



THE ROLE OF EMPATHY IN CONFLICT RESOLUTION

By: David C. Solinger Lawyer/Mediator/Arbitrator

This article is directed to those seeking an added perspective in viewing, experiencing and resolving conflict

Empathy is the capacity to recognize emotions that are being experienced by another being.

Empathy has many different definitions that encompass a broad range of emotional states, from caring for other people and having a desire to help them, to experiencing emotions that match another person's emotions, to knowing what the other person is thinking or feeling, to blurring the line between self and others. ⁽¹⁾

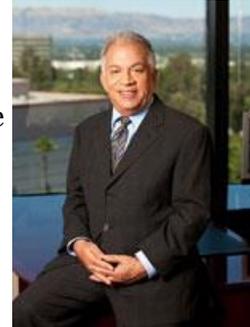
Empathy involves understanding the emotional states of other people. Empathy may be characterized by feelings in one's body or a sense of knowing what another is experiencing. The ability to imagine oneself as another person or what another person is feeling is a sophisticated imaginative process. However, the basic capacity to recognize emotions is probably innate, and may be achieved unconsciously. ⁽²⁾ To understand and embrace empathy will assist in our collective ability and willingness to resolve conflict.

Psychology Today describes Empathy as the experience of understanding another person's condition from their perspective. One places themselves in another's shoes and feels what they are feeling.

Sometimes, the best weapon to have in a dispute resolution arsenal is a little empathy. Like it or not, conflict is a shared voyage by participants that requires work to undo past experiences and events. The odd corollary of empathy is that by thinking of others we are really helping ourselves. It is a simple concept and may be difficult to embrace for those engulfed in conflict.

Something connects all of us as members of the human race. In conflict and its resolution participants in mediation share in some way, either positive or negative, a common journey. For many that journey is arduous. How to extricate oneself from that journey may be assisted by extending a simple benefit of the doubt to the other party to "our collective" controversy. How much do we want to be done with this conflict? Have parties become so wed to the action of conflict that life without that conflict seems bare and un-noteworthy?

Feeling just a few minutes of empathy might free parties from their own worst enemy-themselves. Are we willing, even for a few minutes, to experience others from inside their own skin? For a business many times a mediated resolution comes down to simply a decision about money. Nevertheless, litigants and entities involved in conflict by necessity have human decision makers who have the ability to feel as well as empathize as part of their evaluative process. A moment of empathy may be the X Factor to the resolution of a dispute because it results in our taking a leap into the world of someone else or some other entity. Each of us potentially becomes a problem solver.



"Experiencing others from within their skin" can make all the difference in the world when it comes to creating a life without the conflict. (3) How blinded are we by the path of conflict that we cannot embrace a path of resolution?

Self-reflection and hard work may help us reach a mediated resolution. We must **be in the "NOW"** and not hold on to past grievances or events that present obstacles to resolution. **Removing the idea of a perceived winner and loser** and placing our egos a bit farther from the center of the room will remove additional impediments to resolution. **Openness to possibilities** can ignite a fearless trust in the resolution outcome. (4) **Treating all parties to the conflict with dignity and decorum** provides an enormous field of opportunities in conflict resolution. To be able to experience others from within their skin is challenging and filled with possibilities for a life filled with promise if we have the courage to do so.

Recently when I informed a seasoned and well respected litigator that I was working on an article on the role of empathy in dispute resolution I was met with respectful spontaneous laughter. I was not surprised. However, allowing oneself to experience empathy may very likely melt that skepticism away, when results and settlements are achieved. It is certainly worth a try.

For the readers of this article, including litigators and mediation participants alike, I ask for your help and active participation in working through the conflict and a willingness to explore any and all possible avenues of resolution. It is not too much to ask that each of us involved in conflict and its resolution extend the benefit of the doubt to all participants in this process, even if just for a short time. The results may be surprising, satisfying and even astounding.

1. Hodges, S.D., & Klein, K.J. (2001). Regulating the costs of empathy: the price of being human. Journal of Socio-Economics.
2. Happiness Genes: Unlock the Positive Potential Hidden in Your DNA, New Page Books (April, 2010)
3. Michael Carroll How Empathy Paves the way for Innovation from Fearless at Work by Michael Carroll, © 2012 by Michael Carroll.
4. Michael Carroll from Fearless at Work by Michael Carroll, © 2012 by Michael Carroll

David Solinger is a Lawyer/Mediator/Arbitrator in Southern California at David C Solinger, a Professional Law Corporation.
He may be contacted at (213) 943-1383, via email at david@solingerlaw.com, and through his web site at www.solingerlaw.com.

Please contact me if I can be of service to you in any way.

David
david@solingerlaw.com
213-943-1383
www.solingerlaw.com