PARTY-DIRECTED MEDIATION

Facilitating Dialogue Between Individuals

Gregorio Billikopf



University of California
Agriculture and Natural Resources

Making a Difference for California



Party-Directed Mediation

Party-Directed Mediation: Facilitating Dialogue Between Individuals
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This book is dedicated to those who foment peace.

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Party-Directed Mediation

Facilitating Dialogue Between Individuals

(3rd Edition)

Gregorio Billikopf
University of California

University of California
Agriculture and Natural Resources

Making a Difference for California

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Agricultural and Natural Resources

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Preface

We live in a troubled world with conflicts near and far. Interpersonal issues play a large role in many, if not most, conflicts.

This book is primarily directed to mediators, facilitators, and helping professionals who assist others in managing deep-seated interpersonal conflict. Many of its concepts can also be of value to those who are seeking to better understand or solve their own interpersonal discords. Most of its key principles may apply to the management of intergroup conflict.

The objective of this book is to make the *Party-Directed Mediation* (PDM) approach more widely available to mediators.

In PDM, individuals are coached in a pre-caucus before the joint session.



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I introduce two original models to facilitate dialogue between parties—after having tested them very successfully in Chile, Africa, and the United States since the 1990s—hoping to make them available to mediators, facilitators, and organizational psychologists around the world. The first, *Party-Directed Mediation* (PDM), is an ideal tool for conflict resolution between peers. The second model, *Negotiated Performance Appraisal* (NPA), offers a valuable alternative for conflict management between supervisors and subordinates—in addition to being an excellent tool for improving communication between them. What we say about PDM throughout the book is also generally meant for the NPA.

Both models were developed in the agricultural industry, but their application can easily be transferred to all sectors of the economy. I have been encouraged to present them in a broader manner, without focusing on a specific industry.

The approach is simple: (1) mediators listen to and coach each party separately in a *pre-caucus* (or pre-mediation) before bringing them together; and eventually, (2) when disputants do meet in a *joint session*, the contenders address each other rather than the third party. The burden of solving the conflict remains with those who are most likely to be able to do so: the contenders.

Parties gain the skills that will permit them to solve future conflicts without a mediator. Furthermore, PDM is designed to allow individuals to *save face* and *preserve dignity* to a greater extent than allowed by more traditional approaches. Some ethnicities and cultures place a great value on *facework* (concepts of *kao* and *mentsu* in Japanese and *mien-tzu* or *mianzi* in Chinese) and so PDM is especially effective for resolving multicultural or multiethnic conflicts. The need to save face*,* of course, transcends nationalities.

More *traditional mediators* bring the parties into a joint session without employing a pre-caucus. In the joint session, contenders tend to address the mediator rather than each other. Also, in traditional mediation there is greater use of *caucusing* (in contrast to pre-caucusing), where parties are separated *after* the joint session begins).

A number of reasons have been advanced to defend the traditional method. The lack of pre-caucusing is mostly born of the fear that the mediator may collude with one of the disputants ahead of time. After all, in the traditional approach, mediators retain a position of power and can wield considerable influence over the parties by imposing solutions. They can often resemble arbiters more than mediators.

Despite its many advantages, pre-caucusing continues to be a potentially dangerous procedure (putting in doubt mediator impartiality) *unless* it is coupled with a joint session where parties are prepared to talk directly to each other with little mediation interference, as we see in PDM.

Traditional mediators—who continue to be wary of pre-caucusing, even as it is used in PDM—would benefit by employing skilled individuals who could provide parties with (1) needed *empathic listening* and (2) coaching in interpersonal negotiation skills. These services could be offered by someone *other* than the case mediator.

There are traditional mediators who also worry about caucusing too early or too often, and some would prefer to do away with any caucusing.

In *The Practice of Mediation*, for instance, Douglas N. Frenkel and James H. Stark argue that inexperienced mediators often fall into the trap of *premature caucusing*. This is unfortunate, the authors explain, because the parties do not benefit from the growth that comes from working together on challenges, hearing each other out, and sensing each other's humanity. As a result, such early caucusing "can interfere with some of the highest goals of mediation."[1]

As a compromise, providing listening and coaching pre-mediation services to parties would likely: (1) delay premature caucusing, (2) reduce the total amount of caucusing required, and (3) improve the communication between parties during the joint session and after.

In PDM, parties learn how to negotiate for themselves, so concerns about favoritism and collusion are all but eliminated. To date, I have not had to go into caucus while carrying out a PDM case—not that I am completely averse to the idea.



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More traditional approaches have parties address the mediator rather than each other.

Mediators are beginning to recognize that the traditional method is fraught with challenges. In *When Talk Works*, Kenneth Kressel explains that it is a "common theme in the mediation canon" to let parties tell their sides of the story in front of each other. Kressel goes on to share how destructive such an approach can be:

> Mrs. Smith would accept my invitation [to tell her side of the story] with relish, explaining that they were here because Mr. Smith was a worthless lout who cared nothing for his children or common decency and had been vilifying and humiliating her for years. For all she knew, he might also be an alcoholic and child abuser . . . She was in mediation by order of the court and was certainly willing to do her best to encourage Mr. Smith to "finally be a father" but was, shall we say, skeptical. Whatever the tonic benefits of this outburst for Mrs. Smith, for Mr. Smith and myself the results were clearly

> unhappy: he would be provoked into an apoplectic rebuttal and I into a dismal contemplation of other lines of work. Yes, I exaggerate. But only a little.[2]

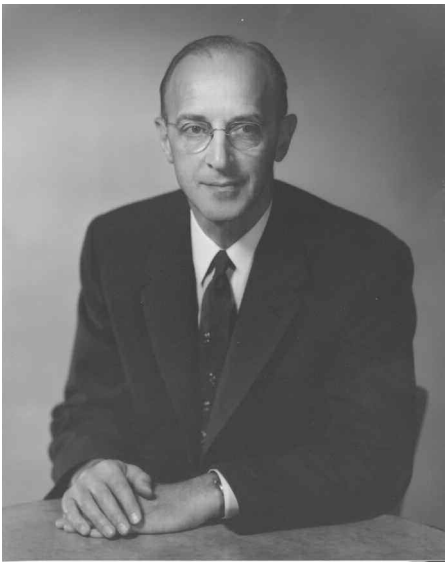
The contenders end up insulting each other in front of the mediator, and neither is able to save face. Furthermore, the mediator fails to keep the parties psychologically safe.

It has been said that "there is no new thing under the sun."[3] Since the publication of the first edition of this book in 2004, several models have come to my attention that make effective use of the pre-caucus, such as *victim-offender mediation*. Depending on the severity of the cases, victim-offender mediation may require months of pre-caucuses as incremental steps are taken to prepare the parties to meet in a joint session. Two excellent books, Dudley Weeks' *The Eight Essential Steps to Conflict Resolution*[4] and Mark S. Umbreit's *Mediating Interpersonal Conflicts: A Pathway to Peace,*[5] describe successful pre-caucusing.

I began work on PDM in California in January 1992 and on the NPA model during a trip to Uganda in May 1996. Over the years, there have been many important influences on the field of conflict resolution. I shall incorporate some of the key principles in the context of PDM. This book does not purport to displace other writings on the subject of mediation, nor is it a complete handbook on mediation. Rather, it introduces two models that have made positive contributions to the field and have helped empower affected parties.

Perhaps the contribution of PDM is the more explicit organization of mediation around the pre-caucus and subsequent joint session. Furthermore, while a few authors suggest parties face each other during the joint session, in PDM the neutral moves away from the contenders, underscoring the fact that a mediator is present to *facilitate a conversation between the parties* rather than to decide who is right.

It takes a greater leap of faith to prepare individuals to negotiate for themselves and then to step away, but this is precisely what strengthens the process and leaves no doubt that we are dealing with *mediation* rather than *arbitration*.



Carl R. Rogers Collection, HPA Mss 32, Department of Special Collections, Davidson Library, University of California, Santa Barbara.

Carl Rogers authored both the empathic listening and active listening models.

Another innovative contribution of this approach has been long-distance international mediation. Neutrals can work with less experienced co-mediators in another country. The seasoned mediator may listen in and assist from a different location because most of the difficult work is carried out during the pre-caucus. Much of the negative emotion is dissipated before the joint session. The reduced level of contention between the disputants in the joint session, furthermore, allows apprentice mediators to gain the needed proficiencies with more ease and under less stressful circumstances.

Now, let us briefly review the contents of this revised and greatly expanded 3rd edition. Chapter 1 provides a general overview of PDM. There we look at both the philosophy and the mechanics of this approach.

Chapter 2 focuses on one of the most essential skills needed by the mediator: empathic listening. Very briefly, it is listening that allows others to vent and at the same time begin to hear themselves. Empathic listening is *not* the same as the much better known *active listening*. In active listening the hearer attempts to echo the feelings or unmet needs of the speaker through *empathic reflection*—a tool especially helpful for responding rather than reacting when we are confronted by others (Chapter 4).

While I strongly favor the use of empathic listening—as a mediator's tool to help parties feel heard—some neutrals may well opt to substitute their own approach while using PDM.

Both of these listening approaches are based on the instrumental work of Carl Rogers. *Empathic listening* was described by Rogers in his renowned 1951 tome, *Client-Centered Therapy*.[6] Much of the subsequent work written about *active listening* seems to be based on a 1957 paper by that name, co-authored by Rogers and Richard Farson.[7]

Chapter 3 covers coaching and *challenging* disputants during the pre-caucus, and offers a good litmus test for knowing if the parties can safely proceed to the joint session. Chapter 4 offers *interpersonal negotiation techniques* to help parties prepare for the joint session—or alternatively, to deal with disagreement *without* a mediator. Chapter 5 details how to carry out a joint session.

Chapters 6 through 11 contain a case study: a dispute between Rebecca and Nora, based on a video transcription of their pre-caucuses and joint session using PDM. Nora and Rebecca were co-workers who had been involved in a conflict that had spanned over two decades at the time of the mediation.

Chapter 12 covers the NPA model, a practical tool to improve interpersonal communication between supervisors and subordinates. The NPA approach encourages speaking about issues that are usually avoided. The stated methodology is also proposed as an alternate model for supervisor-subordinate mediation and is therefore a fundamental part of this book. Chapters 13 and 14 contain transcripts of portions of several NPAs. The latter contains an extensive NPA pre-caucus with Véronique, who had been involved in a painful conflict with her supervisor. In it, we can observe many details about empathic listening discussed in Chapter 2.

The NPA process is carried out in the context of helping subordinates succeed in their jobs, as well as allowing supervisors and subordinates to study their own blind spots. A large part of the responsibility for improving performance falls on those evaluated. We will closely examine the use of this model both as a mediation approach and as a productivity management tool. The role of the third party (whether as a mediator or facilitator) varies depending on the disputants' skills and the existence of

antagonistic feelings between them. During the pre-caucus, the facilitator helps the parties fill out several lists. Each list has a psychological foundation. The empathic listening function is vital, especially when there is a conflict between the individuals.

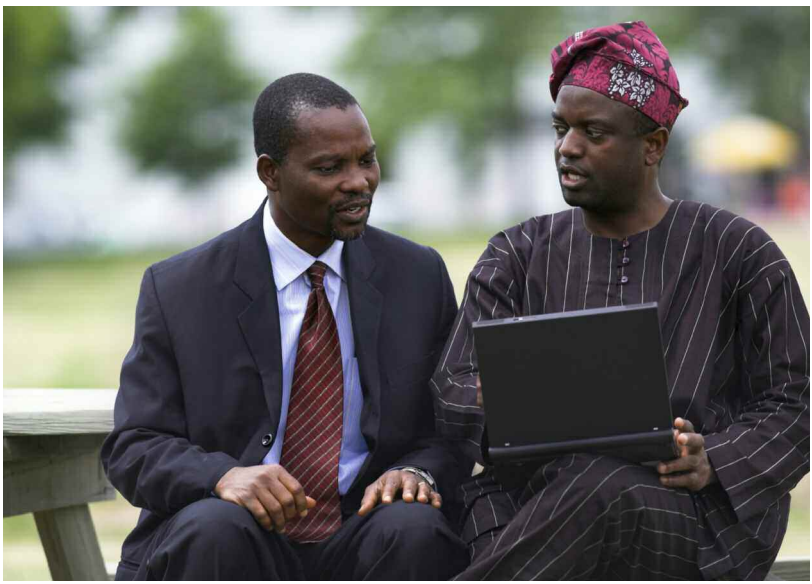
Appendix I revolves around cultural differences. A sensitivity for these issues is vital when interacting with others and particularly when mediating multicultural disputes.

Appendix II contains the paper, "Contributions of Caucusing and Pre-Caucusing to Mediation." It points out why so many mediators were at first resistant to caucusing and pre-caucusing.

Appendix III is a case study on intergroup mediation by Diane Clarke. She utilized PDM and elements of the Peacemaking Circle processes to help two disputing groups regain trust.

This book is backed by research I have conducted as an academic of the University of California and a professor of the University of Chile. I have had the opportunity to present the

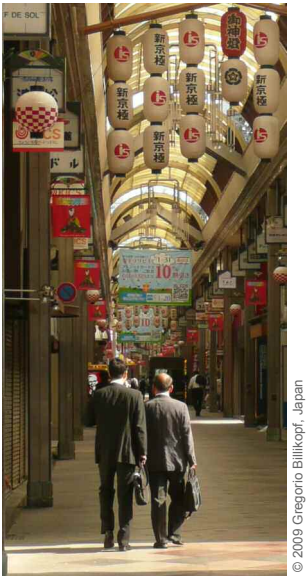
PDM is especially effective for resolving intercultural as well as interethnic conflicts.



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PDM is designed to allow individuals to save face and preserve dignity.

PDM and NPA models at the annual conferences of the International Association for Conflict Management (IACM) in Seville, Spain (2005), and Kyoto, Japan (2009).

It has been gratifying to know that there has been mounting international interest in both the PDM and NPA models shown not only by the academic community (for courses in organizational behavior, conflict management, and human resource management) but also by domestic violence shelters, attorneys, religious organizations, and mediation centers.

This book—as well as the Spanish-language edition, *Mediación Interpersonal*—is available as a free PDF version from our website (http://www.cnr.berkeley.edu/ucce50/ag-labor/7conflict/). These PDFs may be downloaded and distributed at no cost to clients, students, or others (see copyright page) as a public service of the University of California.

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3. Ecclesiastes 1:9 King James Version.
4. Weeks, D. (1992). *The eight essential steps to conflict resolution: Preserving relationships at work, at home, and in the community*. New York: Tarcher/Putnam.
5. Umbreit, M. S. (1995). *Mediating interpersonal conflicts: A pathway to peace*. West Concord, MN: CPI.
6. I highly recommend this book to mediators. I found it to be a page-turner, although not everyone to whom I have recommended it sees it that way. Rogers, C. R. (1951). *Client-centered therapy: Its current practice, implications, and theory*. Boston: Houghton Mifflin.
7. The eight-page excerpt freely available on the Internet is of great worth. Rogers, C. R., & Farson, R. E. (1987). Active listening. In R. G. Newman, M. A. Danzinger, M. Cohen (Eds.), *Communicating in business today*. Retrieved from http://www.go-get.org/pdf/Rogers_Farson.pdf

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Special thanks go to all those who have permitted me to mediate their disputes throughout the years. Names and situations have been changed in this book. I am particularly grateful to Rebecca and Nora for allowing us to videotape the mediation dialogue, as well as Véronique and all the other individuals whose conversations and conflicts are included in the many clips and stories in this book. Also, special thanks go to facilitators Macarena Pons and Rodrigo López for the NPA clips in Chapter 13, as well as to the supervisors and subordinates who so graciously permitted their use.

Special thanks to Ryan Boothe for his careful comparison of the Spanish-language 3rd Edition of *Mediación Interpersonal* with the 2nd Edition of *Party-Directed Mediation*. And then to Cristina Van Zuiden Pancorvo of Perú, from the World Translation Center in Atlanta, Georgia, for her translation of substantial portions of *Mediación Interpersonal* into English. Robin Mizell was the able and encouraging copyeditor for the second and third editions of this book in English. Thérèse Shere was the indexer. Marie Harter helped with the final proofing.

I wish most especially to thank Diane Clarke—the author of Appendix III—for continually pushing the envelope of PDM. The following mediators also had an important impact on this edition: Cynthia Tucker, Vlatka Varga, Ryan Boothe, Horacio Bertinetti and Elise Willis. I also wish to thank Frank Parks, of Parks Printing Co. in Modesto, California, and all of his staff for their willingness to answer multiple questions and oversee the printing and binding processes. I am particularly grateful to Alan Sanhueza of Publisiga S.A. in Santiago, Chile, for donating the artwork for Figure 12–1.

I wish to acknowledge again the help of all those who assisted with the previous Spanish- and English-language editions upon which this work is based.

As the author, I take responsibility for the opinions expressed as well as any errors that may remain. I am most especially appreciative to the University of California for the opportunity to hold a job where creativity is encouraged.

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Part I – Introduction

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1

Party-Directed Mediation Model Overview



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The two pillars of *Party-Directed Mediation* (PDM) are: (1) a pre-caucus—a preliminary, separate meeting between the mediator and each of the parties prior to the joint session (sometimes called pre-mediation) and (2) a joint session in which parties speak directly to each other rather than through the mediator. Both of these supporting pillars are somewhat controversial.

I intend to examine the nature of the controversy and suggest which types of conflicts lend themselves to PDM—and perhaps just as importantly, which do not. Another objective is to clearly describe the model so mediators can apply it in a consistent, positive fashion. What I say about PDM also applies to the Negotiated Performance Appraisal (NPA).

The aims of the *pre-caucus* are to: (1) permit parties to vent freely and reduce negative emotions and (2) teach contenders to communicate and negotiate more effectively. Armed with these skills, parties are more likely to arrive at satisfying and enduring outcomes.

The initial focus of the pre-caucus is to attend to each party through *empathic listening* (Chapter 2). Through the process the mediator hardly speaks, but lets the affected persons feel accompanied while they share their conflict narratives. Although the neutral's role is that of an attentive listener who does not interrupt, we ought not think the mediator is distracted or detached from the process.

In the second phase of the pre-caucus, mediators prepare disputants for the joint session. To be ready, individuals must: (1) be *emotionally equipped* to deal with their adversaries and

During the pre-caucus, parties can vent and reduce negative emotions.



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It is not surprising that individuals who have been listened to and coached in a pre-caucus may go on to resolve their dispute without a mediated joint session.

(2) have acquired some of the tools for effective *interpersonal negotiation*.

As people become capable negotiators, they can handle discord more effectively. When brought to the table, differences in perspective present opportunities to find more elegant, satisfying, and lasting solutions.

When the contenders arrive at the *joint session*, they speak directly to each other with minimal third-party interference. By sitting at quite a *distance* from the disputants, mediators underscore their own reduced role in the dialogue.

Some situations may call for a different conflict resolution strategy, as it may not be psychologically safe to bring parties

together for a face-to-face confrontation. During the pre-caucus an experienced mediator can gauge if it is prudent to proceed into the joint session.

The application of PDM principles, then, depends on the degree to which: (1) the case lends itself to them and (2) the contenders wish to acquire the requisite interpersonal negotiation skills.

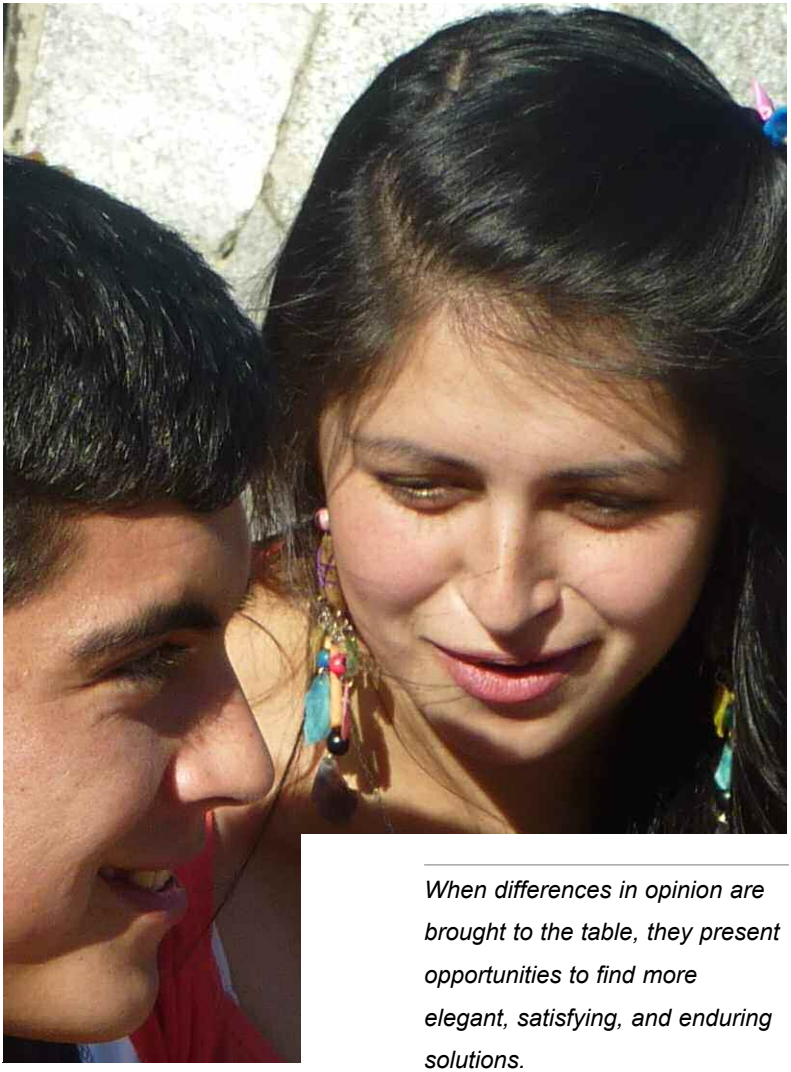
Some cases—as in certain restorative justice programs—call for months of preparation before parties come together for a joint session in which they face and speak directly to each other. Yet, other situations are solved by the parties themselves after a friend lends an ear to one or both, allowing them to gain the necessary confidence to approach each other on their own.

People tend to sort out most of their differences *without* a mediator. It is not surprising that individuals who have been listened to and coached in a pre-caucus may go on to resolve their dispute without a mediated joint session. Certainly, one of the objectives of PDM is to help people resolve future differences without outside help. At times, however, the assistance of a mediator is crucial.

Talk of empowering disputants sometimes elicits a negative—if not defensive—reaction among mediators and scholars. This resentment is partly justified. In their fervor for empowerment, some have come to imply the inferiority of other approaches. Empowerment is not automatically the only, or the best, mediation approach.[1]

For instance, a year and a half after one of my sabbaticals in Chile, I received a threatening letter from a collection agency on behalf of the car insurance enterprise I had utilized. I was accused of not paying my last installment. Unfortunately, I had long since discarded proof of payment. This was the first and only note forwarded to me. It was difficult to deal with this situation from so far away.

I was relieved when one of my brothers, who lives in Chile, contacted the insurance agency and mediated between us. I hardly knew the people involved and had no interest in mutual validation, transformative opportunities, or the like. I simply



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When differences in opinion are brought to the table, they present opportunities to find more elegant, satisfying, and enduring solutions.

wanted the problem to go away without having to pay twice. Also, not everyone wishes to have a greater hand in solving their own disputes.

I know mediators who are very gifted at seeing solutions that the affected parties simply cannot perceive. These skilled practitioners are able to discern potential agreements, know exactly when to speak, find the right tone of voice to use, recognize when humor would be helpful, and get people to agree. They are virtuoso artists within the profession. In my opinion, such skills and abilities will always be needed, especially in the resolution of certain types of conflicts.

There are other types of disputes, especially those of an interpersonal nature—involving people who will continue to live with each other, work together, or interact *after* the mediator leaves—that can greatly benefit from a style that empowers each disputant. This is where PDM can play a key role.

The PDM model is particularly useful in the resolution of deep-seated interpersonal discord as well as multicultural or ethnic clashes. While its primary focus is on contention affecting two individuals, most of its tools may be profitably applied to disputes among groups.

Chapter 1—References

1. Focusing on mediations that are *not* interpersonal in nature, Freund effectively shows that empowerment is not always the best approach. Freund prefers to negotiate directly with each disputant, rather than permitting them to confront each other, because the parties may get in the way of a positive resolution. (Freund, J. C. (2012). *Anatomy of a mediation: A dealmaker's distinctive approach to resolving dollar disputes*. New York: Practising Law Institute.) Interestingly, other authors make similar claims about not addressing *relational* conflicts, yet often the cases discussed would greatly benefit from PDM, precisely because of the *interpersonal* components of the disputes.

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Part II – Pre-Caucus

The process of mediation can help contenders discuss issues, repair past injuries, and develop the tools needed to examine disagreements directly with each other. Preparing for such a conversation takes work. While there are hundreds of factors that can affect the successful resolution of a mediated conflict, in PDM the *pre-caucus* is one of two essential pillars. The mediator meets alone with each party during the pre-caucus.

Until recently, any private conversation between the neutral and one of the disputing parties was perceived as suspect: mediator impartiality was considered compromised. Such fears assume a mediator-directed approach in which the third party wields much power and often acts as a quasi-arbitrator. When the mediation process is understood—from its inception—as one in which the contenders retain control over the outcome, then less importance is given to the mediator's supposed neutrality.

The pre-caucus affords each party the opportunity to be heard and understood. Through it, contenders can: (1) vent emotions, (2) broaden perspectives, (3) feel the support of a third party, (4) discover blind spots, (5) prepare to negotiate, (6) increase their desire to resolve the conflict, (7) gain hope, and (8) come to see each other as real people.

Finally, the pre-caucus helps answer an important question for the mediator: "Can I safely bring the parties into a joint session in which they will converse directly with each other? Or will a more traditional approach be preferable?"

During the pre-caucus, individuals learn to hear themselves and prepare to listen to each other during the joint session. Pre-caucusing is not about finding concessions, compromises, or solutions to the discord. Mediators have no clear clues as to how the conflict will be solved. There is no need for the neutral to panic and wonder, "What did I get myself into this time?" Eventually, the disputants will find their own answers.

Generally, the pre-caucus: (1) consists of a brief introduction by the mediator, (2) permits the party to speak and be heard through empathic listening, (3) challenges blind spots and prepares the individual for the joint session, and (4) helps harvest transformative comments made by each party in relation to the other.

Before mediators focus on listening, they briefly explain issues of confidentiality and the mechanics of the mediation process, so participants do not feel surprised or lost. Parties may have questions about the process, also.

Each disputant must understand that the role of the mediator is not to decide which of the contenders is in the right. For many people this is a difficult concept to grasp. Yet, little will be achieved as long as the parties are under the impression that they must defend the virtues of their own perspectives before an arbitrator. Participants, then, need to realize that mediation offers a unique opportunity to clarify their objectives and begin to comprehend each other's needs. Mutual understanding allows for more enduring solutions.

The introductory conversation generally lasts less than five minutes. Let us move on to the empathic listening portion of the pre-caucus.

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Empathic Listening



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The Panama Canal serves as an adequate analogy for the listening role played by the mediator during the pre-caucus. As a youth, I traversed the canal several times on a freighter from the Port of Valparaíso in Chile to New York. Massive lock gates regulate the water levels in the canal so ships can move along the waterway. The water level behind a set of closed locks can be much higher than that of the next lock chamber through which a ship will sail. Immense pressure builds behind these closed locks. This same pressure—an integral part of the canal design—prevents lock gates from opening and ships from moving through until the water level has evened out. Water is gravity-drained from chambers through culverts of enormous diameter.



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The Panama Canal uses lock gates that permit adjoining chambers to have greatly different water levels. Only when these waters are leveled (see top right insert) is the water pressure reduced. A mediator helps contenders drain lock chambers of antagonism and open emotional lock gates.

When water that has been held in disparate levels is released—such as in a dam burst—at first it flows with enormous power and speed, and mostly in one direction. Only after the pressure is greatly diminished, and as the water begins to level, is the flow volume and speed reduced—sometimes to a trickle.

Compare this scene to the state of mind of individuals involved in an intense conflict. Under crushing pressure, individuals cannot see a way out. The role of the mediator is to help disputants empty the large reservoirs of anger, stress,

frustration, and other negative feelings. Only then will the parties be able to see and think more clearly.

The mediator helps contenders drain lock chambers of antagonism and open emotional lock gates. When they do, intense affect pours out. People often begin by speaking very fast, hardly taking a breath. When the parties' emotions have built over enough time, the pressure can overflow and result in tears. As the pressure eases, so does the strength of the emotion and the speed of the speech. Just as water sometimes trickles when it is close to being fully drained, individuals who feel heard may begin to speak so slowly, and with so many pauses, that some listeners feel uncomfortable.

Without a *full discharge*, however, a contender is unlikely to either think clearly about the dispute or be receptive to external input—from the opposing party or the mediator. There are no shortcuts to empathic listening. Only after individuals feel heard can they truly consider their own needs, let alone those of the other party. Perhaps empathic listening can be thought of as *listening first aid*.

At one enterprise, the manager introduced me to one of the conflicting parties. As soon as we were left alone and began the pre-caucus, the individual broke into tears. A similar situation took place at a different organization. One of the managers began to cry, ostensibly because of pressing issues. Had these men entered immediately into joint meetings with the other contenders, their feelings of vulnerability might easily have turned into anger and defensiveness.

I was once informed that the pre-caucus would be quite brief, as the person I was about to listen to was a man of few words. Yet this individual spoke to me for almost two hours. By the time we finished, he felt understood and had gained confidence. During the joint session he was able to speak and even laugh when it was appropriate. I have found the silent type will often open up during a pre-caucus—when there is someone who will truly listen.

As a natural self-defense mechanism, people like to explain their own perspectives first, and this adds to the complexity of the

mediation process. Certainly, both parties cannot speak and be heard at the same time. Although not the same as explaining one's position to an adversary, parties can freely vent to the mediator before having to be receptive to other ideas.

The more entrenched and emotional the conflict, the more vital the listening role. Some rivers seem calm and inviting on the surface but treacherous currents may lie underneath. Likewise, it is impossible to know for certain, before the pre-caucus, exactly how deep emotions are running. If it turns out that the conflict is not deep-seated, it simply means the pre-caucus can be shorter.

The process of listening so others will talk is called *empathic listening*. Empathy, according to some dictionary definitions, means to put oneself in a position to understand another. Certainly, this is an aspect of empathy. I prefer to define empathy, however, as it is often used in psychology: the process of attending to another so the person who is speaking feels heard in a nonjudgmental way. Empathic listening requires that we accompany others in their moments of sadness, anguish, self-discovery, challenge—or even great joy!

This approach to listening was championed by Carl Rogers, in his book *Client-Centered Therapy*.[1] Rogers applied the method to therapy as well as human resource management.

Empathic listening skills are critical to the practitioner of PDM. When an individual feels understood, an enormous emotional burden is lifted, stress and defensiveness are reduced, and clarity increases. Furthermore, contenders will greatly improve their own negotiation skills as they master effective listening skills.

Listening in Interpersonal Communication

We spend a large portion of our waking hours conversing and listening. When two friends or colleagues have an engaging dialogue, they often compete to speak and share ideas. Listening plays an important role in such stimulating exchanges. When it comes to empathic listening we do not vie to be heard, nor do we take turns speaking. Rather, we are there to motivate and cheer the other person on.



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The person who feels truly heard begins to speak more slowly and to pause more often. When individuals sense they will not be interrupted, they are free to engage in analytical thinking.

Empathic listening requires a subset of proficiencies different from that used in regular conversation, and it is surely an acquired skill—often taking years to master. Many individuals, at first, find the process somewhat uncomfortable. Furthermore, people are often surprised at the exertion required to become a competent listener. Once the skill is attained, there is nothing automatic about it. In order to truly listen, we must recognize when empathic listening is called for and set aside sufficient time to do so.

Making time to listen is perhaps at the root of the challenge. People frequently lose patience when listening to others' problems. Empathic listening is incompatible with being in a hurry or with the fast-paced world around us. Such careful listening requires that we, at least for the moment, slow down and suspend our own thoughts and needs.

Some of the dialogues in this chapter are video transcripts made possible by generous volunteers. It is my goal to give life to these clips so as to illustrate what it means to listen empathically.

I challenge the reader to put aside any preconceived notions about effective listening. After decades of putting on workshops on this topic—to mediators, therapists, managers, and other professionals—I have concluded that empathic listening is very different from other listening techniques, including *active listening* (Chapter 4). In order to more clearly illustrate empathic

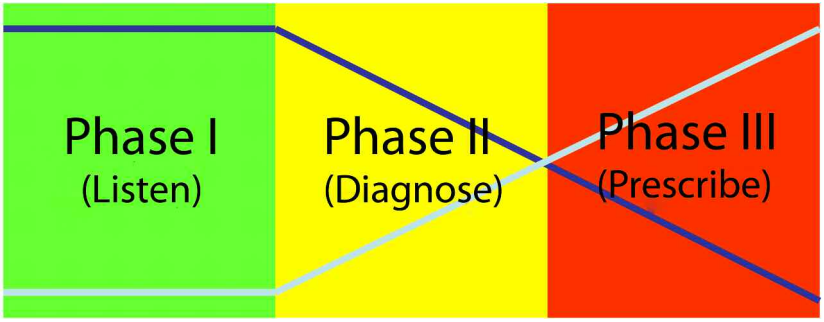


FIGURE 2–1

The listening process is often divided into three phases. In the first phase, the helper (bottom line) permits the person with the challenge (top line) to do most of the talking. Note that in the diagnostic phase the helper begins to speak more; and by the prescriptive phase, the helper ends up upstaging the speaker and does most of the talking. This is why I like to use green for Phase I (proceed), yellow for Phase II (caution, entering dangerous territory), and red for Phase III (already in dangerous territory).

listening, I will include both positive and negative listening examples.

Effective listening and attending skills can be applied to all of our interpersonal and business relationships. We will become more effective listeners as we practice at home, in our business dealings, and in other circles. One of the greatest gifts we can give another is that of truly listening.

Listening, Diagnosing, and Prescribing

One helping model involves a three-phase process: (1) listening attentively, (2) asking diagnostic questions, and (3) offering a prescription, or solution. Slowly, or sometimes quite abruptly, people move from the listening to the prescribing phase. It is not uncommon for a helper (e.g., friend, listener, mediator) to focus on the third of these phases—offering advice—even when none is sought. At times, individuals may utilize only the first two phases. Perhaps most uncommon is an emphasis on listening alone.

Specific situations may call for different responses. When there is little time, or in dangerous situations, people may offer advice. For matters of a technical nature, the three-way process of listening, diagnosing, and prescribing is often preferable. After prescribing, it is helpful to take a step back and determine how the receiver feels about the proposed solution. Often people will pretend to go along with the most absurd solutions just to put an end to a conversation.

A related tactic involves going through the first two phases and then involving the disputing party in examining alternative solutions. When the solution is owned by the individuals facing the challenge, as is often the case in deep-seated interpersonal conflict, a purely listening approach is most advantageous. This is where empathic listening fits in.

Let us consider these phases in reverse order, beginning with the least productive yet more common approaches.



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An individual who has pent-up feelings of discouragement or antagonism needs a release; otherwise, he is unlikely to be receptive to outside input.

Prescriptive Phase

The majority of individuals may begin with intentions of listening but quickly transition into the diagnostic and prescriptive phases. People accustomed to solving problems often listen with this frame of mind. Others focus on sympathy or sharing a story of how a similar difficulty was faced. Some become quiet so the speaker will hurry up and finish. None of these are helpful responses to venting. Each reflects, among other things, a certain amount of impatience.

When people are not paying attention we can often see it in their body language, as Michael P. Nichols describes in *The Lost Art of Listening*: "The automatic smile, the hit-and-run question, the restless look in their eyes when we start to talk."[2]

It seems easy to solve other people's problems. Individuals habitually say, "If I were in *your* position, I would have . . ." Perhaps. Occasionally we think we would have solved a person's dilemma had we been given the chance. Instead, when we find ourselves in the same predicament, we often feel just as unsure about how to proceed.

Different personality types approach specific challenges in predictable ways, with foreseeable results. For instance, some people would not dream of confronting their friends, but instead would let irritations fester. In contrast, others have trouble keeping their opinions to themselves.

Have you noticed that some of your acquaintances seem to repeatedly fall into the same types of predicaments, giving the impression they did not learn from experience? Each of us has different personality traits and skill sets that permit us to solve some challenges more easily than others.

We are all too ready to give advice. Years ago, on the way home from a father-daughter date, I asked Cristina, my youngest, if I could give her some *free advice*. "I certainly don't plan to pay for it," she quipped.

On another occasion a young woman came to see me. Sofía could not perceive how giving the cold shoulder to Patricia—who had been her best friend at the university—was not only a cause of pain to Patricia but also a way to further escalate the growing divide between the two.

"I no longer speak to Patricia when I see her," Sofía began. "Her cold attitude hurts. She never greets me and that really upsets me. She used to be very kind. But you know, now, when she tries to come over and speak to me, I pretend I haven't noticed her and look away."

"How do you expect your friend to act in a warm way towards you if you give her the cold shoulder when she tries to speak to you?" I inquired, stating the obvious.


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The role of an empathic listener is to accompany another person and celebrate together the fact that the other can begin to unpack and analyze the difficulties being faced.

I should have kept the comment to myself. Sofía was upset by my counsel and avoided me for some time. A few weeks later she came to see me again. This time I listened empathically. Rather than stating the obvious, I was attentive while Sofía described, in full detail, the ache she was feeling, the conflict history, her suffering and hopes. Sofía felt heard and was able to take some preliminary steps toward resolving her challenge.

Our effectiveness as listeners is often lost if we solve the problem before the person we are attempting to help does. Some try unsuccessfully to disguise advice-giving tactics through such questions as "Don't you think that . . . ?" or "Have you tried . . . ?"

Aaliyah is very concerned about her grown daughter and has been openly disclosing her worries to her friend Shanise. Let us listen in on their conversation.

"These are the problems I have with my daughter," Aaliyah shares, anguish punctuating each word. "I want to seek her out, try and speak with her, try and have her understand, but she doesn't listen to me. [Pause.] I simply don't know what to do. I feel incapable of helping her."

"If you could get her professional help, would she go?" Shanise proposes.

"Uh. As I was telling you, she doesn't listen to me. When I try and speak to her, give her advice, then she changes topics. That's the problem I have—that I seek her out but she doesn't listen to me," Aaliyah insists.

Aaliyah considers Shanise's contribution a distraction and momentarily loses track of what she was saying. Aaliyah eventually takes back control of the conversation. Because Shanise has been showing empathy to this point, Aaliyah forgives the interruption.

People such as Aaliyah seem to be asking for a solution when they say "I don't know what to do." Perhaps they even ask for advice, imploring, "What should I do?" The listener ought not rush in with a prescription. It is worthwhile offering a long pause, or saying something akin to "You are unsure as to how to proceed." The latter is given softly as a statement, not a question. In either case it is quite likely that the person will continue to speak about the pain he is feeling. The helper then knows she hit the mark. If, instead, the individual continues to ask for suggestions, the listener can encourage the exploration of options.

In a listening skills workshop, I asked individuals to share challenging situations they had not yet resolved. John, one of the participants, shared some real concerns facing his enterprise. "Our top manager seems unsure as to how to proceed with such a delicate issue," John explained. "He simply doesn't know what to do about these two guys who won't speak to each other." The class participant who had taken on the role of empathic listener was encountering some difficulties in his role, so I interrupted to

offer some suggestions on how to keep John talking. Interrupting me as well, John explained that he did not want to "play the listening game"—he simply wanted a solution.

This was an ideal opportunity to illustrate some vital points. When workshop participants listen to people with real hardships, everything they have learned so far in the seminar can fly out the window. Rather than analyze the quality of the listening, people are all too eager to *suggest possible solutions*.

Workshop participants were permitted to go around the table suggesting solutions. But not before being warned that they were entering the prescriptive phase, which I have labeled red for danger. Suggestions started flying.

"Obviously, John," the first participant began, "you must insist on having the supervisor speak with both individuals."

"What I would do instead . . . ," another piped in.

It soon became clear that, despite John's request for a ready-made solution, these suggestions were irritating him. John admitted he would have preferred to continue to think aloud with the support of the class participants.

Sympathy is quite different from empathy. It often springs more from our longing for normality than from our desire for helping. One of my favorite illustrations that contrasts sympathy with empathy comes from Alfred Benjamin's *The Helping Interview*: "When Lucy said, 'I'll never get married now that I'm [disabled],' what did you do? You know you felt terrible; you felt that the whole world had caved in on her. But what did you say? What did you show?"[3]

If Lucy were your seventeen-year-old daughter, niece, or younger sister, I often ask, what would you like to say to her? Some of the most frequent responses include:

- "Your internal beauty is more important than outward appearances."
- "I still find you beautiful."
- "If a young man cannot see your beauty, he is not worthy of you."
- "Modern medicine can work miracles, and perhaps you can recover beyond expectation."



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The role of the mediator is to help parties empty the large reservoirs of anger, stress, frustration, and other negative feelings until each is able to think and see more clearly.

Benjamin continues:

> Did you help her to bring it out; to say it, all of it; to hear it and examine it? You almost said: "Don't be foolish. You're young and pretty and smart, and who knows, perhaps . . ." But you didn't. You had said similar things to patients in the hospital until you learned that it closed them off. So this time you simply looked at her and weren't afraid to feel what you both felt. Then you said, "You feel right now that your whole life has been ruined by this accident." "That's just it," she retorted, crying bitterly. After awhile she continued talking. She was still [disabled], but you hadn't gotten in the way of her hating it and confronting it.[3]

In my opinion, many of these comments about her beauty and intelligence may possibly be shared, but much later, *after* Lucy feels truly heard and does not have more to say herself.

There are numerous ways we discount the needs of others, even when we think we are being good listeners. For instance, we may attempt to disclose our own stories of loss, disappointment, or success before the individuals we are listening to have had the opportunity to be heard. We may feel that revealing our own narratives proves that we are listening. Instead, the other person feels we have stolen the show.[4] Once again, this is not to say there is no room to communicate our stories with others, but rather, we should hear them out first.

Some people confuse empathic listening with being silent. First attempts to listen empathically are often betrayed by facial and body language that says, "Be quiet so I can give you some good advice." Have you ever tried to speak to individuals who give no indication of what they are thinking? You do not know if they have lost interest or are judging you.

When people have deep sentiments to disclose, rarely do they expose their vulnerability by getting to the point right away. Ordinarily, the topic is examined through increasingly constricting circles. It can also be compared to an iceberg. Only an eighth protrudes at the surface while the rest remains submerged in the ocean. When someone says, "I am worried because . . . ," and another responds, "Don't worry so much," the anxious person does not cease to be concerned. Rather, it becomes clear that the apprehension cannot be safely shared with this individual. Likewise, when a person proceeds to give a suggestion before understanding the situation, individuals will frequently pretend to go along with the proposal simply to get rid of the problem solver.

Diagnostic Phase

The diagnostic phase involves asking questions, generally with the intent of coming to a better understanding of what the other individual is feeling. Perhaps the greatest danger with the process of diagnosing is the natural tendency to move from listening, to



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Empathic listening requires that we accompany individuals in their moments of sadness, anguish, self-discovery, challenge—or even great joy!

diagnosing, to prescribing. Rather than asking questions that will allow the speaker the opportunity for reflection, we tend to do so with the aim of finding and sharing possible solutions.

Rarely do people reverse the process and return to listening after entering the diagnostic phase. It is much more likely that they will be swept up by the turbulent current that takes them to the prescription mode.

I do not wish to imply that the diagnostic process is valueless. A useful advantage of the diagnostic process is that the listener can, at least on the surface, gain a better idea of what the challenge entails. Indeed, people frequently give too little attention to diagnosis. But in the process of empathic listening, a self-diagnosis needs to be carried out by the troubled person—not by the listener.

Often, individuals listen and ask questions with the idea of confirming their own observations. A much more effective method, according to the authors of *Narrative Mediation*, is to be moved by a *spirit of curiosity*. Such an approach has been called a stance of *deliberate ignorance*. Instead of assuming that a certain experience is the same as another we have gone through or heard of, we listen with interest and curiosity. Inquisitive listeners, according to John Winslade and Gerald Monk, "never assume that they understand the meaning of an action, an event, or a word."[5]

Let us return to the conversation between Aaliyah and Shanise.

