joke—that captured the spirit of the moment. But I felt a bit of loss there. Perhaps it's a generational thing; perhaps there is no way, given who he was and the era in which he had grown up, that he could risk becoming unstuck. But what an extraordinary gift that seventy-year-old partner would have given us if he had reached into that well of emotion and shared with us what was there, even if a few tears came up. Sometimes we must hold back, but I hope we reach a place in our culture where we can more fully accept and honor each other's tears as the tangible expression of the joys and sadness that life is made of.

Reflective Practice Questions

1. How comfortable are you with your own tears and those of others?
2. What is your instinctive response to others' tears? In what way, if any, have you had to modify that response in the context of your work as a dispute resolver?
3. How does the expression of emotion in a mediation—by the parties or the mediator—assist in the creation of the "sacred space" described in Sara Cobb's Chapter Nine?

13

Mindfulness Meditation and Mediation

Where the Transcendent Meets the Familiar

Daniel Bowling

The silence is deafening, but not loud enough. My own breathing sounds like a wind funnel on my favorite, deserted Sullivan's Island, South Carolina, beach in March. My heart is thumping like a jackhammer outside my office on Broad Street, and why did I have to sit behind someone with a deviated septum? And my body . . . I never realized that I could have so many aches and pains just from sitting. This meditation cushion feels like a stone. Only three days . . . seems like a month. My right side is burning like the red-hot poker my great-grandfather used to stoke the woodstove on cold nights in Pickens County.

And my mind . . . will it never stop wandering? Will these jumping-around thoughts never stop to allow me just to focus on my breath? Where is my breath anyway? How am I going to resolve that impossible environmental justice mediation? What if the burning on my right side is cancer? Why did we sell our beach house five years ago? No telling how much it's worth now. What is happening in the world? No newspaper since . . . Friday. Why did I say . . . to my wife before I left, knowing it would upset her like it always does? What a jerk. . . . The same stories and memories and worries keep winding, rewinding, and unwinding. How can my mind be so

incredibly boring in the absence of external distraction? Am I this boring when I speak? Six days to go. I will never make it. Whose idea was this meditation retreat anyway?

The Benefits of Meditation Practice

Why should any intelligent, mostly rational mediator submit himself or herself to nine days of a silent meditation retreat, making no eye contact with anyone, alternating sitting and walking meditation from 5:00 A.M. to 10:00 P.M., with no reading or writing, not to mention no other external forms of stimulation? Just for the challenge, because it is certainly near the top of my hardest-things-to-do list? Definitely not for the challenge. To gain peace? No, because what is revealed is one's profound lack of peace. To be taught how to meditate? Again no, because as with anything truly worthwhile in life, meditation is an art that can only be experienced, and is experienced—the first time one ever sits even just for five minutes, as one sits over and over, again and again, and ultimately in every moment that one learns to be fully present to the breath, right *now*.

Then what are the benefits of meditation, and how do those benefits relate to practicing mediation or to living? Why should you continue to read this chapter, when you undoubtedly have several stacks of books and periodicals to read, not to mention e-mails?

As with exploring any art, the questions are more important than the answers, especially in the beginning. Clarity about both the questions in which to live and the unfolding of the answers comes with time, patience, and persistent practice . . . over and over, again and again.

The questions to ask in order to discover the benefits of a meditation practice and the potential impact on one's mediation or other professional work are: What are you also thinking right now? Where has your mind wandered as you read this chapter? Where is your breath, right now . . . your body? Are you aware of either at this moment? Can you pay attention, and I mean really pay attention, to whatever you are doing, as you are doing it? Do you interview a client when you are interviewing a client, or does your mind take you away? Do you listen to your spouse, your children, your friends, and I mean really listen, when they need your attention?

