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New perspectives on ADR

# Holistic mediation

**Michelle Brenner**

> The sum of human knowledge is not contained in any one language.
> (Found in fortune cookie)

Holistic mediation is mediation practice that embraces the reality of life: recognising social and cultural perspectives, as well as people, as being three-dimensional. Holistic mediation recognises the links and conditions that support conflict and values the search for understanding and meaning to lead to peaceful relations.

'It is all about perspective.' Have you heard that before? Perspective is certainly the core of humour, and it is certainly the base of prejudice and fear. Two traditional societies state that there are 70 facets to perception.[1] A holistic approach to mediation is providing a space where the angles of perspective can be seen and appreciated.

One of the distinctions between a professional and an amateur is awareness of the theories that go into the practice.[2] It is often the case, however, that the practice is not aware of what theories and values it is supporting. And as a wise person once said, 'If you do not know where you are heading you may end up somewhere other than where you would like to go.' If you do not know what values underlie your practice you may be developing strengths and habits of mind that do not align you to your chosen values. However, if you keep in mind the direction where you would theoretically like to go then the chances are you will choose practices and habits that will lead you there.

A short story helps to articulate the point. John Burton is one of the leaders in the field of conflict resolution. This is the story he told as I remember it.

> John was mediating during the Irish/English conflict. One evening after having spent hours with the parties, he started his drive home. It was late at night and when he got to a red traffic light he kept on driving and then he realized that something had taken place within him. The taken for granted routine of stopping at red and going at green was no longer his automatic response.

This story reveals the power of routine: that routine is based on habits of mind. John had spent some time in a demystifying mood with the disputing parties and his automatic response to conditioning had been altered. I took a lot from this story when I first heard it about 15 years ago. I knew that to be truly alert in a mediation I would have to be using the part of my mind that is not in automatic gear. It would be essential to attend to conversation in a way that honoured what was being said and not said in a way that differs from usual conversation. It differed from normal conversation because nothing could be taken for granted, nothing could be assumed as being the 'right way'. I would need to practice listening in a way that included what I now call 'contextual listening' — listening for conditions, listening for the background of impact and consequences and including the conditions as part of the exploration.[3]

'Holistic' assumes the whole is greater than the sum of its parts. It assumes that there are layers of life that impact each other. It assumes that connectedness is the order of life.

Holistic mediation values:

- an interdisciplinary approach that opens up curiosity and an appreciation of a broadened perspective;[4]
- curiosity about what leads human beings into and out of conflict;
- knowledge that unveils the dynamics that operates within a person as well as between people; and
- knowledge that enables us as mediators to 'reach the part of the other person that is really able to make peace, outwardly as well as inwardly'.[5]

History, philosophy, law, therapy, art, theatre and education all attempt to respond socially and politically to conflict and in many cases have reached individuals via social or political paths[6] — there is much to be gained from the insights of these disciplines. However, while disciplines that pride themselves on exclusivity may very well be specialising in a certain perception that is well thought through, when it comes to peacemaking between human beings, exclusivity can be a form of arrogance and arrogance is not the making of a peaceful society.

We, in the field of mediation, are pioneering peacemaking in the modern era. We have our own profession, within the field of conflict resolution or dispute resolution, and it is a multidisciplinary field.

I was invited to do a mediation a couple of weeks ago for a community organisation and one of the parties said to me, 'I don't need to meet with the other party. If you (meaning me, the mediator) make an agreement I will sign it.' When I explained that a signed agreement wouldn't necessarily make life easier between them, this young man said, 'We are both professionals, and this is your job isn't it, to make agreements? Then you write one up that we can work with.'

This is not so funny or unusual. On the contrary it is to be expected in a culture where 'fast' or 'efficient' are seen as superior.[7] And is it not so unusual that many Australians having experienced mediation in one context or another, should come to see that the trade mark of mediation — its mark of success — as an agreement. So why wouldn't some people come to believe that a quick way around the process would be to hire someone who can write that agreement themselves, rather than take up precious time creating it between the parties?

This is the 21st century version of mediation. Time poverty is now a social concept. When was the last time you put aside a few hours to have a conversation with someone, not knowing where that would lead or



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caring whether that it might lead nowhere? We are living in an age where wellbeing is not the priority, but *fast* is.

So, what is wrong with *fast*? In a World Values Survey of 65 countries it turns out that the happiest country around the world is Nigeria, and the next 5 are all Central and South American countries (Australia ranked 20th).

