

Culturally Competent Compassion in Mediation

What does culturally competent compassion mean? Is it knowing when and to whom, male or female a hand should be offered? Does it mean knowing when to talk and when to be silent? Is this about keeping face and not humiliating yourself or others? Cultural competence is being aware of one's own world view, and being sensitive and respectful of the world view of others, whether that is a group or organisational world view or personal to the individual. When placed in the context of compassion we bring in the concept of suffering and the wish to relieve that suffering. How that suffering is identified, and how that relief is practical is very much like beauty, a paradox; in the eye of the beholder as well as an objective reality.

Compassion is the 21st century buzz word, and so is suffering. Science, medicine, education and Psychology have taken compassion on as a research and teaching subject drawing on the ethics of compassion as well as the cultivation of the practice. When it comes to the law, Magistrate Michael King writes in *"Compassion and the Courts: The Evolution of an Institution"*

"Arguably the form of compassion exercised in taking a solution-focused approach to court practice involves a deeper and more meaningful form of compassion than can be expressed in conventional judging. Instead of feeling concern for a party's suffering and the court taking action such as making some accommodation in court process, orders or reasons in an endeavour to improve the party's situation, it involves empowering, encouraging and supporting parties to take responsibility for changing themselves, addressing their underlying issues and thereby removing the basis for their suffering".¹

Michael King reviews compassion in the judicial system within a spectrum. At one end compassion is hidden behind intellectual arguments, whilst at the other end, compassion can be easily seen as an active agent of community peace. Justice by its very nature relates to suffering and for many people the personal response to suffering has been compassion. It could be said that this was the calling for mediators. An awareness that a hidden element of compassion was not enough and pursuing justice with an active open endeavour offered a more satisfying outcome. One of the leaders of the Mediation profession, one of the forefathers that brought peace making into an academic study was Adam Curle. I met him in Australia in 1989 at the first Conflict Resolution Conference held in Sydney. Everyone who met Adam was struck with his humble nature within his austere physical appearance. He looked like a statesman, A tall strong man of confidence yet at the same time, emanating such a humble communication in his words, his gestures and above all in his awareness.

..... the most important aspect of mediation, as of other forms of peacemaking, are attitudes of mind, particularly respect, concern and

compassion for all other human beings...What is needed, and is always needed by all of us, is the fullest possible development of our humanity, our potential as human beings. This means becoming able to escape from the mindless automatism that governs so much of our lives, from senseless worries and fears, from ego cherishing and irritability, from vanity, from illusions of guilt and badness, from belief in separate existence.” As Curle notes “Ahead lies the vital question of how these largely inward developments can be made applicable within the framework of appropriate policies and structures: legal, social, economic and political.”²

Developing ourselves and supporting that development in others towards peaceful relations lies at the heart of mediation. Adam was the torchbearer of making this distinction of the role, articulating the challenge of knowing how and when to bring compassion into the practice of mediation. We have now, with the insight of science a framework for understanding the dynamics of how the shifts and challenges work. Neuroscience tells us that we are not just flexible in our development in both our physical and mental nature for the first 7 years or childhood, but that the very makeup of our neurons and nature is plasticity, a flexible adaptable nature. So when we are finding ourselves in a fixed mindset, this is not the full story of our capacity or the capacity of others. Our role in mediation is to be aware of the context that lies behind this fixed mindset and endeavour to pursue ways of decreasing the frustration, empowering the possibilities for compassion to be realised. Not an easy task when there is imbalance of power. Compassion here means coaching and addressing the imbalance.

This is where the cultural aspect requires competence. In some cultures power imbalance is taken for granted as acceptable and appropriate. Culture is often seen as reality. This is how it is, was and will always be. At this point we can bring in an historian of our time, Yuval Noah Harari, who gives an antidote to the confusion of fiction and reality. Harari suggests we offer a test for suffering.

“If it can suffer, it's real. If it can't suffer, it's not real. A nation cannot suffer. That's very, very clear. Even if a nation loses a war, we say, "Germany suffered a defeat in the First World War," it's a metaphor. Germany cannot suffer. Germany has no mind. Germany has no consciousness. Germans can suffer, yes, but Germany cannot. Similarly, when a bank goes bust, the bank cannot suffer. When the dollar loses its value, the dollar doesn't suffer. People can suffer. Animals can suffer. This is real. So I would start, if you really want to see reality, I would go through the door of suffering. If you can really understand what suffering is, this will give you also the key to understand what reality is.”³

We can all benefit from this reality check. In an age where fiction is often mistaken for reality, it is worthwhile to sincerely ask the question; what is really at the heart of this mediation?

¹ Michael S. King Chapter Compassion in the Courts: The Evolution of an Institution in the book Conversations On Compassion Michelle Brenner 2015 Amazon.com

² Reno Wadlow review in TMS: Adam Curle: Tools for Transformation, Hawthorn Press, 1990
<https://www.transcend.org/tms/2014/03/adam-curle-tools-for-transformation/>

³ Ted Dialogue Nationalism vs Globalism A New Political Divide
https://www.ted.com/talks/yuval_noah_harari_nationalism_vs_globalism_the_new_political_divide/transcript?language=en

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