

“The Personal
Qualities of the
Mediator:
Bringing Peace
into the Room”



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Thesis

- Mediation’s untapped potential
- Importance of role boundaries and ethical rules
- Importance of learning from the study of human behavior
- Overemphasis on game theory and cognitive model of how people negotiate
- Mediator as village elder

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Why does mediation work?

1. People focus on the dispute simultaneously (“Sander effect”)



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Why does mediation work?

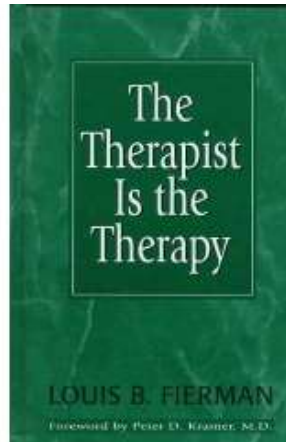
1. People focus on the dispute simultaneously (“Sander effect”)
2. Making a safe place for a difficult conversation



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Making a safe place for a difficult conversation

- Relationship
 - Louis Fierman



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Making a safe place for a difficult conversation

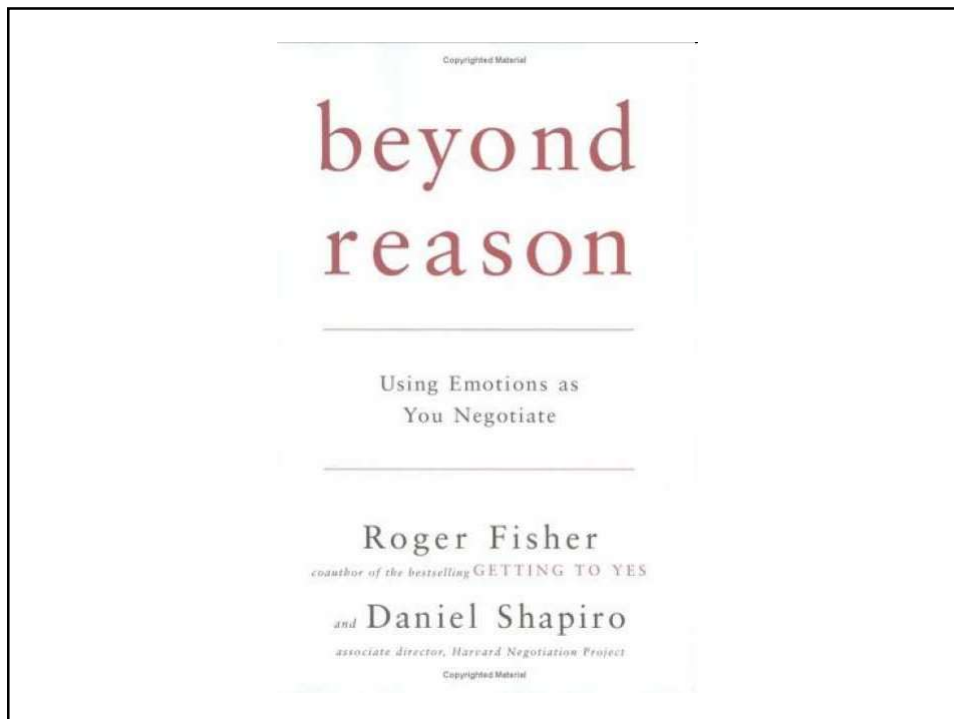
- Relationship (Louis Fierman)
- Modeling
 - Impartiality
 - Respect
 - Authenticity
 - Trust

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Why does mediation work?

1. People focus on the dispute simultaneously (“Sander effect”)
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3. “Day in court”: feeling heard, overcoming emotional barriers to settlement

