

Mindful Authentic Communication for Professionals

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Abstract

The importance of understanding nonverbal as well as verbal communication has been emphasised by social scientists for decades. Experts in the field describe nonverbal concepts to explain conflict behaviours and guide practitioners when they intervene in conversations between disputants.

Third party conflict professionals are becoming increasingly aware of what they bring to the process in terms of their presence. Clear intentionality can be seen as a part of what has been called 'mindfulness'. Being aware that a large amount of communication remains unspoken allows us to rely on what we see, hear and feel to make useful interventions. This assists us with a key aim of professionals generally; what I will call 'meta-communicative competence'.²

The paper defines communicative competence and mindfulness. It considers what can go wrong when these qualities are not present in disputes, hearings, or meetings. Then it looks at some interventions to potentially assist us with effective professional listening and reflection. I suggest that third parties make conscious efforts to be aware of their own emotional state and reactions. This aids listening, the paramount communication tool. To start or continue to acquire communicative competence requires a balanced, credible and authentic third party. This person can intervene intentionally in meetings or conflict situations.

Communication and Mindfulness: terms defined

When asked about their goals as third parties, professionals have responded with a range of competencies. These include creating rapport, assisting participants to discuss and deal with issues, needs, feelings and goals they have for their meetings, and moving towards some other objects or states. One aim parties want to achieve might be settlement of one or more issues. Some others are being acknowledged or heard, getting clear about interests, having needs met by reaching agreement, getting closure, or having the conflict at an end.³

Research has found that 93% of emotional meaning received from other people comes from facial expression and tone of voice, and only 7% from the actual words used.⁴ The importance of dealing with nonverbal signalling seems obvious when we consider that emotion is largely nonverbal and is a key consideration in most disputes.

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2 Meta-communicative competence is the ability to intervene in a considered, intentional way, using verbal and non verbal communication and extra verbal methods, such as using time, place, context, orientation towards the group in dispute. (www.Wikipedia.org/wiki/metacomunicative_competence.> at 27 February 2011.

3 E.g.: T Soudin, *Alternative Dispute Resolution*. (Sydney: The Law Book Co. (2nd ed, 2005).

4 IA Snook, *More than Talk* (NZ Department of Education, 1978).

Mindfulness

Derived from Buddhist practice, mindfulness is said to be the capacity to intentionally observe what is happening in the moment as it occurs, without either judgment or taking life for granted.⁵ Kirk Brown and Richard Ryan (2003, 822) describe mindfulness as ‘the state of being attentive to and aware of what is taking place in the present’. This implies a combination of attention and awareness. Jon Kabat-Zinn sees mindfulness as ‘living in harmony with oneself and the world’ (1994) which can be created deliberately or after long practice can arise spontaneously. He also calls it moment-to-moment non-judgmental awareness,’ (2005, 108) which would be an ideal state for a third party to be in.

Insight meditation teacher Joseph Goldstein (1993) calls mindfulness the ‘quality of mind that notices what is present without judgment, without interference. It is like a mirror that clearly reflects what comes before it.’

Derived from Vipassana (Insight) Meditation

The insight meditation teachers, Jack Kornfield, Joseph Goldstein and Sharon Salzberg were instrumental in bringing *Vipassana* meditation, which has led to mindfulness awareness, to the West. The success of Kornfield and Goldstein’s 1974 meditation courses in Colorado led to a sixteen-year teaching and writing partnership which had a large influence on US and European notions of meditation.

Western versions Insight or Mindfulness meditation borrow ideas from psychology, psychotherapy and the human potential movement. Emphasis is placed on a kindness meditation (‘metta’) before going into a conflict conversation. The Eastern traditional meditation does not always teach kindness and mindfulness together.⁶

5 L Riskin, (1996), as quoted by T Fisher (2003).

6 For a useful discussion of the differences between Western and Eastern strands of Insight teaching and practices see G Fronsdal, (1988), who points out that 9 of the 14 regular *Vipassana* teachers at Spirit Rock, Kornfield’s Californian meditation centre, were trained psychotherapists. She explains the emphasis on *loving-kindness* meditation as arising from a ‘US obsession with happiness.’ (1988, 5)

Mindlessness or ‘Monkey Mind’



Mindlessness, ‘automatic pilot’, (or *monkey mind* in Buddhist texts) is the antithesis of mindfulness. With the publication of *Train Your Mind* (2006) Dr Sven Hansen used the term to state that the first obstacle to happiness and effectiveness is the agitated mental state of monkey mind, or ‘chaos in the chemical soup of consciousness.’ (2006, 27) Maintaining presence is accepted as among the hard brain training competencies.