Direct Experience Versus Thinking

Meditation is an ancient art and practice, untold thousands of years old. The Psalmist (46:10) tells us, "Be still and know that I am God." Vipassana or Insight or Mindfulness Meditation was originally delineated in the Buddha's first sermon, known as the Anapanasati Sutra, after his experience of enlightenment under a bodhi tree in India twenty-five hundred years ago. Although its origins are Buddhist, the practice is nonsectarian. Mindfulness Meditation is deceptively simple, yet it requires a lifetime of practice. The Buddha's first sermon outlined sixteen practices, divided into four sets, the first focusing on body awareness, the second on feelings in the body, the third on the mind, and the last on mental objects versus reality. All sixteen practices are grounded in focusing one's awareness on breathing in and breathing out. One does not practice Mindfulness Meditation only when sitting. The purpose of sitting meditation is to gain enough control over one's mind so that it is possible to be mindful throughout the day. To listen, when we are listening. To walk, when we are walking. To live, when we are living. To mediate, when we are mediating. To be fully and actually present, when we are physically present (Hanh, 1975).

Meditation has not remained a practice over so many centuries because it does not work. Few practice it, because it is profoundly challenging to confront how our "monkey" minds—so named by meditation teachers because our minds often leap from thought to thought in response to external stimuli—control us. What we call

"thinking" is far too often simply the reactive meanderings of this monkey mind. Clear, nonreactive, thoughtful analysis is rare, but it does not have to be so. Our clients come to us as conflict resolvers for clear, nonreactive analysis and guidance. Obviously, a practice that develops our ability to provide what our clients seek has a direct and clear connection with excellence as a conflict resolver.

As mediators, we train others and ourselves by direct experience, rather than relying solely on lecture or study. We use role plays to elicit a form of direct experience. Meditation is learned the same way—only through direct experience. For example, through such direct experience, I learned why mediation does not work when a mediator offers solutions, especially early in the process; mediation works best when a mediator facilitates the parties in creating their own solutions. A separated husband and wife came to me for mediation regarding their marital home, mostly destroyed after a major hurricane. In the first session, they said they were struggling to afford their home and an apartment for the wife, who moved out following the hurricane. She wanted money to purchase her own home. They explained that their insurance claim was worth X amount, and they had an "as is" purchase offer for the marital home, which would net Y. The wife wanted to sell. The husband did not. X plus Y divided by two was easily sufficient for each to purchase their own house. The solution was so clear, I explained. The wife, naturally, loved my suggested solution. They never returned. Fortunately, I only occasionally forget this direct experiential lesson.

Similarly, I recall my direct experience of the fundamental cross-examination principle: "Don't ask the ultimate question." I was taught in law school, in trial advocacy books, and from experienced lawyers that the ultimate question asked the witness to tie the points of her cross-examination into a strong conclusion favoring one's client. I was taught that in skilled cross-examination, one draws out specific points from a witness that are helpful to one's client's case and ties them together only in closing argument to the jury, *never* by asking the ultimate question on cross-examination. Naturally, as a young public defender, I thought I understood—that

is, until I actually asked an ultimate question to a witness in an armed robbery trial. As soon as the words left my mouth, I got it—too late. Before the witness could respond, however, I said, "I object, Your Honor." The prosecutor, no doubt recognizing my misstep, shouted out, "Mr. Bowling can't object to his own question." The judge, trying not to laugh, said, "Of course, he can't." In the confusion, the witness had not responded, and I quickly rephrased my question, taking the "ultimate" out of it. It was a narrow escape, but a powerful lesson. From then on I understood an ultimate question in a way my thinking mind had never allowed. The direct experience mattered, not the intellectual.

Both lessons were painful and embarrassing, which is often the case with direct experience. Likewise, it is painful and embarrassing to practice Mindfulness Meditation, and there is deep experiential learning, or insights. In meditation, the pain and embarrassment are—thankfully, since they are so frequent—internal experiences. The pain and embarrassment come with the realization of the power our monkey mind has in our lives and how it is the source of our suffering. The value in stress reduction, which has been proven scientifically, is very high, yet inconsequential compared with the true value. The reduction in blood pressure and heart rate are also proven, and again inconsequential.

> Where is your breath right now? Where have your thoughts wandered as you read? Notice how much or little you have been present, how much or little comparison you have made to what you already know, and how many or few judgments your thoughts have expressed. How valuable, really, are such thoughts?