"My husband doesn't help me resolve my problem with my daughter," Aaliyah laments.

Shanise asks a couple of investigative questions: "What would he like you to do? Not to have any contact with her?"

"Well, we quarrel a lot because I tell him I'm a mother. [Pause.] And he doesn't feel what I feel. And he doesn't want me to seek her out because, after all, she doesn't listen, and the situation will not improve. But I always seek her out. [Long pause.] And I told her not to be wandering about aimlessly—to come to my home, but she won't, she says that . . . ," Aaliyah continues, a narrative born of a mother's pain.

The questions have helped Shanise understand the situation a bit better. Observe, however, that Aaliyah, after answering, returns to speaking about that which hurts her the most: her inability to help her daughter.

Here is an another example of an investigative question. Once again, we pick up in the middle of a conversation:

"So that is the challenge I've been facing with one of our engineers. [Pause.]" says Raymond.

"In the morning or afternoon?" inquires Paul.

"I've been wondering if there's a pattern indeed—if this happens on Mondays, or if there's anything predictable in all of this," Raymond answers. "The truth is that I haven't found anything obvious. [Pause.]"



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We can practice empathic listening both at home and at work.

"Have you sat down with him and spoken about your concern?" Paul asks.

This conversation follows a pattern. Paul asks a question. Raymond answers and then waits for Paul's next inquiry. Pauses become an excuse to interrupt. Paul has control over the conversation and his worried tone betrays the massive responsibility he feels for solving Raymond's challenge. While Raymond may feel heard, such comprehension tends to be somewhat superficial. Raymond is not working as hard as he could to solve his own problem. Instead, he seems to be saying, "Go ahead, Paul. Be my guest. See if *you* can solve this mess. I dare you! I surely haven't been able to."

There are other types of questions, such as those that promote talking about feelings. Manuel tells his wife, Magdalena, that despite the international acclaim his work has received in New

York, he is unsure whether they should remain in the United States with their young daughters or return to their native Argentina. While Magdalena has heard her husband in the past, her current focus is to let her husband vent:

"That is the problem: to stay or return to Argentina?" Manuel sighs.

"What is it that you really miss from Argentina?" Magdalena inquires.

"Well, that's what we were talking about recently . . . One misses the family . . . family relations . . . Sundays with the extended family and the kids . . . but I also miss my friends. I had a huge group of friends . . . ," Manuel continues speaking and sharing his concerns. Magdalena's question has permitted Manuel to examine his feelings.

When a question is asked to help someone take charge of the conversation, it serves to *prime the pump*. Old-fashioned water pumps functioned through a lever and a vacuum. It took effort to make them start pumping water, but much less once the water started flowing. Prime-the-pump questions are especially useful to help individuals start speaking. Or to give back control of the conversation to the speaker—especially after an interruption (e.g., after the conversation stops when a third person momentarily walks into the room, when the conversation is being renewed after a few days, or when listeners realize they have interrupted or taken an overly directive approach to listening).

There are several types of questions, comments, and gestures that can help prime the pump. These may include, for example:

- Investigative questions
- Analytical comments
- Summaries of what has been heard
- Invitations for the person to say more
- Body language that shows interest
- Empathic comments

EMPATHIC LISTENING

Just as there are phases in listening, from *truly listening* (Phase I) to *diagnosing* (Phase II) to *prescribing* (Phase III),



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I like to think of empathic listening as listening first aid.

within listening Phase I there are several stages. In Stage I (*sharing*) individuals speak quickly and share with us those things they know well; things they probably have thought quite a bit about. In Stage II (*exploring*), people begin to speak slower and pause more. Some of what they are saying may be new to them. They may explore for meaning and for solutions. By the time they arrive at Stage III (*discovering*), they often speak very slowly, sometimes with extensive pauses. Much of what they are saying may be new to them. They may also be considering next steps. People may move in and out of these stages. Most people find it increasingly difficult to listen and be fully present as others transition into Stage II and Stage III.

A mother tells of an experience with her young child: "Years ago one of our daughters asked me to come outside and play

tetherball with her. She told me to sit down and watch as she hit over and over again a ball on a rope that wound itself around a pole. After watching several windings I asked what my part was in the game, and she said, 'Oh, Mom, you say, "Good job, good job," every time the ball goes around the pole.'"[6]

This is, essentially, the role of empathic listening—that of patiently accompanying another while they begin to unpack and analyze the difficulties being faced. In the child's game, success is measured by the ability to wrap the ball's tether around the post. In empathic listening, success is measured by the ability to help someone dislodge pain-soaked discourse and let it float to the surface. The speaker guides the direction of the conversation and is often surprised to find where the venting takes her.

I shall attempt to describe, in a more detailed way, how to accompany without interfering. There is a marvelously therapeutic power in the ability to think aloud and share a quandary with someone who will listen.

In contrast to more traditional ways of helping, the empathic mediator:

- Motivates the parties to speak without feeling judged
- Does not use pauses as an excuse to interrupt
- Permits the speaker to direct the conversation

If the mediator earns their confidence through this process, individuals begin to:

- Speak more (easily 97 percent of the conversation)
- Control the direction of the account
- Increase self-understanding (first, by reviewing what is known, and later, by digging deeper)
- Consider options and choose a possible outcome

A warning is in order. Empathic listening is dynamic. It is not sufficient to have an interest in another; the mediator must also *show* it. And it is not sufficient to show an interest; the intermediary must *feel* it. The person being heard immediately notices if the mediator seems bored, distracted, or upset.



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Empathic listening permits those who own the problem to begin to hear themselves.


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Some hand gestures, such as the flat hand with the fingers raised, often mean "Don't interrupt. I have more to say."

In the words of Alfred Benjamin, "Genuine listening is hard work; there is little about it that is mechanical . . . We hear with our ears, but we listen with our eyes and mind and heart and skin and guts as well."[7]

Dangling Questions

An incomplete question gives the other person control of the conversation. Let us return to the Argentine couple.

"And the children . . . miss . . . ?" Magdalena asks, prolonging the word *miss*.

"And the children miss . . . much, especially the . . . affection of their grandmothers, cousins. Undoubtedly they miss the whole family structure . . . ," Manuel explains as he continues to uncover the issues that are troubling him.

Indications That We Want to Know More

There are many ways we can signal an interest in listening and learning more. One of the most typical is simply to say, "Tell me more." We could also say something like "How interesting!" or simply "Interesting."

Brief, empathic noises or comments such as "yes," "aha," and "m-hm" are also very powerful. Discourse analysis scholars sometimes call these expressions *positive minimal responses.* The key is not getting stuck with one monotonous, irritating technique.

Repeating a Key Word

Another empathic listening technique is repeating, from time to time, one word or two in the same tone of voice the speaker used—but *softer*. Aaliyah continues to share with Shanise the pain she is feeling because of her daughter:

"She moved and now lives in a nearby town with a friend." Aaliyah gestures with her left hand indicating the direction.

"Friend," Shanise repeats softly.

"Yes, but she won't last long. She doesn't work, and she won't be able to live there for free," Aaliyah continues. "She must contribute something, too."

Empathic repetitions contribute to the process without interrupting. There are times when the conversational flow is briefly paused—usually the first time the technique is used—while the speaker reflects on the repeated words. But normally it happens in a very natural fashion. Speakers have the option of continuing what they are saying or further reflecting on the comment. Let us look at the technique as used by the Argentine couple.

"It's true that the cost of education in this country is high, but the possibilities are infinite," Manuel declares.

"Infinite," Magdalena repeats, using the same tone.

"Infinite . . . Infinite in the sense that if we can provide support for the children and motivate them to study . . . ," Manuel continues, developing his thinking.

Critics have accused Carl Rogers of being directive. They claim empathic responses reward the speaker for concentrating on topics the listener wants them to focus on. My research, however, shows that when a person is interrupted by an empathic listener—with a distracting observation or comment—the speaker makes it clear that it was an interruption. Unless the disruption constitutes a serious breach of trust, however, the party continues to speak and control the conversation.

Mekelle, a young African American professional, is telling Susan that her best friend, Palad, is angry with her because her fiancé is Caucasian. The conversation proceeds normally until Susan asks a question that distracts Mekelle.

"My friend Palad . . . It bothers me—as bright and perceptive as he is—he cannot see that in reality, if one were to educate more people . . . ," Mekelle explains, expressing her frustration.

"Yes," Susan adds, following the conversation.

"Then, he wouldn't feel the way he feels. You understand?"

During the process of empathic listening in the pre-caucus, it will often happen that people who feel listened to will begin to see how they may have contributed to the conflict.



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Mekelle asks a question that actually means "Are you listening to me? Are you following my logic?"

"Where is Palad from?" Susan interrupts. The question has no relationship to the anguish Mekelle is feeling.

"Palad is from Florida. He has lived several years in California. He's now living in Oregon," Mekelle answers. "But . . ." Having lost track of what she was saying, Mekelle waves her hand, as if to say, "Let's get back to the topic." She then continues, "But . . . and it is only about Caucasian people. He only has problems with Caucasian people." Mekelle smiles. "If the person were of any other race it wouldn't matter, but when it's a matter of a Caucasian person . . ."

Mekelle has taken back control of the conversation, despite the interruption. People often regain control by using the word *but*. It is also common for individuals to gesture, or show a flat hand with the fingers raised, meaning "As I was saying," or "Do not interrupt."

Crying with Those Who Cry

People sometimes wonder if it is appropriate to cry with those who cry—or laugh with those who laugh. Both of these reactions, when they grow out of a natural and sincere reflection of the speaker's mood, may be beautiful ways of showing interest and empathy. I am not suggesting that listeners need artificially to make it a point to join in with speakers who are crying—only if it happens naturally.

It is similar to the concept of *repeating a key word* with the same tone of voice, but softer, which we have already seen. That is, to cry or laugh, but less intensely. If we weep with more force than the speaker, this is yet another way of stealing the spotlight. When we listen, then, we can permit ourselves to feel empathy for the speaker.

What about crying when the speaker has *not* cried? By definition, this means that the listener is focusing attention on himself. A friend who went to marriage counseling greatly resented when the therapist cried—when he, as the client, had not.

Empathic Sayings

An empathic saying is a longer comment, of a reflective type, offered to let individuals know we are following them. We might say something like "At this moment you feel terrible," or "I can see you're suffering." When used sparingly, these expressions can be very potent.



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When we respect pauses by not interrupting, we are in essence offering the person a psychological chair to sit on; it is a way of saying "We are not going away."

A troubled youth approached me one day. "I hate life," he said. The loud, bitter comment filled the room. How badly I wanted to moralize and tell him that his own actions had placed him in the present predicament. Instead, I calmly stated, *à la* Rogers, "Right now, you are hating life." I was trying to truly comprehend and letting him know that I was listening.

"Oh, yes," he continued, but the anger lessened enormously. "Life, right now, is terrible!" As he continued to speak, the tension and volume of his voice subsided. This same youth soon recognized that he was not walking down the right path—without my having to say it.

In contrast, I observed a speaker—a therapist by training—who freely used the line "I can see you're hurting." As the conference's Spanish-language interpreter, I was in a unique position to observe the audience. An older man stood up and told his heartbreaking story, and the therapist used his line at what seemed the perfect moment. The participant stopped talking and leaned back. I could see in his eyes and body posture that the old man had felt empathy from the therapist. The man had been touched and now felt understood. I was impressed. It seemed to me, however, that with each subsequent use of "I can see you're hurting," the catchy phrase became increasingly artificial. The magic was gone. Fewer people were convinced of its sincerity, and the expression soon meant "Be quiet. I want to move on with my talk." The process had become mechanical and empty.

How do we know if the listening approach is empathic? Gerard Egan says, "If the helper's empathic response is accurate, the client often tends to confirm its accuracy by a nod or some other nonverbal cue or by a phrase such as 'that's right' or 'exactly.' This is usually followed by a further, usually more specific, elaboration of the problem situation."[8] And when we are off the mark, sometimes the speaker will say so. Just as likely, the person will be quiet and avoid eye contact.

Empathic Questions

In contrast to diagnostic questions, especially those analytical in nature, empathic queries go to the source of what the person is

feeling. These questions regarding affect are very powerful, yet less dangerous. They promote talking rather than silence. In effect they are prime-the-pump questions. An example is "What are you feeling at this moment?" Or without completing the phrase, the listener may stretch out the word *feeling:* "You are *feel*ing . . . ?"

The strength of empathic questions is that they help expose and dissipate feelings and emotions.


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FIGURE 2–2

People who are interested in what others are saying will show it through their body language.

Body Language

One of the best steps we can take when preparing to listen is to invite the speaker to take a seat. By so doing, we let people know we are willing to listen—that we are not going to ration out time.

When seated, we may also show interest by occasionally leaning forward toward the speaker. Interest is reflected in facial expressions, head movement, gestures, and tone of voice. As with all of the techniques we have discussed, variety is critical. Otherwise, if we keep mechanically nodding our heads, we will soon look like bobbleheads.

If we are truly interested in listening, our body language shows it. Our nonverbal communication also betrays us when we get distracted or bored. During an NPA, I had been listening attentively for quite some time. I had not yet said anything but must have shown intentions of interrupting. Before I could utter a word, the person who had been speaking said, "Excuse me for



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We can let others know we are listening in a nonjudgmental way by occasionally repeating one word, or a few, in the same tone of voice used by the speaker, but softer.

interrupting you, but . . . ," and she continued relating her account. This happened several times, proving what communication experts have told us all along: individuals signal their intent to interrupt before doing so.

Respecting Pauses

Silence makes people uncomfortable. Yet, one of the most important empathic listening skills is refraining from interrupting periods of silence. When people pause, they continue to think



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One of the greatest gifts we can give another is that of truly listening.

about their troubles. By not interrupting, we are in essence offering the person a *psychological chair* to sit on; it is a way of saying "I am not going to abandon you."

The person who feels truly heard begins to speak more slowly and to pause more often. When individuals sense they will not be interrupted, they embark on an internal trajectory, every time deeper, wherein they commence to intensify the process of self-understanding and analytical thinking. Individuals who are truly heard often are surprised at the direction their comments take. It is not uncommon for them to say, "This is something I had not shared with anyone before" or "I am surprised that I raised this issue."

Many listeners, who find it difficult enough to be patient when the other person was speaking at a normal speed, consider this slower pace torturous. Yet, this is a vital part of the gift of empathic listening.

How long can you endure a pause without getting impatient? Four seconds? Eleven seconds? One minute? Ten minutes? Often, the individual coming out of a lengthy pause will have undergone some serious reflective thinking.

Some individuals half jokingly ask if they can read or do something else while the speaker pauses. Of course not! To accompany someone requires that we are fully present and do not abandon the person. Even though it may not appear critical, these moments of paused speaking provide time for vital personal reflection to those who feel heard.

As we mentioned earlier, as time elapses and water is close to leveling, the flow slows down. In like fashion, when we observe individuals transitioning into slower and more paused speech, we can be pretty sure they feel empathically heard. They are draining pent-up pressure.

A young professional reported that she had put this advice to work. After a mediation and listening skills seminar she phoned her boyfriend, who had been experiencing some tribulations. "I had to bite my lips several times," she reported. "But I managed not to interrupt him. After a long pause he asked me, 'Are you there?'"

The disadvantage of engaging in empathic listening by phone is that fewer empathic responses are available to the listener. The young woman's boyfriend could not see the interest with which she had been listening. She responded, "Of course! I'm very interested." Once she had offered the verbal reassurance, he continued talking, this time with even more enthusiasm and penetration.

Let us review two more clips from our friend, Mekelle. In the first one, she speaks of her desire to make a decision and resolve her difficulty. This comment comes after she has been heard for a long time.

"I know I must call Palad again and have another conversation with him," Mekelle resolves. "I haven't decided . . . yet . . . when I will call him. [Long pause.] Yeah . . . that's where I find myself at the moment . . . I'll probably find a moment to call him next

week. I always like to plan this type of thing." And laughing, she adds, "I am not ready to speak with him at this moment."

Susan is accompanying Mekelle, and laughs when she laughs. "Not at this moment . . ."

"Right. Perhaps I should call him some day when I'm mad." Mekelle laughs again. "But, hmm . . . it's beginning to weigh on me . . . This lets me know I ought to call now."

In the second clip, Mekelle speaks about the gratitude she is feeling for having been heard. "The really interesting thing to me is that I generally am not one to share my feelings. I tend to keep them buried and let other people tell me how they feel."

"Hmm," Susan listens.

After several false starts, Mekelle finally says, "This whole process . . . of realizing I'm still mad at him—because I didn't know I was still mad at him—is very interesting . . . to me, that is." Mekelle once again attempts to speak between her own pauses. Finally, asserting herself, and drawing out the word *mad* each time she uses it, she says: "I ask myself, 'Why, exactly, are you mad? You know? Should you be mad? You could be disappointed. But mad? Especially since he didn't do anything to you.' By that I mean he didn't use offensive language. He didn't hit me." After another pause, she continues, "I feel he disappointed me. I want to ask him, 'How can you be so intelligent and think like that?'"

As we conclude this sub-section, at the risk of sounding self-serving, I want to share a debriefing that took place after a long empathic listening session. Paulina was sharing some painful workplace experiences while Gloria, who was attempting empathic listening for the first time and was trying to be fully present. Gloria had left when I conducted this brief interview with Paulina. It points out how we must be fully engaged and how much work that involves. While some people may not notice when we give out signals that we are done listening, others are very perceptive.

GREGORIO: What did it feel like to be listened to?

PAULINA: It was very strange at first, as it seemed very one-sided. I almost felt I was talking to a tape recorder.



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Empathic listening is incompatible with being in a hurry or with the fast-paced world around us.

With a friend, there usually is a greater back and forth. Like a brainstorm. Developing a subject by telling each other how we had both had similar experiences . . . My conflict was over here [Paulina indicates it with her hand close to the table.] but there were a whole bunch of layers underneath [She moves her hand higher, further away from the table.] so it was kind of . . . releasing. To be able to explore, and not have someone interject their opinion. But it was still weird. But that's only because I'm not used to that. But overall, it was very therapeutic, very freeing, very releasing, very comforting . . . to just be able to talk and be heard. Even though you were

behind the camera—you're a really good listener, obviously, you have a lot of facial expressions. You reflected in your expressions what I was feeling. You smiled when I was trying to be comical. I try and be funny a lot, it's kind of a defense mechanism. When someone isn't responding to that, I almost want to shut down. You don't have to drop on the floor in hysterics but at least respond to the fact that I made a joke. It's easy to talk to you. [Paulina then explains that she felt, at one point, that Gloria became emotionally absent.]

GREGORIO: Tell me more. What happened?

PAULINA: Oh, I can answer that question very easily! When Gloria leaned forward and really seem interested [Now she leans forward, smiling.], genuinely interested, I could tell she was not just pretending. I could see her reaction as: "Oh, wow! Where is this going to go?" That sort of thing is very helpful, very encouraging. She would nod, like nodding faster . . . I felt encouraged by her genuine interest. But at one point Gloria seemed as if she were internally yawning. [Paulina tries to show this with her facial expression but ends up laughing.]

GREGORIO: [Laughs.]

PAULINA: Kind of, "I don't want her to think that I'm yawning, but I'm yawning." She took off her glasses to clean them. She began to look away . . .

GREGORIO: M-hm.

PAULINA: . . . no longer looking at me. It's as if Gloria was disengaged. The funny thing is that at the times she looked most bored . . . and I was ready to stop talking, I looked at you behind the camera, and you looked really interested, so I continued.

GREGORIO: That's very important, what you're saying. Because you really have to be interested to listen to others, you cannot pretend. Every part of you has to be interested. The moment you start thinking about

something else [Changes expression to a blank stare.], it's just that transparent . . .

PAULINA: Oh, yeah! I saw the switch go off. It's as if it clicked. It was almost like an audible click. But when Gloria was there, she was *very* there. And what was particularly appreciated: she didn't make it about her, even though she had experienced similar difficulties in her life. She permitted the focus to stay on me! Gloria was most interested in those things that she had had a shared experience in, but not so much . . . We as people are selfish little things, aren't we? It's all got to be about us.

A person who uses the purely empathic listening approach will have to dedicate large blocks of time to it. Empathic listening, as used in PDM, can easily last an hour or two. A single pre-caucus may not provide sufficient time to listen empathically when a person has been involved in a prolonged hurtful conflict. In the most positive sense of the word, helpful, constructive feelings *ferment* between one empathic listening episode and the next. I call this *positive fermentation*.

RECONCILING EMPATHIC LISTENING WITH OUR BELIEF SYSTEMS

Throughout the years, I have read numerous books about empathic listening. Some of its distinguished proponents suggest there is no such thing as *absolute truth*. My challenge, however, was the need to reconcile such a stance with the incredibly positive results obtained by the methodology. You see, I am a strong proponent of the existence of absolute truth, of right and wrong, of good and evil.

For instance, Rogers did not moralize, no matter how disturbing his clients' comments were. Instead he offered *unconditional positive regard*. Nor, to his defense, did he patronize troubled people by telling them it was normal to feel a certain way. When a client said she really hated her mother and would be glad to see her dead, Rogers listened. Soon, his client

would say, "Well, actually I don't hate her totally. I also really love her, and I wouldn't want her to be dead." Through several transcripts of Rogers' sessions with clients, this pattern is repeated. Each time, the client seems to make good decisions, backing away from hurtful, destructive approaches.[9] From my experience, observing how poorly people tend to listen, I suspect most would benefit from studying and internalizing Rogers' methods.

But returning to my dilemma, how could I reconcile my belief structure with being a good listener? Or how about situations involving people who are blind to the most basic common sense? For instance, how should I respond to individuals who say they are starving for the affection of family members or former friends yet are doing everything in their power to reject those persons?

On reflection, I arrived at these conclusions: (1) When people are truly heard, they will often come to their own correct insights, but if their assumptions are still faulty, then (2) by the very process of listening intensely, the helper will earn the right to *challenge blind spots*. There will be moments when listeners are justified—or, should I say, compelled—to speak their truth.

During the process of empathic listening, people who feel heard begin to see how they have contributed to the conflict. For this mediation model to work it is necessary to have confidence in people's desire for good. We must believe that individuals, when given the opportunity to reflect and reconsider, will find the path that is necessary to leave the darkness behind. PDM does not function unless the parties are essentially seeking to do good. If this is not the case, other mediation models will be more effective.

Goodwill deposits (a concept suggesting that people are more apt to accept proposals for change from those who have also celebrated their successes and are not overly focused on their failures) are earned, in part, through the empathic listening process. These deposits are required before the mediator earns the right to challenge an individual. After listening, concerns may be raised gently if it becomes necessary.

Despite all that has been said in this chapter, there will be times when the mediator's values are incompatible with those of

one or more of the parties. Mediators should not suggest that people violate their own principles or belief systems, nor should anyone expect a third-party neutral to be amoral. Likewise, such a quandary may occur with empathic listening in general. If a friend tells me he is thinking of being unfaithful to his wife, and if he does not reconsider during the process of being heard, I think it would be a great fault on my part to keep silent.

There may be times, then, when empathic listeners may need to share their value systems. Often, people will seek the mediator's opinion out of respect for that person's values. One of the leading experts on empathic listening and challenging, Gerard Egan, suggests that living by a value system may well be a prerequisite to properly challenging others,[10] a topic I will pick up in the next chapter.

SUMMARY

Through the process of being heard empathically, each party in a conflict will control the direction, pace, and final destiny of the exploratory expedition. The parties involved in the discord will have to do most of the hard work. Yet, these individuals will not be left alone during their difficult voyages. Empathic listening permits those who own the problem to begin to hear themselves. And as they hear themselves, they become better equipped to hear others and solve their own disputes. The empathic listening approach permits disputants to sufficiently distance themselves from the challenge so as to see it with more clarity.

There is great therapeutic value in being able to think aloud and share a problem with someone who will listen. Good listeners have enough self-confidence to hear others explain their difficulties despite the absence of any apparent solutions. Furthermore, such a listener is not overly concerned with discovering solutions, as these will likely be discerned by the speaker.

Part of being a good listener may require consciously fighting to keep an open mind and avoid preconceived conclusions. Mediators may want to continually assess their listening style, making sure that they show interest, avoid being judgmental, and

permit the person with the problem to do most of the talking. They should welcome long pauses—these are signs that the person who is venting is studying the matter deeply and feels accompanied in this difficult effort.

Ultimately, the key is to have confidence in the process, knowing that the listener does not have to come up with a solution, but rather, only needs to be present.

In Chapter 14 we include a long transcription of an NPA precaucus where empathic listening takes most of the time. There, we are able to see Phase I (listening) divided into Stage I (*sharing*), Stage II (*exploring*), and Stage III (*discovering*).

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3

Coaching During the Pre-Caucus



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Negative emotions can be dissipated as the parties feel heard during the pre-caucus phases of PDM. While the mediator's empathic listening is crucial to preparing disputants for the joint session, it is rarely sufficient. The mediator can play an active role by coaching individuals through some additional preparatory steps. These steps have been separated for conceptual clarity, although several points may arise at one time. The pre-caucus, then, is also a good time to:

- Prepare a list of topics to discuss
- Create distance from contentious feelings
- Validate identity projections
- Permit positive feelings
- Challenge blind spots
- Practice through role-plays
- Improve communication skills

PREPARE A LIST OF TOPICS TO DISCUSS

As mediators listen during the pre-caucuses, they also take notes. Each topic of concern brought up by the parties is recorded. The topics often overlap considerably. These lists are a vital springboard for the joint session dialogue. Even sensitive matters need to be jotted down unless a party requests otherwise. At times the disputants cannot imagine how certain sensitive topics could be addressed without offending. At some point mediators can offer coaching that will help the opposing parties work through language that might be used to broach a topic in the joint sessions.

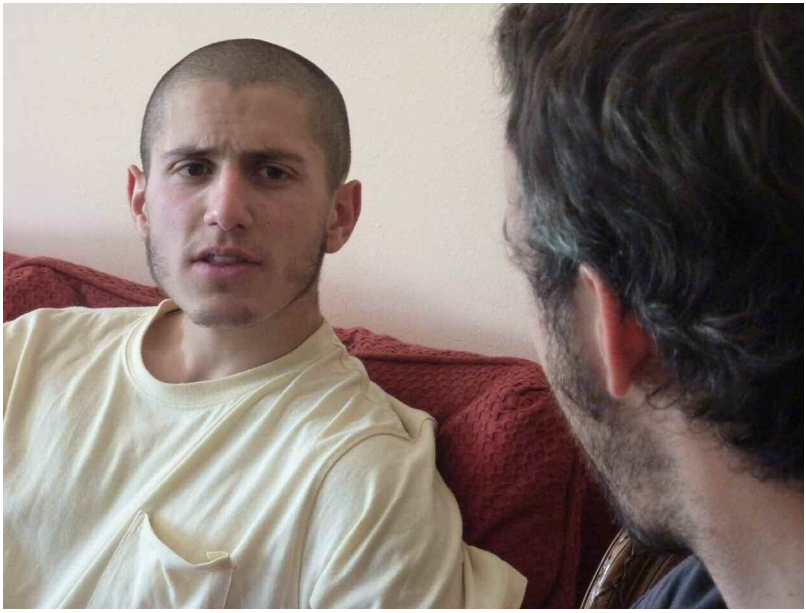
CREATE DISTANCE FROM CONTENTIOUS FEELINGS

There seems to be a pattern in entrenched interpersonal conflict: each contender is overly distracted with the stress of the dispute, has difficulty sleeping, and is generally thinking of bailing out (of the workplace, marriage, friendship). Individuals may be in denial about the negative effects of contention in their lives.

One manager claimed that he became angry and exploded but that his resentment was short-lived. He asserted that he did not hold grudges, no matter how disagreeable the encounter. Further into the pre-caucus, however, this manager admitted that a recent confrontation made him so furious that he was ill for a couple of days.

Mediators can help the participants visualize life without the tension created by destructive contention. John Winslade and Gerald Monk, in *Narrative Mediation*, argue that while people are theoretically free to say what they wish in a conversation, parties often feel their responses are influenced by the remarks of others. They see themselves entrapped within the conflict cycle.[1] Certainly, the results of numerous social psychology studies show that people often react in predictable ways to specific situations.

The authors of *Narrative Mediation* ask the parties how they might have felt forced by the dispute to do or say regrettable things. Or how the conflict affected them negatively in other



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During the pre-caucus, mediators note the issues that need to be addressed by the parties during the joint session.

ways. By placing the blame on the clash itself, mediators allow the disputants to save face and slowly distance themselves from the conflict-saturated story. Parties can detach themselves from the dispute long enough to consider if they want to keep feeding their negative feelings for each other.[1]

The authors of *Crucial Conversations* contend that we are adept at creating negative stories in milliseconds. As we entertain these narratives, they are likely to grow more clever and complex. Every emotional outburst, the authors argue, is preceded by such a story. Finally, they suggest that we are particularly adept at creating *victim* and *villain* narratives, and while sometimes we

may indeed be innocent victims, all too often we are blind to our own contributions to the difficulties at hand.[2] (Because people often blame victims in a number of settings, it is worth underscoring that emotional, verbal, financial, sexual, physical, and other types of abuse do exist. When victims are blamed for these events, it is as if they are being re-subjected to the abuse.)

These teachings revolving around self-talk have been proposed since much earlier times: "People are disturbed not by things but by the view which they take of them" was an observation of the ancient philosopher Epictetus in the *Enchiridion*.[3] More recently, psychologist Albert Ellis taught, "You largely feel the way you think and you can change your thinking and thereby change your feeling."[4]

Part of the role of the mediator is to help parties recognize the function that self-justifying and defensive stories play.



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Others argue that our initial responses to stimuli have a physiological basis related to the amygdala, insula, limbic system, and sympathetic nervous system. Some of these physiological responses are hard-wired; others learned.

Upon encountering danger, one individual may experience high arousal, whereas someone else may be oblivious to the same stimulus. The same person on different occasions may have widely divergent reactions to the same stimulus. Our life narratives or stored narratives, as well as fatigue, hunger, and a host of other conditions, affects our initial reactions.

Regardless of the evolving science on how we initially react to situations, the vital point is that once our emotions have been triggered there is much we can do to modulate them and reestablish positive connections with people. We can *respond*, rather than simply *react*, as we learn to: (1) slow down our breathing pattern and (2) modify our defensive, self-defeating, and self-justifying narratives.

Part of the role of the mediator is to help parties recognize the function that self-justifying and defensive stories play. Neutrals also help parties look for alternative narratives—those that permit the existence of motives that are less hideous, and perhaps even honorable.

Some years ago, I attended a soccer referee meeting in which my supervisor pointed out problems that referees needed to avoid. I became defensive. I remembered very well what had happened during the game in question. In my opinion, I had made the right call. I raised my hand and began to defend my decision to give a red card. The supervisor calmly responded, "Gregorio, we weren't talking about you."

It was not the referee director who made me upset, but rather the story I told myself to justify my behavior. The very fact that I felt compelled to create such a story should have been a warning to me. The story permitted me to entertain defensive emotions, which resulted in my negative behavior: justifying myself at the meeting when no one was attacking and thus running away at "the sound of a leaf falling from the tree."[5]


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Individuals attempt to cultivate an identity of how they like to be seen. For instance, one person may see herself as an intellectual; another may see himself as a cowboy. Such identity labels are part of a complex set of traits that a person might value.

Validate Identity Projections

Individuals attempt to cultivate an identity of how they like to be seen by others. One person may see herself as an intellectual; another may see himself as an outdoorsman, a scholar, a rebel, an athlete, a cowboy, or a free thinker. Such identity labels are part of a complex set of traits that a person might value. These labels answer the question, "Deep inside, who are you?"

An important part of mindful interpersonal communication, explains Stella Ting-Toomey, is the mutual validation of such

identity projections, through a process of *identity negotiation*. Ting-Toomey suggests that people tend to build bonds with those who seem supportive of the identity they attempt to project.[6] Undoubtedly, such mutual validation builds psychological intimacy.

Charles T. Brown and Charles Van Riper explain the broader concept this way: "Acceptance [requires] listening to the other to sense how he wishes to be heard. This confirms him and thus he tends to confirm us, and thus we are led to further self-confirmation. Self-acceptance and acceptance of the other are therefore interactive."[7]

Those involved in significant interpersonal conflict may go as far as denying each other their most valued identity characteristics. When individuals have built a relationship at least partially based on identity validations, it is not uncommon for one or both parties to want to take back such affirmations.

For instance, one associate built her relationship with another by telling her that she was artistic. The affirmation was greatly valued by the recipient. Over the years, these two women continued to strengthen their friendship. After a contentious disagreement, the artist was told she really did not have much creative and artistic ability. And the women were not even fighting about art when the comment was made.

People who have felt hurt or manipulated in the past may be slow to accept identity validations from others. Intermediaries help disputants exchange at least a small, tentative measure of validation.

Lack of validation normally plays a pivotal role in interpersonal conflict. Some of the most hurtful experiences are attacks on self-image or valued identity. They may take the form of a refusal to use the contender's name or to speak, greet, or look at the other person. When confronted about their passive aggression, the offender might say that there is nothing wrong. "I don't say anything bad to her. I simply don't look at her or speak with her. She just doesn't exist for me."

Individuals also project the personal qualities they wish to attain (e.g., generosity, equanimity). When people's weaknesses

are exposed they may reason that it is not worth trying to pretend anymore. Because friends, colleagues, and loved ones are more likely to have seen these weaknesses, the person may first stop pretending with family, close friends, and associates at work.

Pride—especially when our weaknesses have been exposed—makes it hard for us to recognize our errors and take the necessary steps to rectify our behavior. When parties have crossed the line and stopped trying, a key mediator role is help them shift attitudes, put their best foot forward, cross back, and thus get a second chance at a relationship.

It is not easy to cross back. Some people prefer to show improvement through actions rather than words. Yet both are required: verbal acknowledgement *and* changed behavior. A fundamental step, then, is for the party to *announce* planned behavioral changes—no matter how positive the changed conduct—lest these changes be misunderstood.

A man who had been involved in a contentious relationship voluntarily began to make what he thought were positive transformations. When they did not seem to make a difference, he tried other adjustments. Despite good intentions, he never communicated the reasons for these changes to his co-worker. During the pre-caucus, the other party explained that this individual seemed somewhat neurotic and fickle, changing personalities from day to day.

PERMIT POSITIVE FEELINGS

In the process of meeting with the disputants, the mediator can make a more informed determination as to whether to proceed with PDM, or use a more conventional style of mediation.

Under certain circumstances, more harm than good can result from permitting opponents to speak directly to each other. It is not the purpose of mediation simply to provide a safe place for contenders to exchange insults. Before deciding to proceed to the joint session the parties must experience some hope—an olive branch buried within the anger, frustration, and despair.

In *The Promise of Mediation*, the authors suggest that mediators watch for and recognize *transformative opportunities*.[8]



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While a number of factors can affect the success of a mediated joint session, perhaps none is as telling as asking contenders what they value in each other.

That is, mediators should be alert for any sort of compliment, kind word, show of understanding, apology, or acceptance of an apology. Transformative comments help the disputants validate each other.

Contenders probably have had unproductive exchanges in the past. Each player has taken the role of *victim* or *aggressor*—or most likely, has alternated between both. Each probably owes an apology to the other. Learning how to apologize and accept an apology are essential interpersonal negotiation skills.

During a pre-caucus an executive, almost as an aside, had something positive to say about the other party: "One thing I really value about the assistant manager is that he shows pride in his work—something I really admired in my father." The mediator suggested that the executive share these kind thoughts in the joint session, but was turned down. This challenge had been extended in a gentle way, permitting the executive to retain control. During the joint session the executive did compliment the assistant manager despite his earlier refusal to consider doing so.

While a number of factors can affect the success of a mediated joint session, perhaps none is as telling as asking what one of the parties values in the other. The mediator asks this question during the pre-caucus *after* the participants have had a chance to vent their frustrations. Individuals are more apt to see the good in their opponents after they feel understood by the mediator. It is not uncommon for the contenders to raise these positive issues on their own. The intermediary may ask permission to share these details with the other parties.

From a psychological perspective, this matter is of surpassing importance. People involved in contentious interpersonal conflicts not only fail to validate each other but also tend to discount their adversaries and strip from them any vestiges of humanity. Failing to find a positive quality in another is a reflection of this phenomenon. Individuals who have such negative feelings must give themselves *permission* to allow others a measure of humanity. Without some degree of mutual respect, PDM is destined to disappoint.

In the absence of this tiny light of hope, there is no point in proceeding to a joint session. And it is not enough to say that the

other person "is always on time," "drives a nice car," "is attractive," or "doesn't smell." If there is nothing of significance that one person can value about the other, more harm than good can come out of the joint session.

Mediators often notice that one person tends to be nobler in terms of affirming the other. Years ago, I asked a party for the positive characteristics of his antagonist. When he claimed there was none, I shared the affirming remarks that had been made about him. I was surprised by his second refusal to find anything of value in the opponent, especially after hearing something so positive about himself. Most people want to appear reasonable before the mediator.

"Well, if there is nothing positive you can say about the other person, there is no purpose in attempting a joint session," I explained. I suggested a short break after which we could sit down and look at the alternatives. When we returned, the taciturn party had prepared, to my shock, a long list of positive attributes about the other disputant.

Since then, I have come to recognize that if a party seems to have nothing affirming to say about another, it might mean that I have not listened sufficiently. Such a person may require several pre-caucuses before she is ready for the joint session. This was the case with Nora and Rebecca, the subjects of the extended case study included later in this book. Some conflicts, such as the one between Nora and Rebecca, have spanned decades. Is it reasonable to think that after one listening session longtime adversaries will be ready to dialogue?

It is essential, before moving into a joint session, for each party to have something positive and validating to say about the other.

CHALLENGE BLIND SPOTS

Psychologists speak of *blind spots* as information individuals may not know about themselves. As a youngster, no one told me I was a terrible singer. When I found out, I was surprised. Now, I joke that I got rich because people paid me *not* to sing. Blind spots prevent us from seeing our own faults. We do not always

notice how our actions may be contributing to difficulties in our lives and relationships.

Conflict tends to enlarge our blind spots and reduce our ability to think rationally and creatively. People involved in disputes also tend to make false attributions. Contenders often excuse their own negative behavior, yet ascribe the worst motives for others' actions. As long as blind spots exist, we tend to blame everyone but ourselves for our predicaments.

During the mediation process, each party will face plenty of difficulties. Contenders will have to confront blind spots beginning with the pre-caucus. Disputants will often recognize

Conflict tends to enlarge our blind spots and reduce our ability to think rationally and creatively.



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some of their own faults if the mediator has listened with empathy.

Furthermore, there is a certain amount of *psychological thawing*[9] that takes place when people are willing to see other possibilities. To use another metaphor, while they may not open the window blinds all the way, they begin to crack them and let some light in. As a result, after the pre-caucus the parties often begin to soften their stances towards each other.

Given enough time, such as in some types of therapy, people can begin to discover additional blind spots without having them pointed out. Traditional mediation seldom affords such opportunities. More complex PDM tends to be carried out over a longer period of time, and the time factor seems to work in favor of softening obdurate stances through *positive fermentation*.

Just as in mediation, there are different approaches to therapy. Despite the similarities between some types of therapy and mediation, these forms of intervention are not the same.[10] Therapists have specialized training and longer periods of time to work with clients. Blind spots may have to be considered sooner in mediation than in therapy.

So, what does it mean to challenge a blind spot? According to Gerard Egan, "At its simplest, confrontation is an invitation to examine some form of behavior that seems self-defeating, harmful to others, or both, and to change the behavior if it is found to be so."[11] Not everyone can challenge these blind spots. A listener must earn the right to do so,[12] by showing empathy and true concern.

A note of caution is in order before speaking further about challenging blind spots. As mediators we must guard against feelings of *psychological transference* and *countertransference*. For instance, one of the parties may remind us of someone—or a trying situation—from our past. If issues of transference can be troublesome in psychotherapy, they also can affect the mediation process. It is all too easy for mediators to permit life experiences to taint their efforts and unduly affect their neutrality.

Only after the disputant feels heard can a mediator introduce challenges. Under no circumstances should a person be

challenged so the intermediary can feel better. Nor should the challenge be based on feelings of resentment the neutral might be harboring. On the contrary, a mediator should only challenge a person for whom she has positive regard. Furthermore, mediators must be willing to accompany the party through the painful process of examining dysfunctional behaviors.[13]

An example of a challenge is to ask a person to explore possible reasons why others react negatively to her. Another example—as discussed in the previous sub-section—involves challenging one participant to share positive qualities possessed by the other.

Egan suggests that it helps to "deliver challenges tentatively, as hunches."[14] I call this using a *miniature hammer* rather than the industrial sledgehammer. Gentle challenges invite reflection; overbearing ones, defensiveness. The power of the miniature hammer is that it does not remove responsibility from the party involved in the dispute. In contrast, the industrial-size hammer is likely to act as a punishment in itself, permitting a person to discount the challenge as well as the challenger. People who have been effectively challenged may respond right away, after a few hours, or even months later. Elapsing time allows for positive fermentation.

During an NPA pre-caucus, Paula, a top manager at a horse training facility, expressed frustration that one of the managers who reported to her, Lázaro, seemed to have trouble relating to women. After being heard, Paula requested that the mediators *not* broach the topic with Lázaro. Instead, she agreed to do so herself. With the assistance of the intermediaries who instructed her to back off at the first sign of resistance, she role-played a very soft, miniature hammer approach.

This case was co-mediated by a woman and a man and would require several pre-caucuses. During a follow-up, Paula reported that her attempt to speak to Lázaro about this sensitive topic was unsuccessful. His resistance was immediate so Paula dropped the subject.

During one of the subsequent pre-caucuses, the female mediator was able to very gently challenge Lázaro by indirectly



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Coaching and modeling effective interaction styles is an ongoing task for the mediator.

touching on the topic. His stance had softened and he began to speak about the challenges he faced in transitioning to working for a

woman. This permitted for more positive feelings on this subject to ferment over time.

Finally, after some months had elapsed, the day of the joint session arrived. A group of international visitors and NPA practitioners from Chile—mostly men—joined the mediation team. A final pre-caucus with each party was carried out before lunch. The topic of sexism was openly discussed with Lázaro.

During the joint session, where all the mediators sat at one end of the conference room and played an insignificant role, Paula and Lázaro had a wonderful conversation about many topics. At one moment, Lázaro began to speak to Paula about how difficult it was for him to transition into having a female supervisor.

One of the international visitors wanted to help Lázaro save face. He interrupted to say, "Lázaro, you really don't mean to say that you treated your supervisor differently because she was a woman—it was just because you had a conflict with her, right?"

Lázaro turned to address him and explained that, indeed, the issue of Paula's gender had been at the core of his problem. Then, turning to Paula, Lázaro offered a sincere, heartfelt apology. This is an example of how the tiniest of hammers was used throughout the process. As the joint session was concluding, Lázaro again turned to the mediators and with a broad smile said, "I won't be needing you anymore, as I now feel I can talk to Paula about *anything!*"

A positive negotiation technique, when seeking to challenge, is to ask permission to pose a question.[15] The mediator, by using this strategy, lets the party know that the matter requires deep thinking and is not easy to answer.

Let us look at another challenge that considers some of the techniques we have been discussing. Sara and her boss, Nick, have been involved in a dispute that has taken on major proportions. Among other things, Nick has complained that Sara is constantly threatening to leave the enterprise. The first time Sara used this tactic, Nick worked hard to please her. Now he feels great resentment towards Sara. Threats—both direct and veiled—tend to reduce a party's negotiating power.

Nick greatly values Sara's work, but he has reached the point where he would rather see Sara leave the business than be

exposed to her constant threats. This might be a blind spot for Sara. Though she might vent her anger at length, it is doubtful she would ever realize—in spite of having an empathic listener—the dysfunctional nature of using threats as a negotiating tactic. Nick has given the mediator permission to share his concerns with Sara. We pick up the conversation after the mediator has listened to Sara for some time. It is not the first time Sara mentions that she would like to find another job.

"I'm so tired of working here, and I've told Nick that perhaps I should look for another job," Sara explains with a tone that betrays both resignation and angst.

