

What About Mediators' Needs?!!

by [Thomas Fuchs, Linda Hendrikson, Kristine Paranica](#)

February 2002

As mediators, we feel a certain pressure to help parties meet their goals at the table, whether those goals are complex, simple, relational, situational, impersonal or interpersonal. In doing so, we hold a number of ethics or values close to heart, such as neutrality, confidentiality, non-bias/non-judgement. Though we try our best to maintain those ethics or values, there are times in every mediator's career where he or she felt that some aspect was compromised. The oddity is that we do not always know when or why it happened - it just did.

In training new and old mediators alike, we believe that awareness of our own ability to manage conflict and our ability to recognize and regulate ourselves as a result, is key to overcoming those moments of compromise. As mediators, we often hold ourselves to a higher standard, as though we are or should be unaffected by conflict via the profession or training. However, the human experience of conflict is natural, long-term and constant, even for us. We feel internal conflict as we fail to achieve various goals, like dieting or the ones mentioned above. We feel conflict toward inanimate objects and people who we don't know, as in the case of road rage. We encounter conflict with ourselves, other people, institutions, politics, values and the environment. The bottom line is that conflict is constant and natural, and not necessarily negative. It is the stuff life is made of as we make choices, decisions, and changes daily.

Contained within many current theories seems to be the assumption that we can only deal with conflict after it has happened, which assumes there are starting and stopping points. However, our human experience tells us that when we have a conflict, it can be difficult to determine the origin or the conclusion, and even when we think it's over, it often resurfaces. Although our lofty goal is to resolve conflict, it is unrealistic to believe that all conflict is resolvable. After all, as mediators we encounter conflicts that are not resolvable at the mediation table. We must begin to manage our own conflict more effectively and in so doing, we shall become better at our jobs.

We are very hard on ourselves as professionals in conflict resolution. We have been taught "separate the person from the problem," "don't get emotional," "use objective criteria." See, e.g., Fisher & Ury, *Getting to Yes* (1981). We have been taught to use good communication skills, creative thinking, empathic responses, all of which you may be able to do as a third party to conflict (i.e. as a mediator), but become difficult to utilize when you are engaged in the heat of a conflict. One of our spouses favorite come-back lines is "...and you teach conflict resolution?" The problem is that conflict often creates an irrational state for people and many of these theories require a rational state of mind and emotional stability to utilize the skills. See *Emotional Intelligence*, Goleman. When is the last time you used an "I feel" statement when you were outraged with your spouse, or managed to remain unemotional? Our real experience often does not lend itself well to the current theories, exercises or examples, unless, of course, we are a third party, untouched by the conflict.

Our Center works to develop personal awareness for our mediators and trainees. Some areas we explore include: What happens to me in conflict? Why? What are the "triggering" events? What makes them "triggers"? How do I respond? We have found that, by answering these questions, mediators can be more aware of how and when they might be triggered at the mediation table and can begin to formulate honest and appropriate responses. It is also true that our "triggers" change over time and we are not always aware of them. Thus, it is a lifelong journey we embark upon to become more clear, aware, sensitive and adaptable.

For example, perceived power imbalance is a triggering event that affects many mediators. We might know that it is a trigger, it certainly calls upon our social justice and equity values, but what we fail to understand is how it affects us. We believe that we have core identities such as "competency", "goodness", "worthiness of love", "autonomy", and many others. See *Difficult Conversations: How to discuss what matters most*, by Stone, Patton & Heen. If the issue of power imbalance affects our core identities, we can become triggered from our homeostasis [1](#), or comfort zone, and find ourselves in that uncomfortable, emotional, irrational place where conflict brings us. Once there, our ability to help the parties becomes diminished.

If power imbalances trigger our belief in what makes a good person or competent mediator, then, when power imbalances occur, they push those buttons and we react proportionately. We feel the urge to rescue the perceived victim, then find ourselves caught in the middle, as the perceived oppressor now feels like our victim and sees us as the oppressor. Our neutrality becomes compromised and we are triggered once again by this value conflict of how we define "good mediator" and/or "good person" or "competent person." There is also the fear or knowledge that this "balanced ground" we've attempted to create at the mediation table is not going to exist after the parties leave. Thus, there is that nagging question of whether our attempt to balance power makes the outside environment less safe for either party, a thought that triggers us yet again.

