

“Why Empathy is the Future of Mediation, and How You Can Use It”

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“The significant problems we face today cannot be solved at the same level of thinking we were at when we created them.” – Albert Einstein

As we move through life, we cannot escape conflict. We open a newspaper and find story after story speaking of some conflict between husband and wife, employees and their employers, citizens and the government, Democrats and Republicans, Israel and Palestine and many, many other areas of our world. I would guess that once we discover life on other planets, conflict would be reported there as well. What is it about conflict that is so pervasive? What are the qualities that power, that dynamize conflict?

Melchin and Picard, in their book “Transforming Conflict through Insight”, speak about conflict as deeply connected with ‘cares’ and ‘threats’. This paper will delve into the nature of conflict through the exploration of “care” and “threats”.

A “care” according to the Oxford English Dictionary is “a burdened state of mind arising from fears, doubts or concerns about anything; anxiety or mental perturbation”. What is it that can stimulate our minds with fear or raise anxiety? Marshall Rosenberg, a psychologist and an international mediator, who developed Non-Violent Communication, says that “our feelings are simply a manifestation of what is happening with our needs. If our needs are being fulfilled, we feel pleasure. If our needs are not being fulfilled, we feel pain. What are alive in us are our needs, and I’m talking about universal needs, the ones all living creatures have” (Rosenberg, 2003). Melchin and Picard also refer to John Burton, a former Australian diplomat who was influential in establishing the academic study of conflict in the United States and Britain, “Human Needs Theory”, proposed that conflict is motivated by forces more basic than individual

interests. It results from universal, non-negotiable needs that are not being met in existing situations” (Melchin & Picard, 2008).

Our needs, according to Burton and Rosenberg, are basic requirements necessary for all persons to lead fully human lives. Burton cites “eight basic needs: consistency, stimulation, security, recognition, distributive justice, rationality before others, meaning and a sense of control over one’s actions” (Melchin & Picard, 2008). Rosenberg’s list of needs includes Burton’s among others (see Appendix A). When our basic needs are not met or we sense that our needs are threatened, we will respond to protect them.

Feelings are the markers of what it is that we need. If we feel happy and filled with joy then our needs have been met. Conversely, if we find ourselves fearful and apprehensive we would soon find behind those feelings needs not being met. For example, if we are acknowledged for the work we just performed, we will feel satisfied, expansive or happy as the need for recognition is very important to us. If someone says something untrue about us we will feel hurt or distressed as we would like to be recognized. The same need whether it is met or not will engender a different set of feelings. As our feelings are reflecting needs, the same holds true for our actions.

Our day is usually filled with various scenarios of whether our needs are being met or not, coupled with that, our emotional barometer will fluctuate. It may be interesting to note what needs were met when we say that “we had a good day” and what needs were not met when we say “we are having a bad day”. It may also be interesting to see our responses and the responses of those we interact with, as our needs are being met or not.

An important aspect of Lonergan's work on Insight Theory is his understanding of feelings and the way they carry values (needs) that orient us towards people and events. "Feelings do their work by guiding our attention, our lines of interest, our responses to others, and the direction of our lives. But the values (needs) that lie behind the feelings are often not known to us" (Melchin & Picard, 2008). Our needs are formed through our life's experience. Most of the time, we are not aware that these values are moving us and are the basis for our responses and decisions. We may sense the quality of the feeling and yet not understand what it is that is driving us. Feelings play an important role in guiding our relations with others, whether it is in friendships, business, romance or conflicts. It is the relationship to conflict that our feelings show the most dramatic of impact.

"Until we engage explicitly in understanding these feelings and the cares and threats that lie behind them, we will not know what is driving our conflicts. Getting insights into feelings, cares, and threats can play a powerful role in helping us work through conflicts" (Melchin & Picard, 2008). The feelings we experience are the markers to alert us that our needs are being met or not. The same applies to others as well. By understanding what others value or need will help us in our interactions.

As we understand our own feelings and needs we will be prepared to understand others. When we are in conflict, do we have the capacity to hear what it is that is moving the other person? Do we have the curiosity to see what it is in the other person that may be distressful, painful or creating this separation? Before we can answer these questions we may first want to ask what is

in us that is contributing to the conflict. How am I feeling about this? What are these feelings telling me about my needs? What needs of mine are not being met? If we do not have the capacity or presence to inquire into our own feelings and needs then it would be even more difficult to find the space to understand the other person.