Instead of directly reproving Sara for her use of threats, the mediator may acknowledge Sara's frustration and eventually broach the issue of negotiation techniques.

"Sara, may I share a negotiation concept with you?"

"Of course!"

"Part of my role is to prepare parties to face each other by helping them improve their negotiation skills. We can often obtain better results if we know how to frame the matter at hand. Finding the right language so others will be receptive to what we say."

"Mmm."

"People may stop listening when we use certain approaches. Nick told me—and he gave permission for me to share this with you—that he tunes you out . . . when you threaten to quit. Threats are a hot button for him."

"But, then how do I let him know I'm so frustrated?"

"Wonderful! That is precisely what we want to do. It is so important that you can express the stress and frustration you're feeling. We don't want to minimize these annoyances, such as when Nick asks everyone for advice except you."

"Yes, that and other things."

"Would you like to spend a little time together finding just the right language to use so Nick is more likely to listen? So he doesn't become so defensive?"

The mediator has not given Sara any reason to believe she favors Nick's perspective in the overall conflict. She is simply

inviting Sara to present her perspective in a clearer, more effective, and less threatening fashion. Once Sara comprehends that she must merely replace the unproductive tactic with a more positive one, the mediator (or a co-mediator) can role play Nick while Sara practices alternative ways of expressing her views. Together, they can try different approaches and find one that Sara feels good about and meets her needs.

The mediator, as a careful listener, will often pick up on potentially problematic communication during the pre-caucus—even when not alerted by the other party. The neutral, then, also prepares parties to challenge each other during the joint session.

Regrettably, there are times when the third party needs to step in during the joint session. This is not the ideal, as the actors lose face and it may give the appearance of mediator partiality. Of course, there are ways that the neutral can intervene without overly altering the process, but it certainly is not as elegant as when the individuals can dialogue without interference.

PRACTICE THROUGH ROLE-PLAYS

Role-plays are powerful pre-caucus tools. After listening to a young woman, I asked her to imagine she was now talking to a co-worker with whom she had been involved in several unpleasant exchanges. As she told her story before the role-play, her tone of voice was relaxed and friendly. As soon as she pretended that she was speaking to her colleague, her comportment changed dramatically. Her body language, the tension in her voice, and the rough words that she spoke surprised me. The transformation was alarming, but it permitted me to offer some helpful suggestions.

At one enterprise, a manager's angry outbursts were well known. Martin had minimized the seriousness of his problem. A co-mediator played the role of the other contender. "Martin," she began. "When you get angry at me, shout at me, and use profanity, I feel very bad."

"Well, I'm so sorry I used bad language and was angry at you," Martin began nicely. "But . . ." And then Martin started to excuse himself and place conditions on controlling his anger. I



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With extremely difficult conflicts, as the moment of participating in a joint session approaches, painful feelings often resurge. It is worth reminding participants ahead of time that this is a normal part of the process.

interrupted. "An apology with a qualifier or a 'but' is not a true apology; it is merely a statement of justification," I explained.

In total frustration Martin turned to me, raised his voice, and said, "Look, everyone has his style. Some people deal with disagreement this way, others, that way. I'm an expert on intimidation. If I can't use intimidation, what can I do so I don't get run over? Am I supposed to just sit here and tell the other guy how nice he is and not bring up any of the areas of disagreement?"

As previously mentioned, one of the purposes of the pre-caucus is to coach individuals on how to effectively present their perspectives. So, I calmly responded to his anxious query, "I am so glad you asked, Martin. That's why I'm here."

When mediators have done their work during the pre-caucuses, the joint sessions can be very positive. Martin's case was one of the most difficult I had encountered at the time. Yet, once in the joint session the two managers did most of the talking. They were extremely cordial, attentive, and amicable, showing understanding for each other. I had no need to interrupt as they negotiated other than to ask for clarification in noting what they had agreed on. Although these individuals did not completely solve their dispute on that occasion, they continued to make progress after the mediator left.

After empathic listening, I believe that role-playing is the most vital tool to improve the mediation process. It affords parties the opportunity to practice both sharing information and challenging differences while receiving feedback on how to better communicate—feedback which ideally is given in the privacy of the pre-caucus so parties can save face while mediators retain the appearance of neutrality. Through these simulations, neutrals can also detect *leakage* of negative feelings and ascertain if the parties are ready for the joint session.

In addition, role-plays can be recorded and the parties are then able to see themselves and analyze their own dysfunctional behavior. The positive impact of these recordings is often very powerful. Being involved in a role-play is invaluable, and a recording can provide additional understanding. In a recording we see the situation more realistically—like the difference between observing ourselves in a mirror and in a photo.

VERY DIFFICULT CASES

The PDM approach, as I mentioned, is designed to handle the most complex cases, including those that have lasted decades. Sometimes the rivals have such vitriolic feelings toward each other that little progress seems to be made in the pre-caucuses.

At some point mediators may want to encourage participants—especially in cases where parties have stopped talking and have little contact—to send each other letters. I am suggesting old-fashioned letters, with *stamps!* (The stamps need to be chosen with care so as not to give unintended messages.) The idea of utilizing letters is to avoid quick, dysfunctional interchanges. Maybe the antagonists are still not ready for the joint session but they can talk about certain topics in a positive way. They can share little transformative moments that will move the protracted process along.

It is not a matter of eliminating or replacing the joint session, but rather accelerating positive fermentation. It is necessary to



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Role plays may be recorded so parties can analyze their own behaviors.

wait until the parties are ready to see some good in each other, or to apologize. Before mediators make this suggestion, I believe they must have achieved a high level of mutual trust with each party.

The mediator can invite one of the disputants to write first and let the other party know to expect a letter. Throughout the letter-exchange process the mediator lends an empathic ear to the parties and also asks to review their responses before letters are sent off. Because of the nature of the protracted conflict, opponents are likely to read many unintended negative messages into the letters, even when they are written with care. While the mediator offers comments and suggestions, in the end, the parties must take ownership of their own letters.

With extremely difficult conflicts, as the moment of participating in a joint session approaches, painful feelings often resurge. It is worth reminding participants ahead of time that this is a normal part of the process.

With some hesitation I would like to share another concept. I hesitate because I hope the reader will not use these comments as an excuse to take shortcuts or discard the PDM system. When people are in daily or frequent contact—and this contact hinders progress—an abbreviated joint session may be required after a few sets of pre-caucuses. In such a session it is worth limiting the number of issues to be addressed in order to allow the participants to experience a small victory. Later, the process can continue through additional caucusing and joint sessions. Mediation is both an art and a science, and formulas cannot always be followed.

IMPROVE COMMUNICATION SKILLS

Coaching and modeling effective interaction styles is an ongoing task for the mediator. The objective is to enhance the interpersonal negotiation skills of the parties involved.

The lack of effective negotiation skills is often the culprit when people experience interpersonal conflicts. Chapter 4, "Interpersonal Negotiation Skills," is a primer on the subject. That chapter may be downloaded from

http://www.cnr.berkeley.edu /ucce50/ag-labor/7conflict/ and distributed at no cost to clients, students, or others (see the copyright page). Mediators can suggest that clientele familiarize themselves with these materials before the joint session.

People are more likely to identify dysfunctional communication styles in others than in themselves. Clientele can take better advantage of these tools by introspectively considering if there are behaviors they can improve in *themselves*.

SUMMARY

After some of the emotional stress is dissipated, mediators can continue to help the disputants prepare for the joint session. Listening with empathy is a powerful tool to help reduce negative emotions. But there are other techniques that also help create a sense of distance between the contenders and the dispute.

By providing tools for better communication, a mediator can help the parties see more clearly and recognize their own faults and their contributions to the conflict. With good measures of tact and gentleness, neutrals can help disputants begin to see blind spots in their communication styles and negotiation tactics.

The mediator also listens to each party with the idea of eventually teaching the person how to express viewpoints in the best positive light. Only after individuals are able to: (1) distance themselves sufficiently from the conflict to see the positive in their contenders, (2) effectively put forth their own ideas, and (3) listen attentively and analytically to other points of view, will the parties be empowered to negotiate successfully in the joint session. When there is doubt about the parties' readiness to negotiate successfully, holding another set of pre-caucuses may save time in the long run.

One of the functions of the mediator in the pre-caucus is to help disputants capture the essence of their conflict by making a list of issues that need to be addressed during the joint session.

When the participants are well prepared, the mediator is unlikely to be required to take an overly active role in the joint session. Neutrals may need to coach individuals on how to formulate questions, ask for clarification, reflect on what has been

said, properly frame ideas, avoid defensiveness, and adequately challenge others. Much of this is done through role-plays.

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4

Interpersonal Negotiation Skills



© 2005 Gregorio Billikopf, Half Dome, Yosemite National Park

The very thought of negotiating is intimidating, yet we are all experienced negotiators. The process of taking turns in a conversation, or of deciding who says hello first, involves tacit negotiation. Some types of negotiation may be almost subconscious, such as holding a door open for another to pass through. It is one thing to negotiate, another to be a skilled negotiator.

Whenever choices exist, there is potential for disagreement. Such differences, when handled properly, can result in richer, more effective, creative resolutions and interaction. But, alas, it is difficult to consistently turn conflicts into opportunities.

As we put into practice effective interpersonal negotiation techniques, we gain confidence in our ability to find agreement and overcome challenges. This confidence can be contagious.

When I was about thirty years old I climbed Half Dome, in Yosemite National Park, without much difficulty. The view from the top was spectacular. Twenty years later I took two of my adult children to the summit. The second climb took a lot more faith, but I knew that since I had succeeded once I would certainly be able to do it again. Mind would triumph over matter. There were times when doubts crept in. But Andrea, my oldest daughter, kept cheering us on: "We can do it, team!"

Negotiation is not about making it to the top alone, but rather, in tandem with the other person with whom we are in disagreement. Just as with climbing Half Dome, there will be challenging and difficult moments; but, oh, how worthwhile the results!

The good news about conflicts is that there are simple and effective tools to generate positive solutions and strengthen relationships damaged by disputes. Do not let the simplicity of the concepts obscure the challenge of carrying them out consistently.

Effective dialogue entails as much listening as talking. When disagreements emerge, it is easy to hear without listening. While effective two-way exchanges will happen naturally some of the time, for the most part they need to be carefully planned. Individuals who have overcome obstacles gain confidence to face increasingly difficult challenges.

Self-esteem is strengthened when we learn to face people and challenges instead of avoiding them.[1] Certainly life gives us plenty of opportunities to practice and improve. Let us begin by discussing why differences can be so challenging.

Fighting Words: How Did We Get Here?

Two grown men appear to be conversing normally, then suddenly break into a fight. The taller one hits the other twice, hard. The shorter of the two is now bleeding from the side of his mouth. They exchange further insults. The taller man walks away

only to return an instant later. He creeps up on the shorter man, again lands a couple of punches, and then leaves satisfied.

These men knew each other, and something was eating at them. Despite the apparent calm before the physical attack, their anger had boiled much earlier. Why did their disagreement turn into an act of violence? Why was the taller man compelled to come back and hit his acquaintance again? Many of us have observed, read about, or heard of situations worse than this. The world around us can, at times, erupt into violence.

From time to time, we all do and say things we later regret. I once spoke to an individual who hungered for a kind word from his wife, yet refused to take the initiative to say something nice to her. I could read the concern in his eyes. Another person took offense where none was intended. A youth talked about feeling elated after taking revenge on a friend. Only later, when he arrived home, did he begin to feel guilty about what he had just done. Why is it that people can so easily fall into the gutters like deviant bowling balls instead of rolling straight and true down the lanes?

Sam and Porter

Sam and Porter have allowed feelings of resentment and antagonism to build over the years while they have worked at a dude ranch. I have been acquainted with these men for a long time and know them to be caring, concerned, and giving individuals—when they are not around each other.

Today, Sam and Porter are among those leading a group of trail riders on a weeklong ride through parts of the majestic Rocky Mountains. As usual, each is trying to show off his riding skills and understanding of horses. Lee, one of the ranch guests, asks an innocent question about snaffle bits. Sam is the first to comment on Lee's query. Porter disagrees with Sam, however, by saying, "Those who have spent enough time around horses recognize . . ." With these words, Sam is excluded from the club; his opinion has lost any value, if it ever had any. Everyone around is embarrassed for the two men.

Sam is losing face in front of the people he is trying to impress. He attempts to protect his reputation. "Porter, that's

funny," Sam quips. "Since when are *you* the big cowboy?" Several riders laugh. But Sam's moment of glory is short-lived. If Sam's objective is to save face, the last thing he wants to do is to get into a verbal exchange with Porter. Sam has little chance of succeeding. Porter is quick-witted and knows all the buttons that will trigger a reaction from his rival.

In the heat of battle, it is difficult to realize how others may be seeing us. Worse, we do not care, for we are invested enough in the contest to feel we must minimize our injuries. We want to make sure the other guy is hurt as badly as we are. As long as we can sink our adversary, we do not care if we also go down with the ship. Such attitudes only serve to escalate the conflict to the next level.

Back on the trail, the cowboys' subtle attacks are becoming increasingly direct. When Sam desperately makes a flippant comment, Porter loses no time in grinding his face against it with calculating and dripping sarcasm: "I'll try to remember that next time I ride my *mule*."

One gets the impression of Porter as a cool and cunning provocateur. He never raises his voice. He does not have to. His verbal skills are sharper. The lion tamer in a cage with a lion. The angry lion is roaring for the crowd at the circus.

During a lull in the action, Sam manages to refocus and brilliantly deals with the matter at hand rather than his quarrel with Porter. Several of the riders are observing and seem impressed. But Sam soon succumbs to the conflict and makes a snide comment about Porter. Sam may be a lion, but Porter verbally squashes him like a mouse and leaves him twisting and turning in pain for exhibiting such insolence.

Another lead rider attempts to smooth things over but only manages to make matters worse. Sam begins to address the riders who are close enough to listen, and ignores Porter. But frustration has taken its toll. Sam's voice is cracking and betrays deep emotions as he recounts past injuries and the history of the conflict. Sam is now using some profanity, which is out of place for the culture of the group. In the process of speaking, he continues to provide Porter with ammunition. From the beginning, it has not been a fair match.



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Effective dialogue entails as much listening as talking.

The more Sam attempts to defend his hurt ego, the faster the quicksand engulfs him. Porter's tone of voice remains steady and cutting. The lion tamer knows the big cat will jump at him, and he is trying to provoke the spectacle.

Sam's next comment takes everyone by surprise. He announces that he has been offered a job as a lead rider in a coast-to-coast trail riding enterprise in beautiful New Zealand, where he will be better appreciated.

And that is what Sam has wanted all along—just a little appreciation. Porter mocks him instead. The caged animal is ready to pounce on the lion trainer. He is roaring and angry. The crowd watches in amazement. Has the lion tamer gone mad? Sam, flushed, stands on his stirrups to speak. None of us has ever heard him use such degrading language. Sam yanks on the reins of his mount and rides back to a different cluster of riders who had not heard any of the conversation.

The big cat attacks the lion tamer, and the lion tamer wins. But wait. Did he really triumph? Are lions always defeated, and do lion tamers always win? In the short run, both of these men lost the respect they desired. It is hard to measure the long-term losses.

In most conflicts, the people involved suffer from a momentary (and sometimes *not*-so-fleeting) inability to think about consequences. They are willing, in a flash of anger, to suffer any consequence if need be. Pride displaces prudence.

The origins of conflict can be so many and varied that it would be impossible to catalogue them all. Common sources of conflict include disagreement, perceived lack of fairness, jealousy, misunderstanding, poor communication, victimization and reprisal—almost all born of *pride*.

Contention

Most people think of *conflict* as a synonym for *contention*. In academic circles it is popular to talk about *conflict* as being something positive. Conflict is often defined as a mere *difference in opinion*. Such differences, when properly discussed, can lead to more elegant and sustainable solutions. When disagreement is poorly dealt with, the outcome can be *contention*. Contention creates psychological distance between people through feelings of dislike, bitter antagonism, competition, alienation, and disregard.

Incidentally, *conflict resolution* and *negotiation* are two closely related academic specialties, but usually, each has its own specialists and specialized literature. One of the main differences between these disciplines is the contention factor.

When faced with problems, the human brain is capable of taking large amounts of data, quickly analyzing it, and coming up with the "best solution." Unwanted options are discarded. This is fine when it comes to making quick decisions under time constraints.

When someone is driving along the highway, for example, and another vehicle is about to merge, the driver has several alternatives—not all of which are possible at any given time nor are they all of equal value. The driver's choices include:

(1) moving from one lane to the other, (2) slowing down, (3) speeding up, or (4) maintaining the same speed and letting the other vehicle figure it out. If drivers want to avoid accidents, they cannot take long to make such decisions. The driver does not have time to talk it over with the passengers. Luckily, as we said, our brains usually work well when we need to make quick judgments.

Unfortunately, in other circumstances we are often eager to accept the first possibility that seems to work rather than the truly creative one. While some decisions may require careful consideration and even agony, we make others almost instinctively.

Our favored choice becomes our *position* or *stance* in the matter. Our needs, concerns, and fears—although not always conscious—play a part in the process of establishing our positions.

Misunderstanding and dissent arise when our solutions are at odds with other people's positions. Several foes combine to create contention:

- Our first enemy is the natural desire to *explain our side first*. After all, we reason, if others understand our perspective, they will come to the same conclusions we have.
- Our second enemy is our *ineffectiveness as listeners*. Listening is much more than being quiet until we can have our turn. It involves a real effort to understand other perspectives.
- Our third enemy is *fear*. Fear that we will not get our way. Fear of losing something we cherish. Fear we will be made to look foolish or lose face. Fear of the truth—that we could be wrong.
- Our fourth enemy is the assumption that *one of us has to lose* if the other is going to win—that differences can only be resolved competitively.

Four Weak Solutions

We are often too quick to assume that a disagreement has no possible mutually acceptable solution. Certainly, talking problems through is not so easy. Confronting an issue may require: (1) exposing ourselves to ridicule or rejection, (2) recognizing we may have contributed to the problem, and (3) willingness to change.

When involved in conflict, we often enlist others to support our perspective and thus avoid trying to work matters out directly with the affected person. Once we have the support of friends, we may feel justified in our behavior and fail to put much energy into resolving the disagreement.

Sympathetic co-workers and friends usually tend to agree with us. They do so mostly because they see the conflict and possible solutions from our perspective. After all, they *heard the story from us*.

Whether dealing with family members, friends, acquaintances, or associates at work, sooner or later difficulties will arise. We usually do not find ourselves at a loss for words when dealing with family members and other people with whom we have extended contact on a regular basis. Communication patterns with those closest to us, however, are not always positive; they often fall into predictable and ineffective exchanges.

With virtual strangers we often put forth our best behavior. Out of concern for how others perceive us we may err in saying too little when things go wrong. We can suffer for a long time before bringing issues up. This is especially so during what could be called a "courting period." Instead of saying things directly, we try to hint at problems.

Although it is easier to sweep difficulties under the psychological rug, eventually the mound of dirt becomes so large we cannot help but trip over it. Honeymoons tend to end. At some point, "courting behavior" gets pushed aside out of necessity. After the transition is made, it can become all too easy to start telling spouse, friend, or co-worker exactly what has to be done differently.



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Our friends and sympathetic co-workers often tend to agree with us when we tell them about a conflict we may have had. They are apt to see the conflict from our perspective. After all, they heard the story from us.

It is good to be perceptive of how others react to us while, at the same time, refraining from taking offense. We can find constructive outlets to dissipate stressful feelings (e.g., exercise, music, reading, service to others, or even a good night's sleep). It is not helpful to appear unaffected while resentment builds up within and eventually explodes.

Unresolved conflict often threatens whatever self-esteem we may possess. Few people can boast of self-esteem that is so robust that it cannot be deflated by conflict. By finding others who agree with us we falsely elevate our self-esteem. Yet we only build on sand.

As our self-esteem is depleted, we become less able to deal with conflict in a positive way. A constant need to compare

ourselves to others is a telling sign that something is amiss and that our self-esteem is weak. It is easy to confuse self-esteem with pride.

Self-esteem is built on a firmer foundation as individuals learn to deal effectively with conflict. In Spanish there are two related words: self-esteem is *autoestima*, while false self-esteem is *amor propio* (literally, "self-love"). Thus, the expression *le hirió el amor propio*, means someone's pride was wounded. As we learn to successfully negotiate through conflicts, our self-esteem and confidence are strengthened.

It takes more skill, effort, and commitment—and more stress, although only in the short run—to face disagreement directly. Instead of effective dialogue, we often gravitate to less helpful approaches to conflict management: (1) we fight (or compete), (2) yield, (3) avoid, or (4) find a weak compromise.

1. Fighting It Out

A man sat in his train compartment looking out into the serene Russian countryside. Two women joined him. One held a lap dog. The women looked at the man with contempt for he was smoking. In desperation, one of the women stood, opened the window, took the cigar from the man's lips, threw it out, and closed the window. The man sat there for a while and then proceeded to re-open the window, grab the woman's dog from her lap, and throw it out the window. No, this story is not from today's news; instead, it is a scene from Fyodor Dostoevsky's nineteenth-century novel, *The Idiot*. The frequency and seriousness of workplace, domestic, sports, and other types of violence seems to be ever on the rise.



© 1993 Gregorio Billikopf, taken from a Russian train

The objective of competition is for one person to get his way. At least it seems so at first. In the long run, both parties often end up losing. It does little good, for instance, to secure a spectacular contract for a new facility if the small profit margin forces the contractor out of business before completing the job. Once people are caught up in competitive negotiation, it is often hard to step back and see clearly enough to work through difficulties in a collegial manner.

Competition tends to focus on a particular episode, rather than on long-term viability—on the present goal, rather than on the long-term relationship. A retired supervisor bragged that his subordinates learned he was "not always right—but always the boss." Although he might have obtained compliance as a result of his focus on winning, I doubt he won much employee commitment. Losers often hold grudges and find ways of getting even.

Should a business not try to obtain a good price for raw materials? Or negotiate the best possible deal when buying a new piece of equipment? What about one-time situations involving people who will never see each other again? Hidden in these questions are deeper issues. Surely, there are times when people bargain with the idea of getting the best possible results. In some cultures, merchants are offended if you pay the asking price without bargaining.

We have all heard the story about a man who was running late for a job interview. He rudely cut off a woman who was waiting her turn to park. They shouted at each other and he hurried off to his appointment. The man was greatly relieved to see that his interviewer had not arrived yet and that he had made it on time. His contentment was short-lived. You guessed it, the interviewer turned out to be the woman he had cut off in the parking lot! At times, then, people incorrectly assume they are dealing with a one-time situation.

2. Yielding

Yielding involves unilateral concessions at the expense of the submissive party. People are most likely to yield when they



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It takes more skill, effort, and commitment—and more stress, although only in the short run—to face disagreement directly.

perceive there is little chance of winning or when the outcome is more important to the other person.

In some situations, yielding can be a virtue, but not always. A person who continues to yield sometimes stops caring. I do not see any harm in occasional yielding during a business transaction, or a balanced yielding between spouses, or even the frequent yielding obedience of a child to a parent or teacher. There are two specific types of yielding that are troublesome: (1) saying *yes* today and living with frustration or resentment tomorrow and

(2) repeatedly agreeing to go along with a weak solution in order to avoid disagreement. In these instances, yielding is not a virtue. When people stop caring, they often withdraw physically or emotionally.

3. Avoidance

Avoidance weakens already fragile relationships. There are many tactics that individuals use to delay or avoid difficult conversations. There are individuals who use the expression "We'll see" when they mean "I don't want to talk about this." They have no intention of conversing about the subject later. Sending someone else to deliver a message is one particularly damaging form of conflict avoidance.

Silence is sometimes confused with avoidance. I have observed numerous situations in which a person was asked a question and when the listener did not answer quickly enough, the questioner responded in anger. In at least some of these cases, it seemed that the listener was about to answer but was not given enough time to reflect and respond.

Among the many reasons for remaining silent is not knowing how to answer without increasing the conflict spiral or hurting someone. Yet silence can hurt. Suggesting that the conversation be continued later, under less emotional circumstances, is effective—unless it is viewed as another form of avoidance.

4. Compromise

Mutual concessions in which both parties yield are compromises. Some compromises involve an arrangement somewhere between two positions (e.g., visiting Aunt Clotilde for half an hour, as desired by Julio; or for two hours, as hoped by his wife Juana); others alternate the beneficiary. An example of the former is paying something less than the original asking price but more than one had hoped for. An instance of the latter may involve taking turns choosing a restaurant for dining out. Some issues lend themselves better to compromise than others.

Compromise takes a measure of goodwill, as well as trust and maturity, but not much creativity. Compromise often involves

lazy communication and problem solving. The term has acquired a negative connotation. While mutual concessions may take place at any time in the negotiation process, too often they occur before the challenge is sufficiently understood or more creative solutions are considered.

You may have heard the classic tale of two siblings who argued over who would get the last orange. They compromised and split it in half. One ate her half and threw away the peel; the other, who was cooking, grated the peel and discarded the rest.[2]

When we are involved in a conflict, toward which of these methods do we tend to gravitate? Are we likely to fight it out, yield, withdraw, or look for a compromise? We develop techniques for interpersonal relations and conflict management in our youth. Hopefully, as we mature we move toward more effective ways of reducing discord. When we permit contention and act out, or throw a tantrum, we are regressing into dysfunctional behaviors that might have worked for us when we were teenagers, in our pre-pubescent youth, or even earlier.

INTERPERSONAL RELATIONS

Interpersonal skills play a critical role in the development and maintenance of trust and positive feelings in our dealings with others. They are the building blocks for successful interpersonal negotiation.

Social Rituals

The most basic unit of wholesome human interaction is the *stroke*—a verbal or physical way to acknowledge another person's value and existence. A *ritual* is a mutual exchange of strokes—a sort of reciprocal validation of each person's worth. It promotes a sense of trust between people. The term *stroke* connotes intimate contact, as when an infant is caressed, squeezed, or patted.[3]

As a teenager, I asked one of the farm foremen who worked in our vineyard to saddle my mare and do a number of other things I needed. He answered with a simple, "Good morning!" I was very

embarrassed but I never forgot the reprimand. It was clear to me that he was saying, "I am *not* your tractor, I am *not* your horse, I am a *person!*"

People generally do not go around patting or caressing other adults (except in the sports arena) but they may shake hands, wave, or say hello. Most stroking takes the form of verbal communication and body language. Examples include waving, smiling, a glance of understanding, saying hello, and even sending a card or flowers.

Between spouses, touch is an important way to show care and liking. Physical strokes among friends and associates may include placing a hand on another person's shoulder, elbow, or back. While some people do not mind, others feel these gestures, unlike the handshake, can be inappropriate.

A young woman reported that an acquaintance mistook her friendly pats on the back—intended to convey thanks for a job well done—as romantic interest. Similarly, when a woman threw water at a man and grabbed him by his shirt, he confused the horseplay with a show of sexual interest.

People may resent physical strokes, not necessarily because they are sexual in nature, but because they often represent a show of superiority. Dexter, a manager, frequently tended to place his arm around Laurie's shoulder. The day Laurie put *her* arm around Dexter's shoulder, he was visibly uncomfortable. As a result, Dexter stopped the annoying practice.

In terms of physical strokes, we may have widely differing feelings about them depending on the situations and persons involved. From one individual, we may find these gestures comforting, yet we resent the same kind of stroke coming from another.

The need for personal validation is so great that people may prefer negative attention to being ignored. Try to imagine how awkward it would be to meet a friend you have not seen for a few weeks and not greet the person through either gesture or word. From an Argentine folk song, I like the saying, roughly translated, "When two people like each other well, they will greet each other from kilometers away."[4] The opposite of a stroke is the "cold shoulder" treatment.

Some verbal strokes may be neutral or uncommitted, such as "I see." Others show more care or interest: "I heard your daughter is getting married. That's exciting!" Body language and tone of voice play important roles in the intensity of stroke exchanges.

Generally, when individuals know each other well, have not seen each other for a while, or are responding to a catastrophe or other special circumstances, a more forceful stroke is expected.

At times the intensity of a stroke may make up for its brevity. For instance, we may realize special circumstances call for a longer stroke exchange, yet we may not be able to deliver at the moment. A neighbor may enthusiastically welcome a friend returning from a vacation, "Hey, I'm so glad you're back! You'll have to tell me everything about your trip this evening. I've got to be running now, before the store closes." This stroking validates the neighbor's existence while simultaneously acknowledging more is owed. A drastic change in ritual length or intensity among people, for no apparent reason, may affect a person's self-esteem or raise suspicion that something is wrong with the other person.[5]

Strokes help maintain goodwill in relationships. Without them, conflict may surface or escalate. When discord has landed, these strokes—even eye contact or other subtle ways to show validation—tend to be eliminated. Part of the reconciliation process requires that these mutual validation gestures be resumed, which may often mean swallowing pride.

Conversational Skills

Once the basic ritual is over, people may either go their own ways or engage in a longer conversation. Poor conversational skills may also hinder interpersonal relations and thwart conflict resolution. So, what makes a person difficult to talk to? Weak conversationalists are interested in only one topic, tend to be negative, talk excessively about themselves, resort to monosyllabic answers, are somewhat controlling, talk too much, or are overly competitive (they can top anything you say).

Some conversations among close friends are much more animated than others, involving interruption, exchange of stories, and description of experiences where it is not unusual for



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Sometimes silence is confused with avoidance, especially when individuals are not given enough time to reflect and respond.

participants to finish each other's sentences. As positive as these exchanges may be, there are times when they are not appropriate.

In *The Lost Art of Listening*, Michael Nichols says, "Talking and listening is a unique relationship in which speaker and listener are constantly switching roles, both jockeying for position, one's needs competing with the other's. If you doubt it, try telling someone about a problem you're having and see how long it takes before he interrupts to tell you about a problem of



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When friendship exists among people, they greet each other with enthusiasm.

his own, to describe a similar experience of his own, or to offer advice—advice that may suit him more than it does you (and is more responsive to his own anxiety than to what you're trying to say)."[6]

Some claim they can simultaneously listen while they work on the computer, read a newspaper, or attend to other business. Certain individuals are better at multitasking than others. Nevertheless, the message to the speaker is discomforting: "You are not important enough for me to attend exclusively to your needs."

Effective conversationalists will take turns speaking and listening as well.[7] Of course, there are times when we focus exclusively on the concerns of others through *empathic listening*. The latter, an approach developed by Carl Rogers, is not really about conversing but permitting others to vent while we remain mostly silent.[8] Under these circumstances the fundamental skill is listening and being fully present.

But returning to the topic of conversations, difficulty arises when people take more than their share of the talking time. This may happen when individuals feel others are not listening or when they suffer from lack of self-esteem.[9] They fear that by letting someone else speak they may not get another turn. Whatever the reason, regularly monopolizing a conversation is likely to alienate others.

At the opposite extreme is the individual who pouts and refuses to speak. People who have nothing to offer, or are not sure they can control their emotions, can instead ask for additional time to reflect on the topic.

The point here is to try and avoid the extremes. It has been decades since I consumed any alcohol, but I had an interesting experience as a seventeen-year-old in Chile. I attended a *ramada* to celebrate Chilean Independence Day. A worker from a neighboring vineyard approached me, staggering, with a glass of wine clutched in his hand and a singsong in his voice.

"*Patroncito, ¿se sirve una copita de tinto?*" (My young boss, would you like a cup of red wine?)

I politely declined.

"Ah!" the farm worker uttered. "One can tell you are not a *true* Chilean!"

His comments pierced me with anguish. "May I have that cup?" I demanded.

While talking about our needs and fears may have been considered a selfish thing in traditional negotiation, in creative negotiation it is not selfish by definition, as it is not only our needs and fears that are being considered, but also those of the other party.



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The worker gladly handed me the glass and said, "*¡Salud!*" (To your health!)

I gulped down its contents. If my original refusal had upset him, his facial expression now betrayed an even greater distress. After getting over the shock of being left with an empty glass, he proceeded to teach me a lesson in interpersonal relations.

"Here is what the *people* do," he began. "When someone offers you a glass, you accept, you hold it in your hand, you chat, and then you *return the cup!*" After a pause he added, "Or you hold it in your hand, chat, take a sip, and then return it. But you don't *drink it all!*"

Perhaps this lesson can also apply to avoiding extremes in conversational turns. Keeping comments short (figuratively, not drinking the whole glass) and checking to make sure the other person is still interested are two essential dialoguing skills. In a mutually productive discussion, individuals normally share equally in speaking and listening.

INTERPERSONAL NEGOTIATION

Jack comes home from work, and after greeting his wife, he enthusiastically suggests: "Sue. Hey, what would you think if we go to the river with the kids this Saturday?"

"Noooo, Jack," she responds in a complaining voice. "I don't want to."

Jack has suggested taking a trip to the river next Saturday, and Sue, his wife, has refused. This conversation, like a thousand others, could result in feelings of contention between the individuals—especially if Jack keeps insisting that they go to the river and Sue continues to resist the idea.

What are the options here? Sue and Jack seem pretty set in their ways. Perhaps they will shout, or they might stop talking to each other, or Sue will yield and go to the river but let Jack know the whole time how utterly miserable she is. Or maybe they will take turns going or not going and making each other miserable. Perhaps Jack will take the children and leave Sue behind, or go alone and leave the whole family behind. These solutions are likely to increase the feelings of contention between Sue and

Jack. Later, we will return to this couple after exploring some skills that will help us be more effective negotiators.

Pay Now or Pay with Interest

When it comes to interpersonal relations, there are no shortcuts. We can either pay now or pay later, but either way we will have to pay. Communication takes time. By paying I mean *taking* that time.

It is not easy to detect negativity in our own messages. We often transmit impatience, sarcasm, annoyance, or judgmental feelings unawares. These may be conveyed by word choice, intonation, facial expressions, or body language as well as by speaking quickly or raising our voices—even a little. (A wise person once observed: the only time we are justified in raising our voices is when the building is on fire.) Perhaps we begin to suspect we have given offense when we discern the negative reactions mirrored by our listeners.

We might convince ourselves that we are in such a hurry—or we are upset, feel misunderstood, or think the other person deserves a curt response—that we do not have time for politeness. When we put aside courtesy for expedience, others may receive it as off-putting. We create hurt feelings. We may then agonize over whether an apology is called for. We may even succeed in justifying our behavior. All of this takes considerably more time than effective, polite communication.

There is no way around it—effective communication takes time and effort. Not only in the moment, but also in learning more constructive ways for dealing with differences in opinion.

The next time we feel inclined to take a communication shortcut we might try taking a deep breath, slow down and soften our speech, and attempt to be especially solicitous and careful. We can either pay now or we can pay later. But remember, when we choose to pay later we will pay with interest.

Seek to Understand

Stephen Covey reinforced an important notion in his book *The Seven Habits of Highly Effective People:* "Seek first to

understand, then to be understood."[10] If we encourage others to explain their views first, they will be more apt to listen to ours.

In the process of conducting organizational interviews, one day I came across an executive who was less than enthusiastic about my study. It was clear from his words and tone that I would not be interviewing anyone at his operation, so I switched my focus to listening. The manager shared concerns about a number of troublesome issues, and we parted amiably. As I began to walk away, the executive cried out to me, "Go ahead!" I turned around and inquired, "Go ahead and what?" To my surprise he responded, "Go ahead and interview my employees." The Covey principle was at work.

Problems are likely to increase, however, if we put all our needs aside to focus on another person's perspective. The other person may think we have no needs and be taken aback when we introduce them, all of a sudden, almost as an afterthought. In order to avoid such unproductive shocks, I like the idea of establishing a *psychological contract* with the other person in the conversation.

Successful negotiators are more likely to label their intentions, such as a desire to ask a difficult question or provide a suggestion, and yet are less prone to label *disagreements* as people tend to become defensive.[11] In other words, rather than saying, "I disagree," "You're wrong," "You're mistaken," "I see it a different way," etc., an effective approach, instead, is to share exactly what we believe without mentioning the contradiction to what has been said by the other party. This approach permits everyone to save face.

In order to make my intentions clear, but at the same time allow the other individual to speak first, I say something along these lines: "While I want to share my needs and views with you later, let me first focus on your thoughts, needs, and observations." At this point, I attempt to put my own needs aside and truly listen. I might say: "So, help me understand your concerns regarding . . ."

That is the easy part. The difficulty comes in fulfilling the resolution to listen—to resist the tendency to interrupt with

objections, no matter how unfounded the comments we hear may be. Instead of telling someone that we understand, just so the person can finish and give us a turn to present our perspective, we can be much more effective by softly, slowly, tentatively and briefly confirming what it is that we understand.

All along we must resist, as we listen, the temptation to bring up our viewpoints and concerns. In trying to comprehend, we may need to express our understanding in the form of a tentative question and avoid being judgmental.

We can refine our statement until the other party feels understood. Only then can we begin to explain our perspective and expect to receive the other party's complete attention. Once each person's concerns have been laid out, we can both focus on a creative solution.

If we have no history with someone, or if the relationship has been a troubled one, we need to use more caution when disagreeing. The potential for differences to be sidetracked into contention is always there, so it helps if we have made goodwill deposits over time. Otherwise, disagreements can lead to defensiveness.

Control Emotions

Our emotions regularly get in the way of effective negotiations. Nothing kills creativity quicker than anger, pride, embarrassment, envy, greed, jealousy, or other strong negative emotions. Anger is often an expression of fear or lack of confidence in our ability to get what we think we want. Emotional outbursts tend to escalate rather than resolve a conflict.

If we can improve our ability to manage our emotions and respond without getting defensive, we have gone a long way towards creative negotiation. Kamran Alavi, a friend, once wisely said, "When we permit negative emotions, such as anger, to take control of us, this is a sure sign we are about to step into a trap."

It is extremely difficult to hide our emotions, especially when we feel there is much in the balance. We are not emotionless robots. Our body language, particularly our facial gestures and



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Our emotions regularly get in the way of effective negotiations.

voice qualities, often give us away. It is better to describe negative emotions (e.g., a feeling of disappointment) than to display them.

In the book *Crucial Conversations*, the authors contend that negative emotions are preceded by *telling ourselves a story*.[12] Others argue, instead, that our bodies do have triggered physiological reactions to stimuli. Either way, we can cope more effectively to challenging situations—after we have been exposed to an initial trigger—when we learn to manage these narratives more effectively. When we presume to understand another's feelings or intentions, for instance, our narrative may become quite distorted.

The more critical the situation, or the more important our relationship with an individual, the more likely it is that we are vulnerable to faulty storytelling.

Some years ago I was asked to address a group of young adults at church. I noticed that as I spoke a young man would lean toward the attractive young lady beside him and whisper pretty things in her ear. I found it very distracting and annoying to have him flirting while I was trying to give a talk. I feel very strongly that only one person should speak at a time, so every time he began to lean towards the young lady and talk, I stopped. When I stopped, he stopped, and so it went. I later learned he was interpreting for a visitor from Japan. Interestingly, while I was assigning a negative attribution to this young man, others thought I was speaking haltingly and with plenty of pauses as a kindness to the interpreter.

Have you ever gone into a difficult situation with intentions of putting forth your best behavior, only to fail partway through the experience?

Let us go back to the example of Aunt Clotilde. Julio wanted to stay for only half an hour while Juana wanted to stay for two hours. In the past, Julio and Juana have had a number of arguments because of these differences. The last time they went to visit Aunt Clotilde they reached a compromise: to stay for one hour. Julio, watch in hand, was ready to leave after the hour passed. But Juana explained that for a number of reasons they would have to stay longer. Julio, who would normally start getting desperate after half an hour, had made a real effort to stay calm until the full hour had elapsed. After the agreed time had passed he exploded, causing his wife a great deal of pain and embarrassment.

What permitted Julio to remain calmer than normal during that first hour? And why did he explode when the time elapsed and there was no sign that they would be leaving?

After attending a *Crucial Conversations* seminar, I came to understand that this happens when we permit a negative story to prevail. In other words, it is difficult to control our negative emotions as long as we give preeminence to our unproductive stories.

As we give people the benefit of the doubt and consider alternative narratives that avoid the presumption of evil, allowing for more honorable or even noble motives, we will succeed in managing our emotions.

In Julio and Juana's case, he can realize that his wife felt obligated to agree to a compromise but that she really feels the need to stay longer with Aunt Clotilde. The truth is that Julio cannot control the amount of time they will stay at the aunt's house, but he can control what he tells himself about these visits. For example, Julio loves gardening, and maybe he could help Aunt Clotilde by working in her yard. Or maybe he could take more of an interest in Aunt Clotilde and participate in the conversation, or see what he could do to be of service to her.

Avoid the Presumption of Evil

One individual tended to think—anytime he saw people conversing at work—that they were talking about him. This is called *negative attribution*. It is all too easy to incorrectly interpret another person's innocent behavior and assume the worst.

An effective practice, when we do not know how to interpret something, is to very *briefly* describe a situation, behavior, or apparent fault without offering an interpretation—and then permit the other person to explain. Such a description should avoid inferences as to why someone did something. We will often find out there was a good reason for what took place. Or at least we can give others the opportunity to explain their perspectives.

Break Down Bigger Issues into Smaller Ones

An effective negotiator is constantly looking for ways to break down challenges into smaller, more easily solvable issues. For instance, if a supervisor is resisting the introduction of new technology to track employee performance, it helps to talk it over and find out specific concerns. There may be some apprehension about: (1) the reliability of the system, (2) setup time, or even (3) staying on top of production data. Each of these concerns can be addressed separately.



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As long as the contest is about blame, peace will flee.

Move Away from Blame

It is unfortunate that people often feed on fault-finding. As long as the contest is about blame, peace will flee. If individuals are sufficiently introspective, they will often acknowledge that they had some blame in the matter.

At one time, I was responsible for a large group of teenagers. A man arrived in the middle of an activity and demanded to take two sisters home. Leandro seemed very agitated. I was aware that some time ago he had been a close friend of the girls' mother, but he was not the legal guardian of these two young women. He became increasingly anxious when I would not let him take the girls without first ascertaining the mother's wishes. Unfortunately, the mother was not answering her phone. I was not about to let him depart with the two young women, but Leandro kept insisting. He never explained why he had come to pick the girls up but only repeated that he had to take them.

In desperation, I asked, "Who are you?" (As if to say, "What gives you the right to take these young women?") To say he was offended would be an understatement.

"I have something in the car that I want to show you," answered Leandro furiously, his pride wounded.

I instead sent two adults with the young women to their mother's house. She was desperately waiting for her daughters so they could go to a nearby town where a family member had been in an accident. When they arrived at the hospital he had already passed away.

While no one would question the wisdom of refusing to let the young women go with Leandro, I blame myself for having offended him. Many individuals have, with great fervor, told me it was not my fault. They have focused on the responsibility held by Leandro or by the mother.

In discounting my fault in the matter, they are making the mistake of thinking that the difficulty of the situation excuses my failings. Yet, if I were to hold others culpable but not myself, I could not have grown from this experience. I have often reflected on alternative approaches I might have taken, which would have permitted me to keep the young women safe *and* avoid being rude.

Seek to Discover Your Blind Spots

When we have been involved in a disagreement, we often seek out friends or sympathetic individuals who will listen to us—and who will often agree we were right! Have you ever asked yourself why these allies agree with us? I would suggest that it is not just because they are our colleagues or friends, but instead, because in telling them what has happened we do so from our point of view. It is like having taken many photographs of what transpired and showing only the images that depict us favorably. But there are other photos we do not share. Not necessarily because we do not want to show them, but because we have often not perceived them ourselves. That is, we tend to see conflicts from our perspective and not from the other persons.

In psychological terms, *blind spots* represent aspects in our personality or behavior that we have not observed in ourselves. We all have blind spots. Opening our eyes to them can be painful.

We are so busy seeing things from our point of view that we do not notice how our behavior may have affected others. Seeking out an understanding friend can give us momentary

comfort but may also bring negative consequences. People who feel validated by parties outside the conflict often make less of an effort to improve their damaged interpersonal relationships. By not facing our challenges directly we lose the opportunity to discover and begin to eliminate our blind spots.

The friend who always tells us we are right, or what we want to hear, is not doing us a favor. It is much better when a person allows us to identify the ways in which we may have contributed to a disagreement. We all need people who help us discover our weaknesses so that we are not bound to repeat our mistakes.