Direct Experience Is Always Individual

Why practice meditation? Like realizing the nature of an ultimate question or the danger of offering early solutions in mediation, the answer must be lived. I hesitate to share my own answer because it

is mine, and it may not be yours. Mine changes every few years. It may sound nonsensical. As with the ultimate question and offering early solutions, words are inadequate for direct experience. With that said, here it is.

> *I can't take this anymore. My body has finally relaxed. The hot poker is gone from my shoulder. The stories, however, are getting deeper. I've heard that when one is about to die, one's entire life flashes before the eyes. If that's true, this meditation retreat is an agonizingly slow death. After seven days, I'm still a teenager, having fantasy relationships with every female here. My friends told me I could not leave early, that after seven or eight days something happens to the mind. Now I know what they meant. I've discovered that I'm crazy. I'm certain that what is happening for me isn't happening for anyone else. They are all able to meditate. I'm not.*
>
> At lunch I watched a meditator stand near the bird feeder with her hand out, hoping a bird would light on her hand. How ridiculous, I judged, that will never happen in her lifetime. Close to fleeing the retreat, I decided to use a walking period to walk in the woods. It was comforting to hear birds singing—a noise, any noise to break the oppressing silence. As I walked, a wren flew ahead, landing on a branch and singing as I approached. Each time I got close, it flew ahead. I stopped and, without thinking, held out my hand. The wren lighted on it. Our eyes met. My monkey mind dropped into gear, and immediately the wren flew away. Only then did I recognize what had happened to my mind. I was far from crazy. My mind was quiet. Yet the same thoughts were arising. The difference? I was not holding onto them or believing them. The wren was a wren. My thoughts were thoughts. The difference? The wren was real. My thoughts were not, never had been, and never would be. My direct experience of life was real, but it was rare because my monkey mind got in the way over and over with its random, unclear thoughts. Through this "insight," I learned why Mindfulness Meditation is also called Insight Meditation.

In our overstimulated culture, where we seek to be occupied constantly, where we have MTV-syncopated media bombardment, it is difficult to distinguish the control our wandering, unclear monkey minds have. We rarely have new thoughts. Over time, as we practice Mindfulness Meditation, we see that we have "getting out of bed thoughts," "getting ready for work thoughts," "going to work thoughts," "avoiding a distasteful task thoughts," "talking to our spouse thoughts," and so on. As I said, what we call thinking is highly overrated. How many meetings have you sat through, knowing the statements certain people would make, regardless of the subject? Have you recognized that others are having a similar thought about what you will say? Our minds are in charge. They are on autopilot. We are not our minds. Through meditation, we can learn to turn off the autopilot and discover the quiet of true clarity. Then what we call thinking becomes wisdom.

Presence

In the quiet, we see our thoughts and release them, as we focus on the simplicity of breathing—our connection with life. By releasing thought and breath awareness, we become present. *Presence* brings peace (Bowling and Hoffman, 2000). It takes skill, experience, and knowledge to practice mediation. It takes presence, and the ability to bring peace to have a direct experience of the art of mediation. Practicing the art of mediation affords a mediator the opportunity to *be*, to create a healing connection with the client, to bring peace into the room, and to bring deeper fulfillment into one's practice.

Do you often find yourself in the future? Where are you right now, for example? Stress arises when we are somewhere different in our minds than we are in reality. Our mind takes us away from where we are, whenever our mind does not want to be where we are, which is a true measure of insanity. Spending hours or days in silence on a meditation cushion is a very sane approach to life. Our monkey mind constantly takes us to the past or to the future. Neither is real—never has been and never will be. To be in the present, we must release our futile attempt to create a better past. To be in the present, we must release our futile attempt to imagine our future into being. How can we be somewhere that we are not? Yet much of our life is filled with an attempt to be where we are not. That is not living (Tolle, 1997). We cannot develop presence in the past or the future. We can only be present in the present moment of *now*.