Thich Nhat Hanh, internationally renowned Vietnamese Buddhist monk, author of over a 100 books, continues to be active in the peace movement, promoting non-violent solutions to conflict, speaks of the importance of self understanding prior to understanding others. “Any attempt to change a situation either politically or otherwise should be based on the transformation of our own consciousness. If we don't know how to listen to ourselves and to each other we are not going to go very far. It is clear that you have to listen to yourself, your own suffering, your own aspirations. You have to understand yourself to some extent, and to the people in the communities, to their deepest desires, their suffering. That kind of deep looking will bring about more understanding of self and of the community” (Leonna, 2004).

The costs of not understanding what we need when in conflict can only exacerbate the situation. It is as if we are trying to find our way out of a cave blindfolded. As we reflect and consider what we want from an interaction, we are better poised to understand what the other may need; with that a genuine curiosity to connect. This curiosity will lead us to ask questions and direct our interest and attention to hear their story. For their narrative is how they see the world. Lonergan's Insight Theory holds that our narratives, the embodiment of our needs and values, are an important means to understanding conflict. “Often we think of values as individual actions or goals.... However, these are only pieces of a larger whole, and understanding this larger whole

requires observing how values do their work in our lives. Values orient us, they direct our interest and attention, they shape our expectations of future events, and they guide our decisions and actions. They do this because they have a narrative structure to them” (Melchin & Picard, 2008).

As we explore our own narratives, whether it is a conflict or just about anything that we encounter, we will notice that these experiences will show us what we value through our interpretation of these perceptions. By delving into the narrative we come to understand that we are given a view of the mind and heart of the story teller - “the world is our perception of it. Inside and outside always match – they are reflections of each other. The world is the mirror image of your mind. If you experience chaos and confusion inside, your external world has to reflect that. You have to see what you believe... You are the interpreter of everything, if you’re chaotic, what you hear and see has to be chaos” (Katie, 2006).

Insight Mediation, which developed from Insight Theory, provides a framework for understanding how feelings, cares and threats function in conflict i.e. “a disagreement through which the parties involved perceive a threat to their needs, interests or concerns” (Webne-Behrman). Knowing that our feelings carry our needs and values, we can easily see that until we engage in understanding these feelings, cares and threats, we will not know what is driving the conflict. So how do we come to this understanding? Simply, by listening and gently probing what it is that is so important to them through their stories. Their narratives project future expectations of hope, fear, dread and deep longings. By exercising our curiosity, in wanting to understand, we will provide the space for connection. Being present in the moment to what is

being said, leaving behind our thoughts i.e. our judgments or evaluations about what is being said, we are providing a container of safety.

To listen, just to understand, without judgment, criticism, blame or analyzing is empathy or compassionate listening. “Listening with empathy means you listen in such a way that the other person feels you are really listening, really understanding, hearing with your whole being – with your heart” (Hanh, 2002). To listen from this place, as we discussed, we first need to be self-connected.

As we listen deeply to the narrative of the other, we are listening for feelings and needs. Since we never really know what someone else is feeling or needing, usually, neither does the other person, we guess at what may be moving them as they tell their story. By guessing, we are showing that we are listening and that we want to understand. The guessing also provides the space for the other to say whether it matches their experience or not. If the guess does match the feeling then there may be sense of connection as the other party may feel heard and understood. If the guess does not match the experience then this is also an opportunity to inquire further. This is called “inverse insight” by Insight Theorists.

As we listen for the feelings of the other person it is important that we be aware of the difference between a feeling and a thought. A common confusion generated by the English language is our use of the word “feel” without actually expressing a feeling. For example, in the sentence, “I feel I didn’t get a fair deal,” the words “I feel” could be more accurately replaced with “I think.” Other clues to distinguish feelings from thought are words such as “like” – “I feel like a failure”

or “as if” – “I feel as if I have been cheated” or using pronouns or nouns – “I feel you are a nice person”. What follows the word “feel” is not a feeling at all but a thought or evaluation. “It is helpful to differentiate between words that describe what we think others are doing around us, and words that describe actual feelings” (Rosenberg, 2003).

As we continue our empathic listening we may have honed in on the feelings that are arising from the conflict. However, we still need to further identify what is moving them in this direction. We may now have clarity around understanding their feelings, however the values and needs behind them maybe obscure. Values (and needs) have their origins in past events but influence us in the present and offer us expectations of the future. They, in fact, provide the trajectories of our lives (Melchin & Picard, 2008). To move toward understanding what the conflict is really about and what truly are the cares and threats, we must move to the level of needs.