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Validation

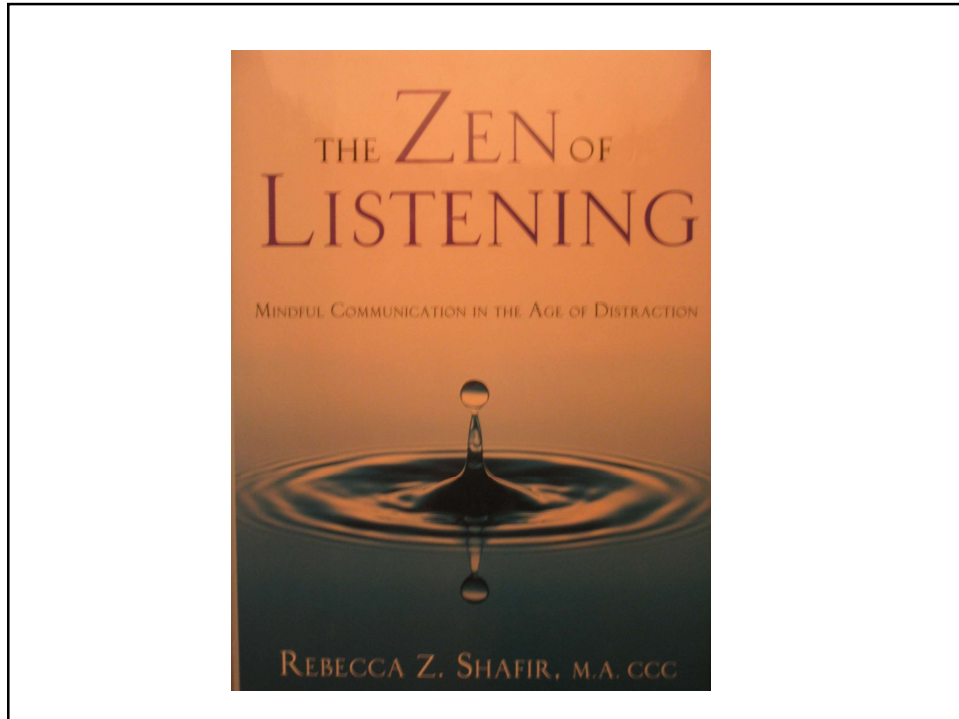
- Understanding core concerns (Daniel Shapiro & Roger Fisher, “Beyond Reason”)
 - Appreciation
 - Affiliation
 - Autonomy
 - Role
 - Status

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Validation

- Understanding core concerns (Daniel Shapiro & Roger Fisher, “Beyond Reason”)
- The Zen of Listening (Rebecca Shafir)

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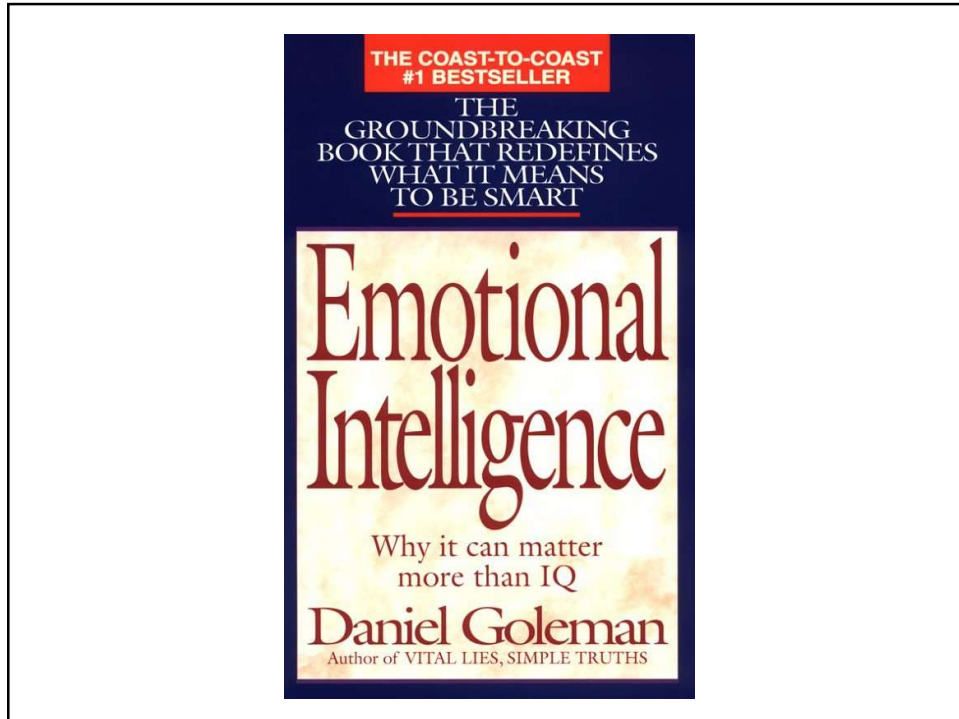