*Fast* clearly does not lead to happy. In fact there a counter culture has developed responding to the fast/efficient way, called the *slow* movement. It started in Italy. The *slow* movement values the richness that is experienced in the slow pace: slow food, slow education, slow transport and slow exercise. (Slow sex is part of the movement too in case you were wondering.)

Biological research has uncovered the slow mind and its contribution to thinking. It is commonly known as 'hare brain, tortoise mind'.[8] This *slow* mind contributes to those thought processes that are not achieved by deliberate concentration. This is not the creative brainstorming, this comes from another part of the brain — and *slow* is exactly what is meant. Sleeping is one of the conditions of slow mind that contributes to its value.

What kind of decision making can be created with the practice of *slow* mind? The kind that is innovative and sits well with people.

However, *fast* is part of our present cultural lifestyle, and this sense of *fast* (that is supported by valuing efficiency) somehow leaves the values and benefits that *slow* offers out of the equation.

There is interesting research from *slow* thinking that can be applied to mediation practice. Take for example the role of intuition, also known as a gut feeling. This gut feeling has a very real place in decision making: both in the moral sense of knowing what is fair, or unjust; and in the creative response. There is a growing appreciation for the sense of authenticity that *slow* thinking offers. I have been in a professional meeting where the director actually evaluated a worthwhile response based on the intuitive reaction as opposed to a cognitive response: the intuitive was taken as more valuable. How often have we seen this in a mediation - where trust is based on the gut feeling and the logic of problem solving doesn't cut across the sense that authenticity is not present?

The book, *Coercive Reconciliation*, is a compilation of the answers from 30 writers responding to the former Australian Government response to the *Little Children are Sacred Report*. [9] One of the contributors was a co-author of the report so it is very informative reading. The reason I raise the book is because its title is very apt to the holistic mediation process. In it Mick Dobson calls for 'a full gamut' response with a 'holistic approach as part of an effective intervention' for the child sexual abuse and family violence that is addressed in the *Little Children are Sacred Report*. The book provides a practical perspective to what a holistic approach is for indigenous Australians addressing a social conflict. In a chapter titled 'Healing and social policy' by Gregory Phillips, *holistic* is placed with healing and referred as being 'inclusive of one's physical being, emotional being, mental being and spiritual being'.[10]

I would say that holistic mediation offers a similar healing and social value to disputing parties. The links between body, mind and soul are mirrored through physical reactions, rational thinking and emotions. The connectedness ripples across the boundaries of the *I*, the surrounding culture, wider society and others. Identity is very much dependent on how others see me as much as how *I* see *myself*, so this connectedness affects to what extent we experience levels of dignity and autonomy. *Dignity* is experienced when I am seen as worthy by others and *autonomy* is experienced when I have real choices. Both dignity and autonomy do not exist in a vacuum — they are the outcome of every interaction we have in life. Dignity and autonomy lie at the heart of our very being.

When the levels of dignity and autonomy feel less than satisfactory, then *distress* is a probable experience. *Distress* and *conflict* are not far apart. They live in the same space.

Dignity and autonomy can be

restructured, restored. We all have seen this happen. Words like *mystic*, *vibration*, *transformation* are used to describe the shift that we have all experienced in a good mediation experience. There is now research to name this chemical transmutation that actually takes place. Wouldn't you like to know more about this, and what conditions need to support it? These are aspects that holistic mediation is open to and is curious about.

In 1776 Adam Smith, the philosopher and economist, wrote *The Wealth of Nations*. It is regarded as the first great work of political economy. Adam Smith's interest was in the interplay between *self-interest* and *morality*. He laid out a suggested means of progress that to a large extent has been taken up by most of the world. It could be said that the global economy is based on Adam Smith's economical theory.

What is less known is Adam Smith's earlier book, *The Theory of Moral Sentiments*, published in 1759. It outlined the importance of *passion* as the hidden guiding hand within human beings. Adam Smith identified in this book the limitations of *self-interest* in the benefits of social interaction.[11] *Passion*, Adam Smith noted, has a role in decision making and judgments, and a role in experiencing life. *Reason* and *logic* cannot create a society alone, at least not a peaceful one. An exchange of trade is different from an exchange of kindness.

So where does *passion* fit into today's world? Where does *passion* fit into mediation? Ah, you will all say, that is the problem, people get passionate and that is what keeps them in dispute and it is our job as mediators to guide them through logic and reasoning out of passion and into an agreement.

But hang on a minute — let us look again at emotions. Jack Barbalet, a sociologist, points out that although transcendent emotions do not have a direct link to behaviour they have a huge role in decision making.[12] It is the transcendent emotions such as beauty, gratitude, forgiveness, resonance and hope that take us out of ourselves, connecting us with others or with life. These transcendent emotions are also known as passions. What I am trying to say here can be better said with a story about a Rabbi in a community.

