# A MEDIATOR'S WAY TO CONFLICT RESOLUTION: A BUDDHIST PERSPECTIVE

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## INTRODUCTION

While algorithms and big data technologies facilitate interpersonal communication worldwide, they seem to correlate negatively with interpersonal distance. We perceive a growing international cooperation towards reduction of CO2 on the one hand, as well as a mounting celebration of identity, localism and nationalism on the other. As in preceding centuries, conflicts abound at the beginning of this century. They seem to be inherent in mammals. At the same time, endeavors toward conflict resolution are as ancient as humanity itself, instrumentalized by external mediating agencies such as priests and kings in the old times, by judges and mediators in our time, and by fathers and mothers of all times.

It is relatively recent that professional mediators appeared on stage to resolve interpersonal-, intergroup-, or international conflicts. Mediation nowadays is 'one of the most significant movements in U.S. law in the latter half of the 20th century' (Kressel, 2014, 187). In this paper, the question is discussed whether Engaged Buddhism would be able to contribute constructively to the functioning of the mediator. First, this question is contextualized within contemporary mediation. Its practice is critically described and analyzed. Second, as a complementing contribution to contemporary mediation, the Buddhist figure of the bodhisattva[1] is presented as a role model for the Mediator. Third, personifying Engaged Buddhism, the Mediator's behaviors in personal practice and interpersonal conflict resolution strategies, in the footsteps of the bodhisattva, will be described as a contribution to contemporary Mediation.

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[1] According to Mahayana Buddhist doctrine, a bodhisattva is defined as an awakened being, who has taken the vow to be reborn in order to alleviate suffering and to benefit all sentient beings.

King (2009,1) defines Engaged Buddhism as 'a contemporary form of Buddhism that engages actively yet non-violently with social, economic, political and ecological problems of society'. Queen (2000,1) defines it as 'the application of the Dharma, or Buddhist teachings, to the resolution of social problems'.
While Buddhism as such is defined differently in its diverse sects, Deitrick, (2003, 261) tries to build a bridge and to renders a 'unifying' definition. He defines Buddhism as 'A fundamental insight, reliably attributable to Siddharta Gautama, the Buddha, that life within the causal nexus of samsara is essentially unsatisfactory, or suffering, and this suffering is caused by the human propensity to form attachments to things and existence as it is experienced from the perspective of ego centeredness'.

## CONTEMPORARY MEDIATION FOR CONFLICT RESOLUTION

Mediation, in the definition of Schellenberg (1996, 182) 'is a process by which a third party seeks to help parties involved in a dispute to come to a mutually satisfactory resolution of their conflicts'. The third party is the Mediator who operates in a wide variety of fields to prevent litigation and escalation, who mediates in trade union-, in political, in social and in other conflicts such as marriage and divorce.
As another positive factor, Schellenberg (1996, 9) states that 'conflicts help to form our sense of personal identity, and that they make us loyal to a national state'. While the author does not corroborate this statement by research evidence, it seems obvious that he walks into the identity trap of dualism. Identity, be it personal, social or national always implies an 'other'. The binarity of 'me' versus 'you', of 'us' versus 'them' is not only not a positive side of conflict, it is its very cause. The 'me' is psychologically close and familiar, the 'you' is distant. This division, where the 'you' is potentially threatening, is neurophysiologically deeply preprogrammed in the Limbic System of the human brain (Tophoff, 2019) where this distinction is made in split seconds.

Usually, however, interpersonal conflict leads to suffering, in all involved parties. The Mediator's resolution of conflicts underlying suffering has several dimensions. Mayer (2012, 123) differentiates

between cognitive, emotional and behavioral forms of resolution. In order to reach a cognitive resolution, parties have to change their viewpoints by means of cognitive behavioral techniques such as reframing, narrative and cognitive dissonance. Emotional resolution is reached by the working through of emotions through cathartic release. Behavioral resolution takes place if new actions are installed.