Meditations which concentrate attention on breathing in and out, or on an object or phrase, address a central goal of mindfulness training, calming monkey mind habits of ruminating about the past or future. Another important mindfulness competence is the ability to hold two opposing thoughts at once, or paradox. To hold in co-existence the thoughts ‘I am my thoughts’ and ‘who is it doing the thinking’ or ‘there is no mind’ is a sophisticated process requiring conscious mental effort and mind training. To regard life as an illusion can be useful in this exercise.

Prominent among Daniel Bowling’s Fundamental Truths of Mindfulness are those of *authentic communication*, including wise speech, and voluntary suffering. The latter holds that we decide to suffer in our lives by continually grasping or craving, seeking or avoiding, liking or disliking. Mindfulness means making a choice to end our suffering by *dis-identifying* from these thoughts. (Bowling, 2007; Fisher, 2007)

Mindfulness and Well-being

Mindfulness meditation practices to promote health are advocated by Western medical researchers such as Dr Jon Kabat-Zinn, who developed the mindfulness-based stress reduction (MBSR) program. As a form of complementary medicine, MBSR is offered in over 200 American hospitals, and has been the focus of a number of research studies funded by The National Center for Complementary and

Alternative Medicine. Recent results have shown the effectiveness of standard 8-week MBSR courses on well-being, with reduced psychological symptoms of anxiety, depression and pain.⁷

Daniel Goleman (2003) has described training that can assist people to move out of destructive, into healing emotions, to achieve benefits in health and well-being. Paul Ekman and others (2005) have written of connections between Buddhist thinking and neurobiology, noticing that almost no effort in Western psychology has gone into creating positive states of mind in the mentally *healthy*. Mindfulness training has great appeal for those wishing to function better in life by choosing how they react.

The Literature: presence and listening

Recent alternative dispute resolution texts have predicted that the topic of mediator presence will be an important area for future study.⁸ In their book *Bringing Peace into the Room* (2003) Daniel Bowling and David Hoffman collect writing by practitioners who list effective personal qualities of mediator presence. The key dimensions include emotional intelligence, empathy, metaphor, integration or mindfulness, an ability to admit spirit or the sacred space, heart, patience, wit, sincerity, authenticity, story-telling, celebration, persistence, optimism and courage.

Increasingly mediators advocate awareness of such disciplines as psychology, biology, living systems analysis, and quantum physics, or chaos theory. The aim is to better understand how science makes sense of the world, how our reality is affected by our thoughts and actions, and how the observer inevitably affects the process. Bowling and Hoffman invite and teach conscious reflective practice. This thematic learning can be used by arbitrators and mediators keeping reflective professional records. Bowling considers self- and developmental awareness intrinsic to practice, calling mindfulness and reflective practices ‘synergistic’ (2007, 13).

Mary Rose O’Reilly in *Radical Presence* (1998) calls a commitment to spend an hour listening deeply to another ‘like a cow’, that is without interruption save the flick of an ear, a ‘radical experiment in friendship’. For her listening is a ‘cello continuum under the buzz of life’. This way of listening has variously been called *open intentional* listening by Clare Coburn and Ann Edge (2007, 26) and a dialogic exchange by Martin Buber (1923). The idea that mediators and other third parties can possess healing powers associated with presence is explained by Lois Gold (2003). Gold lists four elements of presence: coming from the centre, compassion, connection to higher values, and congruence. Underlying all of these is her *intentionality*, which I see as a subsidiary of mindfulness. She talks of consciously *setting intentions* in mediation which influence the atmosphere and outcome. Intending to heal ourselves might be part of this.

What happens to parties’ communication in conflict?

Kenneth Cloke and others have described one effect of conflict on people as losing sight of the other’s humanity, resulting in a dehumanising or demonizing of opponents. Many mediators invite parties

7 E.g. Bishop (2002), Brown & Ryan (2003), Davidson, Kabat-Zinn and others (1992, 1995, 2003).

8 See, e.g. Sourdin (2005) 249. Astor & Chinkin (2002) refer to ‘reflective practitioners’ (at 211) when expressing concern that mediator training and qualification requirements for employment may exclude members of certain groups. The concept of reflective practice applies equally to reflective mediators, arbitrators, adjudicators and conciliators.

to tell their stories honestly in a way which reveals unmet needs for recognition and understanding, thereby interrupting patterns of self-absorption by articulating deep desires to the other.⁹ I would add the value of normalising¹⁰ people's own language and metaphor, including seeing negative intention when caught the cycle of inward-looking weakness under conflict stress. This calms many people enough to hear others, and recognise each person's humanity.

