



## OFF THE CUSHION: MEDI(T)ATION

by Scott Bellows

Twelve years ago, when I closed my litigation practice to become a mediator, I quickly observed that arm-twisting disputants into agreements was about as successful as patting water to still the waves. Instead, I discovered that the level of conflict in the mediation room could be manipulated, as directly and precisely as turning a dial on a machine, by adjusting the intensity of my own focus. When I let my attention wander, tempers rose; when I brought my attention back, discussions resumed. My presence, independent of my actions, affected the entire ecosystem of conflict. Why? So I started reading. Thich Nhat Hanh's *The Miracle of Mindfulness* and Pema Chodron's writings on anger helped me understand what I was observing, and how to cultivate a peacemaking presence within myself.

But actually practicing Zen is deepening my mediation practice in ways reading never could. For instance, I am beginning to really understand that in those moments when I am fully present, I'm not merely paying attention; I actually become the parties, their problem and its solution. Of course that changes things!

Embracing cognitive dissonance; accepting unsatisfactory situations with the faith that things will change; disassembling people's actions and positions to reveal the causes and conditions that give rise to them -- Zen helps me understand and accept these truths, and communicate them to others.

My Zen practice is changing the ways I mediate. For example, much as I love collaboration and creativity and Bigging The Pie instead of dividing it, some cases really do require zero-sum compromise. I'm learning to embrace reality when it does present itself as Two, not One. Form Is Form.

Similarly, "facilitative" mediators like me are wary of bullying people by being too "evaluative." But sometimes, I can see that a party is simply wrong about something: a fact, the

other person's motivations, their likelihood of winning at trial. Sometimes my job, like Roshi's in dokusan, is to burn down someone's house -- to free them from attachment to a delusion by smashing it. Zen frees me to choose sometimes to oppose or contradict or startle or disrupt, instead of always maintaining a "Zenlike" (i.e., passive) demeanor.

When I first hear one party's story, I often feel sympathy -- and then worry that I should suppress those feelings in order to remain "objective." Now I understand that this is exactly backwards. My role is precisely to feel sympathy with that party at that moment. And then with the other party when I meet with them. And then with both parties when we're all together. My offering to my clients isn't objectivity, but fluid, engaged, unattached subjectivity. Form Is Emptiness: I can sit with my sympathies, watching them rise and fall and become compassion that permeates the mediation room and those in it; and then I can lead simply by moving forward, compassionately, with the appropriate next step.

Most importantly, Zen is helping me understand that conflict and resolution are exactly one. When I chase a resolution (which, of course, is "my" goal and source of pride!), the process falters; but when I accept that in this moment the parties truly are in different places and the sought-after resolution is not there, that's exactly when progress occurs! The resolution is there, right there, in each moment of conflict, but we need to see and accept and honor the conflict -- the duality -- in order to manifest the unity that lies, openly hidden, beneath it.

### ABOUT 'OFF THE CUSHION'

Off the Cushion is a new feature in our newsletter, in which we invite you to submit articles about what your practice means to you, of activities off the cushion which feel like an extension of your practice. Please e-mail your submissions to newsletter editor, Joshua Lipps, at [joshualipps@gmail.com](mailto:joshualipps@gmail.com). ✍

Ultimately, Zen is teaching me how to accept myself and others exactly as they are, in each moment. Almost magically, that acceptance (not my bag of tricks) is what brings peace. Conflict is a koan; Zen helps me to help my clients to find paths that are not obvious to the thinking mind. And, along the way, my time on the cushion also is helping heal the wounds I myself bear from fifteen previous years working as a trial-law warrior in a Manichaeian world where everyone wins or loses and a "good settlement" is measured in fractions of failure. ✍