Mayer's differentiation, however clear, nonetheless seems problematic. In view of the functioning of the human brain, it seems quite improbable that a felt resolution is only limited to one special (sub)cortical region. In fact, the brain always responds as a whole (Austin, 1998), so that if a 'cognitive' resolution is reached, the question is whether this resolution is felt as such by the conflicting parties. In view of the holistic and dynamic functioning of the brain it is more than probable that even when cognitions change, negative emotions may still prevail, blocking - in their turn - new behaviors.

Kressel (2014) discusses the Mediator's tactical behaviors in differentiating between reflexive, contextual, substantive and assertiveness-oriented interventions. In this way, the Mediator tries to establish rapport between parties, he creates a context where it is safe to ventilate and to release emotions, he deals with the substance and is problem focused, and, finally, he acts in an assertive way in sometimes using pressure tactics.

Though Kressel's distinctions seem pragmatic, his stance vis-a-vis emotions and assertiveness is counterproductive and questionable indeed. Ventilation of emotion frequently is not helpful at all, since, through repetition, it in fact strengthens these (negative) emotions, as in a classical conditioning paradigm. Likewise, pressure tactics frequently tend to evoke not compliance but resistance in one or both parties, and thus only lead towards further escalation - as every parent of adolescents knows.

According to Schellenberg (1996, 182) the Mediator has to behave in a neutral way towards both parties. Also the judge is presumed to be neutral - Justitia is often depicted blindfolded. Again, neuroscience shows that neutrality in regard to external stimuli is not possible. Certainly, the Mediator will do her best to appear neutral - she may think she is indeed, but in fact she never is: her

brain has directly sorted out her preferences, before consciousness arises (Tophoff, 2019).

Coleman and Prywes (2014, 853) offer a clear description of skills needed for the effectiveness of the Mediator. These skills include: the distinguishing between needs and interests, reframing a conflict, the ability to communicate one's own perspectives,
the ability to ask open ended questions which elicit needs rather than defenses, being able when under attack to reflect back the other's needs behind the attack and to create a collaborative climate. These skills can be trained, and the authors propose a professional training program.

While most authors only emphasize Mediation *skills*, Coleman and Prywes discuss the *attitude* of the Mediator (2014, 853). They want Mediators to operate in a broader societal field to create a more just and caring society. They want them to be humble in the sense of an awareness to improve their skills to enhance the lives around them. Likewise, Mediators should appreciate diversity and difference as a source of richness rather than a liability. Indeed, they certainly should, but for which price?

Bercovitch (1996, 4) rightly remarks that mediation is indeed a dynamic and flexible process. However, adaptability to diversity, to a wide spectrum of clients and situations, 'is a source of strength for the practitioner, but a source of bewilderment for the scholar'. The vast variety of conflicts of different populations to be resolved internationally and interculturally by mediators without uniform academic and training backgrounds makes solid and valid research projects as to the effectiveness of mediation not easy. Effective mediation research outcomes are ambiguous (McEwe, 2006, 82). McEwen proposes rightly 'a more comprehensive agenda for mediation research (which) would examine systematically the longer-term impacts, if any, that mediation programs have'. As to methodologically valid research projects on the effectiveness of mediation, quite some work has to be done.

## THE BODHISATTVA AS A ROLE MODEL

In describing a complementary contribution to contemporary mediation, the bodhisattva, as a role model for the mediator, will

first be placed in his religious and historical context: his early Buddhist predecessor, the *Arahant*, and his Daoist collegue, the *Shengren*. Subsequently, the bodhisattva's qualities are discussed such as transcending duality, *bodhichitta*, compassion and *upaya.*