Separate Problems from Self-Worth

We need to avoid intermixing issues with our self-worth. It is ineffective and manipulative, for instance, to suggest that disagreement with our ideas is equivalent to a personal rejection. Sooner rather than later, we are likely to feel rebuffed.

Once, I found a beautiful lapis lazuli bracelet in Zihuatanejo, Guerrero, México. The gentleman selling it was asking a price much higher than I felt I could pay. *El regateo*—the bargaining process—lasted quite a while, and I told the craftsman that I was interested in buying the bracelet precisely because it was so beautiful and was made of lapis lazuli, which is Chile's national stone. Every time it seemed we would not be able to reach an agreement, I told him how much I liked the bracelet. I also told him that as a Chilean, I greatly appreciated his craftsmanship. Thanks to this initial negotiation, we started to get closer to the price I wanted to pay, but the man refused to give it to me for that amount. We left the store, after saying goodbye on good terms, and had not walked very far when the artisan's son came running after us, saying that his father was willing to sell us the bracelet at the price I had offered.

When we let ourselves be offended by a person's proposal, instead of trying to negotiate, we will rarely get what we want. Telling them what they offer is not valuable, or trying to minimize the other person's contribution, will not work either. There is no reason to be unpleasant.

Focus on the Problem, Not the Solution

The suggestion of concentrating on the problem rather than the solution may sound counterintuitive. Yet, for a number of reasons, it is one of the keys to effective negotiation. The more complex the situation, the greater the importance of this principle. When someone comes with *the solution*, even when that resolution is a good one, it gives the other party the feeling of not having any control.

Research has shown that people often prefer an outcome that is not as beneficial, as long as they have some control over the results.[13] Even when parties have gone out of their way to find a fair solution for all involved, when one person presents the solution as firm, it tends to put the other individual on the defensive. A family business partner who was presented with a firm solution felt coerced to do all the compromising. She was not able to see the concessions being made because of the poor manner in which the other party negotiated.

The timing and approach must be right. An individual with an excellent idea needs to wait until the predicament has been rigorously discussed and the needs of all concerned understood. Only then can the solution be tentatively presented: "Would [such and such] meet your needs, or can we play with the concept and twist it a bit so it does?"

In an emotionally charged atmosphere, or when there is much riding on the outcome in terms of consequences for individual parties, this approach may make the difference between success and failure. An effective negotiating technique, then, is to come to the bargaining table with the thought of studying the problem and individual needs, rather than imposing a solution.

Coming right out with a solution, while doing away with the bargaining, is known to most of us as the "take-it-or-leave-it" tactic. In collective bargaining, one variation of this course is called *Boulwarism*, after former General Electric vice-president Lemuel R. Boulware. Under his leadership, the company's management would propose a final—yet fair—offer to the trade union up front. The members of the management team went out of their way to study all the facts that could pertain to the contract

and to make it fair for all involved, "trying to do right voluntarily." They refused to budge from their position, however, unless any "new facts" of sufficient strength were presented. Such an approach was highly resented by the union representatives, who felt undermined. Two "new facts" played key roles in defeating Boulwarism: (1) the practice was found by the National Labor Relations Board and the courts, to some degree, to constitute bad-faith bargaining; and (2) the union made a very strong point against the tactic through a successful labor strike.[14, 15]

When we are the ones being presented with a possible solution, however, it is good to be slow to find fault. If someone's proposal is quickly followed by our counterproposal, the other party is likely to feel slighted. There are three key reasons for avoiding quick counterproposals: (1) individuals are least receptive to hearing another proposal after setting theirs on the table, (2) such counteroffers are often perceived as disagreement, or an affront to "face,"[16] and (3) sometimes we reject ideas without carefully analyzing the possibilities.

At the very least, efforts should be made to let others feel their proposals are being taken seriously and have been understood. If a counterproposal builds on the other party's proposal, and credit is so given, then the chances for negative feelings are further curtailed.

Reject Weak Solutions

As negotiators, it helps to learn about other people's preferences and to make our own clear. One manager explained that it was hard enough to understand his own needs and preferences, let alone concentrate on someone else's. And perhaps that is one of the reasons we do not see interest-based negotiation used as frequently. It takes a certain amount of exertion, especially at first. With time, it can begin to feel more natural.

In traditional negotiation, as soon as individuals get close enough to the desired solution, they are prone to accept another person's yielding. While some people's motives may be selfish, others believe that their solutions will best serve all involved.

The suggestion of first concentrating on the problem rather than the solution may sound counterintuitive.



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Sometimes a person will yield or pretend to yield—asserting, out of frustration, "That's fine; do it your way." By accepting another's yielding, individuals reduce their future negotiating power.

Instead, negotiators obtain better solutions when they first ensure the other person is completely satisfied with the solution. They gain the trust of the other party and can thus increase their negotiating strength.

Emotion may indicate strength of conviction. The very opposite may mean the individual is giving in rather than agreeing. Either way, parties may want to step back and consider together what unmet needs still need to be addressed.

Yasuo and Akemi Matsuda were making some joint family plans. They came to an agreement, but Yasuo noticed that his wife had done so hesitantly. Rather than just accepting Akemi's agreement and moving on with his own plans, Yasuo said, "I notice you're not totally pleased with our decision. It's really important to me that you're as happy with this decision as I am."

Akemi said she felt comfortable with the decision, but Yasuo still sensed otherwise. Yasuo might have been justified in moving forward and doing things his way, but he hesitated: "I still sense there's something you're feeling, perhaps difficult to put into words, that's causing you some uncertainty."

"Actually, you may be right," Akemi responded. She agreed to think the matter over. That night, they had another chance to converse at length, and Akemi was able to articulate her fear. As a result, she and Yasuo were able to make some small yet important adjustments. Moreover, Akemi was able to further build her trust in her husband. He had honored her feelings, thoughts, and opinions.

It is just as vital to be clear regarding our own needs. In the 1980s, when non-smoking policies had not yet been implemented in Chile, I was teaching a three-month graduate course on human resource management at the University of Chile. Perhaps as many as 80 percent of the class participants smoked. I did not want to be impolite, yet I knew the cigarette smoke would give me an unbearable headache. After introducing myself, I told the

students: "I want all to know that you can smoke anytime you desire. However, I would request that you do so outside of the classroom." The comment was taken in a positive manner.

There are people who think that they should not have to talk about their needs—that the other person should pick up on them by osmosis. This is a formula for provoking misunderstandings and negative feelings.

Look for Creative Solutions

A needs-based approach to negotiation frequently calls for creative thinking that goes beyond the poorly devised compromise—such as those arrived at when there is a rush to solve before an effort is made to comprehend. We frequently fail to explore beyond the obvious solution.

The following six-step process has been suggested to get the creative juices flowing: (1) define the problem, (2) actively consider alternatives, (3) internalize the data, and (4) set the challenge aside and wait. Wait for what? For (5) a sudden flash of inspiration, which needs to be (6) carefully tested.[17] The first four steps may need to be repeated several times until that inspiration comes.

Consider the Worst Alternative

Sometimes people are afraid to act for fear that speaking out will have detrimental consequences. Even avoidance or not agreeing to negotiate is a form of negotiation. If we cannot come to an agreement, what is the worst possible outcome? In thinking of the worst alternative, it is useful to consider *both* how the other party and how we will be affected.

Negotiation can suffer when we think the other person is the only one who will undergo negative consequences or when we think we are the only ones who will lose.

A man would not listen to his wife, who had asked for some changes, as he never imagined she would leave him. At work, a supervisor never confronted an employee with his shortcomings for fear the employee would leave. Often, the worst alternative is



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Trustworthiness plays a huge role in successful negotiation. Dependability, honesty, and consistency are all part of trustworthiness.

not talking things through in a calm manner. Nothing is solved when conversations cease.

Maintain Integrity

At a time when many decisions were made on a handshake, my parents—grape growers in Chile's central valley—invited their children to a family conference.

"Earlier this year, we came to an agreement with the winery for a price," they explained. "Since then, many vineyards were affected by a terrible freeze—one that has meant a huge decline in supply. Had we waited a few more months we could have gotten a much better deal."

My parents asked each of their five children for his or her opinion. The answer was a unanimous decision to honor the oral agreement. At the time, I was an adolescent and was impressed

that my parents would ask for our input. Since then, I have come to the conclusion that they knew the answer all along but wanted to teach us an important lesson about integrity.

Trustworthiness plays a huge role in successful negotiation. Dependability, honesty, and consistency are all part of trustworthiness. I often hear individuals involved in negotiations say, "I don't trust that person."

It has also been said, "It is more important to be trusted than to be loved." When we lose trust for people, we begin to think of them as undependable or dishonest.

Understand Time Pressures

Deadlines are often self-imposed. How often do we feel obligated to respond right away when facing a difficult situation? Why not solicit a little more time to study a matter or to accomplish a task? Do not be afraid to explain, "This is a tough one. It is now 8:15 and I'm tied up for the next two hours. If I call you between 11:00 and 11:30 this morning, will that work for you?" This type of detail takes only a few minutes longer to negotiate.

It is advantageous to build a little cushion for the unexpected. Most people do not mind waiting longer if they know what the real situation is. If a deadline seems hard to meet, ask to renegotiate an extension *before* the due date. An effective negotiator will ask the other party to suggest, or take a role in establishing, a deadline rather than arbitrarily imposing one.

"I will call you back as soon as I can" or "I will call you right back," on the other hand, leave much to be desired. The recipient of that message will wonder whether a call will come in the next half hour, two hours, or week. "Can I go to lunch," the person may question, "or do I need to sit here and wait?"

Lack of clarity may also come across as an avoidance tactic. To be credible, we need to be specific about time and about the nature of the task to be accomplished.

To do what we say we will do, in a timely fashion, builds trust. People who can be counted to follow through with what they say they will do are considered invaluable.

Admit Error and Apologize

We must first recognize our error before we can make things right. While never easy, it is even harder when such recognition requires a public acknowledgement—an apology—to those we have injured.

It is not surprising that most of the apologies we hear are quasi-apologies at best, if not outright justifications and blame misdirected at the injured parties. We often hear false expressions of regret such as, "If you're hurt, I'm sorry!" or "I'm sorry, already!" or "I'm sorry, *but* . . ."

A true apology requires a great deal of humility and includes a sincere expression of regret, changed behavior, and when possible, restitution.

Some people attempt to make things right by *changing behavior* without openly recognizing mistakes. This partial effort at making things right is seldom enough.

Even more difficult than public recognition of our mistake, is a willingness to hear, directly from the injured party, *precisely how much pain* we have caused. It is natural to wish we could shield ourselves from the discomfort of vicariously reliving these moments—and instead try to compensate in other ways.

Nor can *we* decide that it is now time to be fully forgiven. This impatience again shows our lack of humility. Furthermore, we are making it harder for the person we have injured to heal—and ironically, extending the period of resentment she may feel toward us.

Another ineffective apology is the *empty expression of regret*. That is, apologies unaccompanied by a change in behavior. For example, in cases of domestic violence (physical, verbal, or emotional) it is not uncommon for the aggressor to be contrite after assaulting a spouse. By the next day, the assailant may have begun to minimize the damage, start to blame the spouse, and not long thereafter resume the violence. Domestic violence is a very serious matter that requires professional help. As powerful as an apology can be, when an individual rescinds it by word or deed, it would have been better if no regrets had been offered.

All these shortcuts to a true apology are like building on a poor foundation. If we notice that the concrete foundation for the structure we are building is faulty, we can close our eyes and continue work at our own peril. As painful as it may seem, the sooner we recognize our mistake, make the necessary expenditures to break up and remove the concrete foundation, and start over, the better off we will be. Depending on how far into a project we are, this can be quite uncomfortable and expensive.

Part of the process of acknowledging we need to make alterations is to announce the change in behavior—in the form of a goal—which will help us improve our interpersonal approach. For example, if we have been extremely critical in the past, we can let people we offended know that we will try to get rid of that bad habit.

The topic of forgiveness is just as complex. A person who cannot forgive and holds on to his pain suffers much more than the offending party. When we have forgiven we do not continually remind others of the offense. Some comments and deeds are so hurtful, however, that substantial time may have to transpire before we can be free of the associated pain.

Value Others and Oneself

Everyone brings *inputs* (or "contributions," such as a person's job, education, skills, or efforts) into a relationship. People put a value on each other's inputs. The best way of preserving the significance of our own contributions is by valuing the contributions of others. The value placed on a person's *time* is a good proxy for power, which helps explain why quality time spent with people can be so meaningful.[18]

Conflict may arise when other people's assets are not valued. One young woman, a college graduate, may look at her formal education as an asset. A more seasoned individual might look at her life experiences. Neither may value the other's assets. Both may compete for privileges or status based on their perceived contributions. Instead, they would be better off by acknowledging each other's strengths.

For some people, once again, it is very hard to say something kind about another. "I shouldn't have to say it," they reason, "because my actions should show my positive feelings." Others have trouble accepting the sincerity of affirming comments.

Part of healthy interpersonal relationships is being able to both offer and accept positive comments: "Thanks. I appreciate your kind words. They made my day."

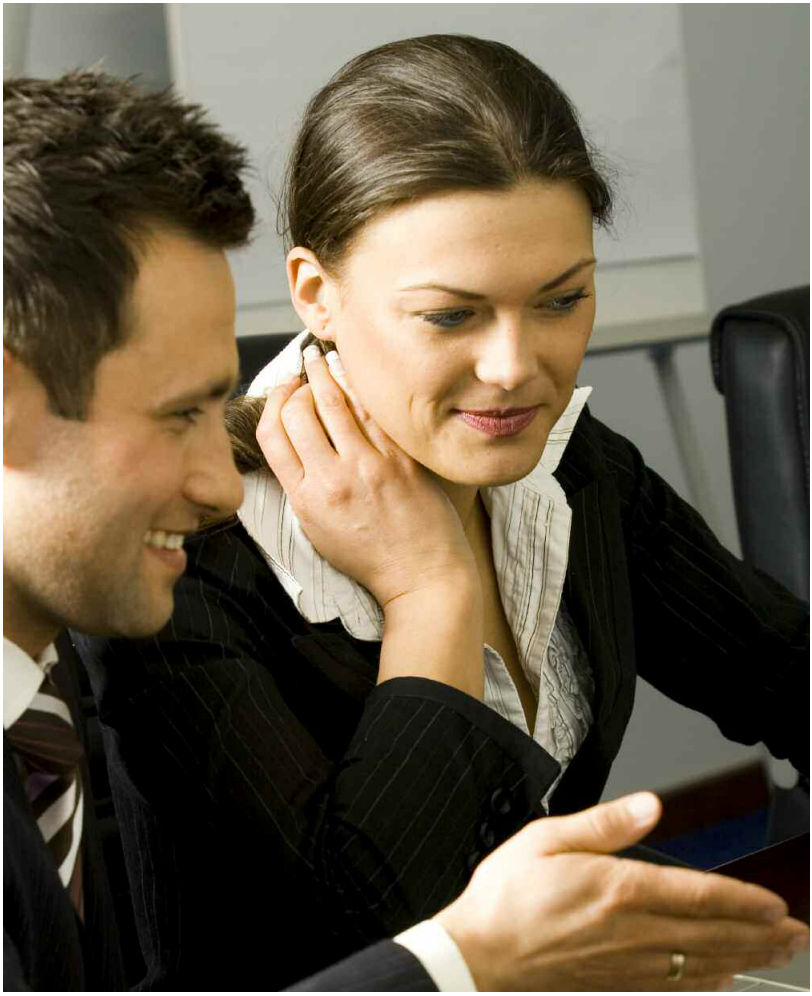
Use Humor Effectively

Humor, when properly directed, can help break up tension and make us more effective negotiators.[19] It helps if the humor is clever; it makes light of the situation or ourselves, but never the other party; it does not involve potentially offensive ideas or language; and the timing is right. Some of the most effective humor is subtle, and we often arrive at it by accident. Humor may involve telling about life events that, while embarrassing at the time, show we are human. Effective humor communicates to others that we are willing to take ourselves lightly. Humor, of course, can do more harm than good when it is not used appropriately. Sometimes people think they are quite funny when they are not. Even worse are those who use humor and irony with the intent of harming others.

Be Flexible in Terms of a Negotiation Approach

Not everyone finds the interest-based concept easy to swallow. A little caution, if not cynicism, may well be necessary. While we can attempt to model effective negotiation strategies when dealing with others, at times we may have to resort to a more traditional approach. Research has demonstrated that those who prefer mutually productive tactics are considered more credible negotiators when it is known that they are willing to stand firm, if necessary.

For instance, Daniela, a relatively new executive, had heard of the obstinate reputation developed by John, one of the assistants, although she had never encountered any difficulties with him. Daniela approached John one day and found him sitting with his feet up on a table, reading a magazine. She



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To be genuine, an apology must not come across as a justification for what we have done wrong.

apologized for disturbing him, assuming it might have been his break period.

"John, when you have time, could you please pick up some supplies for me?" Daniela asked politely.

John answered rather curtly, "Right now?"

Daniela, refusing to be intimidated, responded, "Well . . . Wow! That would work great for me. Thanks!"

John continued to show difficult behaviors with other individuals but never again showed Daniela any discourtesy. I am not suggesting that Daniela took the best approach available, but it served her well on that occasion.

Show Patience

Effective negotiation frequently calls for a great amount of patience. Logic is not the only thing that prevails in bargaining efforts. Allowing other people, as well as ourselves, the time to work out problems is vital.

Avoiding the appearance of wanting something too much is related to patience. When we become overly narrow as to the result we will accept we put ourselves at a negotiating disadvantage.

So it was when my wife and I bought our first home. We were so openly delighted with it that we lost an opportunity to bargain much over price. Of course, there is a balance between being desperate and playing hard to get, neither of which is very helpful.

Prepare Carefully

When a person is willing to spend a little time in comparison shopping, often the same product or service can be found for vastly different prices. Also, it helps to gather factual information that can be shared in a spirit of discovery rather than one of superiority. Parties can even seek out the facts together.

Preparation entails understanding the situation and the personalities involved as much as possible. An effective way to prepare for difficult or emotionally charged encounters is to role-play ahead of time. Taking on the role of the party with the opposite perspective can be particularly enlightening.

Avoid Threats and Manipulative Tactics

Threats of consequences directed towards ourselves or others hamper our ability to negotiate. Any type of threat can greatly undermine our long-term negotiating ability. This is particularly so when the threat is not carried out. Furthermore, threats do not engender trust or liking.

Even inconsequential threats can be annoying. At a family game, one player repeatedly threatened to quit. After a half-dozen threats, his mother told him, "The first time you threatened, I was concerned. By the last threat, I was just ready for you to quit and let the rest of us enjoy the game."

The greater the potential consequence of a threat, the larger the possible damage to the relationship. That is why threats to divorce or separate are so harmful to a marriage. The spouse who is threatened begins to disassociate psychologically from the other. The message given to the threatened spouse is that the marriage is not that important. In the workplace, threats of quitting have a similar negative effect.

Some threats—as well as verbal or emotional abuse, intimidation, harassment, disruptive behavior, and bullying—may be considered part of workplace violence.[20, 21, 22, 23]

Avoid Generalizations, Name Calling, and Labels

Vague or broad statements, generalizations, insults, or labels—such as selfish, inconsiderate, overbearing, and racist, to name a few—do nothing to facilitate mutual understanding. All of these expressions have a certain sense of fatality, almost like saying a person is tall or short—not something that can be changed. In contrast, talking about specific events behind these generalizations and labels opens the door to improving communication and solving challenges. A wife's complaint that her husband is lazy is prone to put him on the defensive. A more specific request for him to help the children with their homework, in contrast, is likely to be received in a more positive light and to promote dialogue.

Calling someone by a label, even when the person identifies with it (e.g., a person's nationality), can be offensive, depending



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Labels do little to facilitate mutual understanding. They have a certain sense of fatality, almost like saying that a person is tall or short—not something that can be changed.

on the tone and context. A more subtle—but still ineffective—way of labeling is by describing our own perspective as belonging to a desirable category (e.g., a particularly cherished philosophy, principle, belief, or status group) while assigning another person's perspective to a less desirable category.

Parties also look for ways to enlist even theoretical supporters of their views. They may attempt to inflate the importance of their opinions with such statements as, "*Everyone* else agrees with me when I say . . ." Or they may attribute their words to a higher source of authority, such as a boss, an author, or another respected person. Individuals sometimes discount the opinion of others by the way they refer to their own experience: "In my *twenty years* with this organization I have never encountered any problems with . . ." Once again, the tone and context of a conversation may make some of these statements appropriate in one circumstance and not in another. People may resort to dysfunctional tactics when the force of their arguments does not stand on its own merits.

Avoid Distorted Mirroring

People involved in highly charged conflicts frequently try to ridicule their contenders by distorting or exaggerating what has been said. I call this *distorted mirroring*. For instance, a person may inaccurately mirror a comment by saying, "So you are telling me that you *never* want me to go fishing again" or "I get it—you're the *only* one who does any work around here" or "It seems that you are *always* upset these days." Likewise, it can be quite hurtful to say, "You used to be [something positive], but now you're [something negative]."

Search for Interests

We finally come back to Sue and Jack. Some of the most powerful concepts are the simplest. One such principle was developed by the Harvard Negotiation Project and is described in the book *Getting to Yes*.[24] People in disagreement, such as Jack and Sue, can benefit from focusing on each other's needs, fears, and interests rather than on their positions. Jack's stance is that he wants to go to the river. Sue's position is that she does not. By concentrating on *positions* we tend to underscore our disagreements. In *Getting to Yes*, Roger Fisher and William Ury suggest that during a conflict we should attempt to satisfy the other person's needs as well as our own.

When Jack patiently attempts to determine what Sue's needs are—patiently, because Sue might not have considered her own needs very carefully—he begins to discover that, for his wife, a trip to the river normally means: (1) a long drive into town to purchase supplies for the picnic, (2) being left alone with three young boys for a couple of hours while Jack chats with the fishermen, (3) keeping her eyes constantly on the boys because of the dangerous river currents, and (4) the responsibility of putting things away when they return home. In other words, the trip to the river is no picnic for Sue.

Jack has his own set of needs and fears. He wants to be away from the phone because his boss sometimes calls him back to work. He also enjoys spending time with his family away from the distractions of the television.

Once Jack begins to understand his wife's concerns and the weight of responsibility Sue feels when they make the trip to the river, perhaps he can tentatively offer some suggestions.

"Sue, I have to go into town a couple of times a week. Would it help if you gave me the shopping list and I brought those items home?"

Sue nods her head affirmatively. "Yes, that would really be nice."

The subject of the fishermen took longer to solve. After a lengthy exchange of ideas and concerns, the husband and wife studied the possibility that Jack talk with the fishermen for an hour before lunch, but that he also take the boys with him. Sue would take advantage of that time to read a good book, something she rarely had time to do. After lunch they would also do something as a family.

"I think I am liking this idea." Sue smiles.

"I realize I've been unfair to you when we get home and I just want to go to bed. What if we all pitch in, including the children, to leave things in some semblance of order when we get home?"

Would you be surprised to learn it was Sue who suggested they go to the river the next time? The additional work for Jack was minor. He ended up bonding with his boys, who developed a love for their river walks with Dad.

Once we understand another person's needs and interests, we see that there are many solutions to challenges that seemed impossible.

In traditional negotiations we are inclined to focus exclusively on our own needs and assume it is the other party's responsibility to worry about having her needs met. Yet, by showing a sincere interest in the needs of others, we increase the chances of having our own needs met. While talking about our expectations and fears may have been considered selfish in traditional negotiation, creative negotiation considers our needs and fears as well as those of the other individual.

When the light goes on we realize it is not a zero-sum game in which one person must lose for the other to win. Nor is it necessary to resolve disagreements with an ineffectual

compromise. Instead, both parties can be winners. Individuals can learn how to keep communication lines open and overcome challenges when things go wrong.

Interest-based negotiation, then, is built upon the principle of meeting the needs of all the individuals or stakeholders. "Deep conflict requires a tremendous exertion of psychological and physical energy," argues Jay Rothman. "Such conflict may be creatively transformed when adversaries come to learn, ironically perhaps, that they may fulfill their deepest needs and aspirations only with the cooperation of those who most vigorously oppose them."[25]

EFFECTIVE DIALOGUE: CONFRONTING AND RESPONDING

To conclude, we will look at two useful—yet emotionally draining and complex—tools to address some particularly difficult challenges. We will have to put into practice everything we have studied so far. And even after we understand the process intellectually, we will need to wrestle our pride to succeed.

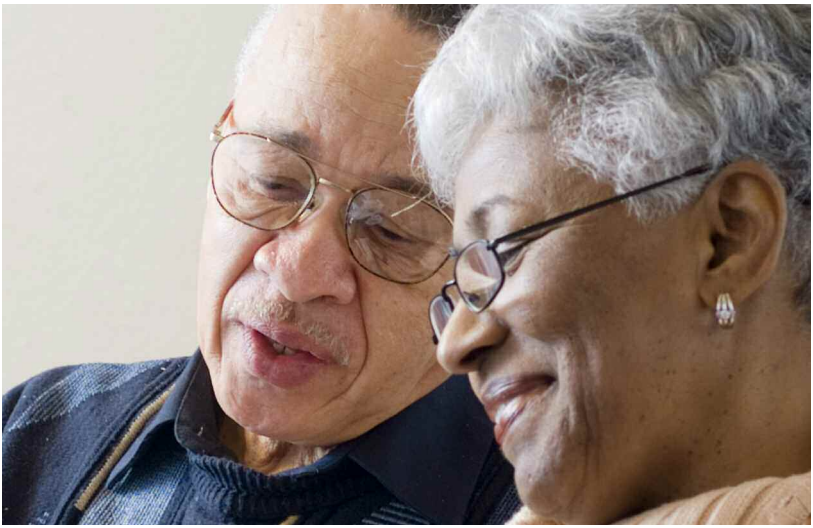
The first tool, *seven words*, is used when *we* start the conversation—generally, when we want to talk about the past—for example, if an hour ago, or a year ago, we did not respond to a challenge in a way we wished we had. Or, when we want to confront someone whose earlier behavior bothered or offended us.

The second tool, *empathic reflection*, is a technique for responding, now, in the present, without a defensive attitude—for example, when we feel attacked by another person's comments or body language.

In reality, there are aspects that are shared by both approaches. Individuals may need to bounce back and forth between these during the same conversation. These approaches take forethought and much, much practice.

Confronting—Seven Words

The seven-words confronting approach permits us to face our counterparts while minimizing defensiveness in them—and in us.



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One way of being tentative is slowing down our speech pattern, inviting the other to interrupt us before we even finish the sentence.

1. Establish a psychological connection

Begin by engaging your counterpart about a harmless subject that is of mutual interest and completely *unrelated* to the issue at hand, until you have achieved a mutually validating psychological connection. Pick subjects that will permit the other person to do most of the talking. It is worth conversing about these innocuous topics until we can relax enough to distance ourselves from the negative feelings we might be experiencing. We want to be able to see the other person as human and be perceived likewise.

I call these abbreviated empathic listening episodes the *three-minute listen.* Become skilled in letting others know you are listening and interested without having to ask questions to keep them talking. Ideally, you will have engaged a person in multiple three-minute listens over time before you do so with the intent of bringing up a difficult subject.

Think of the last time you had a disagreeable moment with a colleague, friend, or loved one. One in which neither of you were willing to give in. At the time the argument occurred, did you feel like you were dealing with an *opponent*—if not an *enemy?*

It is all too easy to forget the fondness and affection we have for another when this person seems to come between us and an unmet need. Now we are reminded that having different opinions does not mean we are adversaries. We do not have to put this person in the enemy chair.

It is imperative that we not try to discuss an important topic without first remembering our common interests. Without having first found our shared humanity, our *human condition*.

2. Let the person know there is an important issue that you need to discuss

Maybe you can say something like, "Look, there is something I have wanted to discuss with you for some time."

3. Before addressing the issue, let the other person know that there are things about her that you are fond of, or that you have common interests

For example, you might say: "Before we get into the subject, I want to tell you that for a long time I have admired [such and such] in you." The compliment should be unrelated to the topic you are about to raise—or it might sound contradictory or even manipulative.

By contrast, even if they are directly related to the issue, you can talk about shared achievements. Generally this does not sound calculating. For example, you could say: "Before we get into the subject, I wanted to tell you how very happy I am with what we've achieved in these last few months, ever since we made [such and such] changes . . ."

With this step you are separating the conflictive issue from contentious feelings. You are not looking for someone to blame; you are seeking only to better understand the difficulty and work toward viable solutions.

4. Introduce the issue briefly, but encourage the other person to explain herself first

The key is brevity. Present the issue in seven words or less. Speak in a *soft*, *slow*, and *tentative* manner (as if you were struggling to find just the right words—in doing so, it is normal for people engaged in deep thinking to reduce eye contact). There are two essential reasons why we speak in a soft, slow, and tentative way: (1) to reduce *emotional leakage* (so we do not provoke defensive feelings), and (2) to *encourage interruption* (so the other individual can take the lead in the conversation).

If you can think of any mutual needs, mention these in order to reduce the competitive nature of the conversation. "Remember we both wanted . . ." These words do not count as part of the seven words. It is only when we introduce the issue under debate, the disagreement, that we limit our speaking turn to seven words.

These seven words are meant only to *begin* the dialogue, not to solve the problem. We do not wish even to insinuate possible solutions at this stage. We want our counterpart to share her point of view first. So we now prepare to listen intently.

Despite these precautions, your counterpart may still say something hurtful. Avoid getting defensive. Remember that your opponent may not have had as much time to reflect on the subject as you have. (If you do feel defensive, you can use the empathic reflection techniques covered in the next sub-section.)

5. Let the other party know you are paying attention

Show understanding by summarizing your counterpart's points without distorting them—especially those you *disagree* with—and encouraging her to continue to express herself. Later, you will have the chance to offer your perspective. By tentatively summarizing the other person's points you can also focus on that person's fears and unsatisfied needs.

6. Share your interests and fears

Only after outlining your counterpart's interests and fears, so she feels understood, can you express yours. This is the time to

help others understand you. Be so clear that people do not have to guess the reasons for your concerns.

7. Look for sustainable solutions

Together, you can look into long term, mutually pleasing solutions to the challenge. Otherwise you might be dealing with the same problems sooner than expected. Throughout, avoid taking on the role of either victim or aggressor.

Empathic Reflection—Responding Without Defensiveness

How others react to us is more a reflection of them than of us; how we react to them is more a reflection of ourselves than of them.

I have already mentioned the importance of avoiding defensive feelings. Here we will look at steps to transform the most provocative personal attacks into something constructive. There are many ways in which disapproval may be shown. Some people raise their voices, others gesticulate or roll their eyes, while others use sarcasm. If you have ever been hurt by someone's comments or behavior, I invite you to consider what constitutes *empathic reflection*.

While anyone can provoke defensive feelings in us, I would suggest we are particularly vulnerable when receiving disapproval from someone we care about, when we are involved in matters that are important to us, or when our pride has been wounded.

There is no doubt that it is much easier to listen in an empathic way to a person who has been hurt or angered by *another* person. When negative feelings are directed at us, then it is hard to respond with empathy. Yet that is precisely what our opponents need.

To be successful, we do not generally provide this understanding through empathic listening, but rather, through empathic reflection, a vital part of *active listening*.[26] So, what actions can we take to distance ourselves from defensive feelings and respond with empathy?

The steps will be easier to understand with examples. Sebastian and Gabriela are colleagues who work in Morelia,

Michoacán, México. The regional director has tasked Gabriela with solving a challenge with a longtime, valued client. A few years ago company policy changed regarding certain privileges that were given to such clients. The new guidelines came directly from the company's owners, from the main office in Mexico City, in order to deal with some abuses.

Clients can still receive many benefits but they must first prove that they meet certain criteria. Gabriela has been working tirelessly with these clients, a new account for her, to solve the tensions caused by this policy. Years ago they worked directly with Sebastian.

Today, several of the Morelia-based managers are sitting around the table at one of the weekly meetings. The regional director, Gabriela, Sebastian, and nine other managers are present. They have a tight agenda. Sebastian begins to speak and, without addressing anyone in particular, starts to insinuate that the company no longer takes care of its valued clients. He mentions by name one of the clients who was assigned to Gabriela a few months ago.

Gabriela feels he is referring to her directly, even though Sebastian is addressing the group as a whole and mostly looking at the regional director. The participants have no idea what Sebastian is talking about but they notice that Gabriela's emotions are getting the best of her. Some try to calm him down or change the subject.

This is not the first instance of friction between these two. Gabriela senses that Sebastian looks down on women. The truth is that Sebastian is a great manager and is well respected both within the company and in the community. Those attending the meeting do not want him to feel offended, either. However, after a long period of silence, Gabriela cannot take it anymore and tries to defend her position—but she cannot help letting her anger show as she explodes.

At the next meeting Sebastian continues to drop hints about the client who has been "abandoned" by the company. This time Gabriela says nothing but has tears in her eyes. She is dejected and angry at herself for having exploded at the last meeting. She

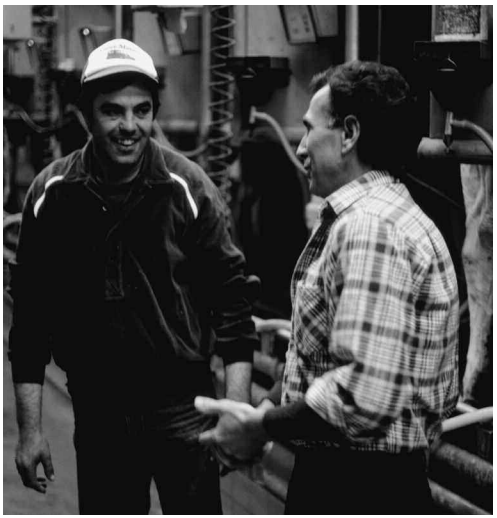
has invested a great deal of time and effort in the challenge that these valued clients presented, and especially with this particular client. Some of the other people at the meeting unsuccessfully try, once again, to change the subject or calm Sebastian down. The tension continues to rise and nothing is solved. The rift between Sebastian and Gabriela grows after that day. Both of them avoid each other but sometimes must participate in meetings together. Soon, Sebastian stops attending the meetings.

So now, let us look at the steps for empathic reflection.

1. Recognize that You Are Experiencing Negative Emotions

The first step requires us to be in touch with our feelings and reactions. There are countless negative emotions that are not helped by our defensive thoughts. For example, Gabriela could be asking herself a number of questions: "Why didn't Sebastian talk to me privately, so I could have explained things to him and addressed his concerns?" or "Why is he trying to publically humiliate me?" or "Doesn't this guy have any clue as to how much I've worked!" or "Why doesn't he look at me when he talks to me!" She might eventually say to herself: "This man treats all women badly . . . this is the

How others react to us is more a reflection of them than of us; how we react to them is more a reflection of ourselves than of them.



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last straw!" and "What a coward, only speaking through veiled criticism!"

As soon as we start thinking this way, we know that we are letting ourselves get carried away by negative emotions—that we are transforming our counterpart into an enemy. We have planted the seed of pride and now we are painstakingly watering and fertilizing it so it will grow. Our thoughts affect our emotions and our emotions affect our reactions.

In order to halt this escalating frustration we will want to stop reacting and begin responding in a way that reduces tensions.

2. Choose Not to Allow Defensive Thoughts

When we give too much importance to what others say, or how they say it, or how they act, we are weighing ourselves down with other people's imperfect communication—their *temper tantrum* being a reflection of what worked for them as teenagers, or even in earlier childhood. Do not let yourself react with a tantrum of your own.

If you have ever been misunderstood—or have done the same when listening to someone else—you already know that even in the best circumstances effective communication is not easy.

Remember: how others react to us is more a reflection of them than it is of us. Let us choose *not* to make this about us. As long as we insist on focusing on what Sebastian is doing to us, unfortunately, we are transforming the issue into a personal attack. Our defensiveness will show as we respond in a harmful way, whether through silence, pouting, or anger.

Rather than trying to keep our negative thoughts in check—quite a difficult feat—we will want to *replace* our defensive thoughts with another type of thinking.

3. Focus on the Other Person's Unsatisfied Needs

Enter Marshall Rosenberg. In his book *Nonviolent Communication* he writes: "No matter what others are saying . . . only listen to what they are: (1) observing, (2) feeling, (3) needing, and (4) asking for." Rosenberg, a student of Carl Rogers' active listening approach, does not even perceive the

attack because he is so focused on his counterpart's *unmet needs*.[27, 28]

I like to think in terms of *honorable unmet needs*. Honorable is something that at the very least is not deserving of criticism (Webster) and may even be admirable or praiseworthy.

Stop perceiving disapproving communication—and emotional outbursts—as criticism, even if it was so intended. You will feel quite liberated when you can perceive negative behavior or tantrums as a manifestation of honorable unmet needs rather than personal attacks.

Gabriela will want to start focusing on Sebastian's needs and fears rather than the perceived abuse to which she has been subjected. In order to focus on other people's unsatisfied needs—especially when their negativity is directed our way—we must refuse to give in to self-pity, resentment or faultfinding.

Gabriela needs to replace her current thoughts with other questions or comments, such as: "Sebastian is really concerned about keeping this valued client."

It is not possible to simultaneously hold on to our resentments while focusing on our counterpart's unsatisfied needs. Yet even after we intellectually understand these requirements it is not easy to apply them. It takes generosity of heart and selflessness to put aside our negativity, at least for a moment, so we can focus on the honorable unmet needs of another person. If we insist on being hypercritical, the *noise* (our resentments, our unforgiveness, our selfishness, our pride, our fears) will drown out the *signal* (finding our counterpart's honorable unmet need) because the signal to noise ratio does not permit us to hear, or to move on to empathic reflection.

4. Respond with Empathic Reflection

So now, let us look at how to reflect the *feelings* and *unsatisfied needs* that we perceive in the other person. This shorter Rosenberg formula leaves out what the person is *observing* and *asking for*. There are advantages to an abbreviated formula. It is easier to remember. We also keep our hammer smaller—and reduce potential misunderstandings with brief

comments. And I cannot overstress the importance of brevity. Most importantly, by leaving out what the other party wishes done to meet his needs, we do not rush toward solutions.

Using the brief approach, then, Gabriela might say: "Sebastian, I'm sensing your discomfort—that you have a great need[29] . . . for these long-time clients . . . to be taken care of."

Once again, we will want to speak softly, slowly, tentatively, and briefly. We carefully choose the reflected emotions. For instance, prefer to say "somewhat frustrated" or "somewhat upset" and avoid the word "angry" or "mad." Most individuals react defensively when told they are angry.

Feeling understood in such an empathic way, Sebastian may put aside some of the ineffective manners he has been displaying. We ought not be surprised, however, if Sebastian's negativity is reduced but not altogether eliminated. Gabriela can again reflect the unsatisfied needs as they arise and thus help Sebastian feel understood. Gabriela and Sebastian can put aside mutual resentments and focus on the challenge at hand.

When someone is emotionally distraught it may take multiple efforts to reflect his feelings and needs in a more effective way. You will notice that with each attempt, nonetheless, there is a diminishing intensity to the negativity.

Whenever possible, reframe the reflection as a positive statement. If you perceive that someone does *not* feel she is receiving enough support, for example, translate that into words that express what she does need: "You are yearning for more support," or "You wish you felt supported."

5. Avoid Personal Reflections

Marshall Rosenberg explains that we must avoid placing ourselves in the equation.[30] For example, Gabriela will want to avoid the trap of saying: "Sebastian, I have noticed that you seem somewhat frustrated and need *me* to take care of these valued clients." Gabriela would be unnecessarily encouraging Sebastian to focus on her and make matters worse. He is likely to relish the opportunity to pounce on Gabriela instead of focusing on his unmet needs and fears.



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Talk to your counterpart about a harmless subject that is of mutual interest and completely unrelated to the issue at hand until a sense of mutual validation has been established.

6. Our Needs

By this point people are asking me: "When do I get to talk about *my* needs?" Once our counterpart has calmed down and can talk about her unsatisfied needs, she will also be more willing to listen to ours. People are rarely receptive to listening to another until their own needs have been understood first. When we are in the midst of a dispute and are feeling wounded it is difficult to entertain someone else's needs first—and that is what makes this process so demanding. I am not suggesting, however, that our counterpart's needs automatically trump our needs.

Empathic reflection allows our counterpart to feel heard and save face. Wounded pride often leads to inappropriate reactions

that foment a vicious cycle. Empathic responses permit us to embrace a constructive cycle.

Now, I invite you to consider the situation from Sebastian's perspective, and how he might respond when he notices that his colleague Gabriela is upset with him.

INVOLVING THIRD PARTIES

If we could master the interpersonal negotiation techniques we have covered in this chapter, there would rarely be a need for mediators. Dissimilarities in power, personality, or self-esteem among the people involved in a disagreement, together with a lack of negotiation skills, may require the participation of a neutral.

For instance, one volunteer administrator had resorted to implied threats and bullying to get his way. "I would have gladly tried to find a way to help this leader achieve his goals," another volunteer explained through her tears. "But now I'm so sensitized, I'm afraid of talking to him."

Telling people to work out their troubles on their own, grow up, or shake hands and get along works occasionally. But most of the time the conflict will go underground only to resurface later in more destructive ways. One option is to allow individuals to meet with a third party neutral, or mediator, to assist them in resolving their differences. Next, we include some thoughts about choosing and working with a mediator.

Choosing a Mediator

All things being equal, an outside neutral has a greater chance of succeeding than a family member, friend, co-worker, or other insider, who may be part of the problem and may be perceived as favoring one of the disputants. Individuals may be hesitant to share confidential information with insiders.

If the mediator is in a position of power (such as a supervisor or a parent), then neutrality becomes more thorny. People who hold power often tend to become overly directive, taking more of an arbiter's role and forcing a decision upon the disputants.

A mediator will treat issues with confidentiality, with some exceptions (e.g., sexual harassment in the workplace). Parties are generally informed of exceptions to the confidentiality rule ahead of time. Any sharing of information based on these exceptions is carried out on a need-to-know basis to minimize potential harm to one or both of the parties. Do not hesitate to speak to your mediator about these and other issues of concern.

Many conflicts involve potentially embarrassing personal issues. People are less hesitant to speak out when assured of confidentiality. I do not believe that mediators should submit reports or summaries to the organizations that engage them. It would be my recommendation, instead, that the parties involved in the conflict decide what, if anything, they will share with management—and then do so *together*.

Some have suggested that, in certain instances, mediation works best when the third party is able to change roles and, in the event mediation fails, become an arbiter. On the plus side, they argue, parties may put their best feet forward and try hard to resolve issues. Unfortunately, the situation is left wide open for abuse of power. Disputants may feel coerced and refuse to trust a mediator when what is said in confidence may be used against them later. More importantly, such a strategy discounts the neutral's efforts to explain that the role of the mediator is to *facilitate conversation*, not to decide who is right.

The mediation process is more apt to succeed if individuals have respect for the mediator's integrity, impartiality, and skill. Esteem for the neutral is important, so parties will be on their *best behavior,* a key element in successful negotiation. Although not always the case, overfamiliarity with an inside mediator may also negate this "best behavior" effect.

Mediation Styles

A mediation style's efficacy depends on the situation, personalities, and preferences of the parties involved. There is no one approach that works to solve every type of conflict. One variable is the degree to which the mediator controls the process. While some mediators are capable of using multiple approaches, let us discuss some of the extremes.



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Reflecting the feelings and unmet needs we perceive in others is an art.

Mediator-Directed Approach

At one extreme, we find neutrals who will listen to the perspectives of the interested parties with the intent of better understanding the dispute so they can then suggest a solution. Generally, in order to avoid giving the impression of favoritism, these mediators will meet with both parties at once in a joint session.

The mediator asks one of the parties to explain his perspective while the other individual listens, and then the roles are reversed: the other person does the talking while the first one listens. The parties often face the mediator rather than each other.

Some mediators are especially talented at perceiving solutions the parties themselves have not seen. Such an approach is suited to circumstances in which: (1) resolutions to specific challenges are more important than the ongoing relationship between the disputants and (2) the parties do not interact on a regular basis.

One disadvantage is that the mediator can favor one person over another, despite the suggestion that mediators are neutral. Another disadvantage is that conflicts that on the surface appear to be about substantive matters often have large interpersonal components. One final disadvantage is that the parties are less likely to learn how to deal with future conflicts.

