chapters were written for the ever-growing community of mediators in the United States and beyond who are seeking to enhance their ability to be dispute resolvers by moving beyond knowledge and skills to deeper levels of engagement in their work. Information and technique can carry one only so far. The next task after knowledge and skills are acquired is developing a sense of identity with the role and responsibility of being a mediator—whether that role is conceived as healer, shaman, trickster, aikido master, or problem solver.

Looking beyond information and technique, each of the contributors has addressed the question of whether there are, in fact, personal qualities that can help us bring peace into the room. Each has answered with a description of those qualities—dimensions of our being that are not static but that instead develop over time with life experience, mediation experience, and the experience of looking deeply within.

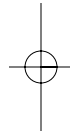
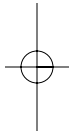
As you read these chapters, you may be nestled in a comfortable chair or couch, but if there is a consistent theme in the varied perspectives of the contributors it is that truly becoming a mediator is not an armchair experience. It requires engagement, commitment, and intention. Mediation is not for the fainthearted; to become good at it requires facing our demons and faults, while building on our strengths. We can read about it, but, as Oscar Wilde once said, “Anything truly worth learning cannot be taught.” In short, these chapters were written with the understanding that they are simply guideposts for fellow pilgrims, seeking to learn—as we, the authors, continue to learn—by reflective practice and more reflective practice.



Although each chapter espouses an emphatic point of view, all of us—reader and writer alike—are seekers on this path, and the authors do not claim that their path and perspective are somehow truer than those of others. Nor should any chapter be read as a claim of mastery by its authors. It is often said that we teach what we want to learn. So it is with what we and our fellow contributors have written here.

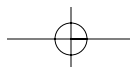
The chapters contributed to this book are the work of some of the most experienced and inspiring mediators in the field. We wish to share with you, the readers of this book, our heartfelt appreciation not only for the chapters they wrote but also for their leadership in the field of dispute resolution. Each of these writers has led by example—walking the talk, to use the vernacular—in their lives and work. We feel blessed to have them as colleagues and to have our own chapters included with theirs.

Our work on this book was a labor of love—love for the field of dispute resolution, for the people we serve in our work as mediators, and for the people who taught us how to do this work. The same is true for our contributing colleagues, and they have collectively agreed, along with us, to donate all royalties from this book to non-profit organizations that provide dispute resolution services or leadership for the field, or both.



### Brief Description of the Chapters

Because the contributors were asked to write on themes discussed in what is now Chapter One, there may be some value for the reader in beginning there. Beyond that first reading, however, these pieces need not be read in any particular order. Each can stand alone but also resonates with the others as an endorsement of the proposition that we each carry within ourselves the ability to bring peace into the room.





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In our initial chapter, “Bringing Peace into the Room: The Personal Qualities of the Mediator and Their Impact on the Mediation,” we note that the training and development of mediators have focused primarily on enhancing mediators’ technical skills and increasing their understanding of the theory behind the practice of mediation. We then focus on a third aspect of the development of mediators, namely, their personal development. We contend that a mediator’s “presence” is more a function of who the mediator is than what he or she does; it has a profound impact on the mediation process. Drawing on analogies from the social and physical sciences, we suggest that the most subtle influences of the mediator’s affect and manner may in fact be powerful influences in helping the mediator bring peace into the room. If this is true, then the development of our personal qualities becomes quite important. We suggest that “integration”—a quality of being in which the individual feels fully in touch with, and able to marshal, his or her mental, spiritual, and physical resources—is one way to describe what underlies presence. We conclude by describing the approach to mediation of an integrated or fully present mediator.

Ken Cloke’s contribution, “What Are the Personal Qualities of the Mediator?” is filled with poetic and paradoxical questions. He invites us into a profound inquiry regarding the power of those questions to have an impact on the one who asks and the one who is invited to answer. He cautions against delineating a list of ideal qualities that are aspirational and encourages us instead to listen deeply within to discern what is crying out for change and development in our lives and in the conflicts with which we engage. He calls upon us mediators to embrace the daily challenge of daring to live whatever we speak and speaking only what we dare to live.

Peter Adler’s Chapter Three, “Unintentional Excellence: An Exploration of Mastery and Incompetence,” describes the path to mastery as a mediator. He suggests that the paving stones on that path are “gifts” (aka talent), “models” (examples of people using their gifts effectively), “repetition” (the determination to practice

until effectiveness becomes second nature), “chunking” (the effortless integration of multiple sources of insight), “critique” (openness to reassessment—in short, reflective practice), and “grace” (that ineffable moment when all of the parts in the symphony of practice come together). These components, according to Adler, are fused (and infused) by the “connective tissue” of imagination.