> It comes to this Rabbi's attention that a woman in the community is about to lose her house and has nowhere to go. The Rabbi knows that the bank manager is notorious for not being charitable. He also knows that there is a commandment in Jewish law that says one should not ask a question to someone who is not listening.
>
> He goes to the bank manager's home and knocks on the door. The bank manager opens the door and invites the Rabbi in. He is surprised by the visit so asks the Rabbi, 'What is it you want?'
>
> The Rabbi responds, ' You are well known for saying "no" so I have nothing to ask of you.'
>
> The Rabbi left soon after.
>
> The bank manager was curious and so went to the Rabbi's home the next day and said, 'Why don't you tell me what you want? You never know I might be able to help you, but if you don't tell me what it is you want I certainly cant help you.'
>
> The Rabbi then says, 'There is a women who is about to have her home repossessed and she will then be homeless.'
>
> 'Oh, is that what this is all about, I see. There is nothing I can do. I am the bank manager, not the bank itself. It is not my money that she has borrowed and cannot repay: It is the bank's. That is the rule of the bank, I have no choice!'
>
> 'Ah', said the Rabbi, 'I was waiting for you to say you had no choice. There is no point in asking a question because you refuse to listen.'
>
> 'Look out the window,' the Rabbi said, and the Bank Manager saw a street full of people.
>
> 'Look in the mirror.' The man saw only himself.
>
> 'The window and the mirror are both made of glass. What makes the difference? The window is clear, so you can see others, while the mirror has a silver coating behind it stopping you from seeing anyone but yourself. Your soul was once like the glass, able to see others but now your soul is like the mirror, and you are only able to see yourself.'[13]

Where does passion fit into mediation? Ah, you will all say, that is the problem, people get passionate and that is what keeps them in dispute and it is our job as mediators to guide them through logic and reasoning out of passion and into an agreement.

This story is true, it ends with the bank manager paying off the rest of the mortgage. I have heard many similar tales where acts of kindness come within contexts that are seemingly 'no choice'.

I am not suggesting that we as mediators take on others' problems as our own. But I am sure you have noticed yourselves that some amazing outcomes have come about from mediation when *kindness* and *understanding* have come into the room.

The story of the Rabbi and the bank manager highlights the difference between a society and an economy. In a society we have souls that are clear like the window glass: we see others and their pain, their needs. The need of others calls out: we see it, we hear it and we care. In an economy we don't see others because the silver money has coated our soul, we see only ourselves and how we can profit. There are so many real life stories that differentiate between a professional with a heart and the cold professional.

## A new way

So I am proposing a counter story: a counter movement to join with the other counter movements that have presented versions of professional ways of practice not dominated by coldness and insensitivity.

I support leaders like Pauline Tessler who use words such as 'good' to describe a practice when *good* means caring, supportive of positive intentions and a contrast to hardheartedness.

The counter story recognises a holistic philosophy as including a soulful practice that must recognise the connections that impact on our lives. A holistic practice must include promoting understanding, recognizing that a key function of the role of mediator is to create opportunities where contextual listening can be heard. A mediator is creating opportunities where understanding of many perspectives can lead the conversation.

I am not proposing something new, as I have mentioned, John Burton and Adam Curle are clear leaders in the practice and theory making of mediation and the field of conflict resolution. I am following them. Narrative mediation and transformative mediation fit clearly within, but not exclusively to, holistic practice.

Mediation has moved into a professional status. Standards, regulations and legislative requirements have come together to ensure that mediation is not an obscure choice for peaceniks, but a streamlined approach to deal with conflict in various social contexts. Pauline Tessler the author of *Collaborative Divorce*,[14] used the term 'cultural transmitters'[15] to describe the significant social role professionals have in modern society. Unlike traditional societies that had story telling, sages and elders to pass on what were appropriate expectations in various settings, and that could guide people in new situations, the modern world looks towards professionals to be the cultural transmitters, to guide the society on what are the *feeling* rules[16] as well as the *doing* rules.

So what are we, the cultural transmitters of peaceful relations passing across in our society around appropriate feeling rules in times of distress, anxiety, perceived injustice and shattering experiences? Our practice will certainly pass on the message.

By now our field has its original pioneers and a new generation entering the field. Many of us did not enter this field expecting to make a living from peace making. Many of us did not expect that mediation would become mandatory. Many of us did not expect that the wider culture would embrace the field so quickly.