Party-Directed Mediation

At the opposite extreme, we have Party-Directed Mediation (PDM), an approach that seeks to empower individuals by offering contenders negotiating skills that will help them manage the present dispute, as well as improve their ability to deal with future conflict.

The two most important elements of PDM are: (1) a separate meeting (called a *pre-caucus*) between the mediator and each of the parties *prior* to the joint session, and (2) a *joint session* in which parties face and speak directly to each other rather than through the mediator.

During the pre-caucus, the mediator mostly listens empathically. The parties can vent and begin to hear themselves. But there also is time for the neutral to help disputants prepare to become more effective negotiators. In some instances, the pre-caucuses may be so effective that parties go on to resolve their conflict without further assistance from the mediator.

In the pre-caucus, mediators also determine if it is psychologically safe to bring the parties into a joint session. More harm than good takes place when disputants, who are not ready for the joint session, use mediation as a safe place to heap additional insults on each other.

During the joint session, the parties sit directly across from each other and address each other with very little interference

from the neutral. In fact, the mediator sits at a substantial distance from the parties to underscore the fact that the conversation belongs to them.

Issues of mediator neutrality become a little less relevant because the parties control how challenges are overcome. In PDM, the process underscores the fact that the mediator is there to promote effective conversation, negotiation, and mutual understanding—not to come up with the solution.

PDM requires more up-front preparation and in the short run is often considerably more time-consuming than a more traditional style of mediation. Very deep-seated interpersonal conflicts call for multiple pre-caucuses. The concept behind PDM, then, is that, to the degree that the case lends itself to it and the individuals wish to spend the time to acquire the skills to become more effective negotiators, they can be empowered to do so. When the conflict involves deep-seated antagonisms, and when the participants will continue to live or work together, interacting on a regular basis, PDM can be especially effective. PDM is also especially useful for conflicts of a multicultural nature, given the method's emphasis on *facework,* or preserving face. Finally, although we have focused on interpersonal conflict, PDM is also an effective approach to help facilitate intergroup differences.

CONCLUDING ADMONITIONS

Mediation, especially PDM, takes time. A lot of it! Sometimes parties are anxious to move into the joint session when they are not ready and may attempt to pressure the mediator to move things along.

When my youngest son, Miguel, got married, we stayed at our in-law's home for a week. The day after the wedding my wife had to get up before dawn to take a cousin to the airport. Not finding the light switch, and not wanting to disturb people in their sleep, she went down the stairs in the dark. She fell and broke her leg.

At the hospital, knowing we were only a few weeks away from leaving for Chile, we pressured the doctor to operate. He



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Empathic reflection alows us to respond—now, in the present—without a defensive attitude.

wisely refused and explained that while technically he could perform surgery right away, it was necessary to instead patiently wait for the swelling to go down. Otherwise, he warned, "Your wife's leg will look like raw hamburger."

Patients can follow instructions that will help reduce swelling, but patience is still required. At the end, we need to trust the surgeon. Likewise, mediators could bring the parties into the joint session before they are ready. But it would be to their detriment. Parties have to show that their emotional *swelling has gone down* and that they are ready to face their counterparts in a joint session. At the end, if the mediation process does not move along as quickly as the participants would have wished, it is because at least one of the parties is holding on to feelings of resentment and antagonism. Ironically, at times the most impatient individuals are those who are holding most tightly to destructive narratives.

People sometimes go into mediation in order to *fix their counterparts,* without considering they themselves need fixing. To



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Effective dialogue entails as much listening as talking.

be successful, mediation requires an enormous amount of humility. We cannot control what our counterpart will say or do, only our own behavior and thoughts.

There will be times during the mediation process that require us to put aside feelings of resentment, self-righteousness or

wounded pride. We must replace them with narratives of hope. As we get closer to the joint session, we will have to put into play all the humility we can muster in order to put aside a desire to punish our counterpart for the hurt we have suffered. Furthermore, we cannot demand to move forward without first experiencing some of the hurt we may have caused.

But remember, patience and hard work pay off. The view from the top is spectacular. Just as with climbing Half Dome, there will be challenging and difficult moments; but, oh, how worthwhile the results!

SUMMARY

We negotiate our way through life. While there are no easy answers that will fit every occasion, there are some important principles that will help us become more effective. Negotiation calls for a careful understanding of the issues involved, the ability to break down big issues into smaller ones, caring about the needs of others as well as our own, and focusing first on the problem rather than the solution, to name but a few.

Interpersonal communication skills affect our success with people and can help us avoid or defuse conflict. Strokes tend to validate a person's sense of worth. Most people expect a stroking exchange, or ritual, before getting down to business. Being able to hold a conversation—a key interpersonal relationship skill—is based on the participants' abilities to give and take.

Everyone brings a set of inputs or assets to a job or relationship. Little trouble may occur as long as there is agreement about the value of these assets. Individuals who want to preserve the benefits of their contributions, whether personal or organizational, need to value the assets held by others.

Creative negotiation differs enough from the way we may have reacted to challenges in the past; it is not a matter of simply reading a book in order to successfully incorporate the needed skills into our lives. It will be necessary to make a proactive effort to improve in these areas over time.

I keep these thoughts alive from day to day by reading good books, listening to programs, reflecting on these topics, and

attending related seminars. There are many excellent books on interpersonal negotiation, listening skills, conflict management, interpersonal communications, mediation, and so on. Your local library, bookstores, and the Internet offer some real treasures. You may wish to keep notes on what you read, as well as your day-to-day observations about your own interactions and those occurring around you.

The foundation of effective problem solving is understanding the challenge. Otherwise, it is all too easy to build solutions on a false foundation. After understanding is achieved, creative negotiation involves looking for the hidden opportunities presented by challenges.

Two difficult but worthwhile techniques for confronting challenging issues are *seven words* and *empathic reflection*. These methods help us work through problems while reducing defensiveness—both ours and our counterparts. The first is particularly suited to bringing up issues and discussing the past, while the second is an excellent technique for responding to a perceived attack.

As we go into mediation, we need to be humble enough to focus on the changes *we* can make. After all, those are the only changes we can control.

There are two contrasting third-party styles: *mediator*-directed and *party*-directed. The latter, which takes time, is particularly well suited for the resolution of deep-seated interpersonal conflict when individuals will continue to live or work together after the mediator leaves. Remember that a premature joint session may cause substantial harm. The former is best suited to non-relational conflicts.

As I grow older, *doing* right has become more important to me than *being* right (in the sense of winning). There is a great amount of satisfaction in giving a *soft answer*.[31] This is a journey. One embarks on it knowing the challenge is so difficult that one can never truly say, "I have arrived."

At the core of creative negotiation is the idea that it is possible for all parties to get more of what they need by working together. As we practice creative negotiation, faith in our ability to turn challenges into opportunities will increase. This self-confidence

will help us focus on problem solving and reduce the chances of falling back on contentious, unproductive negotiation. The path is not an easy one but I hope your excursion is full of satisfaction and hope.

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Part III – Joint Session

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5
Mediating the Joint Session



Mike Poe

The mediator has now listened to and coached the parties and has determined they are ready for the joint session. No matter how well disputants have been prepared through the pre-caucuses, they are likely to be anxious at the idea of confronting their adversaries. Along the way, each party has had to traverse a thorny path—and deal with feelings of discouragement, fear, and frustration.

The joint session should take place in a location that is neutral and private, without phones or other interruptions. A comfortable setting will also help reduce tensions. Furthermore, it is vital to allow sufficient time for the parties to fully engage in dialogue.

Next, we will examine matters related to:

- Seating arrangement
- Opening the mediation
- Getting the dialogue started
- Agreements

SEATING ARRANGEMENT

A practical aspect that is extremely influential in PDM is the seating arrangement: the two parties sit facing each other in a position that promotes good *eye contact*. This is powerful medicine for mutual understanding. In more traditional mediation the disputants sit facing the neutral rather than each other (photo, page ix). The not-so-subtle message is that the third party is there to solve the case, or worse, to act as a judge.

It is well known that eye contact tends to increase aggression among disputants. Yet, once parties have begun the trajectory towards reconciliation through the process of pre-caucusing, eye contact in the joint session can help soften feelings of aversion. It serves to remind people of the positive affect they might have felt for each other at one time, though they have now relegated such feelings to their subconscious. The parties are ready to begin to see each other as real people.

One option is to seat the parties at a table. This allows for a personal safety zone providing the comfort of a physical barrier between contenders. The ideal is a long rectangular table. The parties sit across from each other at one end of the table while the mediator sits at the other end, far away from them (Chapter 5 opening photo and Figure 5–1).

Another alternative is to use a set of comfortable armchairs and do without the table. The chairs should be placed at a distance that permits sufficient personal space between the parties. I usually place the chairs somewhat farther apart than is probably required. Parties often choose to move closer on their own. The mediator may, at times, be surprised by the close proximity chosen by the disputants.

In PDM the neutral sits far enough away that the parties must turn their heads if they wish to make eye contact with the

mediator. This way, it is not easy for the disputants to check whether they have "scored points" or to enlist the mediator's support. If parties do turn toward the mediator, the neutral can encourage them to address each other instead. This seating arrangement—in which adversaries face each other rather than the mediator—underscores the message that parties are there to *talk to each other*. It constitutes the second pillar of the PDM approach (the pre-caucus being the first).

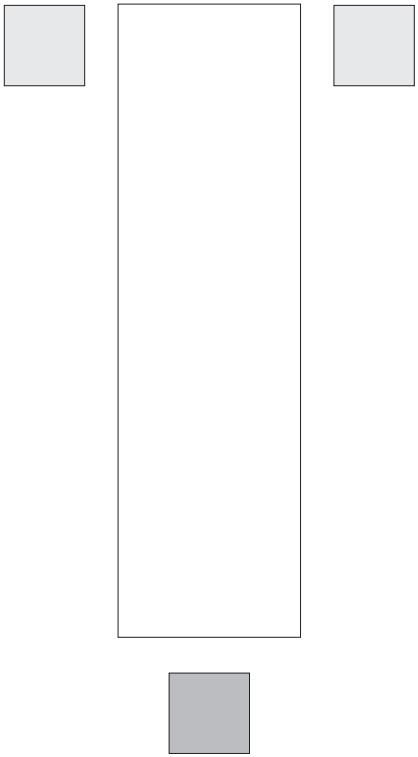


FIGURE 5–1

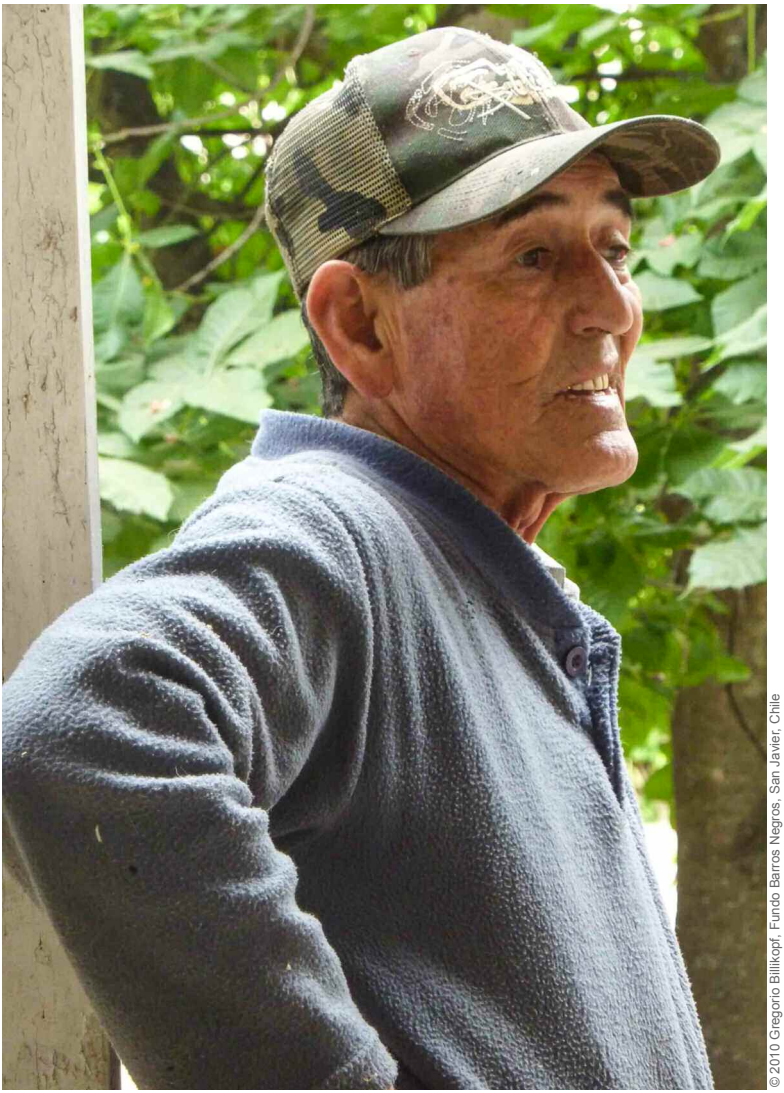
Seating arrangement during the joint session. The mediator sits at the far end of the table.

It will not hurt to mention the seating mechanics before participants arrive at the joint session, as it is different enough from traditional mediation to possibly confuse parties who are accustomed to facing the mediator.

OPENING THE MEDIATION

The day of the joint session, one of the parties will likely arrive before the other. The mediator may invite individuals to sit down and make themselves comfortable, but remains standing until both parties have arrived. This detail sends a clear message to the last person to arrive—that the joint session has not started without her.[1]

If permission to do so has been previously secured, the mediator may



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Effective PDM requires a belief in the inherent goodness of people as well as confidence in the process itself.

wish to share the positive attributes raised about each contender by the other party during the pre-caucuses. Taking time to do so helps break the ice and reminds the disputants that there is hope.

This is *not* the time, however, to ask the parties to share these positive comments about each other. Disputants are seldom psychologically ready to begin with affirmations. Likewise, during the joint session the mediator may underscore transformative comments that come up naturally but generally does *not* ask contenders to share such validating comments about each other. Doing so weakens the value of transformative discourse. It may appear as if the mediator is: (1) manipulating contenders to say something nice about each other or (2) discounting the many unresolved issues that have brought the parties into the dispute. Instead, participants will make their own validating comments when they are ready, without any prompting.

The mediator may wish to remind individuals that they can take breaks, ask to caucus with the neutral, or phone a stakeholder at any time. My experience is that effective pre-caucusing greatly reduces the need for such interruptions. In fact, as of this writing, I have not yet had, or needed, a caucus once a joint session began. Even so, it is important for parties to know this small lifesaver is available if needed. It is yet one more way to emphasize that participants have much control over the process.

GETTING THE DIALOGUE STARTED

After any additional introductory comments from the mediator, the time has come to turn over the reins to the parties. Mediators can explain that they will bring up topics—from the lists developed during the pre-caucuses—and ask one party or the other to expand on the subjects and thus begin a dialogue.

Although the mediator may pick the first topic, one option is to permit the parties to continue the conversation from there. Either way, the mediator ensures all issues are exhausted before the joint session is over. The neutral will easily note when parties

move evasively from one subject to another as a defensive or offensive tactic.

A thought-provoking piece on the challenges of choosing topics for discussion in mediation is offered by Douglas Frenkel and James Stark in *The Practice of Mediation*.[2] At times, an individual will have expressed a great desire to apologize to the other party about some matter, and this also may be a good starting place. What is essential is to balance the players' opportunities to speak and address issues of importance to them.

Successfully dealing with any issue under contention (e.g., the offering and accepting of an apology or reaching an agreement on how to deal with a future difficulty) can be very energizing and give the participants the confidence they need to face other challenges.

The mediator does not present or summarize the difficulty itself, but only triggers a memory: "Mei, could you please explain to Hua the matter of the letter you found on your desk?"

Mei shares with Hua—hopefully briefly—her concerns about the letter and gives Hua the opportunity to react. That is, Mei uses the *seven word* approach introduced in Chapter 4. When both have finished the conversation on this matter, the mediator may invite Hua to tell Mei about a specific worry brought up in her pre-caucus.

When the parties are doing a good job of managing their own topics and coming up with sustainable resolutions, mediators have little to contribute other than the comfort of their presence. Neutrals also note any agreements or concerns that might need to be revisited, such as patterns of troubling interaction between the parties. These may include such things as negative gestures, confrontational body language, manipulative comments, or some of the other dysfunctional communication patterns we saw in Chapter 4.

While the ideal in PDM is for the disputants to speak to each other with as little interruption as possible, there are times when the mediator must intervene and help parties overcome dysfunctional communication styles or deal with power imbalances.



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Parties will share positive, validating comments about the other contender when they are ready and without any prompting.

The seriousness of communication infractions, as well as differences in neutrals' styles, will dictate the frequency and degree of mediator intervention. Time spent role-playing and developing negotiating skills in the pre-caucus will result in a smoother joint session.

At times, it may be tempting to ignore an area of concern brought up during a pre-caucus. What happens when one of the parties wants to share something with the mediator, but does not want this subject to come up during the joint session? This type of situation is quite common in NPAs, and may also arise during PDMs.

Mediators need to respect the rights of the parties not to bring up certain topics. However, one of the neutral's most important roles is to help individuals learn how to share sensitive issues in a

way that does not come across as offensive. Also, it is worthwhile for both disputants to prepare themselves—even if they are not sure if they want to address an issue—as topics may well be raised by either party during the joint session.

Shortly after the first edition of this book was published, a seminar participant raised his hand and mentioned that there happened to be two individuals attending the workshop who were involved in a long-term contentious relationship at work. Class participants requested that we incorporate the case into the seminar. The contenders, Keith and James, agreed to have the workshop participants play the mediator role with my help.

James was sent out of the conference room while the seminar participants and I listened to Keith. Once this pre-caucus was concluded, we reversed the process.

Incidentally, empathic listening seems to have a stronger effect when there is a larger audience. For instance, affected parties may feel more intensely understood when they are heard by co-mediators. In a workshop like this, when many participants are listening empathically, these positive feelings are multiplied. Put yet another way, it may take shorter periods of time to feel heard when there are multiple attentive listeners.

During his pre-caucus, Keith explained that James had cheated his employer by adding two hours of overtime to his timecard. Keith, as a way of showing what an honorable person he was, told us he had never mentioned any of this overtime mischief to his boss.

The joint session proceeded very well, with both disputants speaking to each other and solving the difficulties that had been raised. The parties were about ready to finish, so I had to decide whether to have them discuss the honesty issue. Inspired by Robert Baruch Bush and Joseph Folger's *transformative* approach to helping contenders apologize or share feelings of regard for each other, and these authors' belief that it is more important to have disputants come to a better understanding of each other than merely find short-lived agreement,[3] I ventured to bring up the subject. I was taking a risk.

James explained to Keith that indeed he had worked the two extra hours at a different location *before* Keith arrived. Had they



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The mediator needs to be especially sensitive to signs that one or both parties are capitulating just to move on.

not cleared up this issue of integrity, it is doubtful their newfound harmony would have endured.

It is good to talk about the past. It can help unravel patterns of conflict and provide transformative opportunities. Without understanding the past, it is hard to prepare for the future. At some point, however, the focus must turn to dealing with future behaviors rather than nursing past injuries. PDM normally permits disputants to naturally transition from speaking about the past to discussing mutual understanding and required changes for the future.

AGREEMENTS

The mediator needs to be especially sensitive to signs that one or both parties are capitulating just to move on—or out of the



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The interpersonal negotiation skills gained are exactly those that will help individuals deal with future conflicts without the aid of a mediator.

mistaken idea that they are pleasing the neutral. Such conduct can often be noted in the tone of voice and body language of the contenders, but not always. Mediators may ask parties some pointed questions about their agreements, encourage specificity, and challenge agreements that seem weak and unlikely to endure.

When dealing with more difficult situations, part of the role of the mediator is to keep the parties from becoming overly discouraged. This can be done periodically by talking about the progress that has already been achieved.

In Chapter 4, we referred to the Harvard Negotiation Project approach introduced by Roger Fisher and William Ury in their

seminal work, *Getting to Yes*.[4] These scholars suggest that by concentrating on *positions* (i.e., proposed solutions) parties accentuate their disagreements. When, instead, people focus on the *needs* and *fears* behind their stated positions, they are more likely to find mutually acceptable solutions that address the needs of all involved. Resolutions based on this approach are not only more acceptable to the parties, but they are also more likely to be long-lasting. When the light goes on, disputants realize that it is not a zero-sum game in which one person must lose for the other to win.

I prefer to begin by having parties present their initial positions, which allows them to feel understood and retain a sense of control over the process. Mediators can move parties: (1) from stating their positions or stances, (2) to understanding each other's unmet needs and fears, and finally (3) to discussing possible solutions. It helps to have disputants tentatively summarize, to the best of their abilities, the unmet needs and fears of the other. A structured way to clarify positions versus needs is outlined in Sidebar 5–1.

Contenders often discount each other by refusing to acknowledge that the other party has a need worth considering. Years ago I conducted a communication seminar hosted by a large enterprise. Without realizing it, I selected two individuals to role-play a hypothetical conflict that turned out to be all too real. The mediation scenario used a more traditional approach without any pre-caucusing.

The head cook was asked to recognize, in his own words, that the field foreman needed meals to arrive in a timely fashion. Yet the cook could not focus away from the fact that meals were being wasted each day.

"You see, it's his fault because . . ."

"We're not talking about faults at this time. Instead, we just want you to state the perspective of the field foreman," I interrupted.

"Well, you see, he thinks he can get away with . . ."

The cook had to be stopped repeatedly. It was difficult for him to state (and thus validate) the other party's needs.

SIDEBAR 5–1

Positions vs. Needs in Conflict Management

1. Parties divide a paper, chalkboard, or whiteboard into four sections as shown below.

2. Parties share their *positions* (i.e., stances).

3. Parties are free to restate, modify, or further clarify their own positions at any time.

4. Parties then seek to understand and record each other's *needs*. Taking the time to ask effective questions of each other is an important part of reaching such understanding.

5. Parties brainstorm ways of mutually fulfilling expressed needs and reducing fears. Solutions may not be obvious at once, and disputants may want to sleep on it. For brainstorming to be effective, possible solutions should not be evaluated at the time, and even outlandish and extreme solutions need to be entertained. Only later, during Steps 6 and 7, are these potential solutions examined for their positive and negative contributions.

6. Parties are asked to resist devising solutions in which they no longer are required to interact with each other. Avoiding each other takes little creativity and is seldom the best way. Instead, participants need to seek creative, synergetic solutions.

7. Tentative co-authored agreements are evaluated and refined in light of potential obstacles.

8. Agreements—including a possible co-authored position—are recorded.

9. Parties consent to evaluate results at predetermined intervals.

10. Agreements are fine-tuned as needed and other challenges are addressed together.

Position A	**Position B**
• Need A-1 • Need A-2	• Need B-1 • Need B-2 • Need B-3
• Fear A-1 • Fear A-2	• Fear B-1

11. At times it may be necessary to return to step 5 and consider additional ideas.

An intermediate step—one that might have helped smooth the transition between a solely internal focus and stating the other party's position—would have been to encourage participants to ask nonjudgmental, fact-finding questions of each other.[5]

Once the cook stopped evading the process and described the position of the foreman, and the foreman did the same for the cook, they quickly came to a clever solution that benefited everyone and saved the corporation money. They decided that the field foreman would call the cook with an exact meal count for the day. This way, the cook would have fewer meals to prepare and thus would be able to produce them faster.

Sometimes negotiation is attempted but people's needs are incompatible. This may be especially so when no distinction can be made between *needs* and *positions*. When negotiation has failed, for whatever reasons, mandate may require that the dispute be resolved through arbitration or the courts. Bush and Folger suggest that if a door is left open for continued conversation, and if individual empowerment and mutual recognition have taken place, then mediation was not a failure. Much more of a failure, they convincingly argue, is for a mediator to be so focused on having parties come to an agreement that the resolution is forced, reducing the chances that it will be long-lasting.[6]

John Forester suggests that even when there are deep value differences, and basic needs are incompatible, parties may come to an understanding on peripheral issues. Despite disagreements parties may recognize some common goals.[7] For instance, each spouse may have profound religious convictions that are incompatible with those of the other (e.g., values they wish to instill in their children) yet come to an accord on how to live with such variances in such a way as to minimize harm to their offspring.

SUMMARY

PDM requires a certain belief in the inherent goodness of people, as well as confidence in the process itself. We considered the importance of the seating layout for the joint session, one

wherein parties can focus on each other rather than on the mediator. The seating arrangement underscores the contenders' responsibility for finding a viable solution.

Disputants can put to use the negotiation skills they acquired during the pre-caucus. In the joint session, the mediator or the parties may introduce topics of conversation. The key is that all the topics are discussed, even sensitive ones. If the pre-caucuses have been effective, the mediator's interruptions may be minimal, with parties taking responsibility for dealing with the past as well as making decisions about future behaviors. The skills gained through the process will help individuals deal with future conflicts without the aid of a mediator.

Finally, we considered one way to implement Fisher and Ury's negotiation approach, in which individuals separate their positions from their needs and fears.

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Part IV – Mediation Case Study

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6

Introducing Nora and Rebecca


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Nora


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Rebecca

Nora, a microbiologist, and Rebecca, a chemist, have had a long-standing conflict. Both are degreed professionals employed by a medium-sized analytical laboratory near the California coastline. They occasionally need to work together on a project. Nora and Rebecca are co-workers supervised by Ken Matsushita, the laboratory manager who asked the author for help in resolving the conflict.

Over the years, the analytical lab has gained a reputation as an excellent employer. As a result, it has attracted some of the brightest in the field. A generally relaxed and collegial working atmosphere has prevailed at the lab. The downturn in the California economy in the late 1990s resulted in a sluggish business. Some of the professional staff had been asked to pitch in with tasks formerly carried out by employees no longer working for the business.

Rebecca and Nora are extremely bright individuals who have become deeply invested in their conflict—one which has lasted more than twenty years. On a more personal note, both women are sports- and outdoor-oriented, which is what attracted them to this particular firm's location in the first place. Both have children of about the same age, and both have a passion for their chosen profession. They have much in common.

Rebecca is a people person. She is a close friend to all the other women in the lab, socializing with them outside of work hours. While Rebecca and Nora work at the same organizational level, Ken has given Rebecca the additional responsibility of collecting data from all the other lab professionals, including Nora, for a year-end report. Rebecca feels that no matter what approach she tries, Nora does not cooperate with her. She seems too wrapped up in her work to respond to Rebecca's requests. As a result, Rebecca feels she has wasted much time trying to pry the information out of Nora.



On meeting Rebecca, we sense a person who is trying hard to keep emotion out of the interaction. Rebecca has been somewhat hurt by her past exchanges with Nora. She feels that Nora shouts at her. Rebecca points out that she is the only one Nora treats this way.

Nora is a task-oriented individual. She has been absorbed by her work and at first seems surprised at the mention of a dispute. Much of what Nora speaks of concerns how busy she is. Nora has so many ongoing projects that Ken has frequently assigned one or two people to assist her. Nora explains how the workload and the less-than-dependable help have made it difficult for her to respond to Rebecca's requests.



Like Rebecca, Nora has kept her emotions in check. There is a very light tone to most of her comments, and Nora speaks with a smile much of the time during her pre-caucuses. Only when Nora relates feeling left out of conversations among the other professional women in the lab does it become clear that she also has been hurt by her interactions with Rebecca. Nora has a deep need to avoid being at odds with others.

During their pre-caucuses, each woman explains that she wants to be treated with respect by the other, but that she is not looking for friendship.

The next five chapters include an annotated dialogue from Nora and Rebecca's mediation. Some of the facts surrounding their case have purposely been kept vague or altered to protect confidentiality. For the sake of brevity, conversations have been abridged, mostly by deleting repetitive comments.

The conference room utilized for the pre-caucuses, as well as the joint session, is quite comfortable and has no distractions other than some pleasing oil paintings of California's stunning coastline.

Although the text refers to only one mediator, in this case the third-party role was carried out by a mediation team that included the author. The intention here is not so much to analyze the effectiveness of the mediator interventions, but rather to invite readers to observe PDM in action. Parties can do most of the talking and negotiating when they are allowed to do so.

It would be nice to rearrange the comments of the parties so they progress from one thought to another in a systematic way. But that would distort reality. Instead, the reader will often note that the discussion of a topic seems to be all but concluded when either Nora or Rebecca raises issues of concern again. One of the two might have finished describing her official stance on camera, but once the camera was turned off, she continued talking, sometimes really pouring her heart out. In a number of instances, the parties agreed to bring up an issue again, in front of the camera, so it could be properly captured.

As a mediator, facilitator, or reader, you are likely to have varied reactions to Nora and Rebecca. These impressions

probably will evolve as you join the pre-caucuses and then observe Rebecca and Nora during the joint session. Perhaps you will come to sympathize more with one than the other.

It is hoped that you will see the inherent good in both of these women as well as some of the challenges each has to face. Although we only allude to their background stories, each woman has had to overcome past abusive relationships.

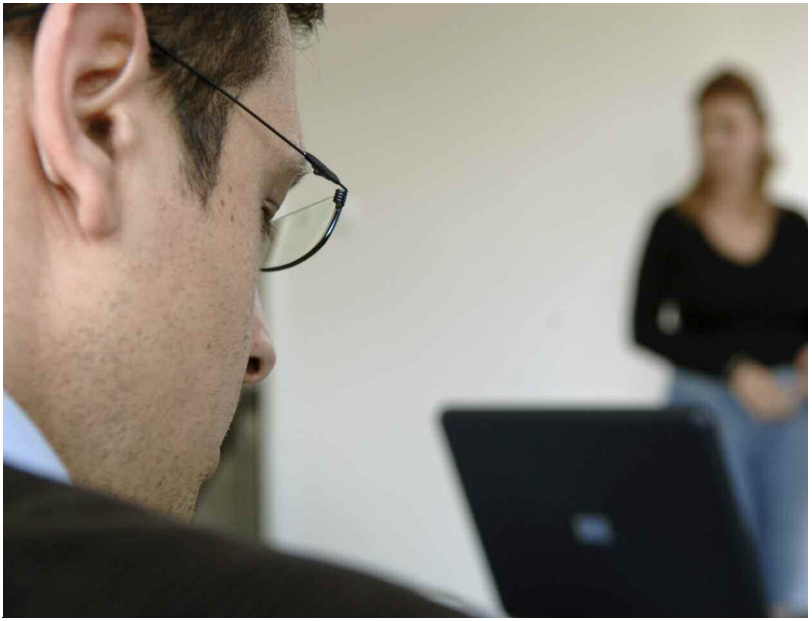
Partly because of your own experiences you may disagree with some of the analysis provided along with the dialogue. This last point deserves to be underscored: mediators *do* react to the individuals and *do* form impressions of them—and parties also react to mediators. Perceptions that are colored by these past experiences—sometimes unconsciously—are in psychology refered to as *transference* and *countertransference*.

In traditional mediation, neutrals wield much power and their opinions and biases may greatly affect outcomes. What becomes clear through PDM, however, is that when contenders have been adequately listened to and coached by the mediator, they then become capable of dialoguing with reduced interference from the neutral. And as a result, individuals build their own solutions and control the outcome. Mediators attempt to be *neutral* and *impartial*, but it is unlikely that people can fully achieve these lofty goals.

Instead, PDM allows parties to engage in effective dialogue in the joint session, and do it with less interference from the mediator's transference issues. As a result, the disputants generate their own solutions and control the outcomes.

I chose Nora and Rebecca's mediation to illustrate this book precisely because it was so difficult. I might instead have selected one of many mediations in which the parties, after the pre-caucuses, hardly needed the mediator in the joint session. But I think those examples would not have been as useful.

The passing of time has also allowed me to see this mediation more clearly. For example, it would have been better to add another series of pre-caucuses before moving on to the joint



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Through the phenomenon of transference and countertransference, mediators and parties may react to each other—sometimes unconsciously—when exposed to behaviors or situations that remind them of significant past events.

session. One of my main objectives has been to show that the parties can solve their relational issues without much interference by a mediator. Although this goal was achieved—and the final result could not be more positive—we took an unnecessary risk by not intervening earlier, when the parties needed it.

NOTE

When readers look over the transcripts, they may sometimes find it hard to mentally distinguish between Nora and Rebecca. The following table may be bookmarked for reference.



NORA



REBECCA

- Focused on her work
- Feels the weight of too much work
- Has multiple projects
- Has been assigned assistants
- Feels excluded from the group of women

- People-oriented
- Needs Nora's cooperation
- Feels Nora is always busy
- Feels Nora screams at her
- Friends with the other women at the lab

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7

Rebecca's First Pre-Caucus

The mediator begins by briefly explaining the philosophy and mechanics of PDM.

Mediator: Rebecca, it's a pleasure to have the opportunity to work with you. Last week, I mailed some reading materials for you to take a look at. I wanted to review just a couple of points and see if you have any questions. I'll meet with you first and listen with the idea of trying to understand the conflict from your perspective. [The mediator smiles frequently, speaks in a reassuring tone, and maintains a permanent empathic listening stance.]

Rebecca: OK. [Rebecca interjects several OKs as the mediator speaks and concludes each thought. The tone of her interjections express cooperation, understanding, and agreement.]

Mediator: My first step is to understand you the way you wish to be understood. After listening to you, one of my jobs will be to prepare you to meet with Nora—when you feel ready. I want to stress that I'm not here to judge or decide who is right. I see my role as helping each of you by sharing tools and negotiation skills that will permit you to present your perspective in the best possible light, listen to each other, and hopefully solve this dispute. I'll be taking

notes, so I can make sure I'm understanding you correctly. If you need to take a break at any time, just let me know. Do you have any questions?

REBECCA: Thanks for asking; not at the moment.

Searching for the Problem

MEDIATOR: OK, we're ready to begin. So, tell me, from your perspective . . . what has happened . . .

REBECCA: Obviously, I can only explain from my perspective. [Rebecca wants to appear cooperative, and shows insight. For every disagreement, there are at least two viewpoints. This type of cooperation is elicited through the pre-caucus.]

MEDIATOR: Right. Exactly.

REBECCA: Do you want me to kind of outline the problem?

MEDIATOR: Right. Start there, and we can go into more detail as we need to.

REBECCA: Ken Matsushita, the analytical lab manager, delegated the completion of a year-end report to me. Each person in the team had to do his or her part, but it was my job to collect all that information and edit it into a coherent piece. [Rebecca seems calm and from time to time smiles and laughs a little as she goes into further detail. She seems to feel good about telling her side of the story.]

MEDIATOR: M-hm. [As Rebecca speaks, the mediator's positive minimal responses let her know he is listening.]

REBECCA: Nora had a lab tech working for her, to whom she delegated her portion of the writing. I hadn't received the report, so I spoke to her, left a couple of messages taped to her door, e-mailed her with a copy to Ken, and brought it up at staff conference. So, I felt I had given her ample notice that it needed to be done. We all have to do our part. I spent several days working on this and felt it was a reasonable request. So, that's the issue.

MEDIATOR: [The mediator finishes writing down some notes.] Still nothing has been done?

REBECCA: No.
MEDIATOR: OK.
REBECCA: And this has been . . . easily a couple of months now.
MEDIATOR: Is this an isolated instance, or are there others?
REBECCA: There was another time when I needed her cooperation. I was helping Ken. When I spoke to her, she actually yelled at me and got very upset. And then I got upset. Don't shoot the messenger! I felt it was very unprofessional behavior that I didn't deserve. I just wanted to check it off my list. And so, that issue was turned over back for Ken to deal with. It's no one's highest priority, and maybe that's why it's not done. Ken has so much to do, and I just wanted to help. So he wouldn't have to worry about this also.

It takes about twelve minutes to come to some understanding of what was wrong, in very general terms, from Rebecca's perspective. When mediators let individuals get things off their chest, most parties can speak for a long time with very little prompting. Several factors might have contributed to Rebecca's reticence: the inhibiting presence of a camera or the third party, who—despite his remarkable interpersonal skills—previously had limited exposure to the empathic listening approach. Most of the mediator's questions were diagnostic in nature.

But returning to the pre-caucus, a good way to test the waters and check if individuals have sufficiently unburdened their feelings is to ask people for the positive qualities of the other. Such a question is usually asked towards the end of the pre-caucus, after a person feels heard by the mediator. It seems an appropriate time to ask Rebecca, as she appears to be finished with her narrative.

Admirable Qualities of the Opposite Party

MEDIATOR: So that we can look at the positive side as well, what are some positive things you admire in Nora?

REBECCA: [Her face shows some surprise.] I'm not sure what that has to do with an issue, or resolving an issue? We talked about a specific problem with a start, and hopefully, a finish at some time. I don't understand what positive or negative feelings towards Nora have to do with it.

Rebecca suggests that the conflict is about *issues*, not about *feelings*. This might well be a clue to the mediator that despite Rebecca's calm narrative, she is far from being ready to meet with Nora.

MEDIATOR: In preparing to bring the two of you together—which is a goal of this process—we want this not to be just about the issues involved. Having mutual positive qualities brought out will help.
REBECCA: So, there's a technique that you're trying . . .
MEDIATOR: Yes. It may help to . . .
REBECCA: But, but from *my* position, I feel . . . I've done what I can to do my job. [She appears hopeless.] I've done what I can. I don't think there's going to be a response from Nora.
MEDIATOR: By having both of you meet together—not now, but when you're ready—some of these points may be brought up and discussed. Maybe we won't reach a solution. But maybe we will be able to. Considering positive attributes about each other may help us reach a positive resolution.

Rebecca listens intently. She seems absorbed in deep thought and unsure what to say. The mediator attempts to answer her concerns. Rather than assume Rebecca has nothing positive to say, the mediator feels that perhaps she has not given herself permission to see Nora in a positive light.

MEDIATOR: [Laughs gently.]
REBECCA: OK, this could happen. [Her joyful tone matches the mediator's laughing.]

MEDIATOR: So, do you have any positive qualities you admire in Nora?

REBECCA: I don't really know Nora very well, personally. I know her as a colleague in the lab. So, I can't make any sort of comments on personal sort of things. I'm not really aware of them. Our work issues don't connect much, so I don't really interact with her on work issues. My only interactions with her are related to using the same equipment or sharing space and that sort of thing. I'm assuming that she does . . . just fine. She's been here for a long time and has a lot of experience and does a good job of helping her clients.

The mediator is now certain that Rebecca is *not* ready to allow positive feelings for Nora to surface. The first part of Rebecca's statement indicates her lack of personal knowledge about Nora. Later, we shall hear comments that show the opposite to be true. The second part of Rebecca's statement—"I'm assuming"—does not constitute a positive reflection about her adversary. Her comments could do much harm in a joint session. There seems to be a lot more to the dispute narrative than what the first few minutes of the conversation have yielded.

The mediator proceeds to elicit further comments from Rebecca about the conflict. He does so by reflecting on something Rebecca said earlier. The mediator's reflective comment serves to prime the pump and is picked up immediately by Rebecca.

REBECCA: Well, as I said, we've lost a lot of people . . . support staff . . . and now there are things around here that the professional staff have to take responsibility for, such as keeping lab areas clean, because we share . . . and that's an issue, if individuals don't see that as part of their responsibility. Just as important as other tasks.

Although the mediator encourages Rebecca to speak again about the conflict, her comments are few. At least for the

moment, it seems there is nothing more to say. The lack of positive comments by Rebecca about her counterpart, again, are a warning that thinking of a joint session is premature.

Preparing Parties for the Joint Session

MEDIATOR: OK, I'll be meeting with Nora individually, the goal being to bring the two of you together.

REBECCA: [Agreeing.] Yes.

MEDIATOR: The two of you will actually be sitting as you and I are now, where you can have eye contact. I'll be down towards the end of the table. Again, the objective is for the two of you to meet together and talk. It will be helpful, when you meet, if you will use each other's names.

REBECCA: I don't have a problem with that.

MEDIATOR: Using each other's names, and having eye contact, will help keep this on a positive note. Sometimes, when there's a mediator and there are differences of opinion, one or both parties may start to look at the mediator for support—instead of at each other. Moving toward the goal of a joint session, one thing to keep in mind is trying to find positive qualities about each other. For you—to summarize—this is basically a simple issue: you want Nora to provide you with her part of the write-up, so you can turn in the report to Ken. The issue may be small to Nora—perhaps she doesn't want to be bothered with the write-up—or there may be other underlying matters. As she comes to the table, one thing to keep in mind is how she's going to respond—or feels she needs to respond. We spoke about helping someone save face. If Nora comes to the table feeling she just has to turn in her write-up and hasn't done it, she may feel that she has to come in and say, "I was wrong." This may seem simple, but for some people it may not be. As we examine all of this, we will keep in

mind that it may not be the simple issue we, or you, feel it is.

REBECCA: OK. [Throughout, Rebecca has been nodding and letting the mediator know she is understanding.]

The mediator is preparing Rebecca to discover that, for Nora, the issue may run deeper than it seems. Rebecca is being invited to keep an open mind—by way of a gentle challenge.

POSTSCRIPT

After the camera was turned off, it became clear that other issues related to the dispute were deeply affecting Rebecca. The mediator listened to her for a considerable time. The fact that Rebecca hesitated to mention Nora's positive qualities confirmed that, despite the apparent simplicity of the conflict, Rebecca was not ready for a joint session with Nora. Issues of interpersonal relations were raised in addition to the matter of unfinished reports.

When parties are ready for a joint session, they are able to talk freely about most—if not all—of the issues discussed in the pre-caucus. Beginning with the next pre-caucus, the mediator elicits permission from Nora and Rebecca to "share some things" with the other. A surprise factor in a joint session is seldom useful and may in fact be counterproductive.

While elements of what is termed *shuttle* diplomacy may be taking place, there is a big difference between it and PDM. In shuttle mediation third parties attempt to help contenders solve a dispute without necessarily confronting each other. A proposal is taken from one party and discussed with the other, a counterproposal is prepared, and so on. Mediators who use shuttle mediation typically help the disputants find a solution without having to negotiate in person.

In PDM, the objective in sharing issues ahead of time is to prepare the parties—especially through analysis, coaching, and role-playing—for a dialogue. This is especially important when one or both parties' self-esteem is low. Or when blind spots need addressing ahead of time.



Aspects of shuttle diplomacy may be incorporated into PDM. The objective is to prepare contenders for dialogue by sharing issues—often emotional ones—ahead of time.

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8

Nora's First Pre-Caucus

The mediator gives Nora an introduction similar to the one provided to Rebecca in the previous chapter. Then, he invites Nora to tell him about the conflict. The neutral prompts Nora several times and asks questions to get her going.

Searching for the Problem

NORA: [Smiling.] OK, I'm sorry to appear a little bit clueless, but I'm not sure [Laughing as she speaks.] what the issue is.

MEDIATOR: Something about a write-up?

NORA: [Smiling, and nodding her head.] OK, the first time I was aware of this situation was when Ken Matsushita took us all out for pizza a month ago. Rebecca suggested that the data for my part of the report was due.

MEDIATOR: So, that was the first time you were aware that this was an issue?

NORA: [Still smiling.] That somehow there was an issue and that I was somehow involved in it.

MEDIATOR: Since then, have you gained a better understanding of what the issue was?

NORA: A little bit. I have an assistant who was preparing the write-up. I honestly don't know who prepared the write-up.

MEDIATOR: It was turned in?

NORA: I don't know if it's been turned in. I've been to the lab recently and saw some of the paperwork there. I can probably take care of it, if there's an expectation that this is something I was supposed to do . . . or even if there isn't an expectation that it's my responsibility.

MEDIATOR: Right.

NORA: But if I'm supposed to do it, then someone needs to tell me that I'm supposed to do it, because I really had no idea.

At this point in the narration, a traditionally oriented mediator might be saying, "A-ha! You see. One of them is lying. If they were together, neither one would lie in front of the other." I happen to believe that each of the parties was telling her truth. But the issue of selective hearing may have come into play.

My oldest son and his wife once left a few of their pets for my wife and me to tend. When, during that same period, my wife left on a trip with one of our daughters, it fell on me to take care of the pets: two exotic Bengal cats and a killer fish. I was so worried about the instructions on how to care for the cats that when my wife told me I need not worry about changing the water in the fish tank during her short absence, my mind translated that as, "Don't worry about the fish." I didn't really hear her when she told me to feed the fish twice a day. Fortunately, after two days it dawned on me that the fish needed to be fed. The fish did not die, but I felt bad. Just because we transmit information does not mean someone else has the receiver turned on.

