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Mediation, Arbitration and Business Dispute Services

THE BUSINESS OF KINDNESS

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Last year, someone did the kindest thing for me. I was visiting some friends at their mountain home. We embarked on what was to be a 15-minute walk. Always up for exploring and a challenge, I scrambled up a huge chute of boulders. When I decided it was time to go back, I thought I saw another way out. Before I knew it, I was stuck. Stuck on the side of a mountain on earth that felt like sand slipping hundreds of feet below. For the first time ever, I was scared. I decided that my husband and friends should call Search and Rescue.

After a long wait, I decided I had to try to slide down in stages to get out on my own. And I succeeded. Enduring the anger and disappointment of my husband and friends, I ran down the trail and out to the parking lot, where I found a fully-equipped six-member team ready to mobilize.

I started pouring out my apologies – “I broke every rule in the book. I’m so sorry I worried and infuriated my husband and friends. I’m so sorry I made you leave your jobs for your volunteer rescue work. I’m embarrassed, ashamed, and know better.” At the end of my stream of contrition, one of the team members simply said, “In other words, you’re human.”

I can't think of any greater kindness in that moment. It changed how I remember the experience – with less shame and a big lesson. That act of kindness gave me a powerful understanding of how my actions affect others. And, of course, another great adventure story.

1. KINDNESS AS A BUSINESS SKILL

Small acts of kindness have enormous impact in ways we cannot even imagine. Noticing and practicing these skills are necessary for business people, lawyers (and anyone really) who are expected to cultivate relationships to generate revenue, demonstrate successful teamwork, and “win” the case or negotiation.

Fundamentally, in all contexts, we are on an eternal quest to determine how we can ***engage meaningfully and successfully with other people***.

No problem, global, local, or individual, can be resolved by a specific strategy or policy. I do believe that resolutions are gradual and deeply personal, on a one-to-one and day-by-day journey. And I contend that this journey can be enhanced by “kindness.” So do countless scientists, psychologists, human resources professionals, business advisors, and educators, among so many more.

The practice of kindness is not a “soft skill.” These days, computers can do what we once thought only intellectually elite humans could do. But only humans can create human connections. And business is all about relationships, right?

2. WHAT IS KINDNESS?

Kindness is ***intended to benefit another, without expecting anything in return***. People value kindness, both in receiving it and giving it. Even though working people may use this skill to enhance relationships to their own benefit, the benefit of prioritizing the other person is a “bonus” outcome. Interestingly, the more we study the practical effects of kindness, the more it appears that ***people have belittled its importance in business, politics, and most relationships***.

3. WHAT'S THE PROBLEM?

In our interactions with others, I think **we have become too quick to infer – or assume – or even look for – malevolent intent, agenda-izing, others' self-centeredness, or others' disrespect.** For 22 years, the Edelman Trust Barometer has conducted an international global survey of more than 36,000 participants in 28 countries. They report societal indicators of trust among business, media, government, and NGOs.ⁱ The 2022 report concludes that **distrust is the new default.** “Edelman’s data found only one-third of the world believes most people can be trusted, fear of fake news is at an all-time high (76 percent), and globally more than half (51 percent) of respondents in the countries studied do not believe their families will be better off five years from now.”ⁱⁱ *And 64 percent agreed that people lack the ability to have constructive and civil debates about issues they disagreed on.*ⁱⁱⁱ

4. HOW DOES “KINDNESS” HELP RESOLVE OUR PROBLEMS?

A. Kindness – Giving, Receiving, or Even Just Seeing or Hearing about It – Is Good For You.

Science has demonstrated that kindness improves your health and well-being. Whether we are the giver or the receiver, or if we just observe other people doing kind things, we are more motivated to be kind ourselves. This is the **contagious nature** of kindness.

Kindness actually:

- Increases the production of Oxytocin, often referred to as the “love hormone,” which improves strength, energy, calmness, blood pressure, self-esteem, and optimism
- Stimulates the production of serotonin, a natural anti-depressant
- Produces endorphins, a natural painkiller^{iv}

Pleasure and reward are even greater when you have an idealistic attitude and expect others to be kind.^v

In 2021, a team at the University of Sussex in England conducted a survey of more than 60,000 participants in 144 countries. It was simply called The Kindness Study. Researchers concluded, among other things, that kind acts are very common; in fact, two-thirds of responders said the pandemic has made us kinder. It is noteworthy that the top reason that responders do **not** do something kind is that they are afraid their kind act would be misinterpreted. ^{vi}

B. Small Acts of Kindness Pack More of A Positive Punch than You Think.

In a study published in the August 2022 Journal of Experimental Psychology, researchers concluded that those who perform acts of kindness systematically underestimate their positive impact on recipients. Recipients' positive reactions are boosted by the warmth conveyed by a kind act. Givers, however, are relatively insensitive or unaware of the warmth conveyed by their kind acts. Givers' underestimated expectations also lead to underestimating the "contagious" effect of kindness, that is, underestimating the chain reaction of kind acts spreading widely as a result. ^{vii}

These are important conclusions because underestimating the positive impacts of small gestures can act as barriers to making human connections, and thereby inhibit wider positive social, political, and religious interactions.

C. We Are More Attractive and Approachable When We Are Kind.

Kindness allows – or forces – us to remove a mask of invincibility, eminence, and superior expertise to reveal more of our souls and demonstrate vulnerability. The image we like to project is elevated and dignified, not to mention powerful. But we all have fears, and we all feel weakness, uncertainty, and, at times, "less than" others. Showing that we are vulnerable is extremely endearing and relatable. In mediation, every single participant wants the mediator to understand what they are going through.