Burnout is a psychological term for the experience of long-term exhaustion and diminished interest, especially in one's career.[17] It is a very real possibility that burnout could occur in mediation practitioners, given the level of angst that presenting parties bring to the table. Our work is emotional labor,[18] and our work is a recognizable job.

Life has moved on and with it is this opportunity; to have practices that support being human in a society.

As Adam Curle notes, in order for us to 'reach the part of the other person that is really able to make peace', we have to develop ourselves as well as develop a practice. They go hand in hand. Holistic mediation is two-fold; it recognises the connection between the practitioner and the practice. Whether it brings burnout or career satisfaction, the future will tell.

So let me return to what constitutes a field of knowledge or expertise. A field of study by Howard Gardner's definition is:

> … a sociological construct — (it) includes the people, institutions, award mechanisms, and so forth, that render judgments about the qualities of individual performances. To the extent that one is judged competent by the field, one is likely to become a successful practitioner, on the other hand, should the field prove deficient, then one's opportunity for achievement will be radically curtailed … To the extent that the field accepts innovation, one (or one's work) can be seen as creative, but to the extent that an innovation is rejected or not understood, or considered not innovative, it is simply invalid to continue to maintain that a product is creative. Of course, in the future, the field may choose to alter its early judgments.[19]

What this means is that a field of expertise is governed by its gate keepers. What it is that amounts to *competence*

is decided by those operating the gates. There will be values that are seen as superior or privileged over other values that are seen to be marginalised, or insignificant.

I hope that our profession recognises the value that an inclusive approach has for society and so I hope that our profession opens the gates to courses, practices and ways of operating that support practices encouraging a holistic approach.

Holistic mediation values connectedness. Holistic mediation values the sacred social bonding[20] — the parts of us that stretch beyond our present circumstances and superficial meanings to engage what it is that makes us human, what it is that gives us a three-dimensional experience of life. It is this sacred social bonding that supports society.

It is sacred because without this sense we are not human. It is the sacred meaning that we apply to life happen stance that stretches beyond the now to include the past, the future and the depth that culture or belief or generational experience has passed on. When conversation is taking place there is an opportunity for connectedness, at varying levels the social bonding is taking place. To what extent it is sacred is to what extent appreciation is present.

Valuing society over economy reveals itself by a sense of privileging dignity and autonomy above material gain. [21] We operate in a society that slights to ones dignity, close surveillance and control of ones work is not frowned on. The ripples of this perspective can permeate our unconscious habits of interaction. I speak not only for the practice of mediation but also for the mediators experience in practicing the profession. *Dignity* and *autonomy* are the hallmarks of peaceful relations. We are entering a new era of mediation. How we step into our new role as regulators of our profession will be interesting to see.

> Before I finish off, I would like to offer a paraphrase from one of my traditional cultural transmitters:
> There are two ways to transform bad into good: be a wood chopper or be a water bearer. A wood chopper separates the large job into smaller chunks and with logic and rational thinking, cuts away at what has grown. The water bearer uncovers the source of life and draws it out bringing into view the blessings and the nurturings that will eventually melt the stone wall around the heart.
>
> We must be water carriers as well as wood choppers.[22] ●

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## Endnotes

1. In the Jewish Torah and the Islamic Koran.
2. Donald Schon (1990) *Educating the Reflective Practitioner* 326. The book is about the interaction between theory in action.
3. This can be found in John Winslade and Gerald Monk (2001) *Narrative Mediation: A New Approach to Conflict Resolution* as well as John Burtons *Conflict Series* books that highlight conflict analysis as a theory behind the practices of resolving conflict or disputes.
4. John Burton (1990) *Conflict: Practices in Management, Settlement and Resolution.*
5. Adam Curle (1990) *Tools For Transformation* 51.
6. Martha Minow (1998) *Between Vengeance and Forgiveness* 147.
7. Carl Honore (2005)*In Praise of Slow: How a Worldwide Movement is Challenging the Cult of Speed.*
8. Above note 7 and Guy Claxton (1997)*Hare Brain Tortoise Mind: How intelligence increases when you think less.*
9. Mick Dobson 'Bully in the playground: a new stolen generation' 90 and Jon Altman and Melinda Hinkson (eds) *Coercive Reconciliation* (2007).
10. Gregory Phillips (2007) *Healing and Public Policy* 142–143. Jon Altman and Melinda Hindson (eds) (2007) *Coercive Reconciliation.*
11. Edward Harpham and McCullough (2004) 'Gratitude in the history of ideas' 31 in Emmons and McCullough (eds) *The Psychology of Gratitude.*
12. Jack Barbalet (2004) *Consciousness, Emotions and Science* in *Theory and Research on Human Emotions Advances in Group Processes*, Volume 21, 245–272.
13. Retold by Sheldon Oberman (2006) *Solomon and The Ant and Other Jewish Folktales.*
14. Pauline Tessler (2000)*Collaborative Divorce.*
15. Pauline Tessler visit to Sydney Collaborative Divorce Workshop 2006.
16. Arlie Hoschild (2000)*The Managed Heart* 7.
16. Wikipedia 'Burnout'.
18 Above note 16.
19. Gardner Howard (1983)*Frames of Mind*, xxi.
20. Mary Clarke (1990) 'Meaningful social bonding as a human need', 34–59 in John Burton (ed) *Conflict: Human Needs Theory.*
21. James Scott (1990) *Domination and the Arts of Resistance — Hidden transcripts* 12-13.
22. Told by Rabbi Moss from Nefesh community Sydney.