Also, as we will see through this mediation, the parties deny their own truths at first, and are not necessarily willing to admit them when they have to face their counterparts.

MEDIATOR: So, you are not clear . . .

NORA: Or why this even involves me. I haven't had time, and actually, I assigned one of my assistants, but had some pretty flaky help. I have more urgent things to do right now, such as dealing with samples that are in danger of spoiling. I really don't understand the

dynamics of why, all of a sudden, this turned into a conflict.

MEDIATOR: So far we've focused on the write-up. Is there more to this issue, or some other underlying matter?

NORA: I . . . I'd have to suspect so, because the write-up is just one of a number of things that have become issues, not really for me, but I suppose it's more for other people. How can I say it? Sometimes it's really busy—you know, I have a lot going on—and at times it can appear untidy, because, uh, well, you know what the Bible says—that when you don't have any cows, you have clean barns [*see* Proverbs 14:14].

MEDIATOR: [Laughs along with Nora.]

NORA: But, there are advantages to having cows. So, sometimes I have a lot of cows, and sometimes, when I have people working for me, I can't always control if they know they're not supposed to put something on a specific lab bench . . . But, then someone comes to me and says, "Your stuff is on that bench!" . . . OK, I'll go find them and tell them they're not allowed to put it on that bench. Even under the best of circumstances, we may have samples coming in faster than we can process them, and we may make a mess.

Here, Nora tells a story about her occasional dealings with Fred, another co-worker, and his spillovers into her space. She explains that there is usually an exchange of friendly banter with Fred, and in the end they arrive at solutions that do not involve escalation of negative feelings. Nora wants to present herself as a reasonable person, with a certain amount of patience for others, as well as a sense of humor.

NORA: I know that my stuff tends to crawl around a bit, like an octopus, and that it takes more space than it ought to. But if someone comes to me, we can try and find a solution. Likewise, with this issue regarding the

write-up, making a big to-do about this strikes me as being a little excessive. [Nora is smiling again as she concludes the second half of these comments.]

MEDIATOR: A little excessive . . .

NORA: Yeah, a little excessive, especially since I had no clue that there were some expectations here. This was news to me, especially since, as soon as I became aware of it, I told my assistant, "Hey, next time you're in the lab, take care of this." But the assistant flaked out and left me with this and a whole bunch of other things.

MEDIATOR: In addition to what you have . . .

NORA: In addition to the rest of my work, yes. [Long pause.] And . . . I guess . . . I guess I could also say that it really hasn't occupied a great deal of my thought processes . . . and it's not something I can deal with. And I can only deal with the things I can deal with and do something about. I recognize that someone else may be stewing about it . . . but unless they come to me, it won't make my priority list.

MEDIATOR: It won't make the list.

NORA: No, there are too many things that are not making the list that really are important.

MEDIATOR: Anything else?

NORA: [Long silence.] Uh . . . I don't think so. It's just, if something's an issue, you know, rather than freaking out over it, why can't we just talk about it?

The mediator summarizes what has been said so far and Nora lets him know that the summary is accurate. She also goes on to repeat some of what she has already said, before proceeding.

NORA: As far as I'm concerned, the work of others at the lab is just as important as mine. I really do believe that. Now, I can understand how some people might have a different perception, because . . . if I'm using part of the workspace that belongs to the community, then they can say, "She really doesn't care about my

work because she's hogging the workspace." I don't feel that way, but we have to talk about it. Then we have to find a way to get everyone's stuff done, even though it may not be perfect for everybody, but we can find a way to do that.

MEDIATOR: Find a way of working it out . . .

NORA: It's not going to be perfect, but . . .

Once again, the mediator gives Nora a chance to expand and explain what she is thinking and feeling. Then, the conversation seems over, and the mediator asks Nora for positive qualities about Rebecca.

Admirable Qualities of the Opposite Party

NORA: Rebecca really cares about people. She has very good, uh, people skills. In terms of really caring about people and being empathetic and sympathetic . . . I remember the time when our whole staff was asked to fill out personality profiles. Almost every single person in the lab came out task-oriented, a get-the-job-done-type personality of one permutation or another. She was the only person who scored way high in relational skills. I think her way of getting stuff done was to build partnerships and camaraderie. Everyone else was more likely to take logical steps and accomplish things.

MEDIATOR: Get the job done.

NORA: Get the job done. She was the only one who scored really high on "We are going to make relationships." And I think that's really neat! I think that's really important in this lab.

The conversation turns to other topics for a while, but Nora has some things she is still feeling.

NORA: I guess one thing that people may find a positive thing, or somewhat annoying, . . . this whole thing about the write-up. I recognize that Rebecca might

really be stewing about this stuff. Because I didn't meet an expectation. I have to admit that I really haven't thought about it. It's not that I don't care. It's just that, uh, I guess one of the things I've learned in life is not to run away from conflict. It's not that I don't care about how other people feel, but I've learned not to let other people's problems, other people's feelings, other people's issues dictate whether I'm going to be functional and happy and make good decisions and good choices. I've had enough experience with really negative people in my life. Now, I have to make a decision. Am I going to let my good day and my good mood be trashed because a person comes in with negative baggage? No! I was in a good mood before you walked in the door, and I'm going to be in a good mood when you leave, because I have work to do and a life to live, and choose to be happy. It doesn't mean that I'm afraid of conflict, and it doesn't mean that I won't work with you, but if you're coming with a lot of emotional baggage and an expectation that I'm going to somehow . . . I don't know exactly how to say it . . . I'll work with you, but I'm not going to let somebody else's issues control my life. Does that make sense?

MEDIATOR: You're not going to let someone else's issues . . .

NORA: So, uh, that's just a choice I have to make for me. It may look like I don't care. It's not that I don't care. It's just that I have a lot that I have to get done. If I let myself go into a tailspin because someone else is ticked at me, I can't function. I'll put your issue on my list, and when I get to that point on my list, I'll do something about it. But I'm not going to let it affect dealing with all the other issues on my plate . . . I can't. I have to live.

MEDIATOR: Separating issues from emotions . . .

NORA: Yeah . . . but I'm not going to beat myself up . . . I have too many other things I could potentially beat

myself up on. If I spend my life beating myself up for all my imperfections and all the expectations that other people have of me that I can't possibly meet, I'll collapse. So, I want to be in control of what's on my list. Ultimately, I have to choose what's on my list and what I can get done in a day.

The conversation between Nora and the mediator continues in the same vein for a while. At one point, Nora tells of a specific life-changing event that taught her to be less defensive and, instead, focus more on her work. The mediator then coaches Nora on how to present her case effectively in the joint session. Just when the pre-caucus session seems over, Nora thinks of a particular situation that might have played a key role in the escalation of her conflict with Rebecca.

The Larry Incident

NORA: Let me bring up another issue from long ago. I think this is when my conflict with Rebecca really started to escalate.

Nora seems relaxed, but her smile is gone. She goes into a long and detailed explanation of how a former lab assistant, Larry, was assigned by Ken to work for Nora full-time. Unfortunately, both Rebecca and Nora thought they had requisitioned Larry's help. They both needed assistance in a critical way.

NORA: Rebecca came to me and said, "I had him signed up—you didn't—and I really need him." I told her, "It may be a moot point anyway, because I think Ken has assigned Larry to me full-time." I was *going* to say, "I really need him today, but because you have these things that have to get done, why don't we work it out so that maybe tomorrow—I had already blocked out the time—we can have Larry help you, even if he's been formally assigned to me." But before I could get the words out of my

mouth, she wrote me off. You know, as soon as I said it was going to be a moot point anyway, because he was going to be working for me, she blew up, stormed out of the room, refused to speak to me the rest of the day—or the next two days. Larry and I tried to find her to tell her, "Hey, if you want some time, we'll get this done." But she wouldn't speak to me. She was so angry. She said, "The only person's work you care about is your own." I never had a chance, because she would never listen to me. I know her husband had to come and help her on Saturday, and it was a big fiasco. I would have helped her, but she left and wouldn't speak to me anymore. Ever since then, she's just been on my case, as if I'm being a selfish person who only cares about my own work. Anyway, I think this incident really affected all those other incidents, and I'd really like to get it straightened out. It's really bothered me that I've never been able to, you know, set the record straight. I just have sensed she hasn't been, uh, as forgiving since then.

MEDIATOR: Uh-huh.

NORA: And I don't blame her, from her standpoint, but that's not the way I saw things, and I've never been able to set the record right.

MEDIATOR: It goes back to the issue of communication.

NORA: And not being able to finish my sentence on that one day.

MEDIATOR: Right.

NORA: We tried. [Smile appears again, as she lifts her hands.]

Time for a Joint Session?

After additional conversation between the mediator and Nora, we return to the question of the joint session.

MEDIATOR: We've met with both of you on an individual basis. The next step is to determine if it will be beneficial



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Just because we transmit information does not mean someone else has the receiver turned on.

to bring both parties together. How do you feel about meeting with Rebecca? Are you ready for that?

NORA: Mmm.

MEDIATOR: Or, are you at a point where we should still meet individually for another session?

NORA: Well, I really like having right relationships. [A smile briefly breaks upon her face.] And I admit that because of Rebecca's emotional response to me in the past . . . uh, it makes me nervous to actually sit down with Rebecca and try to be understood. I've just had such bad luck with that on a number of occasions [She smiles about this.] that it's really made me kind of leery. I've got lots of stress in my life, and this is one I really don't want to have to deal with, but it's much more important to me to have right relationships with Rebecca . . . and I'll do whatever it takes to make sure—as far as I can—that there can be peace and communication. I really like the idea of doing this in a controlled situation. All I can do is give it my best shot, I guess, even though for me it's a very uncomfortable thing, because I don't like other people's emotional stuff dumped on me. I've gotten pretty good at shedding it but it doesn't mean I don't care. You know what I mean?

MEDIATOR : M-hm.

NORA: You know . . . but my own feelings are not nearly as important as my desire to get it right.

MEDIATOR: OK. If we . . .

NORA: But . . . but . . . OK . . . OK, I'm going to introduce a caveat. I'm going to lean on your judgment because I don't have a clue as to where she's at. And I don't know how she's going to feel. I don't want to make things worse. I'm not really concerned about making things worse for me, because I will muddle through regardless of how bad it is for me. I don't want to make the situation worse. So, if you think

she's in a place where she could hear my heart, I'd love to know it.

The mediator prepares Nora for the joint session by explaining the seating arrangement, the purpose of eye contact, and other issues, as he did when meeting with Rebecca. Nora is very attentive. With the mediator, she role-plays bringing up the incident involving Larry. Although she is not asked to, Nora finishes her role-play explanation to Rebecca with an apology. The word *apology* triggers a strong emotional reaction from Nora.

Nora tells of the time she was collecting samples and returned to the lab somewhat dehydrated. She drank three sodas, full of sugar and caffeine, and subsequently exploded at the receptionist, who delivered a message about some trivial matter. Nora explains how out-of-character her behavior was and how shocked she and the receptionist were by her outburst. "It was the sugar," Nora insists.

If the situation with Larry were to take place again, Nora feels she would be just as unsure about how to handle it, despite the unfortunate consequences. Nora also speaks about how vulnerable she feels at this time in her life.

NORA: I guess what I was trying to say is that it's hard for me, uh, because I spent so much time—and this has nothing to do with Rebecca—being forced to apologize for situations I didn't create. And when I know I didn't do anything wrong. I've had to deal with a control freak who I couldn't ever please, and who subjected me to verbal abuse. So, I'm really sensitive about taking blame for something, taking ownership of a problem that really isn't mine. Just for my own mental health I have to be really careful to not be the cause of everybody else's problems. I have to retain who I am rather than what other people say I am. I guess I've built up some walls and defenses that are kind of fresh and new. I'm not really in a place where I'm willing to take a lot of ownership for blame I don't feel I deserve. But I'm

willing to take the blame I do deserve, like the situation with the receptionist. Does this make sense?

The ability to offer and receive apologies is a critical interpersonal negotiation tool. Nora seems receptive to an example of an apology offered by the mediator—a situation in which he felt the need to apologize not for what he did or said, but for what happened as a result of a dispute. The mediator explains that it is possible to express regret for a situation without taking the blame for what happened. This comment works as a small challenge.

NORA: And I'm very sorry about that. And I'm sorry for what it's led to. And I can do that. But to say that I caused all of that . . . I can't do that. Maybe in five years I can do that and it will be OK with me, but right now it's not OK with me.

NEXT STEPS

The mediator agrees to meet again with Rebecca and share some of the information gathered during Nora's pre-caucus. And to collect information to share back with Nora. In the weeks before the mediator is able to meet with Rebecca and Nora for an additional pre-caucus, the parties continue their soul-searching, which will do much to soften each of their stances.

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9

Rebecca's Second Pre-Caucus

Mediator: To start this session, I want to mention some things Nora wanted me to share with you. I haven't shared with her anything from our conversations.

Rebecca: And that's OK with her?

Mediator: Yes, and she's hoping that maybe down the line, if you have something to share with her, that you'll do that. But don't worry about it right now. We'll just start with some of the things she wanted us to share. First off, I asked her the same question I asked you about positive qualities in the other person.

The mediator goes on to share with Rebecca the positive comments Nora made about her. Rebecca's expression to this point has been serious. She asks the mediator several questions about Nora's comments. She seems to be trying to decipher whether they were intended as compliments.

The mediator explains that, if there is a joint session, Nora wants to share her perspective of the incident that might have caused the conflict to flare. We pick up the conversation as Rebecca describes a few stressful encounters with Nora.

Rebecca: One time I asked her an innocent question—I certainly had no intentions of attacking her—and she began to yell at me. Again, the yelling, which I don't like. I had to tell her that it was inappropriate for her to be yelling. She doesn't do this with other people.

In another instance, I spoke to her, and again I got yelled at. There have been a number of these over the years. As a result, it makes me hesitant to approach her. I don't know what sort of reaction I'm going to get. It's never been a positive one . . . in the sense of getting some cooperation. Or, I know I've mentioned things to her. I needed some samples moved—she kind of leaves things around—and she goes into a lot of detail about her people not doing what they're supposed to do, but she won't take responsibility. Ultimately, it's her responsibility, not her people's. I could go on, but I think that's good enough.

The mediator recaps what he has heard.

REBECCA: So, yeah, it bothers me. It hurts . . . It hurts my feelings.

Having a party admit that something hurts is a positive step toward healing. The conversation continues, and the mediator picks up on something that was said earlier.

MEDIATOR: Can you describe how the conflict between the two of you, this tension, affects relationships in the lab?

REBECCA: [Drawing out the word.] *Okaaay*. I can try to answer. I'm not sure I understand exactly. I could give more examples, but I don't think that's the point. A lot of the interactions that I've had with her are negative and are related to doing my job, such as helping Ken Matsushita with the year-end report. I have a certain responsibility to the other people in the lab, and to Ken, to make a little contribution—not twenty-four seven, but to the functioning of the lab as a whole, given that we're down in personnel since our downsizing. Lots of times things get dumped on Ken's assistant, Mike Peck, and people will shout at him, "We don't have the supplies! We don't have the supplies!" I'm trying to give back a



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Having a party admit that something hurts, or is a frustration, is a positive step toward healing.

certain percentage for the good of the order. And in the situation with Nora, the fact is that I get kind of blindsided with this yelling, and her behavior towards me is *sooo* defensive. I immediately feel this . . . wall going up. What I'd like her to realize is that this isn't personal. I'm not interested in the report, nor do I feel as if I own the lab and want it cleaned up. She has some obligations to clean up what she's messed up. I don't like her yelling, and since I'm not sure what I'm going to get, I don't go out of my way to engage her. If anything, I go out of my way to avoid contact. It's very uncomfortable, very defensive. There have also been some personal insults—because I do contribute to the overall good

of the lab—implying, or rather, stating that essentially her job is so important and every second of her time is so critical that only people like me, that don't have a critical job like she does, waste time on these little things. And that's insulting. Her attitude towards me, word choices, posture, body language—she's in my face—and the yelling all add up to a situation that I'd rather avoid. So, there is no real social interaction. I don't ignore her and try and be rude. But I don't go out of my way to have any interaction with her. I guess that sums it up. I don't know how you would say all that concisely.

The mediator attempts to summarize, and Rebecca clarifies her feelings.

REBECCA: I don't like being a police officer. So, what do I do? Take it to Ken? He has enough on his plate. So, when things have to get done, I feel I'm removing part of his load. She doesn't see herself as a person who is a citizen of this lab who obeys its norms. It doesn't prevent me from doing my job. At this time, it doesn't have much of an effect on my mood, but it does bother me when these yelling episodes take place. I don't get upset just because I see her. It's not that way. So, what am I supposed to do when something isn't followed up on? Do I have to go back three or four times? Even when I do, it makes no difference. It never gets done. I'm not sure at this point how you handle a situation where there's no cooperation whatsoever. I haven't found any effective means to deal with her, obviously.

MEDIATOR: A negative situation for you.

REBECCA: Well, I imagine for her, as she gets upset.

MEDIATOR: Do you have any idea why she might be affected that way? Why Nora feels she has to yell or get in your face?

The mediator's gentle challenge comes at a time when Rebecca has been listened to extensively for more than an hour. Rebecca repeats much of what she has already expressed, but then she comes back to the mediator's question.

REBECCA: Uh, it's obvious there's something that sets her off, and it may relate to something . . . an experience in the past she's had with me . . . so that when she sees me, the guards go up, the gates close, whatever. It's something I'm not aware of. I don't have an explanation for why this type of interaction occurs . . . but it's certainly uncomfortable for both of us.

This is a key moment in the pre-caucus. Rebecca is trying very hard to see things from Nora's perspective. After some conversation, the mediator eventually asks Rebecca if there is something from this conversation that he can share with Nora to help her better understand the situation.

REBECCA: I don't know the value of doing so. Everything we have spoken about is factual. *That* she can know, but if there's something . . . I get this really strong sense she doesn't care about anything I say or do, or how my feelings have anything to do with her, so I really don't see a point with it. Just based on our interaction, it's such a shutdown. I don't see what the benefit may be to her. Although you have indicated that she's willing to discuss things, so, uh, that obviously may not be the case. If you think . . . I don't know how it would help.

Rebecca is trying to cooperate with the mediator, but she has not given herself permission to think about Nora in human terms and thus keeps focusing on the *facts of the case* rather than on the *relationship* itself. Rebecca makes it clear that she does not have much confidence that the mediator can do any good by sharing information with Nora, but she is willing to let him try. We see several hints that indicate Rebecca's need for another pre-caucus.

The mediator proposes four areas of concern that he would like to share with Nora: (1) Rebecca has a year-end report due and needs Nora's cooperation to finish it, (2) Nora communicates through yelling and other dysfunctional approaches, (3) Rebecca feels that Nora treats her differently than others in the laboratory, and (4) Rebecca feels indignant because it has been implied that Nora's job is more important—that Rebecca is helping Ken only because her own job is not that essential and she does not have enough to do. Rebecca agrees to allow the mediator to share these points with Nora.

Rebecca expands on each of these issues as the mediator speaks, correcting some of the wording and making it clear how burdensome this conflict has been. For instance, Rebecca explains that the year-end report is now seven months late and has increased her workload. Rebecca then says, "She should be ashamed. I'm angry. This is a wrong that needs to be addressed."

Expressing and exploring some of these frustrations is important. Before Rebecca can permit herself any validating thoughts about Nora, the mediator must listen intently. After expressing her frustrations and pain, Rebecca permits herself a moment of hope—to dream of what seems hardly possible.

REBECCA: It would be interesting to approach her and have a normal interchange and have something resolved. It would be unbelievable. It would be inconceivable to me! I have no history of having it any other way. [Laughing.] If it makes her aware of her behavior . . . Maybe she does this with other people. I know that Nora isn't . . . Well, she is a good person, I believe, fundamentally. I have no doubt about that. I don't consider her a mean, vicious type of person, although some of the behaviors towards me are certainly that way. If she knew that, maybe she would see that it's not a kindness. I think she does have a belief system where she tries to treat people in a decent way, and maybe she'll see it's inappropriate, just wrong, to make such comments.

You don't purposely try to put someone down. That's my belief system. I just can't understand it.

MEDIATOR: Rebecca, is there anything else you would like to add?

REBECCA: I think we've [She begins to laugh.] covered things pretty thoroughly. It's a value of mine: treat people the way you want to be treated yourself. This isn't something I try to do. It *is* me. It's a very basic part of my belief system that every person has value. I believe that caring about others is almost the most important thing on this planet. So, some of the things that have happened between the two of us have kind of violated that basic belief system of mine.

Disputants can begin to find hope and imagine what a positive interaction might look like.



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A gentle challenge is most likely to have a positive effect when the disputant feels understood.

While at some points Rebecca seems distant and lost in thought, toward the end of this discussion she lightens up. At the beginning of the pre-caucus Rebecca hardly acknowledges the positive things Nora said about her. Now Rebecca accepts that these positive qualities are not artificial, but part of her core values. It is interesting that sometimes people have to express their negative feelings in order to make room for the positive. While Rebecca is still in a lot of pain, she allows herself to hear something positive from Nora about herself, and she also shares

something positive about Nora. Perhaps, if their conflict had not been so protracted, all of this would have happened sooner.

MEDIATOR: You have mentioned a few positive attributes about Nora as we talked. Are there any more that come to mind?

REBECCA: I think she does a really good job in terms of her technical knowledge of lab equipment and computers, something I admire in her. We both use some of the same programs, but she's taken her understanding to a much higher plane. [Rebecca continues, going into some detail.]

The mediator talks about the goal of bringing Rebecca and Nora into a joint session.

REBECCA: Obviously the reason I'm here is that it's hopefully of value . . . I've said things that really are pretty nasty in some ways—you know, they're kind of negative—in relating experiences . . . in my interpretation. If we can improve the situation, heal the situation, or whatever words you want to use . . . I certainly think that's of value . . . I support that.

It seems as if the pre-caucus is over, but Rebecca brings up additional key information.

REBECCA: [Cheerfully.] I think people are a product of the interaction of their individual genetic makeup and their environment. [Seriously, but calm.] As a product of that interaction there are certain responses that a person has to situations. They exist and do influence behavior and communication styles. And all I want to do is to point out, for example, in my case, I tend to be extremely . . . more sensitive than, maybe, is called for, but I do pick up on certain nonverbal cues, tones of voice, things like that, which kind of go through and synthesize how I interpret a situation or a person. In my case, the

behaviors I elicit in Nora—the in-your-face kind of thing, yelling, negativity—the communication and interaction . . . I thought maybe bringing them out and making both aware of it . . . Maybe that cognizance is going to improve the ultimate results that we get here. And again, the objective for me would be to establish what I'd call a functional relationship, so the two of us can interact on a professional level at the lab and get done what needs to get done without all these negative overtones. It's certainly a poor pattern, a destructive pattern.

As Rebecca feels heard, she seems to consider that she might also have contributed to the negative interpersonal relationship. The mediator obtains permission to share Rebecca's additional insights with Nora.

REBECCA: I've been trying to explain my sensitivities, and then . . . recognizing the fact that she would also have her own . . . Maybe there's something that I do, unconsciously, that for some reason provokes a certain response in her. If that's the case, it would be something we would all need to be aware of—certainly me, so I can make sure not to do it.

SUMMARY

In her second pre-caucus, Rebecca feels heard and is willing to consider that there are *relationship* issues to deal with, not just *facts*. At first, Rebecca is concerned with the dysfunctional behaviors Nora brings to the relationship. Towards the end, Rebecca acknowledges she might also be contributing to the dispute. Rebecca has begun the transition to seeing Nora as a real person. Because of the protracted nature of this conflict, the mediator would have done well to engage the parties in a third set of pre-caucuses before moving into the joint session.



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PARTY-DIRECTED MEDIATION: FACILITATING DIALOGUE BETWEEN INDIVIDUALS
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Nora's Second Pre-Caucus

The mediator opens with a general question about how things are going and then asks if Nora has any feelings about the mediation process in which she has been participating.

NORA: Things are fine . . . The process is fine. Uh, Rebecca was nice to me the other day. [Laughing.] I was floored. It was wonderful!
MEDIATOR: So, maybe there have been . . .
NORA: I think so.
MEDIATOR: . . . some changes . . . already.
NORA: I think so. Yeah.

This type of improvement is typical in PDM, when there is more than one set of pre-caucuses, or when there is a lapse of time between these meetings and the joint session. The PDM process allows the parties to take some definitive steps toward reconciliation on their own.

MEDIATOR: That has been the goal, but we haven't brought you together, so hopefully . . . those steps can be taken . . .
NORA: Yeah. We've had some pleasant exchanges, and that's excellent.
MEDIATOR: Yes, well, good. If you don't have anything else, I just want to go back, because it's been a little over a

month since we met, and review a few things with you.

The mediator summarizes Nora's comments from her first precaucus. Nora corrects a few notions but mostly agrees with the mediator's understanding of the situation. She thanks the mediator for the summary.

MEDIATOR: And you want to right the relationship—improve the relationship—but your concern is the emotions that Rebecca exhibits.
NORA: Yes.
MEDIATOR: Which, it sounds, maybe are . . .
NORA: Maybe things are simmering down.
MEDIATOR: Right. And we shared with Rebecca the positive things you said about her. And asked her if there was anything we could share with you.
NORA: OK.
MEDIATOR: She also wanted to share the positive things. She brought these up before I had a chance to ask her.
NORA: Oh, good!

The mediator shares the positive things Rebecca said about Nora: that she has a strong belief system, treats people well, and possesses an excellent understanding of lab equipment. The mediator goes on to explain some of Rebecca's concerns. These include the fact that Rebecca sometimes feels like "a cop" when she tries to get information from the staff—not just when dealing with Nora—for the year-end report. Nora acknowledges this might be so. We pick up the conversation as the mediator proceeds from these general comments to more specific ones.

MEDIATOR: Now, this is something you have already alluded to. Rebecca gets the impression, at times, that you think your work is more important than hers.
NORA: And I can understand how someone might feel like that, but that doesn't mean it's true. I'm just expecting others to tell me what their needs are, and we'll get it done.



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Disputants often fail to recognize how tone of voice can give meaning to messages.

MEDIATOR: Talking things through with each other . . .
NORA: Right. I told you there was a problem there.
MEDIATOR: Finally, Rebecca feels you sometimes treat her differently than other people in the lab. She is not sure if it's something she's done or the way she responds. And the example Rebecca gave was that she's heard you raise your voice at her but at no one else.
NORA: [Nodding.] Uh . . . yeah . . . I . . .
MEDIATOR: Those are the areas she wanted to share.
NORA: OK. Can I give you my responses?
MEDIATOR: Yes.
NORA: OK. Repeat them one by one, and I'll respond to them.

MEDIATOR: The cop issue.
NORA: [Laughing.] I think I gave the example of the drill sergeant getting to be the crossing guard. I think she's mellowed out some on that. Some people can take their jobs a *liiiiiittle* bit too seriously. I don't know if I would share that with her.

Individuals can express their feelings any way they wish during the pre-caucus, with the idea of later examining possible ways of presenting the material for better impact.



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Nora is able to express her feelings but realizes that the wording will have to be changed in order not to offend. This is a valuable aspect of the pre-caucus.

MEDIATOR: The responses you're giving me right now will get refined later.

NORA: [Laughing, followed by silence.] We'll decide on how we want to respond . . . the official response. Yes, I understand that she's got that task. People take on obligations, and I sometimes wonder why they take these on. Actually, the best boss I've ever had is our present boss, who has the job despite the fact that he didn't want it. Everybody I've ever worked for before who wanted that job has been a very difficult boss to have. There was a reason why they wanted to be the boss. While I understand that it's something that needs to be done, people take on different things because they have a reason, their own reason for needing to take those things on. I think she's getting better. If it's truly something that needs to get done, I'm as interested as the next person to make sure it's taken care of.

MEDIATOR: Anything more about that?

NORA: No. No. I'm part of the team. We'll make it work if it's really important.

During the joint session we shall see this issue develop further. Nora admits there may be a need for change on her part. The mediator does not need to moralize.

MEDIATOR: Rebecca was concerned that it was implied, as well as directly stated, that your work was more important than hers.

NORA: Well, we'll have to get that straightened out.

MEDIATOR: OK.

NORA: We'll have to . . . I think I know how that came about, so let's get it fixed.

MEDIATOR: Is that back to the Larry . . . ?

NORA: Back to the Larry thing. And if that's not the issue, then let's find out what the issue is and get it fixed.

MEDIATOR: Also, Rebecca actually heard it from others that you stated your work was more important than hers.

NORA: [Nora, who has been quite cheerful until this moment, pauses, begins to shake her head, raises her eyebrows, and shrugs her shoulders as if searching. She then continues in a more serious tone of voice.] I don't know how to respond to that. I don't remember saying something like that . . . although maybe . . . maybe taken out of context . . . I don't know . . . But that's not how I feel, *sooo* we'll just have to get that fixed . . . get that straightened out . . . Sorry if . . . Now, she's saying that I said that to somebody else, and they said that to her?

MEDIATOR: Yes.

NORA: *Weeell*, I'll have to think if there is anything I've ever said that could have been misconstrued that way. I might have said at one point, when I had three people working for me, that I had more things going on than other people, but it doesn't mean my work was more important.

The mediator continues to listen. Nora expands a bit on what she has said. Her usual smile returns.

MEDIATOR: The last issue is the fact that Rebecca feels she's sometimes treated differently than others in the lab. She wonders if she does something or has done something to cause that. She feels that you have raised your voice at her when you haven't necessarily at other people.

NORA: [With a smile, nodding her head when she speaks.] OK, I have several responses to that.

MEDIATOR: OK.

NORA: I'll respond to the example first.

MEDIATOR: OK.

NORA: Uh, first of all, let's define "raising my voice." I can think of two incidents where I was irritated with her . . . where she interpreted it as "raising my voice." I wouldn't call what I did raising my voice. She said I was yelling at her? [Nora pauses, raises both of her hands, and, still smiling, continues.] Believe me, if I want to yell at somebody, *I'll yell at somebody*. It's not what I did. I don't do it to anyone who is not my child. But . . . that wasn't yelling at her. Yes, there was some annoyance in my voice when after the third time . . .

Nora goes on to recount a situation in which there had been a miscommunication between the two women. She explains that Rebecca wanted to discard an old piece of lab equipment against her wishes. As Nora tells the story, she speaks quite a bit louder when she describes the incident in which she is accused of raising her voice.

NORA: Yeah, I guess I did raise my voice but that wasn't what I call yelling at her. I was annoyed and irritated.

Next, Nora explains how the same piece of lab equipment was needed by another lab employee a short while after Rebecca attempted to discard it. Nora speaks of another situation in which she became irritated, but she again claims she would not call what happened "raising her voice."

NORA: I would not say that I'm treating her differently, but I seldom have occasion to get annoyed at anybody else at the lab. We'll, no . . . Occasionally, I have gotten annoyed at people working for me when they've done something really stupid.

MEDIATOR: Yeah.

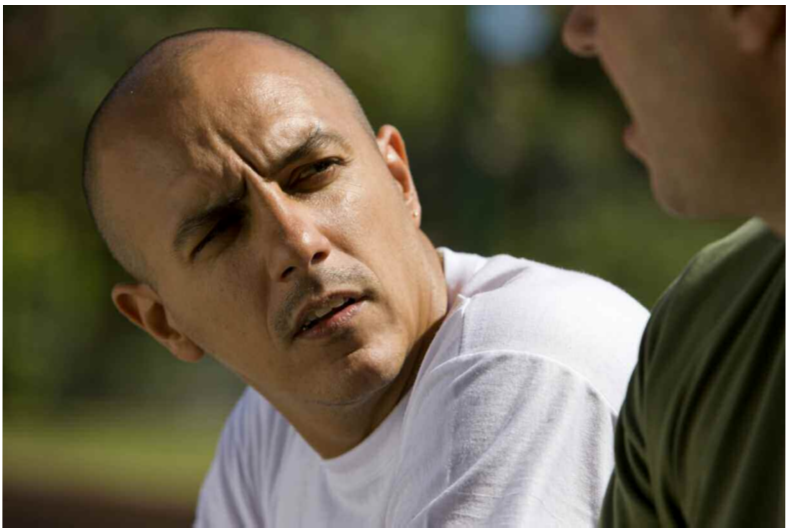
NORA: I'm not a yeller. But I am capable of being annoyed. So, I go around yelling at *her* and not at anybody else? That would be an odd thing to think.

Up to now, Nora has been trying to show a positive self-image for the mediator. As she speaks and is heard, she will be in a better position to recognize that even a moderate level of "raising her voice" can be a problem in her troubled relationship with Rebecca.

NORA: It sounds a little paranoid to me. Now, on the other hand, where I feel a little paranoid, I sense she treats me differently than the rest of the people in the lab. The specific example is that, besides me, there are five other professional women in the lab. [More serious, Nora continues.] And, somehow, they all seem to know what the others are doing on the weekend, and where they went, and who went hiking or to the beach, and who is seeing whom. If I walk up, and two people—say Rebecca and Adriana—are talking, not only do I not know what they are talking about, but no one includes me in the conversation. So, I don't know exactly how that all works. I don't think I've been unfriendly to anybody. I certainly don't think I've been in the loop.

Ostensibly, the conflict between Nora and Rebecca was about a year-end report, but this conversation demonstrates the importance of uncovering other underlying interpersonal issues.

NORA: When I try to bust into the loop, I don't feel particularly welcome, especially when Rebecca is part of the conversation. You know, I'm fine with everyone individually, but I get the impression that everybody else is doing things with other people, with each other, and I'm not. Which . . . since I tend to be busy it's not a huge thing. I'm not expecting people at the lab to be my friends [Begins to smile again.], but on the other hand . . . I do feel a little bit left out.



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Time lapse between pre-caucuses can permit parties to begin the process of mutual validation while on their own.

The mediator briefly summarizes and asks if there is anything Nora wishes to add.

NORA: Mmm . . . I don't think so. I'm looking forward to things getting resolved . . . especially if there have been misunderstandings. I really want to get those taken care of. I may not be able to meet all the expectations, but we can be clear as to which ones I can meet and which ones I can't.

MEDIATOR: That leads into the next question. Do you feel comfortable with the idea of a joint session next time we meet—bringing you and Rebecca together?

NORA: Sure, we can do that. We can do that. I'd like to know ahead of time the list of topics, whatever we're going to be discussing. Realizing, of course, that life does not always follow a list.

MEDIATOR: OK. Of course.

The time lapse between the pre-caucuses has permitted the parties to begin the process of mutual validation. The mediator now asks Nora to come up with two or three expectations for the joint session. Nora expresses her hopes in a sincere, touching way.

NORA: My personal goals would be, foremost, to communicate to Rebecca, somehow, that she's important to me; that her work is important to me; and that she, as a person, is important to me. And as an outpour of that, I want to have the air clear between us, so that the number one goal is not interfered with. Do you know what I mean? So there's no miscommunication. I want to have some sort of understanding that I'm not doing things to deliberately make her life difficult. Maybe then she will cut me some slack in terms of thinking the worst of my intentions. And I would like her to understand that if she has a need in her work, or otherwise, if somehow that can be communicated to me, then we can work it into the priority list.

MEDIATOR: You would like to be able to talk about work or what happens over the weekend. At this time, both of you are hesitant to speak to each other, not knowing how the other will react.

NORA: Right.

NEXT STEPS

Nora and Rebecca will have a chance to converse with each other directly and begin to resolve their differences. Much progress has been achieved already. For instance, each woman has recognized that she might be doing something to merit the other's negative reactions. Even though they have not met in a joint session, Rebecca and Nora are beginning to validate each other during their brief encounters at work.


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Nora

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Rebecca

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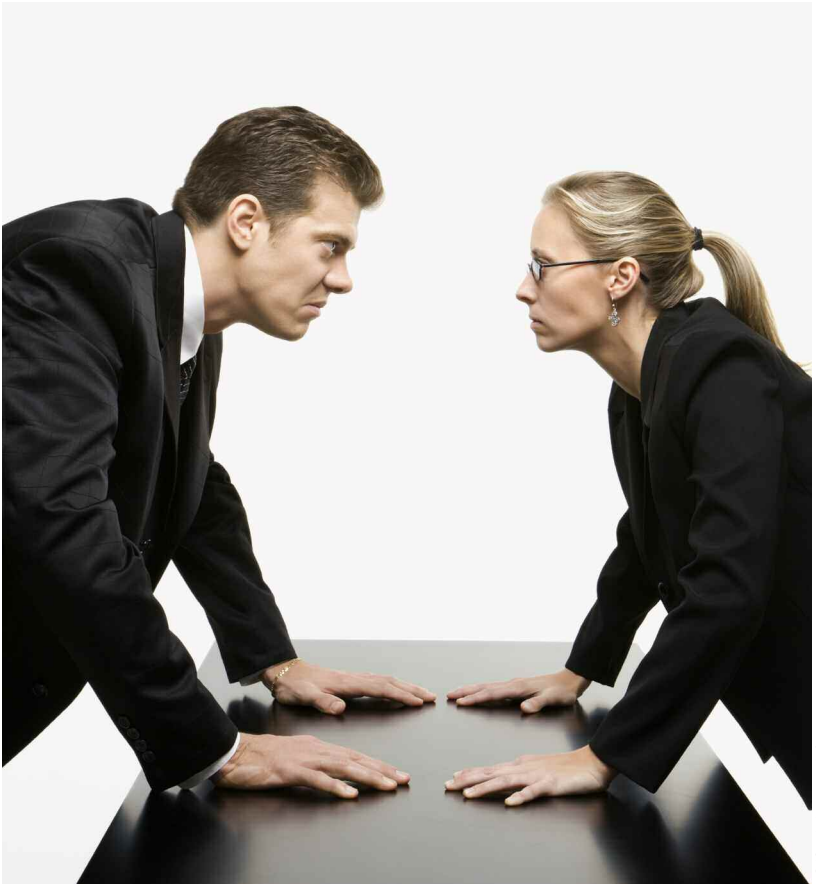
The Joint Session at Last

As a horse trainer, I try to prepare a mount that has never been ridden so it will not buck or rear. I do not mind if the horse bucks a little, as long as the animal is moving forward and does not stop. It is when a horse stops moving forward that bucking or rearing can become dangerous. Only after mounting for the first time will I know if I prepared the horse sufficiently.

Likewise, only after parties involved in a dispute are brought into the joint session can a mediator be certain that the preparation has been adequate. The conversation between the disputants may at times heat up a little, but contenders should never cross the line where psychological safety disappears.

In terms of mediator interference, referees provide a useful metaphor. People do not generally watch a soccer match—or any other type of competitive event—to observe the referee. They come to watch a game. Similarly, while making the necessary calls and taking all the steps to keep everyone safe, a mediator should interfere judiciously.

As we shall observe, the joint session between Nora and Rebecca presents a number of difficulties. These include intense frustration, raised voices, and much tension, yet the contenders show a high amount of respect toward each other. While they do not always succeed one gets the feeling that the women are trying not to say anything hurtful to each other. Each attempts to communicate her own anguish and explain how she perceives the other, without being purposely unkind. Certainly, this was not one



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The noninterference model can be pushed beyond its useful limits.

of the easy joint sessions described earlier in the book, in which the mediator only had to introduce the next topic and write down areas of agreement.

Our main objective is not, as was stated earlier, to analyze the mediator's behavior, but rather to point out how people who have been involved in a dispute can address each other and begin to

resolve problems with minimal third-party intervention. Lack of intervention reflects the mediator's confidence in the disputants' willingness and ability to work out a solution on their own. Nevertheless, in this case, the noninterference model was pushed beyond its useful limits. Clearly, it was a risky approach in which the neutral chanced a possible disaster—such as having one of the disputants leave the joint session.

The mediator would have done well to interfere sooner. This could have been done without necessarily taking much time. Also, the frequent changes in topics without resolving them certainly added tension to the dispute. A third set of pre-caucuses would have improved the disputants' preparedness.

Perhaps, for all these reasons, Nora and Rebecca's case illustrates how parties can control their own conversation despite trying circumstances. It should be clear that PDM allows for differences in *levels of interference* during the joint session, taking into consideration the abilities of the disputants and the circumstances of the case as well as mediator preferences.

Several weeks have gone by since the last set of pre-caucuses. The time lapse has continued to help the disputants to soften their stances toward each other through positive fermentation. The mediator checks in briefly with each party before starting the joint session to determine if any new issues have developed. Nora and Rebecca seem anxious but are ready to speak to each other.

The conference room is set up so the parties can sit facing each other at one end of the table and the mediator can create distance by sitting at the other end (Figure 5–1).

MEDIATOR: Welcome, and thank you for being a part of this process. Thank you for the time that you've put in. It's taken a long time to coordinate everybody's schedule as well. I want to start by summarizing the positive aspects you have mentioned about each other.

After going through the lists of the women's positive traits, the mediator turns to Nora and asks her to share with Rebecca her perspective of the incident involving Larry, the lab assistant.

NORA: First of all, do you know what I'm talking about? Or do you have any clue? [Cheerfully.]

REBECCA: No, I don't. There's been a number, so tell me which one. [Cheerfully.]

The conversation continues in a more serious tone.

NORA: Well, the one that I really feel bad about is when both of us had signed up for the lab assistant, and Larry was making the transition from . . .

REBECCA: Oh.

NORA: . . . working for everybody to being assigned full-time to help me. And there was some sort of mix-up on the sign-up sheet.

REBECCA: Well, no . . . I signed up first. There wasn't a mix-up, but go ahead.

NORA: Well, I . . .

REBECCA: That was your point of view, but go ahead.

NORA: Well, I don't really remember exactly . . .

REBECCA: Actually, it's not a really big, gigantic thing for me.

NORA: Well . . .

REBECCA: It was an issue. Right?

NORA: It was an issue, and I felt really bad how it all came down. There was a lot of stuff that happened at that time. I felt what I was trying to do got really misinterpreted. I don't remember all the details of that day, and I suppose that if it was really important we could try and reconstruct them. But anyway, I thought I had signed up for Larry, but it also turned out that precisely that day, Ken Matsushita decided Larry was going to work full-time for me. What I had worked out with Larry was that, because you also needed him, he was going to help you. Just not that day. At another time. But we couldn't find you. Larry looked for you, and I looked for you, but you were upset. We were going to get your work done, but at a different time, but we couldn't get a hold of you to let you know that. I was really trying to make

sure that it got done, but you had already written me off. You assumed I didn't care about your position when I really did. I've never been able to communicate that to you, and there are a lot of other things that wind up being interpreted as if I don't care about you or your work. And that is not how I feel! That's really not how I feel!

Rebecca listens intently, sometimes making eye contact with Nora and sometimes staring at the table between them. Nora is combining several issues in her comments—not only the incident involving Larry but also Nora's sincere caring about Rebecca. The hurt Rebecca feels because of this long conflict, however, is simply too deep to permit her to accept the partial apology offered by Nora. An expression of regret centered on the unmet needs that Rebecca had experienced would have set a much better tone for the beginning of this dialogue.

Nora's comment "you had already written me off" may also have contributed to Rebecca's rejection of the partial apology; it transferred much of the fault for the misunderstanding to Rebecca.

When someone has been hurt, the person frequently has a need to express that pain. Hearing about the pain we have caused another causes us discomfort. Yet, we need to acknowledge when we have hurt another.

REBECCA: Well, but in fact on several occasions, it's given me, and other people I've talked to, the impression that your work is the highest priority and that my work is not significant. These are things that have been alluded to, and basically said. Other people have heard, too, but I've gotten pretty much past that. You're just wrapped up in what you're doing, and you don't really know what I do . . . and that's that. I mean, you're entitled to your opinion.

It is seldom a good idea to bring "other people" into the dialogue at this stage of the interchange.

NORA: But that's not my opinion.
REBECCA: Well, it's been expressed on several occasions, so I interpret it as your opinion. So . . .
NORA: Well, I mean . . . I'll do what I can to help you understand how I really feel and . . .
REBECCA: OK.
NORA: But . . . I mean, I can't make you believe something you don't want to believe.