Kindness is not weakness, and it is not niceness. It is bold and risky business.

In his book, *Love Kindness*, Dr. Barry Corey describes a life of kindness as “a life with a firm center and soft edges.”^{viii} This is a valuable that demonstrates that we can stay true to our core convictions, but at the same time be more open and more accepting of others, including those who disagree with us on core values and fundamental issues. Having a “firm center with soft edges” reveals our strength in accepting that they are there and our ability to figure out how to communicate without denigration.

5. OK, IT’S WORTHWHILE TO BE KIND. HOW DO WE LEARN?

A. Learn and Practice HUMILITY.

Everyone is wrong about *something*. We just usually do not know what it is that we are wrong about. Maybe a little **humility** is in order. Researchers are increasingly finding that “intellectual humility” leads people to be more curious, to be more liked as leaders, and to make more thorough and informed decisions.^{ix}

B. Replace Judgment with CURIOSITY.

Most people have to concede that as individuals, we do not and cannot know everything, not even enough to justify all of our opinions and beliefs. Curiosity requires us to accept the discomfort of *uncertainty* as well as the fact that we *rely on others* for information and to form our opinions.

Suspending judgment and asking questions takes *courage*. An inquiring person is more likely to discover commonalities with others than a person who fears asking questions or may otherwise feel insecure engaging with others they do not already know. As with most strength-building, we need to consistently practice “exercising our curiosity muscle.”

C. How to Develop Humility and Curiosity.

There are endless how-to’s for developing humility and exercising your curiosity muscle. Here is a short list:

1. **Cultivate awareness** of those around you. Consider the impact of small acts you may think are inconsequential.
2. Realize **everyone has secrets, burdens, fears, and insecurities**, not just you. We all have problems, big ones. Even the worst among us. Especially the worst among us.
3. Work on developing **optimism, idealism, and an expectation that others will be kind**. Remember that kindness is contagious and triggers physical reactions that encourage optimism.
4. **Keep in mind that the energy we use in clashing with others is usually self-destructive**. Personally, I'd rather conserve my ever-dwindling energy than waste it on a fight.

About 35 years ago I miraculously cured myself of road rage. After someone cut me off one day, it occurred to me that the likelihood that every person who cut me off could not possibly be a self-centered jerk. What if that person is rushing because of an emergency, or is just distracted, sad, angry, late, or merely oblivious?" We have all been *that* driver.

Every time someone zips into my lane, I say to myself, "It's his turn to be frazzled. It doesn't matter." Because I'm giving someone the benefit of the doubt, I'm trying to help, and I'm cooperating, *I* relax. *Isn't it incredible that you can take an experience that normally makes your blood boil and turn it into a relaxation technique?*

6. BEWARE OF THE RISKS OF BEING KIND.

One reason kindness requires courage is that kindness is not a utopian, fail-safe technique to fix the world, or even a single relationship. Our attempts to be kind **will be** misinterpreted and rejected at times. Do not worry. True kindness does not expect a thank you or an acknowledgment or recognition. It's not about you, especially if you realize that **we are all** part of the problem.

7. MOVING FORWARD

If we can avoid our rush to judgment, have the courage to say I don't know or I don't understand, and ask questions, we can radically change our ability to engage meaningfully and successfully with other people, one at a time. Treat every interaction with an adversary or antagonist as an exploring

adventure. Be conscious of the big lesson from my Search and Rescue debacle: Almost everything we do affects others in some way.

Summoning the courage to be kind takes **intention**. It is just like any other business skill that is taught in school, observed in “successful,” highly revered professionals, and targeted to help all of us to meet our goals. Whether it is considered a skill or a quality, people can “learn” kindness. Because kindness is intended to benefit others without expecting anything in return, the unexpected benefits to the actor compel a conclusion that kindness provides added value in any business (or personal) transaction.

ⁱ <https://www.edelman.com/trust> – Mission: “To provide strategic communications counseling and programming which enable our clients to build strong relationships across stakeholders, influence attitudes, inform audiences and shape behaviors with the potential to have a positive impact in our society.’

ⁱⁱ <https://www.edelman.com/trust/2022-trust-barometer/defaulting-back-trust> – *Defaulting Back to Trust*, Kirsty Graham, January 18, 2022.

ⁱⁱⁱ https://www.edelman.com/sites/g/files/aatuss191/files/2022-01/Trust%2022_Top10.pdf

^{iv} See, e.g., <https://www.mayoclinichealthsystem.org/hometown-health/speaking-of-health/the-art-of-kindness#:~:text=Good%20for%20the%20body>. See also, <https://www.dartmouth.edu/wellness/emotional/rakhealthfacts.pdf>

^v Sparks AM, Fessler DMT, Holbrook C (2019) Elevation, an emotion for prosocial contagion, is experienced more strongly by those with greater expectations of the cooperativeness of others. PLoS ONE 14(12): e0226071. <https://journals.plos.org/plosone/article?id=10.1371/journal.pone.0226071>

^{vi} <https://www.bbc.co.uk/programmes/articles/2zcD7zvfnkj6MKDgfhYTCBT/ten-things-we-learned-from-the-world-s-largest-study-of-kindness>

vii <https://psycnet.apa.org/record/2022-85307-001>

viii Barry Corey, Love Kindness, 2016, p. xvi

ix Tenelle Porter, Abdo Elnakouri, Tthan A Meyers, Takuya Shibayama, Eranda Jayawickreme, and Igor Grossmann, *Predictors and Consequences of Intellectual Humility*, 6/27/22. See <https://www.nature.com/articles/s44159-022-00081-9>

WHAT STRANGERS HAVE IN COMMON (You Can't Make this Stuff Up!)



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