Mindfulness Meditation helps one to develop presence by training the mind to be present to the breath, no matter the circumstances. When one can be present to the breath, one begins to develop the ability to be present to one's deep and unconscious body pain. Only when we are present to our own pain can we be present to another's. When one can be present to one's own monkey mind patterns, one can be present to another's confusion and uncertainty. When one can be present to one's own anger, hurt, abuse, fear, one can be present to another's deepest suffering. When one can be present during one's own conflicts, one can be present during another's conflicts. Whenever we are mediating and our mind takes us away, wandering off into the imagined past or the future, we are actually resisting the conflict that is in the room. We cannot bring peace into the room, when we are resisting whatever is in the room, even on a subtle level. Through mindfulness practice, we learn to be present with all conflict.

Thinking

What we often call thinking prevents presence. How many times have you caught yourself failing to listen deeply to what someone

was saying in mediation? We say, "I'm sorry. My mind wandered. Please repeat what you said." Those statements are deep denial. Yes, our mind wandered. It wandered when we were supposed to be listening deeply to a client. Would we willingly fail to serve our clients? What about when our mind "wanders" in the midst of a conflict with our spouse, partner, or child? We say, "I'm sorry, I was thinking about something else," or "I have a lot on my mind today," or "I got distracted." Each statement is actually a lie. How often each day does that occur? In our culture, we do not recognize that we have little control over our minds; rather, our monkey minds control us, most of the time. Meditation practice brings this recognition, this insight. It ends our culturally approved self-delusion. Only then can we begin to have small moments when we are in charge of our mind, when we can tell our monkey mind when it appears, "Thanks for sharing. Now I am returning to where I actually am, rather than to what you want to think about." Only then do we have even a chance to experience authentic being. Only then do we have a chance to bring peace into the room.

What we often call thinking is overrated because it is automatic and out of our control. With growing awareness from a dedicated meditation practice, we can distinguish our automatic thinking. We recognize its invalidity and the harm it creates in our lives. Only then are we able to use our minds, rather than our minds using us. We begin to expand our capacity to think clearly—think without a wandering mind, distinguishing our automatic thoughts from original thoughts. We learn to think when it is appropriate to think and to listen with full and deep presence when it is appropriate to listen. The arts of mediation and meditation begin to emerge.

Now—Where the Transcendent Meets the Familiar

There are certainly other ways to develop presence. Mindfulness Meditation is only one way. It is a way that has allowed me, from time to time, to experience the awesome quiet, the awesome heart of being. I commend it to you . . . now. Now is where the

transcendent meets the familiar. The practice of mediation and meditation allow us, if we choose, direct experience of where the transcendent meets the familiar. What if we could reliably access those "magic moments" in mediation? What if we had insight into the subtle distinctions of being as presence? What if we were reliable for bringing peace into the room, for being peacemakers? Walking this pathway is to live a life worth living. Now is the only time to begin. Where is your mind? Where is your breath? Right now.

Cynicism and Futility: The Twin Pillars of Our Culture

Gandhi is often quoted as saying, "Be the change you wish to create in the world." One response to such a stirring aspiration is to dismiss it as impractical idealism—noble certainly, but irrelevant and impossible in our postmodern world with its intense demands on our time and energy. A second response is to believe that fulfilling such an admonition is only for the rarefied few—Gandhi, Martin Luther King Jr., Mother Teresa, the Dalai Lama, Black Elk, St. Teresa of Avila, Jelaluddin Balkhi Rumi, Rabia of Basra, Meister Eckhart, Shakespeare, St. Catherine of Siena, Mirabai, and other extraordinary human beings. Both responses are utterly disempowering of any personal or professional development. The implication is clear. I am who I am. The world is as it is, always has been, and will be. Real change is impossible.

These two attitudes are, in fact, classic retorts to life's challenges. They quash individual and global human development. We see a towering mountain and turn away with cynicism or futility. The summit is irrelevant or impossible—ironically the same barriers we mediators and our clients use to ignore and avoid resolving conflict. Cynicism and futility seem pervasive in our postmodern culture. How else to explain extraordinarily blatant corporate and political fraud, ever-decreasing voter turnout, denial of the impact of our growing environmental degradation, a debased and sexually focused

entertainment industry, racism, ethnic wars, sexism, homophobia, child abuse, the growing and ignored gap between rich and poor, a bought-and-paid-for political system focused on narrow self-interest instead of the majesty of our Constitution and Bill of Rights, and decreasing worldwide humanitarian aid in the face of desperate need? The list is long and rapidly growing.