*The Arahant*

Within his historical Hindu context, as part of a long Hindu tradition of recluses, seeking solitude within nature, the *Arahant* (Skt.: *Arhat*, 'The Worthy One') sojourns 'in the Wild' (Wirth,2017, XVII), in the forests and mountains, sometimes, however, not too far from a village. As a perfected being, he will not be reborn, having left behind all fetters binding him to samsara. The Arhat, 'possesses morality resulting in complete calm and purity' (Kloppenborg, 1974, 23), 'does not need further instruction' (ibidem, 31) and is venerated as a being acting 'out of compassion for us' (ibidem, 62), may eventually attain pratyekabodhi and become a pratyekabuddha (ibidem, 129). Kloppenborg paints a picture of these holy beings enlightening others compassionately: 'They all live near a village or market town. They enter that village or market-town to collect alms, their bodies well-guarded, their senses well controlled, their mindfulness[2] (*smrti*) well established. They are compassionate towards the wretched and miserable (...), they show compassion by means of the body, not with words; also, their teaching of the dharma is by means of the body, not with words' (Kloppenborg, 1974, 129).

*The Shengren*

Historically, the Classical Daoist concept of the *Shengren* or The sage ('The one who listens to the sonorous patterns of the universe and whose spiritual insights may be listened to by others' (Komjathy, 2014, 81)) is much older than the bodhisattva. Like the Arahant, also the sage loves to sojourn in 'the Wild' (Wirth, 2017), not discerning between himself and nature. Extensively described in the *Daode jing* and in the *Zhuang Zi*, the sage is a relaxed, gentle, good humored being, acting only when the moment to act has come. Acting, in the Daoist sense, defined as *wu wei*, as non-acting, which is effortless, and flowingly adapts to whatever wants to happen. The

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[2] Here, mindfulness is used in the original sense of *smrti,* defined as 'recollection', i.e. of the Buddha's teaching.

Shengren's strategy is gentleness, an easy flowing with attack as well as with defense. The *Daode jing* (3, 67),8, Lafargue, tr. 1992)) describes his actions beautifully:
*'The approach of the sage is always a gentle one:*
*Yes, gentleness:*
*(...) When Heaven wants to rescue someone,*
*it surrounds him with a wall of gentleness'.*
The sage cultivates the Daoist 'Three treasures' of compassion, frugality and humility.
He is not attached to the uniqueness of his task, this is why he never will overextend himself or become overinvolved. Like a mirror (he is) 'going after nothing, responding but not storing. Therefore, he can win out over things and not hurt himself' (*Zhuang Zi*, 7, 97, Watson, tr.,1968).

*Transcending duality*
The bodhisattva vows to liberate all sentient beings in whatever realms of being they might exist. In doing so, however, he risks to fall into the trap of duality. This is the reason that the Buddha issues an essential warning: 'And though I thus liberate countless beings, not a *single being is liberated*. And why not? Subuthi, a who creates the perception of a being cannot be called a ". And why not? Subuthi, no one can be called a who creates the perception of a self or who creates the perception of a being, a life, or a soul '(Diamond Sutra). Seemingly a *contradictio in adiecto*, this meaningful statement implies non-attachment to liberation while vowing to liberate all beings, and, more fundamental, the non-attachment to self.

The non-attachment to self is in stark contrast to Western philosophies of celebrating the self, spanning a period from Plato (427-347 BCE) to Habermas (1929- ). Maybe never in history, the individual self and its identity is so widely exalted and cultivated in its emancipated autonomy as in today's culture. Aged people must stay 'independent' as long as possible. Children must be educated towards independency and autonomy. The adult self has to 'grow', helped by a huge variety of training centers, selling their growth commodities, such as mindfulness[3], frequently dressed in

[3] Here, 'mindfulness' is used in the current (though scientifically rather problematic) definition of MBSR (Kabat-Zinn) as present-centered awareness without judgement. For a critical discussion of the concept cfr. Tophoff, (2019).

Orientalist[4] garb. Not only individuals, also cultures, geographical regions as well as countries proudly celebrate their independence and their identities.