In a pair of chapters analogizing the role of mediator to that of trickster, Robert Benjamin and Michelle LeBaron explore the terrain of myth and folklore. In Benjamin’s “Managing the Natural Energy of Conflict: Mediators, Tricksters, and the Constructive Use of Deception,” he declares that the trickster (from every culture and era) is the prototype of the modern-day mediator. Mediators achieve resolution through effective management of the natural energy generated by conflict, rather than a rational, structured thought process. To achieve this effective management, a mediator must have an unusual array of personal qualities: being compulsive, marginal, voyeuristic, and confused. Benjamin suggests that a mediator must create dissonance in a party’s thought process and tweak the dissonance to create space for a more encompassing thought. The skills needed for this work? To be a good storyteller and actor, perhaps a wise fool à la Lt. Columbo. Though such a figure is not a classical hero, a mediator can, by creating intentional and unintentional mistakes, bob and weave her way to resolution.

In “Trickster, Mediator’s Friend,” LeBaron acknowledges that the very concept of mediator as trickster makes some mediators uncomfortable because of our commitment to rationality and honesty. Nevertheless, according to LeBaron, the qualities of the trickster are necessary to accomplish effective conflict resolution. The trickster, like the mediator, crosses boundaries (both within and without), resides at boundaries, and stretches boundaries to uncharted territories. Mediators work as shapeshifters, fluid in their reaction to the issues in a conflict and adapting to the individual personalities of the parties. Mediation also requires creativity; a mediator must see issues in a new light and deliver them in a



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favorable package to the other party. Last but not least, the mediator is a peacemaker, using his or her inherent talent as a trickster, along with creativity and intuitive understanding, to bring peace into the lives of others.

In Chapter Six, “Emotionally Intelligent Mediation: Four Key Competencies,” Marvin Johnson, Stewart Levine, and Lawrence Richard consider whether the components of emotional intelligence, as delineated in Daniel Goleman’s book *Emotional Intelligence*, are important for effectiveness in mediation. Goleman argues that one’s emotional intelligence, or EQ, is actually a better predictor for success in life than the more traditional IQ. The chapter describes the specific competencies that make up EQ and suggests that they are an excellent basis for both effective mediation and reflective practice.

Hoffman’s Chapter Seven, “Paradoxes of Mediation,” suggests that among the personal qualities that mediators need to develop is a high level of tolerance for ambiguity. He describes a set of fundamentally irreconcilable tensions in the practice of mediation, tensions that make our aspirations to perfect our practice futile. For example, mediators try to be both fully present in the moment and strategic at the same time—“to influence the future while simultaneously ignoring it.” Likewise, we seek to be both empathic and candid, qualities that are often in tension with each other. Some of these tensions relate to our personal qualities and others to our skills, but all of them present us with choices that, of necessity, lead to flawed outcomes. Mediators cannot avoid these paradoxes; instead, according to Hoffman, we should embrace them, while at the same time pursuing a reflective practice that leads us to progressively better results.

Lois Gold’s chapter, “Mediation and the Culture of Healing,” focuses on applying to conflict resolution certain practices and principles from the healing arts with roots in the “perennial philosophy.” She describes how people in conflict lose all context for their lives and delineates the principles of healing practices that can be applied through mediation to support parties in rediscovering



context for their lives. She urges mediators to discover how to create the space for parties to reveal their very best selves and presents techniques and practices for creating a healing environment. She underscores the importance of developing presence and offers four specific practices: (1) coming from center, (2) compassion, (3) connection to central and governing values and higher purpose, and (4) congruence. She concludes by outlining practical strategies for augmenting the healing and peacemaking potential of mediation.

Sara Cobb's Chapter Nine, "Creating Sacred Space: Toward a Second-Generation Dispute Resolution Practice," argues for the importance of the mediator as moral witness. Most descriptions of mediation, she notes, focus on the secular and instrumental aspects of the process: addressing the parties' needs and interests, and maximizing joint gains from bargaining. Missing from these descriptions is the moral dimension, which often has the greatest impact on the resolution, because it creates a "sacred space" in which the parties achieve greater understanding of themselves and others. The mediator is a participant, along with the parties, in creating the moral frame in which each party's story is told. Thus, the personal qualities of the mediator, and particularly his or her own moral framework, shape the outcome.

Jonathan Reitman takes a deeply personal approach in his chapter, "The Personal Qualities of the Mediator: Taking Time for Reflection and Renewal." Writing from his experience with intractable conflict in Bosnia and the Middle East, he discusses the importance of taking time to reflect on his practice and renew himself. He outlines the personal qualities to which he returns over and over as a result of this reflection and renewal, underscoring the importance to a mediator of courage, optimism, lateral thinking, and genuine curiosity.