Demonizing language attributes negative, cruel or violent intent to another and predictably results in blaming, shaming, and disempowerment of that person. This has been called 'negative attribution' by psychologists.¹¹ Should the third party want to explore it, the unmet need beneath such behaviour might be for empathy, self-esteem, acknowledgement, or completion. I suggest that the term 'behaviour' in its singular form needs to be specific, tangible, observable, recordable and measurable. Otherwise what we call behaviour may actually be a cluster or set of behaviours, such as a skill or skill set.¹²

A mindful practice

David Hoffman (2003) and Eric Galton (2004) write reassuringly of the paradoxes and challenges of being a mediator. The same precepts apply to those who practice arbitration, adjudication or conciliation. The authors show that mindful awareness can offer an effective way to balance complementary dualities inherent in much mediation or med/arb models of resolution, such as a desire to be cautiously tentative while building skills, and being empathetic yet detached. It is perhaps even more fraught for conciliation or arbitration practitioners. In those roles there is a need to balance other conflicting goals and impulses. We need to evaluate evidence and formulate theories of the case, which might mean reality-testing as well as showing empathy, listening deeply and helping with settlement as appropriate.

Achieving mindfulness as understood by Bowling, Hoffman, and Fisher, (2005) is possible only if we first become aware of our own frequent mindlessness. Kornfield suggests we next gently bring our 'monkey mind' back to the present. With method and effort we can train our minds to reach *deliberate* or *effortless mindfulness*.¹³

If these practices lead to being acutely awake in our lives, they give us potential access to powerful inner resources for insight, transformation and well-being. This is in addition to making us more skilled practitioners in each interaction. For many people, having for so long been judged by most people they meet, 'just to look into the eyes of another who does not judge can be extraordinarily healing'.¹⁴ Learning to not constantly interrupt or question would also help us to listen, consider and then make the best choices to aid the participants reach understanding. An essential step towards a mindful practice is learning about the role of emotions, which are central in conflict.

9 K Cloke (2006); (2001). 'Attribution bias' is a psychological term used to denote the causal factors to which we attribute events experienced negatively.

10 Meaning: 'to make normal'; 'norm' meaning: 'customary behaviour', Oxford Dictionary of English, 2005.

11 Negative attribution or attribution bias are psychological terms to denote the causal factors to which we attribute events we experience negatively. See, e.g. Korobkin, R. "Psychological Impediments to Mediation Success". Research Paper No. 05-9, UCLA Law School, 2005.

12 Alan Parker, discussion, Auckland, December 2006.

13 J Kabat-Zinn (2005, 108-109).

14 See J Kornfield (1994), at 56.

Meta-cognition about emotions and mindfulness

Tricia Jones and Andrea Bodtger start by assuming that emotion is the foundation of and central to all conflict (2001, 219). They advise mediators (or practitioners) to develop meta-cognition about their own potential to experience emotional flooding (or system overload) and emotional contagion (being affected by others' emotions). Unmindful professionals, they say, risk getting entangled in the dialogue, wrongly decoding strong emotion or sending disruptive non-verbal signals to others. Accepting our own experiences is an important way to foster empathy for others. Doing so keeps us in the present moment, avoiding rumination about past and future events. Rumination removes people from each other during heated interpersonal exchanges. Studies link the practice of mindfulness with an ability to see the self as separate from others, which assists detachment in conflict.

Awareness of meta-emotions (that we have emotions about emotions) helps conflict resolvers recognise the desirability of being apart from these reactions. Douglas Stone Bruce Patton and Sheila Heen (1999), Goleman (2003), Michelle LeBaron (2004) and Fisher and Schapiro (2005) suggest conflict professionals become emotionally fluent. The alternative to working with our emotions is that they can surface in unexpected and unhelpful ways, such as projection, transference and counter-transference.¹⁵ Detachment from emotion may be especially helpful for transformative mediators, who prefer to 'go for the heat', or emotive words in mediation or hearings, to reflecting them back to the speaker. A present-moment or mindful focus is core to this method.

Having a Mindful Presence

Awareness of the inevitable impact of our professional presence leads to listening for filters and negative messages, using questions, and precise language. It can encourage parties to lead the process as much they need to. It could influence the way we indicate our purpose, setting the tone for open and respectful dialogue.

The term presence incorporates various personal qualities, innate and developed, including deep attention and reflective awareness. For Margaret Burkhardt and Mary Nagai-Jacobson (2002) the determining feature of transcendent presence is being attentively available to others on physical, emotional, psychological and spiritual levels. As Bowling teaches (2007, 46): '[O]nly when we are *present* to our own pain can we be *present* to ... another's deepest suffering....Through mindfulness practice, we learn to be *present* with all conflict.'