In contrast to current mediation practice, the Mediator, in the footsteps of the bodhisattva, challenges stable identities just because their very 'existence' makes for the most fundamental source of conflict. She tries to help conflicting parties to transcend binarity and dualism. Only when parties become able to transcend duality and to embrace interbeing, resolution of conflict becomes an option, and in this way, their suffering might be ended. The Buddhist teaching of not-self is not, however, in Harvey's (Harvey, 2000, 52) words '*in itself*' a denial of the existence of a permanent self; it is primarily a practical teaching aimed at the overcoming of attachment. It urges, that all phenomena, on close scrutiny, that we *do* identify with as 'self', should be carefully observed and examined to see that they cannot be taken as such'.

*Bodhichitta*

In discussing the attitude of the Mediator, Coleman and Prywes (2014, 853), as we have seen, emphasize the Mediator's role in caring and enhancing the lives around him. In Buddhism, this is referred to as *bodhichitta*. Bodhichitta (tr. 'Awakened mind'), as a stage in one's spiritual development, is described in Buddhism as an intentional motivational force which prepares us for compassionate (social) action (Macey&Johnstone, 2012, 217), or to the 'highest motivation of complete Buddhahood for the sake of all sentient beings' (Williams,2009,195). Tibetan traditions point to intention as the wish, nurtured by limitless compassion, to attain liberation' (Schuhmacher, 1999, 38). In Tibetan Buddhism, it takes time and work to really develop bodhichitta (Williams, 2009, 197), through an intense and long trajectory of meditations to train equanimity, great love and great compassion.

*Compassion*

Interestingly enough, compassion is not once listed on the 1226 pages of the 3rd Edition (2014) of Coleman's, Deutsch', and Marcus'

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[4] Following Said's (1978) definition, Orientalism is 'the exaggeration of difference, the presumption of Western superiority, and the application of clichéd analytical models for perceiving the Oriental world'.

*'Handbook of Conflict Resolution',* standard reading for the contemporary Mediator. Meanwhile, compassion is one of a bodhisatva's main characteristics.

Within a Buddhist context, the Dalai Lama (quoted by Edelglass, 2017, 74) defines compassion as 'the feeling of unbearableness of the sight of other people's suffering, other sentient beings of suffering'. Compassion can be conceived as the active consequence of empathy. Empathy is the ability to put oneself, so to say, in the shoes of the other, *as if* one were the other. Empathy as such, also observed in chimpanzees and torturers, is not in itself a virtue. If not balanced by *prajna*, empathy may be overextended through identification with the other. Frequently, chronic overextension leads to burn-out of the Mediator (Bloom, 2013). Empathy without identification or attachment, however, is a precondition for compassion because it is the basis for an interpersonal connection.

Compassion is positioned next to Loving-Kindness, Empathetic Joy, and Equanimity. In the Buddhist literature it is placed side by side with wisdom. Wisdom keeps us from losing ourselves in compassion and getting attached to compassion. The bodhisattva has to make the splits between compassionate action and non-attachment. Pointedly, Murti (1960, 264) lays bare this ambiguity. He describes the bodhisattva as 'an amphibious being' with one foot in the Absolute and the other in phenomena. Though he is rooted in emptiness, the bodhisattva is intimately connected to the phenomenal world of suffering.

Macey & Johnstone (2012, 67) in their *Work That Reconnects* put compassion, or as they call it "pain for the world", in a central position, as 'an evidence of our connectedness with all life'. These authors frame compassion within a systems theoretical framework as "negative feedback loops", where each response reduces deviation from the chosen course. Though these authors don't stress the point, for a 'self-correct' response to happen, the precondition is the person's ability to introspectively notice whenever she strays from the path of compassion. It is only then that the negative feedback loop can function.

*Upaya*

*Upaya* (tr. 'skill-in-means',) is a teaching skill, and as such an essential competence of the bodhisattva. The bodhisattva is able to adapt herself to the cognitive and cultural backgrounds of her clients. Like any excellent teacher, she has to know whom she addresses. Depending on the situation and to get her message across, the mediator with 'upaya' is flexible in her strategies and uses her psychological insight by story telling, examples, parables, puns, comparisons etc., designed to be accessed and deeply understood by her clients.