Earlier in this paper we talked about the universality of needs i.e. peace, harmony or well being can easily be understood by anyone on this planet. The strategies on how to get there or what it may look like in another culture may differ. So as we listen to someone that we may be in conflict with, we try to understand what needs they are trying to meet in the situation. What we may be hearing is probably the tip of the iceberg of what is really going on. The values and needs that are firing the conflict are below the surface. So we continue to empathically listen and guess at the feelings and needs. If we are hearing judgments, criticisms or evaluations, we can translate those into needs.

In relating to others in this way, empathy occurs. The Chinese philosopher Chuang-Tzu stated that true empathy is listening with the whole being: “The hearing that is only in the ears is one thing. The hearing of the understanding is another. But the hearing of the spirit is not limited to any one faculty, the ear, or to the mind. It demands the emptiness of all the faculties. And when the faculties are empty, then the whole being listens. There is then a direct grasp of what is right there before you that can never be heard with the ear or understood with the mind.”

By empathically listening, we are present to the speaker; this form of listening requires discipline, awareness and intuition. In a conflict situation we may not be hearing the most pleasant of words coming our way. It is critical that we continually watch our internal state as we also want to understand what it is that the person across the table wishes to communicate.

Empathic listening can be challenging for our tendency is to interrupt, to state our point of view, strategize on next steps, and pile on with our own thoughts, among many other ways of disconnecting from the speaker. Just listen and being present is not easy. The effect for the listener can be huge. The Austrian-born Israeli philosopher Martin Buber describes this quality of presence that life demands us: “In spite of all similarities, every situation has, like a newborn child, a new face, that has never before and will never come again. It demands of you a reaction that cannot be prepared beforehand. It demands nothing of what is past. It demands presence, responsibility; it demands you.”

What evidence is there that we have adequately empathized with the other person? When an individual realizes that everything going on within has received full empathic understanding,

they will experience a sense of relief. We would notice this phenomenon by a corresponding release of tension in our own body. Another obvious sign is that the person stops talking. If there is uncertainty as to whether more processing is needed, we can inquire, “Is there more that you would like to say?” (Rosenberg, 2003)

Our ability to offer empathy allows us to be open and defuse potential violence. Parties in conflict who are fully heard experience an inner relief. When both parties are experiencing this then the cares and threats, in other word, the psychological pain can be transcended. This is “contrary to popular opinion, affirming values do not lock parties in conflict. In fact, quite often the opposite is the case... it becomes easier for the parties to explore alternative options for their achievement” (Melchin & Picard, 2008).

The resolution of conflict does not end here. However, what continues is the possibility for separate parties to begin an open conversation of what they truly want. There is opportunity to move beyond the fears, mental worries, burdens and anticipated threats that may have previously loomed between the parties. Discussions and further understanding is needed, however, the parties are now in a position to hear each other. There is a relationship, where previously they were working antagonistically with each other, they are now working together to strategize and discover together, how to meet all parties’ needs.

Listening for feelings and needs as well as awareness of our judgments, criticisms, evaluations and blaming, brings us to the door of having a conversation where each party can be understood and acknowledged for what they value and need. Both parties are now poised to collaborate.

Where previously the relational dynamics were adversarial, through empathy, those dynamics have shifted as well as the promise for peace and understanding.

“Without the capacity of listening, of understanding, of being compassionate, what they (people in conflict) do cannot help. They can make the situation worse. So, goodwill is not enough.

There must be the capacity of understanding, of compassion, and of working together in harmony before you can hope to do something” (Leonna, 2004).

Appendix A

Comprehensive List of Needs**CONNECTION**

acceptance
 affection
 appreciation
 belonging
 cooperation
 communication
 closeness
 community
 companionship
 compassion
 consideration
 consistency
 empathy
 inclusion
 intimacy
 love
 mutuality
 nurturing
 respect/self-respect
 safety
 security
 stability
 support
 to know and be known
 to see and be seen
 to understand and
 be understood
 trust
 warmth

HONESTY

authenticity
 integrity
 presence

PLAY

joy
 humor

PEACE

beauty
 communion
 ease
 equality
 harmony
 inspiration
 order

PHYSICAL WELL-BEING

air
 food
 movement/exercise
 rest/sleep
 sexual expression
 safety
 shelter
 touch
 water

MEANING

awareness
 celebration of life
 challenge
 clarity
 competence
 consciousness
 contribution
 creativity
 discovery
 efficacy
 effectiveness
 growth
 hope
 learning
 mourning
 participation
 purpose
 self-expression
 stimulation
 to matter
 understanding

AUTONOMY

choice
 freedom
 independence
 space
 spontaneity

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