Sheltered by cynicism and futility, we allow our denial to grow. We can focus on "getting ours," forgetting that the smaller the world becomes, the more the ancient wisdom—that we are one, interconnected in a great web of life—becomes practically relevant and not just epistemologically sound. Terrorism, plagues such as HIV-AIDS, and environmental degradation are here to teach us our interconnection, but so far we are poor students.

As mediators, we often confront cynicism and a sense of futility in our clients, as they confront what appears to be an impossible mountain of conflict that is outside their control, forced on them by another. We are limited in our ability to help these clients by our reluctance to release our own cynicism and futility—our fear of climbing the mountains of conflict in our own lives.

What if, instead of seeing only the mountain and the summit, we were able to distinguish the numerous plateaus and overlooks, valleys and ravines, streams and waterfalls, trees and shrubs that combine to create the mountain? The summit may be unattainable from our perspective at the base, but that first ravine appears to lead to that craggy overlook surrounded by red-leafed maples. I wonder what I could see if I sat by that waterfall?

The Contexts for Practicing Mindfulness Meditation and Mediation Are the Same: Being Is Presence

As we seek to unfold the dense mass of apparently impenetrable conflict our clients present in mediation, we know that the pathway crystallizes whenever we break down a challenge into smaller components, whenever we create previously unseen distinctions.

Gandhi admonishes us to be, not to do, or even to become. What is the distinction of being? Most of us recognize it when we see it, but the pathway—the subtle distinctions—remains a mystery. We misunderstand Shakespeare's famous, "To be or not to be, that is the question." For the same reason, we often dismiss presence as charisma, an innate quality that few of us have.

When one is being, others experience presence. Being is presence. Charisma is not necessarily being. Actors can project charisma. The distinction is authenticity, and we can be fooled. We can be taught to project charisma, as a skill or technique. Like many techniques, it is easier for some than for others. We cannot be taught authenticity, as a skill or technique. We can develop authenticity, but what is the developmental path? If there were no pathway, then we could not develop those personal qualities that call forth authentic presence. Those of us who have not learned to project charisma or who prefer authenticity would be doomed to cynicism and futility.

The absence of a pathway is not the problem. In fact, there are many pathways. Few, however, are willing to discover and then walk them far enough. Gandhi did not urge us to "be the change" to call forth even more cynicism and futility. He was urging us toward our highest potential as human beings. Unfortunately, for our postmodern, have-it-all-right-now culture, all such pathways are difficult, requiring dedication and commitment over time. Paradoxically, all pathways are also simple and clear. They can only be discovered and walked right now.

Being does not occur in the future. It always and only happens now. Similarly, development, both personal and professional, does not happen in the future. It only happens now—in this moment as you are reading these words and in the next moment and the next. As we allow our focus to move from the future to now, from the past to now, we slow down the pace of life. We see not only the summit, the Gandhian admonition, our clients' and our own conflicts, but also the pathways to the top, the challenging but not impossible

steps of development, the distinctions within a conflict that lead to its resolution.

Being is not singular. An oak tree has no aspirations of becoming a maple, nor a rose an orchid. Only we humans lose ourselves in the futility of comparison leading inexorably to the suffering of becoming—becoming someone we are not. By contrast, being takes great joy in the multiple diversity of creation, with its numerous styles, countless techniques, and vast knowledge. Doing founders on the fundamentalist zealotry of one "right" approach. The efforts to define mediation as only possible through a single style, technique, or theory all miss the mark of what is the fundamental source of developing the ability to bring peace into the room. Being opens the heart to compassion and inclusion. There is no single path to the summit. Yet all paths lead to the summit. Conflict resolution soars through being.