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Validation

- Understanding core concerns (Daniel Shapiro & Roger Fisher, “Beyond Reason”)
- The Zen of Listening (Rebecca Shafir)
- Emotional intelligence (Daniel Goleman)
 - Self-awareness
 - Self-control
 - Social awareness
 - Social control/influence

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Validation

- Understanding core concerns (Daniel Shapiro & Roger Fisher, “Beyond Reason”)
- The Zen of Listening (Rebecca Shafir)
- Emotional intelligence (Daniel Goleman)
- Validation = our ‘goodness’ being witnessed
 - Opposite of shame / blame = our ‘badness’ being witnessed

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4. Enhanced negotiations: focusing on interests and options, overcoming cognitive and strategic barriers to settlement

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Interest-based negotiation

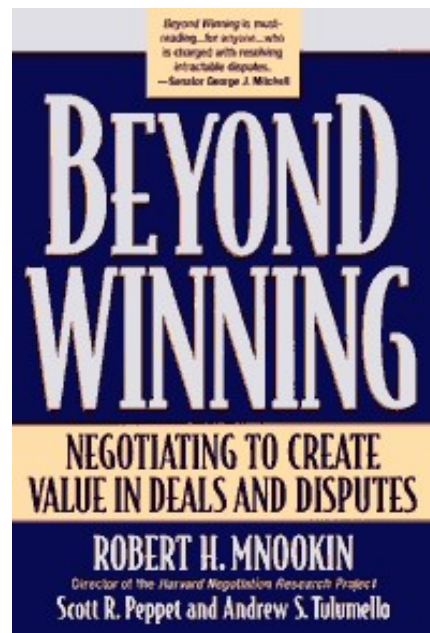
- Material interests (money, reputation)
- Non-material interests (relationships; acknowledgement and recognition; apology)

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Interest-based negotiation

- Overcoming cognitive barriers (e.g., cognitive dissonance, reactive devaluation) (Mnookin, et al., Beyond Winning)

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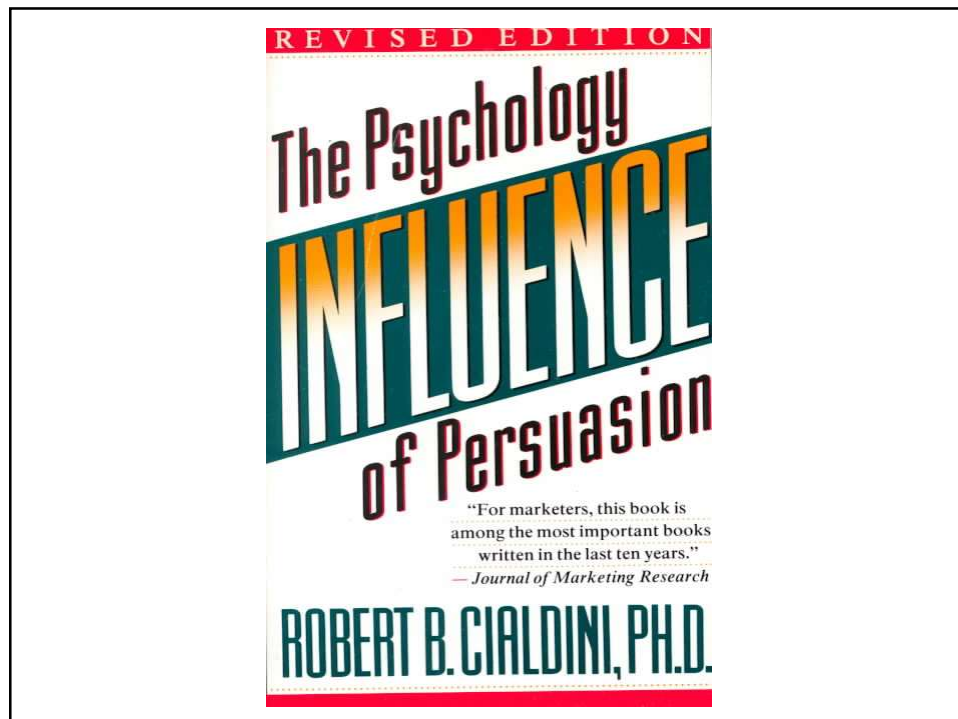


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Interest-based negotiation

- Overcoming cognitive barriers (e.g., cognitive dissonance, reactive devaluation) (Mnookin, et al., Beyond Winning)
- Influence (consistency, reciprocation, social proof, authority, liking, scarcity) (Robert Cialdini, Influence)