In "Style and the Family Mediator," Donald Saposnek describes mediation as a union of art and science, informed by an intuitive understanding of human relationships and their "frictional" element. Developing such an effective mediation style, according

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to Saposnek, requires not only a grounding in the principles of mediation but also a holistic, systemic approach to the components of conflict. The personal qualities that enable a mediator to practice in this way involve an ability to be comfortable with conflict, calm while managing the intensity of the parties' commitments to their separate views, and flexible and open to the parties' perspectives. Perhaps most importantly, effective mediation requires the mediator to establish a trusting relationship with each party and remain compassionate and sympathetic throughout the process.

In Chapter Twelve, "Tears," David Hoffman describes his reaction to emotional moments in his life and in his work as a mediator and arbitrator. None of us, he suggests, is immune from the feelings that arise when we encounter other people's joys and misery. As dispute resolvers, we must walk the line between professional detachment and authentic human connection; according to Hoffman, we should not be ashamed of showing how moved we are by the feelings of others.

In the final chapter, "Mindfulness Meditation and Mediation: Where the Transcendent Meets the Familiar," Daniel Bowling recounts his own experiences with meditation—both the challenges and the illumination. He discusses the history and benefits of this practice, including the ability of meditation to enhance mediator presence from a deeper sense of being. He encourages the practice of "mindfulness meditation" or other forms of contemplative practice because, in his view, they are uniquely relevant to developing the personal qualities necessary for the practice of mediation. He describes the conjunction of meditation and mediation as the place where the transcendent meets the familiar—the present moment of now. He concludes by urging mediators to use the presence acquired from contemplative practice to take on, and assist their clients in taking on, the seemingly monumental challenges of conflict resolution.

To give the reader an opportunity to reflect on a chapter in the light of individual experience, at the end of each we include reflective practice suggestions. These suggestions are intended to highlight

aspects of each chapter that, in the editors' view, bear on the overall themes of this volume. Our purpose was not to summarize the chapters or to suggest, by highlighting one issue, that other points in a chapter are somehow less important. Simply put, we offer these reflective practice suggestions to underscore the fundamental point of this book: development as a mediator is not an armchair experience. We hope our comments will suggest ways to engage experientially with the ideas presented in this volume and encourage the reader to develop his or her own reflective practice approaches. In our experience, it is through our commitment to reflect on our work, who we are being through our work, and the path of development we wish to follow as mediators, that we continue to evolve as mediators and expand what we offer in service to our clients.

A final word. We and our fellow authors welcome your response to what we have written. Contact information is included with each contributor's biographical information. Each of us views these writings as part of an ongoing conversation in the field of dispute resolution, and we invite your participation in, and expansion of, that conversation. We see this conversation as essential for opening the door to another dimension of our practice—a dimension that may have been forgotten in our professions of origin—in which who we are becomes as important as what we do. We claim no certainty regarding the contours of this dimension or the path that leads there. Its existence, however, is grounded in our experience. We offer these chapters with the hope that they are useful to you as you find your own path toward uncovering your authentic style and personal qualities, as together we learn what it means to be a bearer of peace in a deeply conflicted world.

## Acknowledgments

We are grateful for the help and support we received from numerous people in connection with this book. First and foremost, we wish to thank the contributors for the chapters you provided. It was

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a pleasure working with you on this book, just as it has always been in working with you as colleagues in the field of dispute resolution.

Our editor at Jossey-Bass, Alan Rinzler, has been an enthusiastic supporter of this project from its inception. His sound judgment, ready availability to address questions of all kinds, and his seriousness about deadlines have kept the book on track.

Our colleagues who attended our first session on this topic, at the 1997 Conference of the Society of Professionals in Dispute Resolution in Orlando, and who encouraged us with their enthusiastic and thoughtful responses contributed enormously to our decision to continue the inquiry that has led to this volume.

A stalwart crew at the New Law Center office in Boston—Diane DiLeo, Melissa Filgerleski, and Stacey Bran—handled a variety of editing and logistical tasks with resourcefulness and care. We also benefited from excellent research and editorial assistance from law student intern Bhavani Murugesan.

We also wish to thank the many fellow mediators—too numerous to list individually here—who have contributed to the ideas expressed in this book. We feel lucky to have entered a field in which collaboration and a sense of community combine to make newcomers to the field—such as we were, not that many years ago—feel welcome. Thank you for holding the door open for us.

Daniel Bowling  
David A. Hoffman