

FROM THE CHAIR

BY DAVID A. HOFFMAN



Mediation and the Meaning of Life

IN THE HORRORS OF IMPRISONMENT IN NAZI CONCENTRATION camps, psychiatrist Viktor Frankl found not only a new meaning to life, but also the seeds of a new school of psychiatry. He called it “logotherapy,” from the Greek term *logos* for “meaning.”

What Frankl learned at Auschwitz and Dachau was that people are driven by more than pleasure—food, sex and the other selfish impulses—and the avoidance of pain. He saw numerous instances of bravery in which prisoners were prepared to risk everything—even life itself—for the sake of a higher goal that gave their lives, or deaths, meaning. Frankl wrote his classic *Man’s Search for Meaning* to chronicle life in the camps and to describe his new approach to psychotherapy, in which patients are encouraged to identify the elements that give meaning to their lives. The answer is different for each of us. But for every person, says Frankl, the need for life to have meaning is the deepest, strongest yearning.

Reframing from the heart

Mediation is not therapy, of course, but most of the mediators I know who have read Frankl’s book found lessons germane to their work. For instance, in a classic example of reframing, Frankl describes treating a fellow physician whose wife had died after a long marriage. The widower was suffering from depression. Frankl asked him how life would have been for his wife if she had outlived him. “Oh,” he said, “for her this would have been terrible. How she would have suffered!” Frankl replied: “Then you have spared her. Simply by outliving her, you have saved her from that loneliness.” The widower’s depression lifted—and he was able to find a meaning in his sadness.

Consider too the reframing offered by an oncologist in this story from Larry Kushner, who on his first day as a rabbi was asked to visit a terminally ill congregant, a young mother, at the hospital. Kushner writes:

One of Boston’s great physicians was just concluding a counseling session with her. He motioned kindly for me to take a chair and listen in.

The woman said, “But how can I be a mother? I can’t even get out of bed anymore.”

To my astonishment, he only scolded her. “Is that what you have to do to be a mother?” he asked. “Is a mother just cooking and chauffeuring and playing?”

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“No, I guess not,” she whispered. “A mother is supposed to love and teach.”

“So, nu?” he replied. “Be a mother. Maybe you want to teach them about faith and courage. Maybe you have an opportunity to love and to teach few mothers will ever understand.”

She wept. He wept. I wept.

“Thank you, doctor,” she said. He kissed her, nodded to me, and left. I sat motionless, astonished, dumbfounded in the corner.

Startled, she turned to me and said, “Who the hell are you?”

“I’m your new rabbi,” I managed to squeak. “My name is Larry Kushner.”

One of the lessons for mediators in Frankl’s and Kushner’s stories is that reframing—one of the most powerful tools in the mediator’s toolbox—can serve extraordinarily broad goals, such as self-awareness and healing, as well as guide people toward settlement. Another lesson is that loss, like conflict, can create opportunities for personal growth.

‘Meaning’ as a fundamental interest

For many mediators who, like myself, have no formal training in psychology, helping people negotiate productively when they are in the throes of loss—whether it’s the loss of a job or a marriage, the death of a close relative or the collapse of a business partnership—can be an overwhelming challenge.

Mediation training provides only the most rudimentary education in matters psychological. We are taught to encourage and manage the venting of the parties’ emotions, such as anger or jealousy—and we discover that, if there are lawyers involved in the case, we need to consider and address their emotions as well. But emotion is often treated as a distraction or an obstacle to reaching the underlying issues. Some trainings address the complex tricks that the mind can play on all of us, such as cognitive dissonance and reactive devaluation. The insights of cognitive psychology and game theory, however, can explain only part of what causes people to become enmeshed in conflict.

The most fundamental lesson in our training as mediators is to focus on interests instead of positions. Yet our material interests, such as money or reputation, are only the tip of the iceberg. Our greatest challenge as mediators is to be sensitive to, and in appropriate cases to focus on, the full range of interests that the parties bring to the table. If Frankl and his colleagues are right,

those interests include the foundation stones in our psyches known as meaning and identity.

