

ABRAMS MEDIATION & NEGOTIATION, INC.



The Meditation of Mediation

By Jeff Abrams

I am not a natural born typist. If truth be told, I ascribe to the “hunt and peck with two fingers” school. Spellchecker, autochecker, and other fancy devices save me from making unspeakable errors. But when I accidentally type “meditation” instead of “mediation,” the error goes undetected by the auto programs. You probably have to read pretty carefully to catch it – just one little “t” makes all the difference. The two words are different. They have independent meanings. There is no mistaking mediation from meditation or is there? How is a mediation like a meditation? Can we practice our mediation as a meditation?

Let’s start with the word definitions. Webster’s defines “meditate” as: “to focus one’s thoughts on, reflect or ponder over.” The word dates back to 1560. It comes from the Latin *mediatus* or *meditari*, frequentative of *medEri*, meaning “to remedy” in a medical sense. “Meditation” has healing properties, to remedy a condition. For a mediator, the conflict or dispute (albeit not always medical in nature) may be the very condition that needs to be remedied (*medEri*, or meditated).

“Mediate” is defined as “to act as an intermediary agent in bringing, effecting, or communicating.” It traces its etymology to the Middle English of the 15th century from the Latin *mediatus* (intermediate), to its present notion of “occupying a middle position.” To effectively communicate as an intermediary (or to occupy the middle position between disputants), it is essential for the mediator to focus his or her “thoughts on, reflect or ponder over” the conflict and the process. A mediator needs to meditate.

The venerable Thich Nhat Hanh, a renowned Buddhist monk, teaches that everything can be a meditation if full awareness is brought to the activity. Whether washing your hands, eating a peach, smelling a flower, answering the telephone, or driving Central Expressway – all can be done with mindfulness, an attention to detail, and a focus on the here and now, the present moment. It requires knowing that what you are doing at this very moment is exactly what you are doing and nothing else. At this precise moment in time, *you* are reading this publication ... this article ... this paragraph ... this w-o-r-d. Concentrated attention or focus is the essence of meditation practice. Mediation requires the same attentiveness and awareness.

The meditation of mediation begins before the session. The mediator takes a few moments alone, before the onslaught of the disputants. Some focus on the conflict, trying to understand the nuances of the law, the personalities and egos, the impediments to settlement. Other experienced meditators might focus on the breath, the simple and complex autonomous function that can ground our minds and bodies. Becoming acutely aware of only the breath, the rest of the world slowly dissolves. Such focus heightens concentration (and concentration is one of the skills that will be needed in the mediation). After a few minutes of focused concentration on the breath, the mediator is ready to continue the meditation of mediation by beginning the session. There the focus will not be the breathe (unless to relieve tension and refocus concentration); the focus will be on the participants – what is being said and how it is being said.

Meditators have the ability to deeply penetrate the moment by applying full awareness and concentration. What an enormous gift to be able to give that kind of awareness to the parties in mediation. It is a rare skill to be able to really listen to someone, attending to his or her every word with complete attention. This may be communicated with the body, word, and tone. Mastery of the art of listening is key to effective communication. Good mediators constantly restate, reframe, and reflect back information to the participants. In some ways, the mediator can “disappear” in the communication process through facilitation. We simply get out the way. Other times the mediator can place himself/herself at the forefront as an engaged participant, but only *after* effective listening has taken place.

Skillful listening without judgment is another meditation within the mediation. As soon as we begin to feel “judged,” our defensive mechanisms trigger autonomic “flight or fight” responses: elevated blood pressure, increased heart rate, irregular breathing (less oxygen to the brain). It is impossible to listen and think clearly in that state. An open and nonjudgmental attitude is essential to foster comfortable and honest communication. Most cases are resolved by listening between the words, by listening not just to what is being said but also to what is not being said, and, most significantly, how it is being communicated. We want to listen deeply first so the party feels fully heard

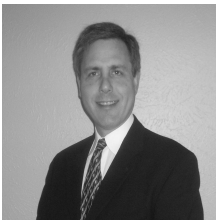
Human beings are prone to flights of fancy in our minds. The inventions of our mind may bear no relation to reality ... but that is reality for the perceiver. An anonymous Tibetan monk once cautioned: “Do not rule over imaginary kingdoms of endless proliferating possibilities.” Since “anything is possible,” why choose to imagine the worst? Why play out mini-dramas on the mind stage? It seems impossible to quiet the “monkey mind” (the constant barrage of internal conversation) and curtail its impulse to gross imaginings. It is difficult to be at peace inside our own head.

We sometimes spin out of control, ceaselessly worrying about the past (which cannot be changed) or the future (which exists only in our imagination). The present, the only moment in which anything real takes place, is often forgotten. What is done is done. When parties tell us about their woes, they are living in the past. “Venting” is all about describing the scene, the moment in time when things went awry. A party feels complete with the venting process when she/he has been fully heard. Mediators demonstrate their

skill of attention by actively listening throughout the entire mediation process, often restating, reframing, and re-playing the statements that have been made. Parties will not be able to “let go” until their past has been fully explored and *they have been heard*.

The next process involves visioning a future free of conflict (or at least, the present conflict). When a party recognizes the value of “putting things behind him” and moving into a bright new future, then the work of mediation can be done *in the present*. After all, the present is all we really have. At the moment this becomes clear, the parties can be said to reach a stage of quasi-enlightenment. It sure feels that way to the mediator. It is most satisfying to end a session with a successful resolution of the conflict. It may be only a temporary cessation of hostilities, but the benefit of “peace of mind” is great.

Meditation is a life skill. It makes us more aware of our surroundings. It greatly enhances our mediation work (as well as the rest of our life). If we look beneath the surface we find the illusion of difference disappears. The common human experience is fundamentally the same. The same emotions are expressed in many disputes – hurt feelings, breach of trust, disappointment, frustration, anger, and so on. The little “t” that makes the difference between “meditation” and “mediation” is not much of a difference after all.



Jeff Abrams has been an attorney for over twenty years, and an active mediator since 1986. He was a pioneer in the mediation field, serving on the legislative task force that drafted the landmark Texas ADR law. He has been a training professional in communication and negotiation, conflict management, mediation skills, and dispute systems design since 1986. Jeff has extensive experience as NASD securities arbitrator (Chair). Before becoming a mediator, he worked as a trial lawyer handling complex business litigation. Jeff has mediated for hundreds of parties in a variety of disciplines, and has a national reputation as an outstanding mediator, arbitrator and trainer. He served as founding Editor of the ADR Report, a publication of the Oregon State Bar ADR Section. Jeff is a frequent and popular speaker on ADR and workplace issues. He is a member of the Oregon and Texas Bars. Jeff was also President and CEO of a national trucking company and raised substantial sums in venture capital dollars. He has expertise in both business and law as well as mediation skills. Jeff volunteers for a suicide crisis hot line and “at-risk” kids in a Dallas County elementary school as his community work. Jeff can be contacted at 972-702-9066 or www.abramsmediation.com