This example is a rather obvious one and we find that the less obvious triggers take us by surprise and affect the manner in which we mediate, often again affecting our neutrality. Here in the Plains, there is the story about the mediator who had firm beliefs, based up his own experience, that the mother should always have custody of the children. Like all of us, he believed he could put those values, thoughts and beliefs aside and neutrally mediate a custody case. At some point in the mediation, he was triggered as the parties began to discuss plans that did not fit his values, and he became much more directive and forceful with his tactics. He was eventually 'caught' when he threatened to tell the Court that one or both of the parents were unfit, and the parents reported.

We are unsure how much truth there is to the story, and it certainly represents an extreme situation. However, the point illustrates just how far one mediator can go if, one, he or she lacks awareness, and two, he or she is unable to regulate their behavior and maintain their role as a neutral facilitator. Triggers like these, which seem rather mundane, can adversely affect the parties and our role as mediators. The effect can come in such subtle ways as suggesting options to the parties that "steer them in the right direction," or using body language or other subtle tactics to move them to a new issue if we do not agree with them.

The need to maintain rational, unemotional discussion in the room, or to use caucus as a tool when emotion becomes too high, is based upon our own discomfort with emotion, which becomes another trigger like power. Again, our inhibiting their need to display emotion can disempower the parties and the mediators.

Think back to the last time you might have stopped an emotional moment: what were you feeling; what were you fearing; what did you hope to accomplish? We believe that such actions have more to do with our needs and comfort levels than the parties', and so the focus shifts away from the parties to our needs as mediators. These actions can be disempowering, uncompassionate, and sometimes shaming for the parties. After all, if they have lived with the conflict this long, especially in family mediation, they know their patterns, they understand each other, they expect emotions. They intuitively recognize the role of emotion in reconciliation, understanding, forgiveness, and believability. They are comfortable with it. We are not.

The many standards that govern the mediation process are based upon a linear, rational, upper class, white male model that is less tolerant of emotion and of other cultures and the manner in which they display emotion or process conflict. See *Sitting in the Fire*, by Arnold Mindell. Our very use of these processes can trigger the parties, making them feel less successful and competent and more frustrated. The normal ways in which they discuss conflict (tears and all) are repressed by the process. Think back to the conflicts you've had with your spouse or significant other: How many were rational and unemotional where you only spoke one at a time? It is an ideal, perhaps, but not real.

Uncovering our values, ethics, beliefs and triggers is an empowering process. It gives us more strength of self. The more inner strength and knowledge we have, the greater our ability to be compassionate, understanding and empathic. Folger and Bush call this Empowerment and Recognition and we believe that it is the way in which we recover from conflict. See *The Promise of Mediation*, Folger & Bush, and *Designing Mediation*, published by the Institute for the Study of Conflict Transformation, 2001.

Mediators have empowerment and recognition needs as well as parties. We want to feel competent. We want to help the parties work through their conflict and meet their goals. We want to feel confident of our abilities. These are some of our empowerment needs. We also have recognition needs: for the parties to trust our skills and abilities; for the parties to see us as competent and compassionate; for our colleagues to respect us; etc... To believe that we do not also have these needs puts too great a separation between us and the parties and too much pressure on us to save the day or the parties.

As mediators, we enter into the life of the conflict of any party for only a brief moment in order to help reach some sort of understanding or resolution. The conflict has lasted sometimes years before we enter the picture, and even if parties come to solution, the conflict may never truly be over. However, we have made it our life's work to open our toolbox and help fix the problem, and when we fail to fix all of it, which we often do, we blame ourselves. This is the kind of nutty thinking that Ellis and Seligman talk about in their writings which undermine our confidence and abilities as mediators. See *Learned Optimism: How to change your life and your mind*, Martin

E.P. Seligman; How To Keep People From Pushing Your Buttons, Albert Ellis and Arthur Lange.

Once we recognize that the conflict has and will always belong to the parties, we can begin to let go of our control and our belief that it is ours to solve. We can begin to better assist them in reaching their own understanding of the conflict and developing their own solution respecting their needs, culture and abilities. Solid training that focuses on developing awareness about the mediator's needs, values and assumptions is crucial to our development as culturally competent mediators. Openness to learning and reflecting about our role, about who we are, and about how it can effect the parties at the table is essential and will lead us down the path to success as professional mediators and as fellow human beings.

1. **Homeostasis** is a term we introduced in our article written for Mediate.Com and for the ACR Conference in Toronto. In brief, it is the way in which we describe the comfort zone we perceive we live in, a band between peace and conflict. As we experience conflict (multiple triggering events or large and debilitating events), we begin to fall lower in our homeostasis or come out of it altogether. When we do, we experience all of the emotion and feelings of weakness and self-absorption that makes us appear incapable of solving problems or dealing with our world.