The bestseller, *Difficult Conversations: How to Discuss What Matters Most*, by Sheila Heen, Bruce Patton and Douglas Stone, makes a major contribution to our work as mediators by addressing “identity”—a concept closely related to the idea of “meaning” that Frankl explores—as a fundamental interest. Identity can mean our self-image or self-esteem, which may be under attack in a dispute when accusations are made that challenge our sense of what kind of people we are. Identity can also mean our connection with others.

Finding meaning in loss

Major losses—particularly those that end a relationship such as death, divorce and employment termination—can trigger psychological earthquakes, rocking our foundations and affecting how we perceive and experience our interests, our positions and our openness to resolution.

During my tenure as chair of this Section, a tidal wave of loss crashed through my life. As my year began, I was mourning the death of my father several months before. Then I got the sudden news of the suicide of a mentor and friend I have known for 45 years, Judge Robert Hammerman. Two months later, an uncle—more like an older brother—died from leukemia. This past February my mother died unexpectedly. And in April, one of my closest friends, suffering from depression and chronic pain, took his life.

Prone to tears even in the best of times when confronted with emotion, I have struggled through a year of feeling alternately fragile and glum. I have learned that grief weighs on the body as well as the mind. Trying to take life one step at a time has felt a bit like walking through chest-deep water: doable, but unavoidably slow.

Loss has ushered me into the society of mourners—a club we all join if we live long enough. Loss has also opened meaningful doors for me in my work as a mediator, in that I can identify in a deeper way with people whose losses bring them to the table.

In family disputes, for example, adult siblings often find themselves enmeshed in conflict over the allocation of their deceased parents’ assets—perhaps the family homestead, a piece of summer property, or control of the family business. In such cases, I have found myself acknowledging the parties’ loss and letting them know that I too have lost my parents. Knowing looks are exchanged, we nod slightly to each other, recognizing each other’s sadness, and then we walk down the road toward resolution together. Sometimes loyalty to lost relatives fuels intransigence instead of resolution. However, in many cases the meaning that the parties find in their loss becomes one of the factors that persuades them to resolve their dispute in a way they believe their lost loved ones would have wanted. A fair settlement honors their memory.

So too does honorable work. Helping people address conflict productively, treat each other respectfully, and open their hearts to apology, forgiveness and resolution is immensely gratifying, meaningful work. It’s the work that my lost loved ones would have wanted me to carry on.

Frankl’s and Kushner’s stories persuade me that there are deeper levels to the work we do as mediators than are customarily taught in Mediation 101 or even 201. The parties come to us for settlement but often leave with resolution. And if we come to know their lives and losses—even fleetingly—in the way we know our own, we may help them bring peace and meaning into their lives.

LETTERS TO THE EDITOR

Reader grizzles about grizzlies

WINNETKA, IL—I read the invitation in the Winter 2005 issue to submit a humorous caption for the printed “cartoon.”

I would like you and the cartoonist, Mr. or Ms. Dionis, to know that there is nothing at all humorous about the cartoon depicting two bears hiding behind trees while a “hunter” stalks them with a rifle, presumably with the intent to kill one or both.

The slaughter of wildlife in the name of “sport” to satisfy the psychological needs of “hunters” in my view is one of the most disgusting activities on earth. Did you know that at one time about 200,000 grizzly bears roamed the western U.S. (excluding Alaska), but that today there are only about 1,000, which are confined to the Greater Yellowstone Ecosystem?

Grizzly bears are now protected under the Endangered Species Act (although efforts have begun to de-list them so that the slaughter can begin again), and as a result the “cartoon” in question might well depict an illegal act about to happen.

This is not a protest based upon political correctness, which typically involves a verbal insult. This is a protest about needless killing.

Robert H. Aland

Reading what comes naturally

REDWOOD CITY, CA—You nailed it. “Do’s and Don’ts for Mediation Practice” by Marjorie Aaron (Winter 2005) was absolutely the best article I have read since I started mediating complex cases in 1989. The best part was noticing the things that I do, as a result of trial and error, that now come so naturally that I am not sure I would have included them in an article like this. But they are absolutely right on.

Gordon McClintock