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# ADR Diary & happenings

- The **4th Asia Pacific Mediation Forum** will take place in Kuala Lumpur, Malaysia, on 16–18 June 2008. The conference theme will be **Mediation in the Asia-Pacific: Constraints and Challenges**. The Forum will be preceded by five days of pre-conference training and two days of pre-conference workshops, with basic and advanced mediation training. For more information see <www.apmf2008.com>.

- The **9th National Mediation Conference** entitled **Mediation: Transforming the Landscape** will be held in Perth, Western Australia from 10–12 September. The theme will provide opportunities for presentations on a wide range of topics, one of them being accreditation of mediators. For more information and to register see <www.promaco.com.au/2008/mediation/>.

- **Australian Commercial Dispute Centre (ACDC)** is holding a one day course aimed at those who handle complaints in an organisation, entitled **Complaint Handling — A Complaint is a Gift**. The course is being held in Sydney on 8 July. They are also holding one day Conflict Resolution-Dispute Avoidance courses 22 May and 26 June in Sydney.

- **ACDC** is also holding a five-day course called **Mediation Accreditation — Skills, Techniques and Practice** in Sydney on 5–9 May and 16–20 June. Optional Accreditation days are being held on 15 May and 24 June. For more information on ACDC courses see <www.acdcltd.com.au>.

- **LEADR** is holding several five-day **Mediation Workshops** around the country that meet the standards for the National Mediator Accreditation Scheme. 2008 courses are being held in Brisbane from 27–31 May; Darwin from 29 April–3May; Adelaide from 15–19 September; Canberra from 5–9 May; Hobart from 10–14 June; Melbourne from 29 April–3 May and 13–17 October; Perth from 11–15 March and 20–24 October; and Sydney from 5–9 May, 4–8 August and 11–15 September. For registration forms, early bird registration dates and more information on courses, visit <www.leadr.com.au/training.html>.

- **The Bond University Dispute Resolution Centre (BUDRC)** will be holding a four-day workshop style Basic Mediation Course in conjunction with the **Leo Cussen Institute** on 16-19 October in Melbourne. For more information, phone (03) 9602 3111 or email <lpd@leocussen.vic.edu.au>.

- The **BUDRC** will also be conducting a four-day workshop style **Basic Mediation Courses** with a Foundation Family Mediation stream, run in conjunction with **AIFLAM** (Australian Institute of Family Law Arbitrators and Mediators) on the Gold Coast on 31 July-3 August and 27-30 November. A four-day **Advanced Mediation Course** with a Foundation Family Mediation Stream run in conjunction with **AIFLAM** will take place on the Gold Coast on 28-31 August. Two day-assessment course will be held on 15-16 August on the Gold Coast and 17-18 November in Melbourne. For more information email <drc@bond.edu.au> or visit <www.bond.edu.au/law/centres>.

- The **Institute of Arbitrators and Mediators Australia (IAMA)** is offering a five-day inter-active workshop entitled **The Practitioner's Certificate in Mediation** in various cities around Australia. Courses are being held in Melbourne on 20–22 and 26–27 August, in Adelaide on 23–25 June and 30 June–1 July and in Canberra on 21–23 and 29–30 May. For more information on the courses and to register visit <www.iama.org.au/training.htm>.

- **The Trillium Group** is conducting a four-day **ADR** (**Negotiation and Mediation) Workshop** in Melbourne from 16–19 September and Sydney from 23–26 September with a four day advanced course being offered in Melbourne from 21–24 October. They are also running two-day **Dealing With Difficult People Workshops** in Sydney from 13–15 October and in Melbourne from 16–17 October. To register, visit <www.thetrilliumgroup.com.au> or call 1 800 636 869 toll free or (02) 9036 0333.

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