In the pre-caucus, we heard Nora explain that at this period in her life, she does not want to apologize for things that are not her fault. Her comment about not being able to *force* Rebecca to believe what she does not want to believe is a defensive one. Because Nora is struggling with her own emotions, it is difficult to expect much more from her at this point in the interaction.

REBECCA: [Her voice begins to crack and show higher levels of stress.] It's not that I want to believe or not believe. I just know what I've heard . . . and there are not multiple ways to interpret it. So, it's just how I heard . . . but it's not what I would call a gigantic issue.
NORA: [Sighs.]
REBECCA: [More calmly.] The issue that I had—the latest thing that started all this—is getting you to turn in the stupid data I needed so I could complete the report, because it was just part of my job. And I was trying to do that job, not because it's my favorite thing to do, not because I don't have anything else to do, but because I'm trying to help Ken, who is really short-handed. I'm trying to support him. I just needed that thing done, so I could check it off my little sheet. I got yelled at a couple of times . . . and I didn't think that I deserved that. I was just doing a job. It wasn't even personal. It was basically your responsibility to do it . . . It was my responsibility to make sure it got checked off. [Rebecca laughs and with her hands makes a motion of checking off something from a list in the air.] And it took months . . . and that was

> the initial issue that brought us here—that ridiculous report, which is unfortunate but has now been resolved. It's taking responsibility for following up after your own work. I don't even know why it was important, but I was told to take care of it, and that's what I was doing. [More calmly.] So, I didn't mean to . . . ride your case. It didn't seem unreasonable to me either. But I realize you have a lot of things to do, and details like that are just not the highest priority. I know that.

Rebecca's last comment about such *details not being the highest priority for Nora*, as well as several others, could have caused a defensive reaction in Nora, but fortunately it did not.

PDM allows for differences in levels of mediator interference during the joint session, considering the skills of the parties, the circumstances of the case, and mediator preferences.



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NORA: Well, I had no clue . . . I had no clue . . . maybe somebody said it, and it went right over my head. Or I was in a fog . . . or . . .

REBECCA: Yeah, it did, because I said it three times, plus Susan said it.

NORA: Well, I don't remember being given the responsibility to turn in that data . . .

REBECCA: I ended up collecting most of it, except for the stuff that only you had . . . That was just a little piece. I did everything else, including getting some of the data from your assistants. I just needed for you to . . .

NORA: That never got communicated to me.

REBECCA: Well, I . . .

NORA: I had no idea . . .

REBECCA: Well, I personally communicated that to you several times, and to your assistant, and Susan did too. Let's face it, some things are mundane, they're not important, they're irritations, but they're part of being a team. Everybody is in this together, and we have to do our little parts to keep this thing running. That's the only point I wanted to make, really. I didn't appreciate getting yelled at. I didn't deserve that . . . because you're my colleague. You shouted at me before, when we were all cleaning up the lab together. I really didn't appreciate that. Because you're not my superior. You're just my colleague. I feel like I try to treat you with respect. [Rebecca's voice begins to break with stress.] I don't need any more yelling or dumping on in my life. I don't need it. [More calmly now.] I don't need it from anybody in this lab. I just don't see that it belongs in the workplace. Does that make any sense?

NORA: [Sighs.] It makes sense from your perspective. I don't know how to, exactly, say all of this right. [Voice begins to break.]

REBECCA: [Cheerfully.] Neither do I. We're just mucking through. [Both laugh.]

Both parties have gotten through some initial turbulence in the joint session. Both have shared some of their feelings. Each could have expressed her thoughts in more effective ways, but the mediator feels they are making progress on their own and does not interrupt.

NORA: How it feels to me . . . And we all have blind places where we come across way different than how we really intend to . . .

REBECCA: Absolutely!

NORA: And I think I'm caught in one of those things right now. I think that twenty percent of what you say is what I did, and the rest of it I'm thinking, "*Whaaat?*"

REBECCA: Well, you could ask the opinions of people that were in the lab that day when you lit into me, and you could see if it's twenty percent . . .

NORA: And I . . . I . . . [Trying to interrupt.]

REBECCA: And I'm making up eighty percent? You'd find out, talking to the individuals present, that that was not the case. I wasn't making a single thing up. I wasn't misinterpreting one single thing.

NORA: [Softly.] Well, I guess then . . . You know . . . I guess . . .

REBECCA: So, if you were interested in finding out the specifics . . .

NORA: Then I have to go around to all the other people that you discussed it with?

REBECCA: No, not the people I discussed it with, people who were present at the time that it happened. Obviously, you think that eighty percent of what I'm saying is being colored . . . It's very unprofessional behavior, in my opinion. [Laughing.] We can lay into our kids sometimes, but it's really inappropriate to do that with a colleague, a professional colleague. Obviously, there can be an interpretation on my part, but it's absolutely what happened. Susan was there, Jim was there, Rodrigo was there, and I don't know

who all was there. [Now more tensely.] I'm not making up eighty percent of what I'm saying.

NORA: I didn't say you were. But . . .

REBECCA: I interpreted that's what you said.

NORA: Well, I remember . . . [Sighs.] I'm feeling as if you're saying that the way you saw it, is, by golly, the way it was, and if I feel differently I'd better go and check it out with everybody else to find out that you were right and I was wrong.

After Nora and Rebecca converse for a while, Rebecca asks an important question based on something Nora said earlier.

REBECCA: What do you envision by peace and reconciliation?

NORA: My number one thing I want to express to you is that I really, honestly do care about you as a person, and I care about your work. That is genuinely how I feel, and I know that you don't believe that.

REBECCA: [Sighs.]

NORA: I've no idea how to get over how you feel about that, because that's not how you perceive me. I guess I could go through every incident and try and show . . .

REBECCA: [Softly.] That the intentions were different.

NORA: I don't think that would be very productive.

REBECCA: No, I don't think it would be very productive. It would be a waste of time. I would like a professionally based, respectful relationship. Just because you're a human being, and I'm a human being. For that reason alone. If there could be some hearing on both sides . . . I like you as a person, and that's a fact. Maybe, if we can feel straight enough with each other, then we can talk about it instead of letting it build up. That's my vision. That was my hope coming into this. Discussing the specific issues would be a waste of time. That's where I would like to go. Does that make any sense?

NORA: I . . . I . . .

REBECCA: Or do you hear what I'm saying? Or is it difficult to . . .

NORA: I . . . I hear what you're saying. I'm feeling [Sigh.] . . . I'm feeling judged. If you could hear my perspective on at least one of the old incidents . . .

REBECCA: Please! I mean, feel free.

NORA: You know, because I'm feeling [Sigh.] . . . There's no point for me to explain how I feel about something, because I'll be told that it wasn't true.

REBECCA: Then, that would not meet my objective—to have a respectful, open relationship—if I wasn't going to listen to anything you said and try to interpret things from your point of view.

NORA: Oh, good, then.

REBECCA: I'm sorry if I'm coming across as judgmental. I have interpretations of how things went. My objective would be to clear up the clutter and start with this new sort of collegial relationship that we could have . . . without any undertones of anything else.

NORA: That would be nice.

REBECCA: Yeah, that's what I'm here for. So, even though you said it wouldn't be beneficial to go into any incidents in particular, well, feel free. If it helps me understand . . .

An Issue of Authority

Nora goes on to explain that the request for information for the year-end report was a surprise to her. Rebecca, in turn, recounts some of the many attempts to communicate with Nora on this issue. Nora gives the impression of someone who is trying hard to understand herself. She has indicated she resents the idea of Rebecca acting as her boss, a theme that will resurface later in the joint session.

REBECCA: So, how do I reach you in the future? What would be effective?

NORA: Uh, it's a little bit of a challenge for me when I don't know where something is coming from. If Ken

comes to me and says, "Nora, I need this done," then it's OK. But if somebody else comes to me and says, "Here, you need to do this," then I go, "*Whaaat?*"

REBECCA: [Sighs.] I'm not trying to come off [Sighs.] . . .

NORA: I feel like I'm taking orders from you.

REBECCA: Is that the problem? That you think I'm ordering you? Is that an issue?

NORA: I . . . have to work that through. If it comes off like that to me, then I have to work through some stuff and say to myself, "OK, Nora, you can do this."

REBECCA: So, you have . . . with everyone . . . or just with me?

NORA: No, no, no! It's just . . . If anyone who isn't my boss comes with an assignment, I'm going to respond with an "Oh, really? Why?"

REBECCA: Now, knowing me for all the years you've seen me operate, would I come up to you and say, "Do this," without any explanation? "Nora, get this done!" And walk out the door? I mean, I'm a talker. It takes me forty-five minutes to say what anybody can say in ten and a half seconds.

NORA: Maybe that's how it got lost. I don't know. [Laughing.]

REBECCA: It's either a resentful pseudo-authority thing, or I blabber so you miss the point. [Laughing.]

NORA: Or how about "Can you come and let me show you something?"

REBECCA: So, you'd like me to physically take you to the scene and hear it itemized point by point?

NORA: It would help me feel that we're more of a team . . .

REBECCA: OK. [Tone turns to one of frustration.] I'll try to make my explanations succinct, make the chain of responsibility clear—that it's not originating from me. I'll try to take you physically to the place . . . Do you want it in writing, too? Or is the writing ineffective?

NORA: Rebecca, Rebecca, no . . . What I'd like . . .
REBECCA: Yes?
NORA: . . . is to feel that I'm part of the team and not an underling . . . I've had a whole string of flakes working for me . . .
REBECCA: [Frustrated.] But now, Nora, the flakes are one hundred percent your responsibility. I approach you on issues, and you say, "Flake Number One, Flake Number Two," but you're their supervisor. It's your job that they know the rules of the lab. Right? Ultimately, isn't the responsibility with you and not with them?
NORA: I'm feeling lectured, and I'm not feeling like it's a collegial thing.
REBECCA: Do you understand the point I'm making?
NORA: Of course I understand, but your tone . . .
REBECCA: I'm trying so hard . . . That's the problem [Rebecca closes her eyes and lifts her hands toward her face, as if she was making an immense effort.] . . . I'm trying to make an impact . . . because I feel like . . . it's just so difficult. OK. I apologize, if I was being . . . if I was lecturing.

The conversation continues in a very friendly manner for a considerable length of time. Rebecca acknowledges it would be frustrating to work with some of the assistants Nora has had in the past. Nora recognizes that, ultimately, those who assist her are her responsibility. The tone of the women's conversation is lighthearted, with some laughter and lots of give-and-take. Rebecca brings the conversation back to the issues surrounding the conflict.

REBECCA: I'm meddling? Is there something in my presentation that's irritating, basically?
NORA: I think the last statement is probably true. The first one isn't.
REBECCA: How I work with people is irritating?
NORA: I would have to say, yes.

Rebecca and Nora begin to negotiate how they want to approach difficulties. Mutual understanding increases despite the lack of a clear path.

NORA: I feel like you come out with these mandates . . .
REBECCA: Excuse me! Mandates!?
NORA: Yeah! I'm going to use that word, because that's the way it comes across to me.
REBECCA: Like, what's a mandate? What have I mandated you to do?
NORA: OK. I feel like you lecture me. You come across as "you shall" or "this is what I want you to do." I'm not saying that's what you're doing, but that's the way it comes across to me.
REBECCA: [Sighs, moves her head half way between a nod and a shake, a searching nod.] Fine line . . .
NORA: Hmm. OK.
REBECCA: [Nods.]
NORA: And then . . . OK . . . but . . . and then I feel there isn't any room for me to say, "Can we bring another perspective to this?"
REBECCA: So, you need me to approach you in a way that's nonthreatening, a nonmandating sort of way . . .
NORA: To where I feel I'm part of the team, and I'm not just being told what to do . . .
REBECCA: Like I think I'm your supervisor and have a right to tell you things?
NORA: Or to lecture me [Making her voice deeper.] "Thou shalt . . ."
REBECCA: Do I actually . . . ?
NORA: Maybe not in those words, but that's the way it comes across to me.
REBECCA: I think it's certainly not with those words, certainly not with that intention . . . I have a certain intensity to me . . .
NORA: As do I . . . which . . .
REBECCA: So, I'm coming across as a dictator . . .
NORA: Not as a colleague . . . As my mother . . .

REBECCA: [Sighs, full of distress.] Ouch.
NORA: I feel like you try to parent me . . .
REBECCA: All right.
NORA: And as a colleague, I really resent that.
REBECCA: OK. Watch the tone of voice and the words?
NORA: Approach me as a colleague who is an equal.
REBECCA: Which is, by the way, what I've asked you for. [Begins seriously but ends cheerfully.] I make a point of always asking for things with a *please* and a *thank you*.
NORA: Just a *please* and *thank you* doesn't necessarily soften the . . .
REBECCA: So, I'm too direct in what I say?

Most of the apologies we hear are quasi-apologies at best, if not outright justifications and blame misdirected at the injured parties.



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NORA: Direct is not the word . . . Too parenting. You're the *only* person making an issue out of it.

When Nora says, "You're the *only* person . . ." the mood of the conversation takes a sudden, ominous turn. Rebecca seems hurt and irritated. After a long pause, Nora says she would like to bring up another subject. She assures Rebecca that, even though it does not seem related, everything will be connected in the end.

Spending Time to Know People Better

NORA: One thing I have learned from this process, where a light bulb really went off in my mind on how to relate to others in this lab—because I've always been one to dive into my work, so I get really involved in what I'm doing and minutes become really, really precious—is that I don't take any time to chit-chat.

REBECCA: Right.

NORA: But . . . the light bulb that came on in my mind, through all of this, is that chit-chat is really important . . . and that's never been my perspective before.

REBECCA: Mmm . . . OK.

NORA: Because one of the things that was brought up is that I feel there's a lot of women in the lab now, and there's kind of a network, and I was starting to realize that everybody else knew what everybody was doing this weekend, and I didn't. You know? When I tried to join someone's conversation . . . when they were talking about so-and-so's backpacking trip, or surfing experience, I didn't feel welcome in that, because I really hadn't made an effort to be part of that little group. I'm realizing that it's in the context of people who are friends—not necessarily buddy-buddy, where we do everything together outside of work, but friends more than colleagues—that these kinds of things get resolved and don't ever become irritants. And then it

isn't necessary to put notes in boxes, because . . . because . . .

REBECCA: You can just go and say it to them . . .

NORA: Yes. You can just go up and say, "Hey, let's figure out a better way to do this." And it doesn't become a note in a box, a mark on a record . . . It just becomes friends working together because we care about each other and we like each other . . . and . . .

REBECCA: That's where I've tried to come from.

NORA: But, I don't feel I've been a part of that little group. I don't feel those channels have been open . . . Like the whole thing with the lab cleanup, ideally, would have been, "Hey, guys, let's take twenty minutes at lunch today, and let's go and attack the lab and clean it up."

REBECCA: I spent two and a half hours cleaning it by myself.

NORA: But if I had known . . . in a different paradigm, then you wouldn't have had to spend the two and a half hours. We could have done it together, could have had a great time, and done it in an hour. That's what I want!

REBECCA: Boy . . . you're very difficult to approach like that . . .

NORA: I know! I've been . . .

REBECCA: It wouldn't occur to me to approach you like that, because that avenue has never been available.

NORA: Because a lot of times I'm really busy. I'm running from here to there. But I'd like for you to think of me as more than just a colleague . . . because that's how I feel about you. I really do.

REBECCA: I feel we have an excellent lab, and I enjoy every single person in this lab . . . and I think everybody has some wonderful gifts that they bring to this job . . . I certainly don't exclude you from that thinking in any way, shape, or form. But sometimes I do feel as if I'm talking to a wall.

Suddenly, Nora goes on the attack. She somewhat aggressively brings up issues raised by Rebecca early in the conversation, as if the two parties had not spoken at all during the past hour. Rebecca, for the first time, looks toward the mediator, as if to ask for help. Rebecca tries to tell Nora that some of her comments have been hurtful.

For the next few minutes, the conversation heats up considerably. Much of what was previously discussed is repeated or summarized. The dialogue, despite its more stressful and agitated nature, is a positive one. Both individuals are still exchanging information and trying to come to an understanding.

REBECCA: Am I that unreasonable? What have I ever done? I'm expressing some surprise here, because it's foreign that I would say, "It is time to clean up the lab! March!" Let me assure you, that's not me. I'm not that naive or ridiculous. My kids don't . . . My dog doesn't do what I tell her to do . . . [Laughs.]

NORA: [Laughs.]

REBECCA: [Agitatedly.] You know, people are people! I try and cut people slack, because I sure pray they're cutting *me* slack. You know . . . [Calmly.] I'm sorry. I don't know how you got that impression. It never was in my mind.

NORA: OK. I'll accept that.

This subject is dead for the moment. Despite Nora's assurance that she would "accept that," it is clear that Rebecca is hurt. There is silence.

Another Chance to Remedy Dysfunctional Communication

Having come to a stop in the conversation, the mediator suggests that both parties focus on how they come across to each other. The conversation continues with the calm and positive give-and-take seen earlier.

REBECCA: [Makes a facial expression like "Where has he been?"] I think we covered it, didn't we? Unless

there's more [Points to Nora.], I'd like to hear what else . . .

MEDIATOR: We have done some of that, but . . .

REBECCA: Nora, are there . . . some other things? Because this is a good time. It's hard to get this kind of time to just chat in the lab, and with a facilitator . . . OK [Laughing.] and everything. So, if there are other things that I do . . .

NORA: Well, I feel you're always mad or frustrated with me.

REBECCA: What do I do that makes you think that?

NORA: [Nora sighs, lowers her head, and buries it into her hands, as if searching for words.] I know it's going to come across wrong, but I know what I'm saying. I connect with others in the lab in a positive way, even if it's just a wave. But with you, I wonder, "What mood is she going to be in? Is she going to respond?"

REBECCA: So you have some trepidation when you approach me?

NORA: Yeah, yeah.

REBECCA: That you don't know what . . . ?

NORA: Whether you're going to be friendly or not. I sometimes need those little reassurances that you're OK with me, and that . . .

REBECCA: Well, I don't feel very comfortable a lot of times with you.

NORA: Well, OK then . . .

REBECCA: You talk about me judging you. I feel that's a really big thing coming back my way.

NORA: And that's what I'd like to change . . . I'd like to know what it is that I'm doing to make you feel you wouldn't want that type of relationship with me . . . To where you could say, "Hi, how's it going?" I'm not saying I want to be your best friend.

REBECCA: You just don't seem open to it. You seem irritated or something . . . But certainly we've had great

conversations during the years. We have a lot in common.

NORA: Sure.

REBECCA: I've always recognized that, by the way. But it's not comfortable for me a lot of times. I don't feel—probably because you're busy or something—that there's a real receptivity to that sort of thing. [At this point Rebecca begins to speak very quickly, at higher pitch, waving her arms, as if she was acting out a great sense of urgency.] And get to your job, and do your thing, and . . .

NORA: [Laughs.]

REBECCA: Da, da, da, da, da, da, da, you know, and "Don't talk to me!" [Returns to a normal calm conversational tone.] I try to respect the way you feel and everything, but that's the way you come across. So, I'm not just going to say: [Switching for a moment to an exaggeratedly sweet voice.] "Oh, *hi*!" It's not that I'm angry. I don't want to bother you. [Rebecca's voice becomes a little strained.] You basically don't have an interest, or a want . . . Do you know what I'm saying? In a way . . .

NORA: I know . . . I . . .

REBECCA: [Continues in a strained, intense voice.] In a way, it's out of respect to you, but it's coming across as rudeness or freezing you out or something when . . . I'm going along with the cues that you don't want to be bothered . . . You've kind of said things in here.

NORA: Yeah, but . . .

REBECCA: [Calmly.] And I'm kind of a flake that floats around. I don't want to inject myself into your life and be a negative thing.

NORA: I understand that, but it's not how I feel. If I've got a deadline, I've got a deadline.

REBECCA: [Kindly.] Don't we all!

NORA: But, I guess I'm saying, I'd like to have a certain amount of warmth in our relationship.

REBECCA: [Softly.] OK, so I'm misinterpreting some things.

NORA: So, please don't feel that I want everybody to stay away from me. Of course, my time is really crunched—it is—but that doesn't mean that a certain amount of warmth has to take a huge amount of time.
REBECCA: Certainly not. All right.
NORA: And I think that would help with the other things.

Here, Nora begins to tie this conversation back to the earlier discussion of how Rebecca can obtain her cooperation. While PDM is designed to allow the disputants to control the conversation, perhaps it's unfortunate that Nora changes the subject when this issue seems almost resolved. The mediator does not take the opportunity to stop and celebrate the small triumphs that had been achieved, underscore some of what has been said, and refine a few points by saying:

"Both of you have shared a little about the difficulties faced in the past, and even a certain amount of hurt that has arisen from this conflict. I have also heard each of you say some very positive things about the other person, as well as about the underlying message that you both care about each other and about the relationship."

A few examples of *transformative comments* from the conversation could have been reviewed. Then, the mediator might have said: "I also sense an agreement of sorts on how each of you will approach the other in the future, in terms of the interpersonal relationship. I'm not talking about being best friends, but friendship beyond just simply a collegial relationship."

While the parties have come to a better understanding of how each of them has contributed to the dysfunctional communication in the past, much of what has been accomplished can be overlooked without such a summary. We saw Nora jump from one topic to another earlier. She told us to trust her, that she would circle back, and now she has kept her promise.

Are You My Boss?

While taking a moment to celebrate the successes achieved at this point would not have eliminated the mounting stress, it would

have reduced some of the tension and frustration the women experience next. Nora wishes for Rebecca to approach her with the *whole plan of work*, so she does not feel singled out. Rebecca has spent hours separating the portion of the project on which Nora needs to work, so as to avoid taking more of Nora's time.

REBECCA: [With frustration.] I made, on my own time, a separate sheet that includes only the issues that . . . so I didn't bother you with the part that corresponds to Tim, or . . .

NORA: And I understand that, but you see . . .

REBECCA: [With high frustration, raised voice, and a tone of supplication, as if saying, "Can't you understand?"] I made you . . . I separated the part of the report I needed from you—individual sheets for you personally. Just what you wanted!

NORA: But . . . but, Rebecca . . .

REBECCA: [With high tension.] I gave you just what you wanted! A list of things specifically related to you! I made you a separate document!

NORA: [Calmly.] OK. And I understand that in your mind you were doing me a wonderful favor but . . .

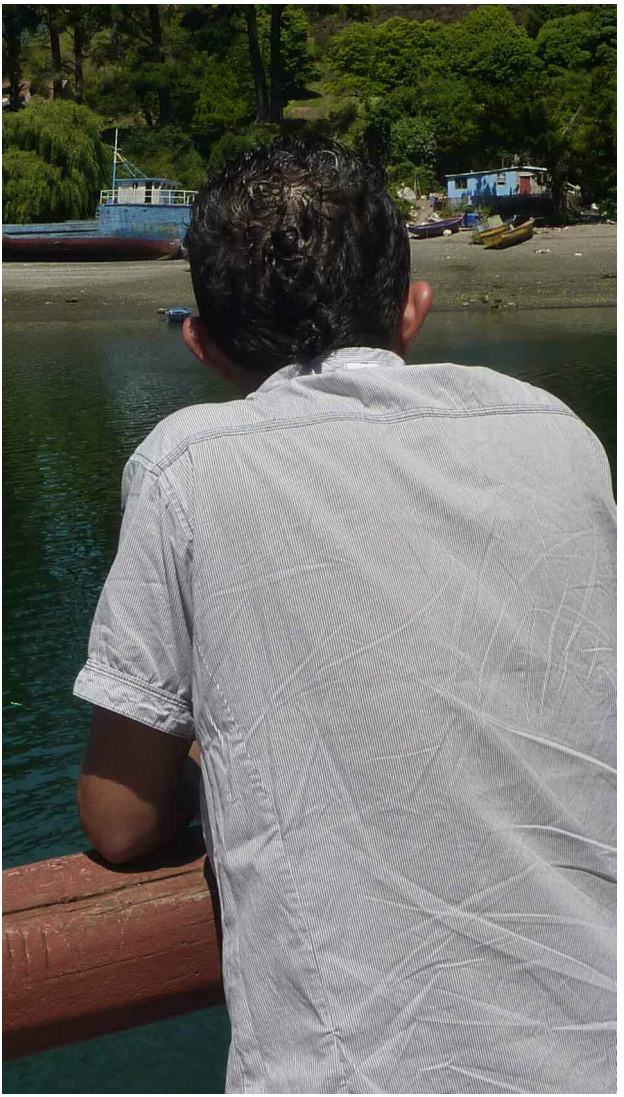
REBECCA: [Calming down.] Did you not ask me to do that? Give you specific . . . ?

NORA: No, no, no.

REBECCA: I'm sorry. I must have misinterpreted it.

NORA: I felt singled out . . . like . . . you were saying that I was the worst person in the lab. "You have a page and a half to yourself." If I had seen the whole five-page report and realized that my list was part of a larger report you had to do, that I wasn't the only one that had to do a report . . .

REBECCA: [With frustration.] Knowing you and your time . . . [With high frustration.] I didn't even consider that as an approach. It's a waste . . . [With frustration.] Did I specifically come to you and tell you, "Look! This is stuff you have to do because of all of your garbage." [With high frustration.] What? Do you



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It can be quite difficult to truly listen to the pain we have caused another.

think there might be some sensitivity on your part in interpreting some of this?

NORA: [In a louder voice than normal.] There certainly is! There certainly is! I feel kind of . . . Well, I can document it. I have, by far, the messiest space in this lab! [Smiling.]

REBECCA: [With frustration.] Who do you think is in the sharp running for number two?

NORA: Not you! [Laughing.]

REBECCA: Oh, it's me. And that's the way it is.

NORA: Anyway [Laughing.], I don't consider it a competition.

Eventually, Rebecca returns to the issue of the year-end report.

REBECCA: [Highly irritated.] Do you want Ken to deal with this? How can I possibly know that you need the whole report so you don't feel I'm pointing my finger at you? [These last words are pronounced while shaking her finger at Nora.] It was just a job given to me by Ken.

NORA: And you're going to turn around and give assignments to other people . . .

REBECCA: [With irritation.] That's correct, because that's the charge I was given. I think there's a certain sensitivity here that you've got to get past! [In utter frustration, Rebecca faces the mediator now.] Tell me what I'm missing.

NORA: [Softly.] First of all, I'd like to say . . .

REBECCA: [Highly irritated.] And how can I know? [She begins to repeat herself again.]

NORA: [Softly.] Well, I guess I'm unreasonable.

REBECCA: Nora, that's just a defensive comment! [Irritated.] How can I know that what you wanted is the big picture that takes up time you don't have?

MEDIATOR: [Softly.] Rebecca, you need to permit Nora to respond. OK?

REBECCA: [Addressing the mediator.] Oh, OK. [Irritated.] I'm trying to understand how to do something in a nonoffensive way, that doesn't put up barriers or show a lack of cooperation. [Softly, almost in tears.] That's my objective, so I'll be quiet.

NORA: [Pauses, then softly.] I . . . I can't help but think, that if I spoke to you, the way you just spoke to me . . .

REBECCA: [Softly sighs.]

NORA: [Now almost in tears.] . . . you'd say I was yelling at you. [Pause, continues in teary voice.] And I wasn't acting collegially.

REBECCA: [Irritated.] OK, I certainly apologize if that's the way I was coming across! There's a certain frustration level with . . . [Calmer.] I'm trying to see . . . [Softer, slowly, with measured comments.] I can't . . . envision the exact . . . perfect . . . approach for you. [Pauses, trying to find the words to continue.]

NORA: Rebecca, I don't know if you heard what I said.

REBECCA: You feel upset that I'm hammering on you.

NORA: I'd like to take this opportunity . . . to ask for your understanding for me that when I get frustrated . . .

REBECCA: [Intensely, still frustrated.] I'll certainly do that. [Calmly.] Except, can I say one thing? [Pauses.] When I went to talk to you in the lab, you said, "What gives you the right to come here and tell me what to do?" I consider that a little different from expressing frustration. Even though it was wrong . . . That's a little different from trying to . . .

NORA: [Sighs.]

REBECCA: [Intensely.] To me, it's different when someone says, "Who are you to come in here and tell me what to do?" That's a little more in-your-face type of challenging. I'm coming across as frustrated because I feel like I want to hit my head with a hammer because I'm not getting it. [Clenching her fists in frustration and moving them around.] I'm not getting how I can fix this thing.

NORA: Ken gave you an assignment, so now you have the authority to tell everybody else what to do. That mechanism was never explained to me. I didn't know you were my boss in that context.

REBECCA: [Softly.] Nora, I'm not your *boss*.

NORA: But when you give me an assignment, and you tell me that Ken gave you this responsibility, then you're my boss in that context.

REBECCA: Can't you just trust me that I wouldn't want to boss you around?

NORA: In the absence of a warm relationship . . . that's hard for me . . .

REBECCA: Why would I want . . .

NORA: Well, don't ask a question if you don't want to hear the answer. [Laughing.]

REBECCA: I do.

NORA: There are lots of people in my life who . . .

REBECCA: I want to know for me. Why would I . . .

NORA: Why did all the other people in my life do it? [Raises her hands and laughs.]

REBECCA: But me?

NORA: I feel I'm being boxed in a corner that I don't want to be in. [Pause.] If I feel it's coming in a way that's dictatorial . . . that's hard for me.

REBECCA: Is it like an authority thing? Are you in a rebellion thing?

NORA: Even if Ken, or the owner of the lab flew in, it somehow needs to fit in a day. I guess I have a really hard response with anybody who waltzes into my lab area . . .

REBECCA: *Waltzes*?

NORA: I'm not talking about you.

REBECCA: Oh.

NORA: With any relationship . . . Anybody who gives me a list of assignments or says, "You're going to do this," it doesn't matter who they are. Whoa! I can't . . . You can request to get things on the list, but please help me to understand how to fit it in to

the rest of the . . . Rebecca, you've got to understand. It's not you. I want you to understand a picture of my life. Right now there's a lot of people mad at me, and I wish I could get them all in one room at the same time and have them work out what I should do first. Whose project is most important? Because when someone else walks in and throws something else at me, it's hard to fit it in, and I'm not going to welcome it with open arms.

REBECCA: [Looks down at the table.]

NORA: Do you know what I'm saying?

REBECCA: [Silence.]

NORA: Ken is very good about that. He lets me rant and rave for a few minutes, and then I add it to my list.

REBECCA: [Discouraged.] All right. I'm just trying to help Ken.

NORA: Then let me feel like I'm helping Ken rather than helping you. It's not that I don't want to help you.

Nora's last comment could be considered offensive, but Rebecca does not seem to take it that way. Rebecca has just about given up, however, and is exhausted. The mediator understands that Rebecca is facing a very difficult situation. The neutral asks a tentative question.

MEDIATOR: Nora, you said that even if Ken, or the lab owner, asked for help, you might not be able to provide it, because you're so busy. Let me describe a scenario. Would you prefer, say, for Rebecca to finish what she can of the report, turn it in to Ken, and say, "Ken, here's the report. It's completed, except for Nora's portion. I tried to follow up, but couldn't get her part. If you want it, get it yourself." How would you feel if Rebecca took that approach?

NORA: If that's what needed to be, that's what needed to be.

MEDIATOR: Let me just respond, as an independent bystander, OK? I'm going to extrapolate a little bit, so please forgive me if I don't use the exact words. I hear Rebecca saying that she wants to do the job right.

OK? But it's also taking an emotional toll, and though she didn't say it, it's taking too much of her time. Now, we started at the beginning with a comment made by Rebecca, that she felt your program was more important than her program. In effect, uh, even though the words are different, the context now makes me feel that you're telling Rebecca that your program *is* more important than hers, because unless Ken comes over and asks for something, you're not going to do it.

Nora listens quietly while the mediator speaks. Suddenly, she becomes extremely upset, throws up her hands, and pulls back her chair, and raises her voice.

NORA: You know what? No! I'm sorry, but I'm being painted wrongly. I did the stinking job . . . OK?

MEDIATOR: Nora . . .

NORA: What we are dealing with here . . . is a relational thing . . . [Calmly.] I thought we were talking about how to deal with things in the future, without relational difficulties. I thought that was what we were talking about.

MEDIATOR: Uh-huh. All I'm saying is, in my corner—and I may be misunderstanding—I'm getting the feeling that you're saying that helping Rebecca do her job is not a sufficient reason . . . even though Ken delegated . . .

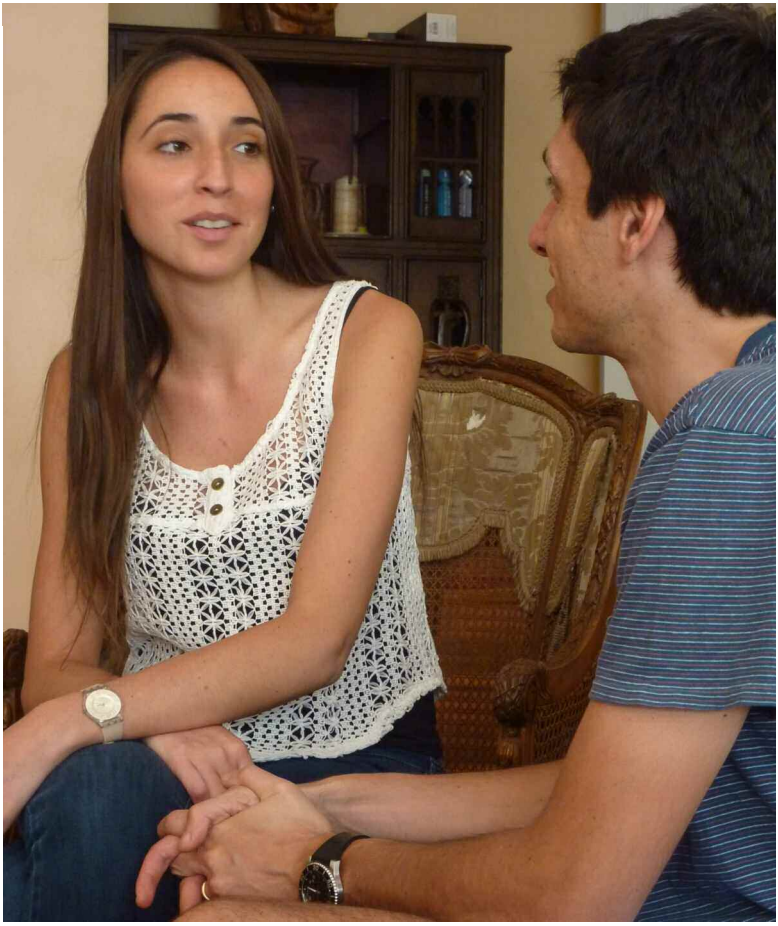
NORA: [Waving her hand, agitatedly.] No, no . . .

MEDIATOR : Oh, I'm sorry. I'm totally misunderstanding?

NORA: You missed it completely.

MEDIATOR: I'm getting the wrong message here, so why don't you explain it to Rebecca.

NORA: [Facing Rebecca.] I understand you're helping Ken. You didn't have to separate my part and take the extra time . . .



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Mediators need to take the opportunity to stop and celebrate small triumphs and underscore transformative comments.

REBECCA: The real bottom-line issue here . . . There's something . . . I don't know how to extract it . . . What is the real issue here? Underneath that stuff?

NORA: The real issue . . . The real issue is how you come across to me. And . . . or—maybe I should say it differently—how I perceive you coming across to me.

REBECCA: [Calmly.] No, there's a resentment that I gave you a list of things to do in the capacity . . . It's a resentment . . .

NORA: If you're going to be my boss in this area . . .

REBECCA: [Sighs and speaks with a barely audible and painful voice.] I'm . . .

NORA: First of all, I need to be clear on that—in this context you're my boss.

REBECCA: I'm not your *boss!* [Sighs.]

NORA: [Intensely, gesturing with her arms.] Well, then, you're acting like my boss!

Nora goes on for a while using the word *boss* several times and insisting that Rebecca is her boss in these circumstances if the assignment came from Ken. Throughout the early part of the mediation—before Rebecca's frustration mounted so high—it was Rebecca who was constantly trying to find a workable solution. A line seems to have been crossed after the first hour, however, when Rebecca's patience gave way.

REBECCA: [Irritatedly.] What if the situation were reversed, and you had to come up with this report? Do you think you would be running around as everybody's boss?

NORA: In that context . . .

REBECCA: [Irritatedly.] Is that what you would actually be doing with the people in this lab, bossing them around? Being the big boss, writing this stuff . . . [Rebecca puffs her chest and draws with her hands.] Is that what you would think?

NORA: [Intensely.] If it's to be done in that type of context . . . I don't understand . . .

MEDIATOR: Let . . .

REBECCA: [Sighs, then speaks softly.] I'm done. I'm finished.

NORA: I don't understand.

REBECCA: I don't either.

MEDIATOR: I can see what Rebecca is saying. The word *boss* is a little bit strong—more than strong—because she is not your boss.

REBECCA: It's a connotation . . .

MEDIATOR: It's a little strong . . . to me.

NORA: But I feel that what she's saying to me is pretty strong—that when she comes to me with something Ken has given her, it's not a request; it's a requirement.

MEDIATOR: Can a requirement come from a colleague on behalf of somebody else, without . . . ?

NORA: If it comes in the context of a colleague . . . [In a broken, teary voice.] My interpretation of *boss* is someone who gives you directives and may or may not have any consideration for how you're going to get them done.

REBECCA: [Highly irritated, shouting.] Fine! OK! I've just had enough! It's not even something anybody cares about! I understand it's a stupid little job! I understand that! [Sighs.]

NORA: Well . . . I . . .

REBECCA: [Highly irritated, shouting, not at Nora, but in general.] And I'm so *sorry* that I provoke people by making a request in such a direct manner! I'll change! I'll work harder . . . put more time in figuring out how to get the job done in a more efficient manner, and I'll just figure out how everybody needs to be approached to do a *stupid* job that means extra time and that's of no benefit to me, or my job, or my paycheck . . . That frustrates me! Because it's stupid! [Pause.] I don't need it! Ken needs it. *He* needs it! [Raises her hand above her head.] He's up to *here*! Have you seen how the guy

looks? He looks older. I mean, he's not even fun anymore. [Sighs. Then, intensely, but much more calmly.] But I can do a better job of communicating these issues. I sincerely say that I will, because it will get everything done more efficiently, and then I'll not have to deal with it. That's good . . . that's a good resolution.

Just when things are looking particularly difficult, Nora surprises us again.

NORA: [Gently.] Well, Rebecca, can I help you with it?
REBECCA: You want to take over the responsibility for the year-end report?
NORA: No . . . no . . . no . . . no . . . no!
REBECCA: [Calmly.] Yeah, you're not stupid. You're not going to do anything you're not getting any credit for doing.
NORA: [Laughing.] Yeah, yeah . . . Is the fox going to guard the hen house? No . . . no . . . no . . . But I can see some ways that we can work together on it. Divide and conquer. I agree with you that Ken shouldn't have to do it all, but you shouldn't have to do it all, either. It's way too big of an assignment.
REBECCA: This has turned into something a little more intense . . .
NORA: This has turned into a monster and too much for one person to tackle. I'm saying, why don't we share it, so you're not stuck with the whole thing? Because you can't take the stress of it. Your job and your life is just as complicated as mine is.
REBECCA : OK, I appreciate those comments. They're pretty reflective of how I feel.

Nora and Rebecca work out the details of a solution, so the burden can be shared, and Ken does not have to worry about the year-end report. The plan involves asking for the cooperation of all the lab professionals. Rebecca admits that other staff members have been almost as delinquent as Nora in responding to her

requests for cooperation. Rebecca vents her frustration, and Nora tries to show understanding. At one point Rebecca, with great sincerity, says, "So, I'm glad you're on board." There is some joking and decompressing. The topic is concluded.

Next, the mediator asks Nora to expand on her desire to be a more integral part of the friendship among the female professionals in the lab. There has been no specific resolution to that issue.

REBECCA: [Calmly.] OK. And can I say just one thing before we finish up the other topic? [Addressing the mediator.] Nora asked me to give her the big picture. Unfortunately, I gave the big picture in *very emphatic tones*. Nora got the big picture, and she put out the hand to help me. And I just learned a lot from that. [Looking at Nora.] I just wanted to say that I appreciate it . . . I get it.

Being Part of the Female Friendship Group

REBECCA: Anyway, so, what was the question? About collegiality among the women?

MEDIATOR: I'd like Nora to explain the fact that she'd like to feel part of the friendship among the professional women in the lab. Go ahead, Nora.

NORA: And I alluded to that. That's something that I really . . . I didn't consider as important in the past as I do now, because I'm understanding . . .

REBECCA: [Whispering.] Oh, that's fantastic!

NORA: I'd like to feel, at least among the women, [With humor.] you can't just help some of the guys, [Looks at the mediator.] no offense . . .

REBECCA: No offense. [Also laughs and looks at the mediator.]

NORA: But I want to be part of the women's chit-chat a little bit.

REBECCA: Well Nora, what it takes is for you to have an interest in their lives—Vicky's surfing, Chiaki's backpacking trips, or something with their kids. It takes time to establish relationships.

NORA: Rebecca, I know that . . .

REBECCA: Oh, I'm being a little bit too simple.

NORA: Well, no . . .

REBECCA: So, jump in with twenty feet! Go for it!

NORA: I'm trying to, but I'm asking, if there are two or three people talking and I walk up, don't change the subject or walk away and ignore me, please. Recognize that I'm trying to make an effort.

REBECCA: Well, I was not aware . . . Do you think that happens?

NORA: Uh-huh.

REBECCA: And it's a conscious thing?

NORA: I don't know if it's conscious or not but I sure feel it.

REBECCA: Well, then, that's a problem.

NORA: I'm *not* feeling terribly rejected. I'm just feeling frustrated.

REBECCA: Then, the only thing I can suggest is just what I said: making the time, seeking the people . . .

NORA: And I . . .

REBECCA: That's what I do. I like talking to women. It's a huge support in my life. Chiaki calls me if her car breaks down; Francisca, when her husband is out of town and she needs someone to get some medicine for her sick baby . . . It's a relationship. It nurtures me.

NORA: Well, I'm available for those things, too.

REBECCA: Then just come and be a natural part of it.

NORA: I'm trying to, but I'm feeling like . . .

REBECCA: Put those feelings aside, don't talk yourself out of this, don't . . .

NORA: Rebecca, let me finish my statement.

REBECCA: All right.

NORA: There have been times when I've tried to do that, and I've felt excluded. I'm asking, could you make an effort to include me? I'm not saying I'm not going to make an effort.

REBECCA: *Okay*. [Drawn out.]



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Only after parties are brought into a joint session can the mediator be sure that the preparation during the pre-caucuses has been adequate.

NORA: In fact, I've been making efforts, and I'm sure nobody noticed or nobody was aware . . . but when they were talking about somebody's backpacking trip, or somebody's something, and I walked up to join the conversation, the conversation stopped.

REBECCA: That would be extremely uncomfortable, to say the least.

NORA: And it doesn't make me think, "Oh, poor me," but I'm asking for you to help me, so that doesn't happen. Because I'm making an effort.

REBECCA: By saying that . . . do you think that somehow I'm responsible for the dynamics . . .

NORA: No, I'm not. I'm just asking . . .

REBECCA: OK, I'm just trying to straighten it out.

NORA: I'm just asking for your help. Since you're aware of what I'm trying to do, I'm asking for your assistance. I'm not saying you've done something wrong in the past. I'm not saying that at all.

REBECCA: But, I just get a sense of this racing, racing, running, running, and . . . What I'm saying is that I perceive you as being too busy for me to drop in and say, "I tried a strawberry jam recipe." I worry you might think, "What an idiot! Why does she think I care?"

NORA: Why don't you try it?

REBECCA: And I have.

NORA: Sometimes I have a genuine deadline.

REBECCA: Of course.

NORA: Don't assume I'm not interested.

REBECCA: That would be a disservice. OK. All right.

NORA: So, I'm just . . .

REBECCA: Fine! I think that's great! It's just that after twenty-something years [Laughing.] I haven't thought, like, there's a great deal, you know . . . I sometimes think people think I'm a frivolous type of person. I don't want to pass through here and not know anything about others. When you die, what are you going to look back at but the friendships you have made?

Connections with people enrich our lives. We have more in common than not. We've been in this job for many years. We're more the same than different. But I don't feel comfortable . . . So you're saying it's OK to feel comfortable just dropping in once in a while to just say hello?