Being is grounded in practice. A disciplined, committed practice of almost any kind benefits from being, and being expands practice. There are numerous ancient spiritual practices, which our postmodern world is beginning to embrace. My own inquiry into what it takes to develop the personal qualities that culminate in being has led me to explore many practices. My exploration is over, and I focus on Mindfulness Meditation. Although I can strongly endorse the practice and, as I have explained, in particular its relevance to mediation, I do not advocate it. I do, however, encourage adopting some daily practice, especially for anyone who is or aspires to become a conflict resolver. Develop a daily practice that encourages awareness of being, be it walking along a seashore, reading poetry, or spending time in silent meditation.

The development of being, as Gandhi said, leads to change. Likewise, change can lead to the development of being. Change takes place through time, but not within our cultural fixation on linear time as the only temporality; rather, it is within a developmental temporality that transcends and includes linear time. Time is rapid when it lives in a single dimension. Time slows down when

we distinguish its multiple dimensions. Being unfolds as we sharpen our awareness of relational time, circumstantial time, reflective time, visionary time, integrative time, and, above all, eternal time. The time famine within which we typically live pulls for an excess of doing and blocks our openness to the developmental temporality that change requires (Eberle, 2003).

Both who we are as conflict resolvers and the process of conflict resolution are distorted by our cultural reduction of temporality to the single dimension of linear time. A consistent and focused inquiry into the nexus between our personal qualities as dispute resolvers and what happens in our practice is enriched by developmental time and the change in our being, which that temporality unfolds.

Being Is Presence: Creating a Life Worth Living

Gandhi's life and his admonition exemplify the power of intention, of focus, of commitment toward an ideal as the essence of what it means to live a fulfilled life. Idealism, grounded and balanced by clarity of vision, is the antidote to cynicism and futility. Aspiring to unfold one's being as a gift to oneself and more profoundly to everyone else in one's life links us to the highest idealism for our practice of conflict resolution. As our field gains wider acceptance by the mainstream culture, we must nurture idealism within ourselves to avoid the fate of most of our professions of origin. I firmly believe that the practice of mediation and other forms of conflict resolution cannot be both fulfilling and limited to the skills and techniques we learn and practice and the knowledge we acquire along the way. So limited, our practice becomes work, rather than a profession. When it includes an intention to nurture idealism by developing being, it becomes a calling.

G. K. Chesterton once quipped, "Angels can fly because they take themselves lightly." Perhaps because we are so heavy, we learn meditation and mediation by sitting and sitting. Knowledge and technique are heavy. More knowledge and technique are even heavier. Being requires emptiness, which founders on the rocky shoals of knowledge and technique, especially the right knowledge and technique. Hubris is heavier still. Those of us with degrees and experience and wisdom and especially recognition from others find it difficult to empty ourselves.

Thus the pathways of being are rarely discovered or followed to completion. The walk is lonely, leaving a life such as Gandhi's as a rare jewel—not because being is only granted to a few or because the pathways are unknown. Our times and our choice of profession, in my view, call for something more from us than more knowledge and technique. The world is desperate for peacemakers. Regardless of how far we walk up these ancient pathways, each of our lives is nonetheless a rare jewel. Choosing to polish that jewel sheds more light in our own lives and in the lives we encounter along the way. We may never face conflict at the level addressed by Gandhi, but the conflicts we face are no less life-altering for our clients. Imagine the potential of our collective impact on bringing peace to our planet, one conflict at a time.

For the sake of our children and the world we leave as our inheritance, I advocate commitment to a practice that develops being. My own commitment to Mindfulness Meditation practice and the inquiry it requires arose from my struggle with monumental conflict—my clients and my own. I offer this chapter as encouragement for choosing to awaken being, to stand for the ideals that are inherent in becoming peacemakers and thus to become the change you wish to see in the world.

Reflective Practice Questions

1. What connections do you see between a regular practice that focuses your attention on being rather than on doing and your ability to develop the personal qualities to which you aspire?

2. If you have a regular practice or discipline, what value does it bring to your life and your work as a dispute resolver?
3. What are the personal qualities that you aspire to master, and what practice or practices could you undertake to develop those qualities more fully?

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