Where empathy is a prerequisite for compassion, it is, likewise, a prerequisite for upaya. Without empathy there can be no upaya. The mediator has to really step into the very shoes of the other(s) - however strange they might feel to her - to be able to deeply touch them with her message. Empathy is grounded on the awareness of a profound and yet immediate connectedness with the other(s), and it is only because of this that the art of upaya can come to blossoming in compassion.

## BUDDHIST CONTRIBUTION TO MEDIATION

The Buddhist contribution to mediation pertains to the mediator's intention as well as to her action.

*Intention*

In order to be able to really contribute to contemporary mediation, and to follow the footsteps of his role model, the Mediator needs to develop a mindset of right intention. He needs training[5] as source for her action. Training, in the sense of self cultivation may take place within a Buddhist Mediation training facility - which doesn't yet exist, within Buddhist training centers or through Buddhist

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[5] To present trained knowledge as a prerequisite for action, however, is in itself rather debatable in its duality, albeit the default and the basis of most of our educational systems. The Buddhist Ming philosopher Wang Yangming (1472-1529), for instance, points to non-duality, the identity of knowledge and action, emphasizing intuitive knowledge through the investigation of one's inner by self-cultivation (Tophoff,2007). According to Wang, action should directly reflect one's understanding. Otherwise one could not speak of knowledge.

practice, preferably assisted by a teacher. This should include (1) a profound insight in non-self and non-duality (2) an understanding of the Way of the bodhisattva, of (3) upaya, (4) a competence in impulse regulation, and the (5) development of a mindset to alleviate suffering in the world.

Insight into non-duality is one of the foremost contributions to contemporary mediation, because as we have argued, duality and the binarity of 'us' versus 'them' are at the core of any conflict which the Mediator has to resolve. Instead of focusing on identities, and thus on differences between conflicting parties, the Mediator deeply understands the illusionary nature of separate selves. He emphasizes not difference but communality of parties, and thus the interconnectedness of all beings.

On her Way of the bodhisattva , the Mediator is driven by the intention to alleviate suffering. HerIn attitude is characterized by compassion. Empathy, as a precondition for compassion, also motivates the Mediator's sensitivity for upaya in his trying to reach parties precisely at that level where and when they are open to receive.

In mediation, conflict resolution always involves high levels of emotional arousal - not only in conflicting parties but frequently also within the person of the mediator when he is getting overinvolved and over-empathetic. When hostility, aggression or depression run high, no reconciliation is possible. Before attempting to deal with these emotions in his clients, it is imperative that the mediator deals with her own, and practices impulse regulation to quiet her mind. Towards this end, moments of meditation are shown to be relevant.(Tophoff, 2019).

*Action*

In entering the factual situation of mediation, with a mind he has been able to quiet, the Mediator faces the conflicting parties. Taking the bodhisattva as his role model, he manifests a mindset of right intention, an attitude marked by empathy and compassion. However, his feeling of empathy and compassion in itself is not enough. The mediator has to be able to communicate these feelings intentionally and effectively in his action, in ways that they are not only perceived and but fully experienced by the parties in distress.

In order to do this he needs *upaya*, which can only function if the mediator correctly discerns the levels of understanding of his clients so that he becomes able to communicate in ways through which they can be truly reached.

Frequently, parties in mediation express their suffering in negative emotions such as anger, aggression, outright hatred and depression. They blame one another, fight, refuse to listen to one another or threaten to leave mediation alltogether. The mediator - instead of trying to change these emotions - gently welcomes them, judo like, as if they were invited guests, offering no resistance. In contrast to contemporary mediation practice, where emotions are often 'worked through' in order to change them deliberately, here emotions are allowed to be fully present, as they are, in awareness of both parties. In time, the clients levels of emotional arousal will begin to correlate negatively with their growing awareness of feeling heard and understood.