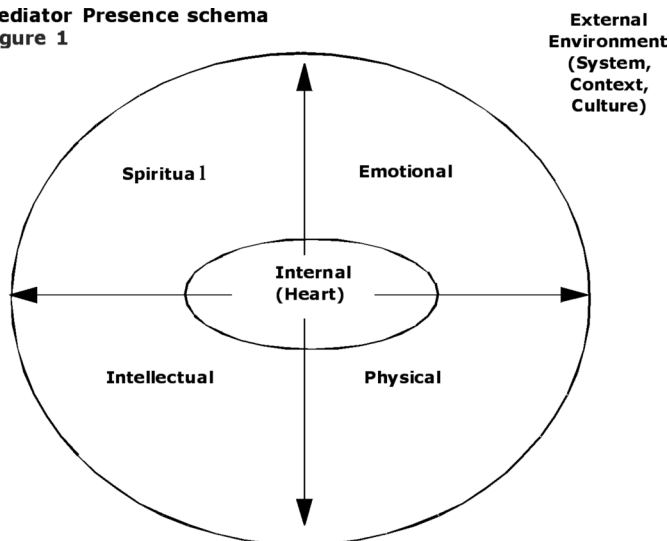
Spiritual and Heart Dimensions

Many indigenous cultures embrace the idea of sacred space and spiritual presence. Maori refer openly to spirits, guardians or ancestors in meetings. Transcendently present third parties would seamlessly incorporate such references. Kenneth Cloke, in a reframing of Gandhi's famous words, considers the most important and subtle part of conflict resolution methods is not what we do but: '*who we are and are capable of becoming in the presence of conflict.*'¹⁶

15 A Parker (2006) supports all third party professionals having psychological training in order to be able to at least recognize these specific psychological phenomena when they occur. It is beyond the scope of this paper to explore them further. Definitions: see <www.psychinfo.com> at 12 August 2010; Fisher (2003).

16 K Cloke (2003). Diagram adapted from the spirit wheel in Cloke (2006) 72.

**Mediator Presence schema
Figure 1**



Lois Gold, an experienced family mediator associated with Virginia Satir, uses strategies based on qualities of presence and spirituality. She mentions the 'healing and peacemaking potentials of mediation', and alone among writers studied speaks of 'intention and directed intentionality', as well as transcendence in mediation.¹⁷

Basic healing principles in Gold's vision include: quality of relationship, access to inner wisdom, stimulating a positive hopeful attitude, healing as a natural state, and setting intentions. Presence, for her, means being centred, compassionate, connected to others' humanity, awareness of values, beliefs and purpose, and being congruent. Respectful behaviour can be supported through open-heartedness, honesty, and authenticity. In hearings, settlement, or mediation, parties can be assisted to move at subtle levels from anger or fear to respect and dialogue about difference by discovering the reasons people are stuck and helping them to forgive and let go.

How to be present in conflict

Enhancing our presence, or being fully present, can be achieved by first taking quiet time before parties arrive. Using relaxation or meditation practices sets an intention to allow a deeper purpose than a merely transactional one into the meeting process.¹⁸ By having this quiet preparation time we can

17 L Gold, 'Mediation and the Culture of Healing' in D Bowling and D Hoffman (2003) 183-214

18 Gold suggests reflection at this stage on the reason for being a mediator (arbitrator, conciliator or other professional), or techniques to become fully present in the room, 'mindfulness' (Bowling, D in Bowling & Hoffman, (2004, 263-278); or universal calming techniques, such as those described in Wilson, P (2006). The latter's technique gives immediate access to calm sights, sounds & feelings.

embed positive intentions in attitude towards ourselves, the parties, their supporters and representatives. The process can continue when we set up the room, greet and introduce participants, and use intentional silence at the start and during the process. We show our awareness in the way we honour culture, diversity and ritual, and by creating and welcoming transcendent opportunities.

Conclusion

Whatever our profession we can use intention setting to deliberately evoke an atmosphere of trust for open discussion. Conscious or unconscious modelling can be used to demonstrate respect, sincerity, patience and tolerance.¹⁹ Bearing in mind the centrality of emotions: the parties' and our own, is one key result of reflective practice and self awareness. In summary, what we can gain by quiet, respectful, thoughtful presence and practice is considerable. Among the many personal and professional benefits is the ability to access the deep respect and empathy that only authentic dialogic listening brings to assist others in their times of interactional crisis.

19 When coaching new dispute resolvers I notice that a legal mindset can be difficult to overcome. For experienced problem-solvers to learn transcendent resolving, or even the recognition of emotion, they must escape professionally 'caged' brains. This may cure a learned professional tendency to promote premature resolution or options for settlement, while missing emotional cues and requests. Such habits make it hard to unravel intractable disputes. A useful starting point is increasing the use of open-ended questions and simple sentences.

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THE ARBITRATOR & MEDIATOR APRIL 2011

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