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5. The mediator’s presence (“Hawthorne effect”)

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‘Hawthorne Effect’



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Magnet and Iron Filings

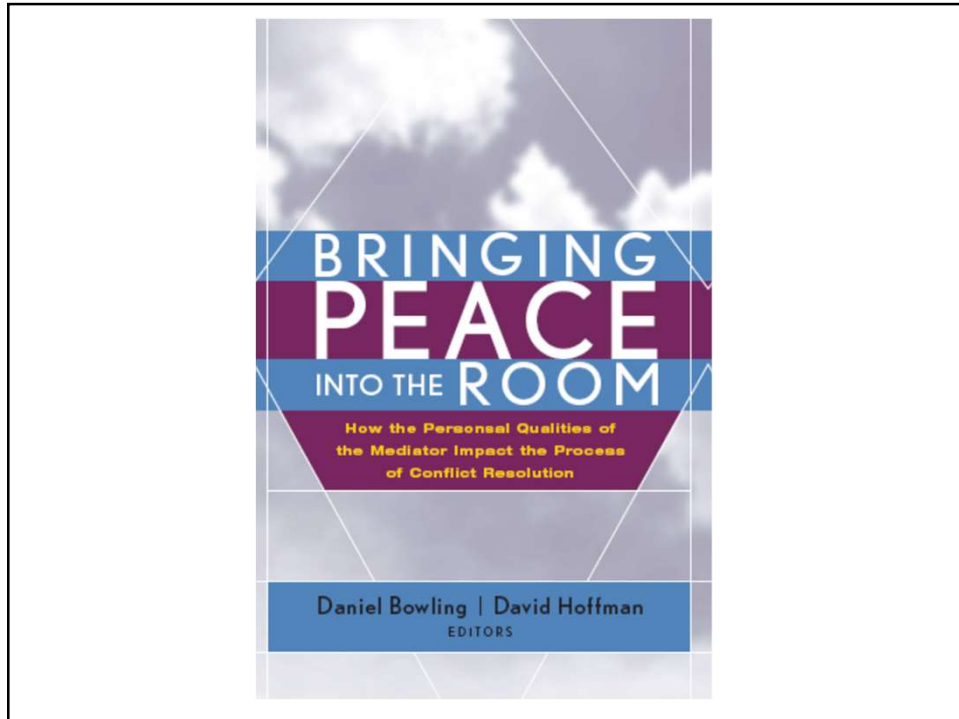


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Three aspects of the mediator's development

- Skills
- Theory
- Personal qualities

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Subtle influences

Communication: in Silent Messages (1971) Dr. Albert Mehrabian reports that the elements of communication carry these relative weights (at least from the recipient's point of view):

- Verbal (words) – **7%**
- Vocal (voice tone) – **38%**
- Visual (facial expressions & body language) – **55%**

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Subtle influences

- NLP (neuro-linguistic programming): effects of breathing, affect, speech patterning, metaphor
- Pheremones

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Getting centered

- Meditation, other activities
- Religious traditions (e.g., St. Francis Prayer)
- “To create peace, we have to be peaceful. The only way to be peaceful is to concentrate on what brings us peace and resist emotions that blame others for our lack of peace.” - Thich Nhat Hanh, Being Peace

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The Effects of Mindfulness Meditation:

In a recent peer-reviewed study of experienced Buddhist meditators at the University of Wisconsin, researchers showed that “cultivating compassion and kindness through meditation affects brain regions that can make a person more empathetic to other peoples' mental states.”

- *Compassion Meditation Changes the Brain*, Medical News Today, March 27, 2008,
<http://www.medicalnewstoday.com/articles/101812.php>

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These techniques don't work for everyone . . .

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*“We tried macrobiotics, we tried crystals, we tried meditation.
Finally, we tried divorce. That worked.”*

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Use of Self as an Instrument of Change

Perhaps the most powerful instrument we have in helping our clients navigate change is ourselves.

Our ability to use ourselves potently relies in large part on the level of *awareness* we have about the impact we make, and our ability to make *choices* to direct and modify that impact.

- Katherine Curran

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Conclusions

- Broaden our vistas (read widely, examine other realms of inquiry outside our own frame of reference)
- Incorporate the wisdom of others – from other disciplines and other paths
- Don't be afraid to deploy your own wisdom

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Questions?
Comments?

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Namaste

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