As levels of negative emotions are lowering, and the mediator's intention of empathetic and compassionate listening is fully experienced, a space can be established where it becomes possible for the mediator to operationalize and instrumentalize common ground: commonalities between parties are exemplified, mutual interests are defined within a constructive perspective where both parties can profitably participate. In this way, the mediator marks the essence of conflict resolution by helping the opposing parties to transcend duality and binarity, and by helping them to gain insight in the fact that it is dualism, in the form of the 'I' versus 'you' dichotomy, that lies at the base of their suffering.

In the reality of mediatiative action, however, dividing problems are seemingly endless, as is aggression and anger. Sometimes these emotions are directed to the mediator herself, when parties begin to project their feelings on her. Mediative action here implies that the process has to be repeated several times: for the mediator to quiet her mind, to manifest her intention to end suffering, to effectively communicate empathy and compassion, to welcome whatever surfaces as anger and distress, to allow a climate of gentleness to be manifested and to point our communalities instead of differences in order to transcend duality.

## CONCLUSION

Facing interpersonal, intergroup and international conflicts, professional mediation became significant for conflict resolution from the latter half of the 20th century onwards. In this paper, a study is presented of what Engaged Buddhism can contribute to mediation.
This question is first critically contextualized within contemporary mediation. Here, conflict is presented not only in a negative but also in a positive sense, enhancing innovation and the formation of personal identity. Usually, however, conflict is a source of suffering in all involved parties. Reframing and cathartic emotional release are included in contemporary resolution techniques. Neutrality and assertiveness are described as qualities of the mediator.

Second, the qualities of the bodhisattva - a role model for the Engaged Buddhist Mediator - are presented as a contribution to contemporary mediation. Instead of positively emphasizing personal identity, the *transcends identity and duality*. The binarity of 'I' versus 'You" is fact the very core of every conflict. No conflict resolution is posible without transcending this duality.

The bodhisattva's qualities also include an *intentional motivational force to compassionately alleviate suffering.* Compassion is conceived as the active consequence of *empathy*. If empathy is manifested as identification with the one that suffers, it may lead to overexrtention and burn-out. Empathy without attachment or identification, however, is not only a precondition for compassion, but also for *upaya*, for establishing of an immediate connectedness with the personal specifics of the conflicting parties in such a way that they feel deeply understood and accepted.

Where contemporary mediation emphasizes cathartic emotional release, recent findings in neuroscience and cognition point to the fact that ventilation of emotion frequently is not helpful. In fact, emotional release fact may strengthen these (negative) emotions through repetition, as in a classical conditioning paradigm. In Buddhism the expression off emotion is not emphasized. Here, a distancing observation of emotional processes, as in meditation, is prefered.

Neurofysiologically, also the praised 'neutrality' of the Mediator is a fiction, since the brain is completely tailored toward immediate discrimination and judgement.
Likewise, pressure tactics tend to evoke not compliance but resistance in one or both parties, and thus only lead towards further escalation - as every parent of adolescents knows.

Third, the mediator, in confronting interpersonal conflict, contributes both by intention and action, to her clients understanding and practice of non-duality, of impulse regulation, of empathy and compassion. In her action, she actively communicates these virtues in ways which are understood by the conflicting parties. She receives negative emotions as welcome guests and creates a climate of allowing rather than deliberately wanting to change them. She assists parties to transcend duality by establishing common ground and interconnectedness.

## RECOMMENDATIONS FOR FURTHER RESEARCH

Considering the relevancy of this study on Buddhist contribution to contemporary mediation, Engaged Buddhism might well be included in the curriculum for the professional mediator. To test the hypothesis that this Buddhist contribution does indeed make a difference, an experimental study is needed comparing control and experimental groups of mediators with and without training in engaged Buddhism as to effectiveness and client satisfaction.

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