NORA: Yeah! It always has been. Is it OK if I do that with you?

REBECCA: Yeah! [Laughing.] Everybody else does. If that's something welcome with you . . . I never got that feeling from you.

NORA: I'm sorry, because I've always felt like that. I've done a really poor job . . .

REBECCA: Then, it's been a loss for both of us . . .

NORA: I've done a really poor job . . .

REBECCA: A loss for both of us . . . It's been a wrong assumption on both our parts, and we both lost out.

NORA: And, yes, I'm very available to help people with whatever jams they may be in . . . and I often need help myself.

REBECCA: As the facilitator said when we started, I've always said and always known you have good intentions and a good heart. I know that. But sometimes you're a little brusque, and it's off-putting.

NORA: I'm sorry.

REBECCA: That's OK. I'm just telling you why . . . the approachability factor is a little less than comfortable. I don't want to feel like I'm barging . . .

NORA: I'll try not to make you feel . . .

REBECCA: We're not talking about a three-hour gab session every day.

NORA: No, we can't.

REBECCA: No, just stick your head in at lunch. I'd welcome it.

NORA: OK.

REBECCA: So . . . that would be a positive thing. If those sorts of positive interactions occur, then these other things won't be a problem.

NORA: That's why . . . That's one reason I really wanted to change my . . . I've always been a pretty nose-to-the-grindstone person here, and that's one reason why . . . in addition to the fact I really care about you guys . . . I do care about people.

REBECCA: I know that. I've always known that . . .

NORA: Sometimes I've isolated myself, because there were things going on in my life . . . and I didn't want to bleed all over everybody.

REBECCA: And it's a survival thing. But friends need to do that and take turns . . .

NORA: But you have to have those relationships established . . . and I didn't. I'm in a different place now.

REBECCA: That's a good thing. I'm a little too emotional, but decent.

NORA: Of course. That was on my list. And I've always admired how you always put people first. I've looked up to you. I really admire that.

This mutual validation goes on for some time, with beautiful sentiments shared between Nora and Rebecca. The parties freely exchange these positive aspects about each other without being prompted.

POSTSCRIPT

I received the following note from Rebecca, a month after the mediation: "I just wanted to let you know how much you have helped Nora and me. We are now talking regularly, and I'm enjoying the contact thoroughly. All the negativity that had built up for so long is gone, and I feel like I've lost a hundred pounds! The process was tough, but the results were more than worth it."

Half a year later, I was able to catch up with Nora and Rebecca, who had cemented their friendship. They had recently gone out to the movies and their families were planning a joint camping trip to a nearby beach.

After the first edition of this book was published, I gave each of them a copy. Nora and Rebecca politely thanked me but independently explained how busy they were. I was quite surprised when they both showed up at my office, together, the very next day. Each had taken the book home and could not put it down. With huge smiles, and each pointing to the other, they said in unison, "You favored *her*!"



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According to Nora and Rebecca, more than the mediation itself, reading the transcript of the dispute created a desire to change dysfunctional

In modern horse gentling the trainer does not fight against the horse. But even so, the rider will not know for certain that the horse will not buck until he mounts. Likewise, only after the parties have come into the joint session will it be clear if preparations where sufficient.

behaviors. One confessed, "I was afraid to walk out of my office and have people see me so naked, and then I realized that people around me have known all this time that I was naked. It was only I who did not know it."

A decade has elapsed since the first edition of this book was published. Nora and Rebecca continue to be good friends.

Specific research on conditions that favor sharing a transcript summary with the disputants might be an excellent addition to the body of knowledge about conflict management.

Each time I read this transcript, I see this conflict and mediation from a different angle. Recently, I woke up in the middle of the night thinking, "The truth is that Nora and Rebecca solved their conflict *without* the mediator's help!" And as if to respond to my own complaint—before going back to sleep—with much satisfaction I thought: "That is exactly what PDM is all about!"

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Part V – Supervisor-Subordinate Mediation

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12

Negotiated Performance Appraisal: Alternative and Preventive Mediation


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After employee selection, performance appraisal is arguably the most important management tool in an organizational setting—yet it is greatly disliked and often neglected. In the traditional appraisal the supervisor acts more as a judge than as a coach. Unfortunately, the focus is on blame rather than on helping the subordinate assume responsibility for improvement. The subordinate often reacts with passive resistance or noticeable defensiveness. No wonder supervisors are often hesitant to deliver bad news to subordinates. It is easier to ignore the problem and hope it goes away.

In contrast, the *Negotiated Performance Appraisal* (NPA) promotes candid dialogue between supervisor and subordinate. It encourages the parties to speak about vital matters that are seldom addressed. While dialogue does not always constitute an agreement, it does allow parties to make more considered

decisions that help *prevent conflict*. The NPA model is a powerful instrument to increase organizational productivity. It can also function as an ideal model for *hierarchical mediation*. In a very elegant way, the NPA preserves hierarchical differences between the parties while at the same time allowing for an open dialogue about the most challenging issues.

One of the responsibilities of the neutral in mediation is to balance power levels between the parties. But that is precisely the reason why many supervisors avoid mediation as a tool for solving conflicts with their subordinates. And that is also why subordinates fear retaliation after mediation.

In one early NPA case a subordinate said her boss cruelly got back at her after the mediation. When the pre-caucuses have been conducted correctly, supervisors have no reason to lose face before subordinates—or feel that they have been disrespected. If retaliation can be a factor in NPAs, it is even more problematic in traditional mediation. Supervisors may be tempted to abuse their authority to solve problems; subordinates may retaliate through subterfuge. Over the years we have taken additional steps to refine the NPA model so as to preserve hierarchical power differences.

One of NPA's greatest contributions, then, is that it promotes conversation without altering hierarchical power differences. Differences in authority rightly existed before the intervention—and should continue to exist after it.

Whether or not there are relational issues to be discussed, the NPA process is carried out in the context of increasing communication and productivity. In the process, both parties have the opportunity to discover blind spots.

The NPA model relies heavily on PDM in that it preserves PDM's two pillars: (1) the *pre-caucus* and (2) the facilitation of a dialogue mostly between the parties through a *joint session*.

Think, for a moment, of a student who approaches his professor the day before the final exams and, full of anguish, explains that he must get a passing grade in the class. What can the professor do to help this student who has procrastinated until the eleventh hour?

Now, contrast that scene with one where the student approaches his professor the first week of classes and explains he wants to earn an outstanding mark. There is much that this second student and professor can do towards that end: extra reading materials may be assigned, cautions about typical pitfalls discussed, update meetings scheduled, and extra credit work suggested.

Because so few students take the initiative, some professors offer such opportunities to their students. What these few professors are doing is fully transferring the responsibility for learning, and for a better grade, to the students. Also, few subordinates are likely to take the initiative to speak with supervisors with enough anticipation to make needed performance corrections.

The NPA does not replace more traditional appraisals for making pay decisions. Instead, it helps transfer responsibility to evaluated subordinates by clearly articulating what it will take to earn potential pay increases or promotion opportunities. Truly, under an NPA system, employees will not have to guess as to whether they are exceeding expectations or barely meeting them.

THE NEED FOR FEEDBACK

Although people vary in their desire for improvement, generally they want to know how well they are performing. Some individuals imagine the worst possible scenario when organizational communication is weak or infrequent—others are overconfident and become devastated when they do not get the desired raises. Subordinates are better able to make necessary changes when they can discover and analyze their weaknesses in a constructive way.[1]

People need encouraging feedback and validation on a regular basis. Leaders who tend to look for subordinates' positive behaviors—and do so in a sincere, nonmanipulative way—will have less difficulty giving constructive feedback or suggestions. Few management actions can have as constructive an effect on individual performance as sincere, enthusiastic positive


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The NPA preserves the hierarchical power differences between a supervisor and a subordinate while at the same time allowing for a full conversation about interpersonal issues.

affirmation. Without these *goodwill deposits* it is difficult to make withdrawals.

The NPA, as I mentioned, improves communication. A key manager went on to become an outstanding performer after concerns regarding her marketing responsibilities were clarified through the negotiated appraisal. During the pre-caucus, this same manager had voiced apprehensions that perhaps the organization did not need her anymore—concerns that were echoed by top management.

Many enterprises have observed great transformations in their personnel after having gone through the NPA process. In fact,

subordinates tend to markedly increase their productivity, generally overnight.

But not always. One subordinate decided to quit his job following what had appeared to be an excellent dialogue with the supervisor. The job expectations did not suit his needs. Better to discover this *now*—before he felt trapped, as so many people do, in a disliked job.

At another organization, an executive and a key middle manager had a candid conversation about the need for the latter to become proficient in English. They had skirted the issue for years. After the negotiated approach, the middle manager discovered he was held in very high regard and was being groomed for a significant promotion to vice president. It happened that the new position required English proficiency. The economic benefits offered by the promotion were considerable, yet the price required to learn another language is often hefty.

The key is to be able to *have this conversation,* which will clarify the needs and the expectations of all parties. Again, it is not as important for the company, in the long term, if this particular subordinate decided to learn English or not. The vital point is that the dialogue allowed them to speak openly about the issue. This conversation, together with the NPA follow-up, will clarify whether the organization has found the ideal candidate for the vice-president position—or should look elsewhere.

The best place to introduce the NPA is within the highest levels of the organization, where it is likely to make its most profound impacts. Middle managers, who in turn apply the approach with their subordinates, will have already participated in the NPA in their roles as subordinates and will therefore understand the value this tool can have. When the NPA is used as a *hierarchical mediation model* it does not matter at what level within the organization it is used.

FACILITATOR ROLE

The NPA—especially when it is focused on improving productivity—can be performed without the help of a third party. However, the use of a qualified facilitator exponentially increases

the positive results that can be achieved through the NPA. The neutral role may be played by a facilitator, mediator, organizational psychologist, or human resource manager.

Facilitators give the NPA process legitimacy so it is taken more seriously—and is less likely to be seen as yet another passing management fad. The facilitator plays a critical role in the pre-caucuses by preparing the parties. A practical compromise may be to use a facilitator once every three years and carry out the process without one on other occasions.

When the model is used to resolve hierarchical interpersonal conflict the third party must master both NPA- and PDM-related concepts. If mediation between peers is difficult, hierarchical mediation is even more challenging. As in any type of mediation or facilitation, important benefits are achieved by involving an *external* neutral.

During the pre-caucuses, the facilitator can help the parties present their thoughts in the best possible light and focus on the required changes, instead of on defending positions. The facilitator is also there to listen to the parties in an empathic way, challenge their blind spots, help them consider alternatives, study the feasibility of their solutions, and provide interpersonal negotiation coaching.

The role of facilitator during the pre-caucuses and joint sessions will vary depending on the parties' skills and how well they have prepared and completed their assignments. As with PDM, there may be situations that require more than one pre-caucus. It is the neutral's responsibility to analyze the feasibility of moving the parties from the pre-caucuses to the joint session. Allowing a lapse of time between the pre-caucuses and the joint session can also help the individuals deal with complex feelings, especially if there is discord or resentment—and encourage the fermentation of positive feelings. The ideal, when the parties are well prepared and the case merits it, is for minimal facilitator intervention during the joint session. If that was important in PDM, it is even more vital in the NPA.

NPA *facilitation* (to improve productivity) and *mediation* (to solve hierarchical conflict) have much in common. In order to

During the pre-caucuses, the facilitator can help the parties learn how to present their thoughts in the best possible light.



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simplify this explanation, I will address issues that revolve around mediation toward the end of the chapter.

OVERVIEW OF THE PROCESS

The basis of the NPA is completing, analyzing, and discussing several lists (Sidebar 12–1). That is, both parties list the areas in which the subordinate: (1) performs well, (2) has shown recent improvement, and (3) still needs to improve. There is also a fourth list for the subordinate: (4) what changes the supervisor may make in order to facilitate the subordinate's improved performance. The facilitator helps both parties arrive at the joint session with these completed lists.

The mechanics of the process is quite important and can be somewhat overwhelming upon first reading. I have introduced some redundancy in an effort to clarify key points. Let me discuss the psychology behind each of these lists.

List I

What the employee does well is viewed from the perspective of the subordinate as well as the supervisor. List I is the NPA's *vital foundation*. This would not be so were it not for the severe shortage of dynamic, sincere praise—of the sort that really makes an impact.

Despite the time-consuming nature of List I, efforts spent in providing praise are seldom lost investments. List I is about putting *praise* into the *appraisal*. In the rush of daily activities supervisors usually focus on what people do wrong. How often do we take time to give profound praise?

Validation—when it is well-deserved and sincere—boosts a subordinate's feelings of self-esteem. It can be the driving force that propels individuals toward excellence. On the other hand, apathy is often generated when supervisors constantly criticize.

The main purposes of List I are: (1) recognizing subordinates' strengths and letting them know these qualities have not gone unnoticed, (2) increasing subordinates' confidence and willingness to receive constructive criticism (people who are too worried about saving face will be defensive and less receptive to

SIDEBAR 12–1

Lists completed by the subordinate:

I. In what areas do I perform well?
II. In what areas have I improved recently?
III. In what areas can I improve?
IV. What changes could my supervisor make so that I can succeed or thrive at my work?

Lists completed by the supervisor:

I. In what areas does the subordinate excel?
II. In what areas has the subordinate improved recently?
III. In what areas could the subordinate improve?

improving), and (3) preventing generalization about subordinates' weaknesses from contaminating their strengths.

List II

The employee's recent improvements are seen from the perspective of both subordinate and supervisor. The function of List II is to recognize a subordinate's efforts to improve—even when an item in List II may also find its way into List III. Listing an attempt still in progress underscores the fact that a subordinate may not have completely overcome a weakness, but has made important strides toward improvement.

List III

Areas in which the employee needs to improve are viewed from both the subordinate's and supervisor's perspectives. List III focuses squarely on areas of needed improvement. It is useful to discuss people's weaknesses and develop plans for overcoming them. If List I is NPA's foundation, List III is NPA's *purpose*.

List IV

Changes the supervisor needs to make so the subordinate can thrive on the job. Unlike the first three lists, List IV is constructed

only from the perspective of the subordinate. This is done in response to the question posed by the supervisor: "What changes can I make as your supervisor so you can thrive in your position?" Note that the supervisor is not asking the subordinate, "Do you like me?" Rather, the focus is on what changes the supervisor can make to facilitate the improved performance of the subordinate.

The query comes at the best possible time, after List III, when subordinates have a clear view of what is expected of them. Once subordinates consider the changes they must make to excel, they are more likely to venture suggestions. These requests tend to tie in with the subordinate's performance-related goals as well as barriers that may have historically gotten in the way.

A conversation about changes that can be made by the supervisor underscores the problem-solving rather than blame-oriented approach of the NPA. When supervisors recognize the need to adjust their own behavior it is easier for subordinates to do the same. It is the sum of these improvements, both by the subordinate and the supervisor, that make NPA such an effective tool. Furthermore, the NPA process normally makes it easier for the parties to engage in dialogue as future challenges need to be faced.

Figure 12–1 diagrams an overview of the NPA process. First, we will look at the pre-caucuses and then, the joint session.

PRE-CAUCUSES

During the pre-caucus the facilitator meets separately with the supervisor and the subordinate to help each person brainstorm and begin to fill out the lists. Concrete examples are included under each item—with the assistance of the facilitator—in order to help the parties understand how to proceed in completing this assignment.

As I said, the *subordinate* fills out all *four* lists; the *supervisor* only the first *three*. Of the seven resulting lists, three are especially important and often require additional effort. For the supervisor, *List I* (what the subordinate does well) is the most challenging. For the subordinate, *List III* (what the subordinate

The NPA model makes use of pre-caucusing and joint sessions. During the joint session, the facilitator sits away from the parties and permits them to mostly manage their own conversation.



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needs to improve on) and *List IV* (required support from the supervisor) are the most difficult.

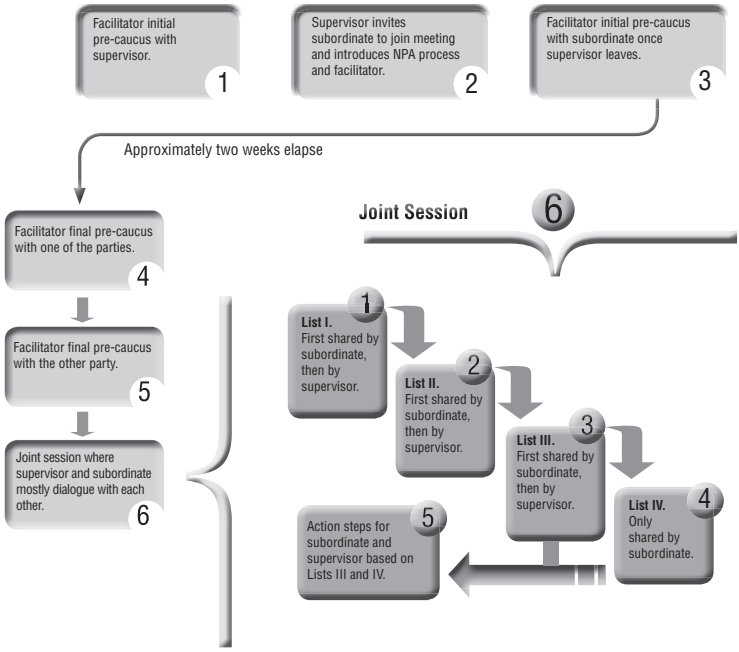
The order of the meetings between the facilitator and the parties will depend on several factors. How many people will be participating in the process? How much facilitator travel will be required? Will some of the interviews be conducted over the phone or in a video conference? Indeed, there is much flexibility associated with the NPA as well as opportunities to improvise. In order to simplify, I will choose an intervention in which the facilitator will do most of the work in person.

1. Initial Pre-Caucus between Facilitator and Supervisor

The objectives of this first meeting are to: (1) determine how the supervisor generally regards the subordinate and encourage the supervisor to *dare to dream* in terms of future changes that would improve the subordinate's performance, (2) help the

Figure 12–1

Overview of the NPA



supervisor learn to fill out the three lists by actually starting the process, (3) assign the supervisor the task of completing the lists before the next pre-caucus, and (4) prepare the supervisor to take the lead in introducing the NPA process to subordinates.

Supervisors may wish to construct a table for each of the lists to be filled out. Sidebar 12–2 details some of the elements that might be included when a supervisor fills out List I.

Dare to Dream

One of the first steps requires that the supervisor rate, at least in a global fashion, the subordinate's performance. The facilitator may suggest that the supervisor dare to dream—not only in regard to the subordinate's potential performance, but also considering the very best employees the supervisor has had and

the characteristics that made them outstanding. The facilitator may frame the question something like: "Thinking of the best employee and the worst employee you have known, please rate this subordinate on a scale of 1 to 100."

Once the supervisor gives an answer, the facilitator may wish to obtain more details. What would it take, for instance, for this individual to move from a score of 85 percent to 92 percent?

List I: What the Employee Does Well

The purpose of List I is to celebrate the subordinate's accomplishments.

In your youth, was there a favorite uncle or teacher who really believed in your potential? And as a result, when this person was around, did you try to give your very best? Conversely, have there been people in your life who thought you would never amount to anything? Were they people who did not inspire you to prove them wrong—at least not while they were present?

SIDEBAR 12–2. ORGANIZING THE SUPERVISOR'S LIST I

Supervisors will be more organized if they fill out a table for each list. For instance, for List I, there may be several columns: (1) naming the valued behavior or skill (e.g., creative, proactive, high integrity); (2) supervisor's definition of the behavior or skill (e.g., to me, integrity means your willingness to give credit to others for their contributions, or a willingness to admit mistakes); (3) why this behavior or skill is valuable to the supervisor or to the organization (e.g. I believe that when someone gives credit to their team, not only do we have greater teamwork, but we also have more motivated employees); (4 & 5) two specific positive examples, or critical incidents, of times when the subordinate has shown integrity are listed (ideally, each of these will begin with a reference to a date, such as "last year you . . ." or "just yesterday . . . "). Most supervisors will have at least 6 to 10 positive items in their lists and if they take 3 or 4 minutes to discuss each one, the idea of taking twenty minutes of praise does not seem as daunting.


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The purpose of List I is to celebrate the accomplishments of the subordinate. This includes sharing positive critical incidents.

I do not recall where I heard about a leader who began each day with ten coins in one pocket. Every time he praised a subordinate he moved a coin from one pocket to the other. His goal was to shift all ten coins every day. With time, he no longer needed the coins. He became the type of person who saw the good in others. In the same way, the NPA's List I permits us to look for and celebrate others' accomplishments.

An executive once asked, "Besides pay, what tools do managers have at their disposal to help motivate people?" One

clear answer is *individual validation*. I would dare say that few people ever receive the type of powerful praise we will analyze next. It is a scarce commodity. Precisely for this reason, these sincere and detailed accolades can have such a powerful effect.

Salient reasons supervisors do not compliment others include fear that subordinates may: (1) ask for raises, (2) reduce their efforts, or (3) think they have nothing to improve. Each of these is a legitimate fear. Yet, in the context of the NPA, supervisors may compliment freely without being burdened by these concerns.

For instance, subordinates learn what they need to do in order to improve their chances of obtaining future pay raises—or promotions. Few subordinates bring up the issue of compensation. On one occasion, in the initial pre-caucus, one subordinate manager included a pay increase in his List IV. Later, when he better understood the purpose of the NPA, without being prompted by the facilitator, he asked that this item be removed from the list.

Because the NPA promotes considerable discussion about what people can do to improve, there is little worry that praise will translate into reduced effort. Instead, praise helps subordinates feel appreciated—while learning that they must continue to progress. In the NPA praise is not given in a vacuum.

A common complaint among employees is that it is not worth making an effort to excel "because the boss never notices." Most subordinates who participate in the NPA process are surprised to find out how much their supervisors have indeed noticed about their work performance.

All of these arguments ought to provide a measure of comfort to hesitant supervisors. But it is not that simple. I have discovered that a substantial number of individuals who experience deep fears at the mere thought of giving praise—or of being praised. They offer excuses such as: "The thing is, my father never praised me" and "That is what I pay them for. Why do I also have to tell them they are doing well *all the time?*" Or, they may say, "I'm very uncomfortable with the idea of giving praise."

I have experienced managerial resistance to change in areas related to employee productivity—such as incorporating job sample testing or incentive pay programs. But I have never encountered outbursts as resentful and emotional as managers' reactions to the notion of giving praise. The fear seems to extend across cultures as well as organizational levels.

At a seminar, an attorney-mediator exploded: "OK, I will incorporate these principles into the NPA process, but I will *never* apply them in my family!" I was somewhat taken aback by her comment and curious as to why she felt compelled to share this with me in such a public way—she could have just discounted and ignored the recommendation. The next day she shared, in front of the other conference participants, that indeed she *had* tried the approach with her husband and was "surprised by his positive reaction."

I have begun to see a pattern. I suspect that the greater the protestation, the more likely these individuals have subconsciously realized that giving praise is *precisely* what they need to do—but are afraid of doing.

In terms of increasing productivity, praise cannot replace a competitive salary or other properly designed incentives. But commendations and compliments are so valuable, as I said, precisely because they are so rarely given.

Fear of *receiving* praise sometimes goes hand-in-hand with the fear of giving praise. I wonder if individuals tell themselves they do not want praise precisely because they yearn for something of which they have been deprived?

During a seminar, one participant explained how uncomfortable she was about receiving compliments and admiration. No sooner had she spoken up than others got the courage to join in with similar complaints. I am generally very respectful of people's opinions, suggestions, and alternative ways at looking at things, but on this occasion I was surprised to hear myself say, "Just get over it!" Everyone laughed and smiled and seemed happy to acknowledge that we need to be comfortable receiving sincere, well-deserved praise.

It's uncertain who first said: "The definition of insanity is doing the same thing over and over but expecting different results." In Rick Brinkmand and Rick Kirschner's instructional video *How to Deal with Difficult People*[2] they tell a story about a man who made a ceremony of unwrapping his peanut butter sandwich for lunch. He would slowly peel back the sandwich's paper wrapper as his co-worker looked on, and then he would lift the edge of the bread. After smelling it, he would make a face and complain, "Peanut butter, Rick! Peanut butter!" After several weeks of putting on this daily show, Rick finally asked, "If you hate peanut butter so much, why don't you ask your wife to make you something else?" The colleague, looking surprised, answered, "My wife!? No, I make my own sandwich every morning."[3]

May I suggest, then, that while giving sincere, deeply felt praise may be challenging—and even emotional—the outcome of doing so may be its markedly positive impact on people. Not just the individual, but in the long run, on the whole organization. People all around us are starving for a kind word.

I have already argued that self-esteem is strengthened when people face rather than avoid problems. Similarly, learning how to give—and receive—praise also builds self-esteem. The NPA facilitator may have to gently challenge people who fear praise. An excellent question, followed by empathic listening, might be, "Talk to me about those feelings . . . about praise" or, "How do you think those feelings . . . about praise . . . came to be?"

Electronic equipment runs on electricity; to a great extent, people run on validation. In the end, however, it is up to the supervisor to make the best of this unusual learning and stretching opportunity or to let the moment pass. Most supervisors, when they finally understand the importance of sincere praise, go on to do an excellent job of commending subordinates during the joint session. Managers who have implemented the NPA tell me it has changed their organizational climate for the better.

What, then, constitutes an effective compliment, one that is really valued by the recipient?

When someone does something that is appreciated and we thank that person, such recognition is simply a matter of *good manners*. The omission might generate resentment, whereas, returning an hour later, or the next day, and again thanking an individual for something she did earlier multiplies the power of the recognition. It ceases to be just good manners. Let us examine some ways of multiplying the impact of praise.

The first task given to the supervisor by the facilitator is to think of the areas in which the subordinate stands out. Such descriptors as *responsible, creative, efficient, hardworking, trustworthy, proactive, technically competent* and *cheerful* may come to mind.

Sharing any of these favorable comments with the subordinate is equivalent to a three- or four-point accolade. If delivered with a great deal of enthusiasm, it may be worth up to *twelve* points. But even so, the supervisor is not taking advantage of the opportunity to give well-thought-out praise. The goal will be to build the praise into a *hundred*-point compliment.

Let us consider the description *proactive*. How would the power of this praise increase if the supervisor were to explain to the subordinate why she values that characteristic? "Alejandra, you know, I really value people who are proactive. For me, being proactive means that a person (1) takes care of things without being asked and (2) makes others aware of potential problems when these are outside her area of responsibility. That's taking initiative! The reason I value this characteristic in managers, or employees, is that it makes me feel I'm not alone, that there are others who care just as much about our enterprise as I do. Alejandra, *you* are that type of person!" *Forty* or *fifty* points.

The supervisor increases the value of praise to *sixty* or *seventy* points by adding specific examples. These are known as *critical incidents*. Critical incidents will often begin with a date, such as, "Three weeks ago . . ." or "Last month . . ." or "Yesterday . . ."

In the category of being *observant*, for instance, a dairy herd manager might say: "Two weeks ago, when I was speaking with the veterinarian, you interrupted to tell us that the milk tank refrigeration was off. Your keen observation saved us thousands



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A key role for facilitators is to help subordinates arrive at the joint session well prepared, with several viable solutions or alternatives for strengthening each of the listed weaknessess.



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A role of the facilitator is to watch for viable agreements and be sensitive to participant emotions.

of dollars." An executive might remind an assistant: "At the last sales meeting with our South African clients, when I was giving my talk, you noticed I had forgotten to bring the samples and managed to make all the right phone calls and get those to me at the very moment in the presentation when I needed them. I still don't know how you noticed or what strings you had to pull to get those samples to me. Not only did it save me from embarrassment, but we ended up impressing our clients and securing a contract with them."

Have you ever said something nice to someone, only to have them ask for an instant replay? I have noticed that people often ask to have nice comments repeated—things that they value hearing. Such repetition is a way of celebrating.

The word *celebrate* involves taking time to reflect on achievements. Anything that is done to prolong the time dedicated to the first list will help in the celebration process. Two indicators of success in using List I are: (1) spending at least *twenty minutes* (and hopefully, it will be double that time) honoring what the person does well and (2) getting the subordinate to *join in* the celebration.

Why twenty minutes? During the NPA one can see the tension in subordinates even when List I is being shared. For instance, I have seen some subordinates hold on to the table for an extended period of time with the white of their knuckles showing. Eventually, these individuals, when they realize this is a celebration, begin to relax. While some have no problem joining the celebration early on, most subordinates seem to be waiting for the other shoe to drop, so to speak.

I once had a supervisor begin to compliment my work. I asked myself, "Is this for real? Did this person initiate the conversation just to praise my work? Or, will it be followed by some criticism?" My questions were answered soon enough as he transitioned from praise to criticism.

At one managerial training meeting the speaker suggested that supervisors give criticism as a sandwich, with praise delivered before and after the criticism. A manager who was present asked in frustration, "So how many of these sandwiches do I have to feed someone before I can get them to do what I want?" But let us return to the NPA.

On one occasion, a general manager being evaluated felt the sincerity of the compliments so strongly that she joined in the celebration by adding several examples of the positive behavior that was being discussed. *One hundred points!* At the end of the NPA, this same executive explained she had never been praised that way. After a moment of reflection, she added, "And I have never praised my subordinates that way either."

To illustrate these vital points with yet another example, imagine your teenage daughter has recently won an important game. The whole family goes out for dinner after the sporting event. A vital part of the celebration is the repetition of the

exciting moments, a sort of *delayed verbal replay*. You say to your daughter, "Oh, it was so great when you were almost in the corner, but then you managed to score that goal." And she responds, "Yeah dad, and did you see when I passed the ball to Sofia and she scored?" Again, *one hundred points!*

To summarize, then, when the person we are celebrating fully joins in we have achieved a *hundred-point* compliment. The individual may join in the celebration by sharing examples of his contributions, asking questions that extend the celebration, or being visibly moved by emotion.

List II: The Employee's Recent Improvements

Through brainstorming, the facilitator helps the supervisor study the areas in which the subordinate has made *recent* improvements. Depending on the type of job, this could include the past few months or past few years. The fact that a person has made progress in a certain area does not mean that the problem areas have been completely overcome. What is most vital about List II is giving subordinates the opportunity to talk about areas in which they have made forward strides.

List III: Skills the Employee Needs to Improve

The facilitator asks the supervisor to share those areas in which the subordinate needs to improve—not forgetting the notion of daring to dream. In the brainstorming session, it is worthwhile to list as many items as come to mind. Later on, these can be combined or distinguished from each other, as needed. Likewise, at first it does not matter what descriptions are used. Eventually, derogatory labels like *lazy*, *stubborn*, and *inconsiderate* are replaced with descriptions and examples of critical incidents that are less likely to provoke a defensive reaction.

It is much better to describe the issue without including a judgment. For instance, instead of telling an employee he is not very resourceful, the superior might request, "I would love it, when you are facing a challenge, if you would also share with me potential solutions for dealing with the difficulty."



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Praise is a scarce commodity. Precisely for this reason, genuine and detailed accolades can have a powerful effect.

When giving feedback to a subordinate about poor performance it is sadly all too easy to overgeneralize and go back to more traditional approaches—in which the supervisor takes on the role of an expert regarding the subordinate's work.

Therefore, ideally, supervisors will break down problems into specific points that require improvement. For example, a subordinate can become discouraged by hearing her supervisor describe her as a bad listener, especially when she has really made an effort to improve her listening skills. Instead, the supervisor could suggest that the employee often avoids conversations in which there are differences of opinion.

2. The Supervisor Asks the Subordinate to Join the Meeting

Once the supervisor understands how to complete each of the three lists, but before the subordinate joins the meeting, the facilitator explains how to present the NPA methodology to the subordinate.

Ideally, to preserve the legitimate difference in authority between supervisor and subordinate, it should be the *supervisor*—not the facilitator—who introduces an outline of the NPA process.

If there are several subordinates, then time can be saved by getting them all together for a single presentation—not that the appraisal will be done as a group. Presenting the subject to several people at a time also lets them know they are not being singled out.

The fact that the supervisor also will be filling out three of the lists emphasizes that this process is to be taken seriously. It also encourages subordinates to give less superficial and less evasive answers. Individuals are more likely to bring candid responses to the table. We will walk through the process with Amy, the top manager in the organization.

Amy's subordinates, who will be participating in the NPA, are invited to join her in the conference room. After Amy has briefly introduced them to Carolina, the facilitator, and to the NPA concept, she will leave her subordinates with Carolina. Because the mechanics of the NPA process can at first seem somewhat overwhelming, and in order to make it clear to subordinates that



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As soon as the subordinate realizes that the purpose of the discussion is to solve problems rather than assign blame, subjects that are seldom discussed are more likely to be raised and shared.

this process is driven by the supervisor rather than the facilitator, I recommend that facilitators train supervisors (and role-play with them) to say something like:

"I want to thank all of you for taking the time out of your busy schedules to meet with me. This is Carolina, a facilitator who will be helping me out. I've already told you a little about the NPA approach we'll be implementing. I'm very committed to this process. I'm going to ask that you hold your questions for a moment. The assignment I'm giving each of you is to fill out three lists." While speaking, Amy makes eye contact with each of the subordinates when mentioning each of the three lists, to let them know that she expects each of them to take each list seriously.

"That is," Amy continues, "List I includes the areas in which you feel you do well, List II, those in which you've improved in these past six months, and List III represents the areas in which you still need to improve."

If subordinates hear only what has been said so far, they might not take the process very seriously. They may assume the NPA probably will be like many other activities the company has started throughout the years, many of which went out of style and were soon forgotten.

"I'll also complete these three lists, seeing things from *my perspective,*" Amy continues. She again makes eye contact with each person while emphasizing each list: "List I, what I see each of you does well; List II, the things I've noticed improvement in each of you over the past six months; and List III, what each of you still needs to improve—again, from my perspective."

Eye contact emphasizes the message that each of the subordinates excels in some areas and also needs to improve in others. Reluctance to bring attention to our own shortcomings is part of human nature, but it is also human nature to prefer to point out our own shortcomings than to have someone else do so.

"There's a fourth list, which I'm also asking each of you fill out (but which I don't get to fill out). The fourth is just as important as the first three. This last list requires your response to my question: 'What can I, Amy, do, as your supervisor, so that each of you can thrive at your job?'"

The focus of List IV is on changes that can be made by the supervisor to facilitate the improvement of each subordinate's performance. It will not be easy for supervisors to hear some of the answers this question will elicit. If supervisors are not genuinely willing to listen to what subordinates have to say, then it would be better for them to use a more traditional performance appraisal. It must be stressed that List IV allows subordinates to understand that, unlike other types of performance appraisals, the NPA allows the participants to analyze problems and find solutions, instead of blaming or pointing out flaws.

Before concluding, Amy emphasizes several points: "We'll be conducting these NPAs during the next two to six weeks. We



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At the earliest hint that contentious feelings may exist, the mediator will want to drop discussion of lists to focus on empathic listening.

want you to have enough time to give each list serious consideration. I am going to leave you alone with Carolina now, and she will answer all of the questions that you must have—and provide some coaching as well." After saying goodbye, then, Amy leaves Cristina and the subordinates in the conference room.

Though some of the subordinates initially may not have given much weight to Amy's comments, they will do so now. They will continue to grow in understanding and appreciation for the seriousness of the NPA as they prepare. There is some group work that the facilitator can do, but it will be important that she also meet with each of the subordinates individually to help them start on each of their lists.

3. Initial Pre-Caucus between the Facilitator and the Subordinate

Each subordinate will have at least two weeks to prepare for the joint session. Once again, a good strategy is to quickly brainstorm items to include in each list. Then, each item can be expanded upon. Subordinates may also be coached on developing a table to aid in the filling out of the lists.

List I: What the Employee Does Well

I said that the discussion of List I, during the joint session, should last at least twenty minutes. But the supervisor is not the only person talking during List I. Subordinates who arrive prepared, with a complete list of what they do well, including examples of critical incidents, will contribute quite a bit to the process of prolonging the celebration. (Of course, subordinates will *not* be told that they are helping to lengthen the celebration dialogue nor made to feel they have any responsibility for doing so.)

List II: The Employee's Recent Improvements

The facilitator explains to the subordinate that some subjects may be addressed in both List II and List III—that this is an opportunity to point out areas where the subordinate has made attempts to improve.

SIDEBAR 12–3. FACILITATOR NPA ASSESSMENT SHEET

Minimum passing score is 80 percent or 536 points out of 670. The performance appraisal will be judged by the recording of the joint session, given that the latter will be successful only if the grounds were properly sown in the pre-caucuses.

Preliminary Points: (50 points)

The supervisor is asked these preliminary questions during the pre-caucus when the subordinate is not present.

- Did the facilitator encourage the supervisor to *dare to dream?* (10 points) Although we will not score it, the facilitator should also invite the subordinate to dream.

Before beginning the joint session, the facilitator ascertains the supervisor's opinion about the subordinate:

- If the ideal subordinate performs at 100 percent, then at what percentage is the evaluated subordinate working? (10 points)
- How did the supervisor arrive at the percentage? (15 points)
- What specific changes would the subordinate need to make in order to deserve a pay raise—or a desired promotion? (15 points)

List I (170 points)

- Does the supervisor—not the facilitator—invite the subordinate to share List I? (5 points)
- Does the supervisor explain the reason for or the importance of each of the compliments? (10 points)
- Does the supervisor show enthusiasm through her facial expressions or tone of voice? (15 points)
- With regard to each compliment, does the supervisor give at least one specific example, or better yet, two? (These examples will begin with the words, "A week ago," "Yesterday," etc.) (30 points)
- Does the facilitator avoid adding her opinion or giving praise directly but rather does the facilitator underscore the praise given by the supervisor? (5 points)
- Is negativity avoided during the conversation regarding List I? (10 points)
- Does the supervisor repeat positive points mentioned by the subordinate? (20 points)

SIDEBAR 12–3 (CONTINUED)

- Does the supervisor turn the time over to the facilitator before moving on to List II? (20 points)
- Does the process of celebrating List I last twenty minutes or more? If the discussion of List I ends in less than twenty minutes, does the facilitator use a summary, or further engage the supervisor or subordinate, in order to extend the time period? (55 points)

List II (50 points)

- Does the supervisor—not the facilitator—invite the subordinate to share List II? (5 points)
- Are specific examples mentioned? (10 points)
- If applicable, does the subordinate make it clear that some of the points mentioned in List II will be raised again in List III, because more improvement is needed? (*NOTE*: supervisors raise issues under List II—if they have *also* noted them in List III—*only* if subordinates bring them up under List II. Otherwise, supervisors raise them under List III.) (30 points)
- Does the supervisor turn the time over to the facilitator before moving on to List III? (5 points)

List III (180 points)

- Does the supervisor—not the facilitator—invite the subordinate to share List III? (5 points)
- Does the supervisor avoid agreeing with items in subordinate's List III? For example, "Thank you very much, I see you put a lot of effort on completing List III. Here are a few items I would like to add." (25 points)
- Does the supervisor avoid raising items already on the subordinate's List III? (30 points)
- Is the subordinate given the chance to choose the order of the subjects to be addressed? (10 points)
- Has the subordinate arrived at the joint session with at least one, and hopefully two, solutions for each item he raised on List III? (40 points)
- Is a dialogue carried out regarding each item on List III? (15 points)
- Does the supervisor turn the time over to the facilitator before moving on to List IV? (5 points)

SIDEBAR 12–3 (CONTINUED)

- Do the supervisor and the subordinate introduce issues for discussion using the *seven-word approach*, that is, speaking slowly, softly, tentatively, and briefly? (25 points, see Chapter 4)
- Do the supervisor and the subordinate receive comments with *empathic reflection?* (25 points)

List IV (110 points)

- Does the supervisor—not the facilitator—invite the subordinate to share List IV? (5 points)
- Does the subordinate mention at least one important issue related to List IV? (35 points)
- Does the subordinate introduce issues for discussion using the *seven word approach*, that is, speaking slowly, softly, tentatively, and briefly? (25 points)
- Does the supervisor receive the subordinate's suggestions with *empathic reflection* and show a lack of defensiveness by summarizing the unmet needs that have been expressed? (For example, "So, if I understood correctly, you are expressing a need for more frequent meetings in order to keep the channels of communication open?") (45 points)

Agreements (110 points)

- At the end of List III and/or List IV, do the supervisor and the subordinate agree on clear goals and timetables for their accomplishments? (50 points)
- Do goals tie in to items in a more traditional appraisal—ones used to determine if the subordinate will earn a pay raise? (35 points)
- Is a date set for a follow-up meeting between the supervisor and the subordinate? (25 points)

List III: Skills the Employee Needs to Improve

List III is often the most challenging for subordinates to prepare. It requires both: (1) a complete list of possible

improvements and (2) detailed plans for strengthening each of the weak areas mentioned. When subordinates are willing to recognize their shortcomings, it will not be necessary for the supervisor to emphasize them. This will help subordinates save face. Ideally, it is the subordinate who will bring up the most sensitive performance-related issues.

If subordinates think they have nothing to improve on, the facilitator might ask: "What changes, or additional improvements, might your supervisor want you to consider?"

Despite the emphasis on individuals solving their own challenges, the facilitator can offer suggestions on how to remedy weaknesses brought up by the subordinate. It is vital for the subordinate to feel empowered to accept, modify, or reject the facilitator's suggestions in the pre-caucus—or the supervisor's recommendations during the joint session. That is, the subordinate must take ownership of the strategies for improvement.

Overly ambitious goals are destined for failure. Despite good intentions, they will not yield good results. A non-specific goal, such as "I will work harder" is not very useful either. Achievable, specific, measurable goals should be established—with a timetable for reaching each objective. The subordinate must be ready to show what effect the changes may have in three days, three weeks, three months, and a year.

To summarize, a key role for facilitators is to help subordinates arrive at the joint session well prepared, with several viable solutions or alternatives for rectifying each of the listed weaknessess.

List IV: Changes the Supervisor Can Make

It is awkward and uncomfortable for a subordinate to suggest changes to be made by a supervisor. The subordinate ought to be able to come up with at least one such suggestion, however. The facilitator also tries to get the subordinate to dare to dream. At first, the facilitator wants to encourage the subordinate to express these needs in any way that is spontaneous and natural. These requests may be refined later on in order to reduce the

supervisor's defensiveness. Often in the joint session, when subordinates can clearly see what is expected of them, they feel emboldened to incorporate additional requests into List IV. In the pre-caucuses, facilitators may encourage subordinates to bring up additional issues in the joint-session—even if they were not discussed ahead of time.

4 and 5. Final Pre-Caucus between the Facilitator and Each of the Parties

Before the joint session between the supervisor and the subordinate, the facilitator meets once again with each party, in separate pre-caucuses, for the final reviews of their lists, coaching, and role-playing. The facilitator may have a preference for meeting with the supervisor or the subordinate first. Else, these meetings may be scheduled solely to suit the parties' available time.

An important aspect of the pre-caucus with the supervisor is providing her with the choice of whether or not to lead the NPA process—that is, by introducing each list and in each case inviting the subordinate to go first. The preferred method is for the supervisor to lead, once again establishing the idea that it is her meeting to conduct—not the facilitator's. Most supervisors accept this challenge. It is important to role-play the mechanics of the meeting, as the facilitator wants to avoid correcting the supervisor during the joint session.

The supervisor is instructed to turn over the time to the facilitator when finished with each list and before moving on to the next. For instance, depending on how much time is used to complete the discussion of List I, the facilitator can incorporate a number of strategies discussed below to extend the time dedicated to this list. If the facilitator has nothing to add, control of the meeting is simply returned to the supervisor.

Another key area that requires role-playing is the transition between hearing the subordinate's List III and having the supervisor introduce her List III. The supervisor does not repeat anything in the subordinate's list, nor does she agree with anything that has been said. Instead, when the subordinate is

finished with this list, the supervisor might say: "Thanks so much for sharing your List III with me. I can see you put a lot of thought into it." At this point, if the supervisor has additional issues to add to List III, she could say: "Let me add a few items to the list so we can converse about them as well."

This transition needs to be role-played a few times so the supervisor does not fall into the easy trap of agreeing with items in the subordinate's List III. In the role-plays, the facilitator will want to watch for such counterproductive comments as: "That was also in my list," or "My list matches yours," or "I agree with that point." It is hard enough to speak publicly about our weaknesses without having others telling us they concur. Next, I will describe the mechanics of the joint session.

THE JOINT SESSION

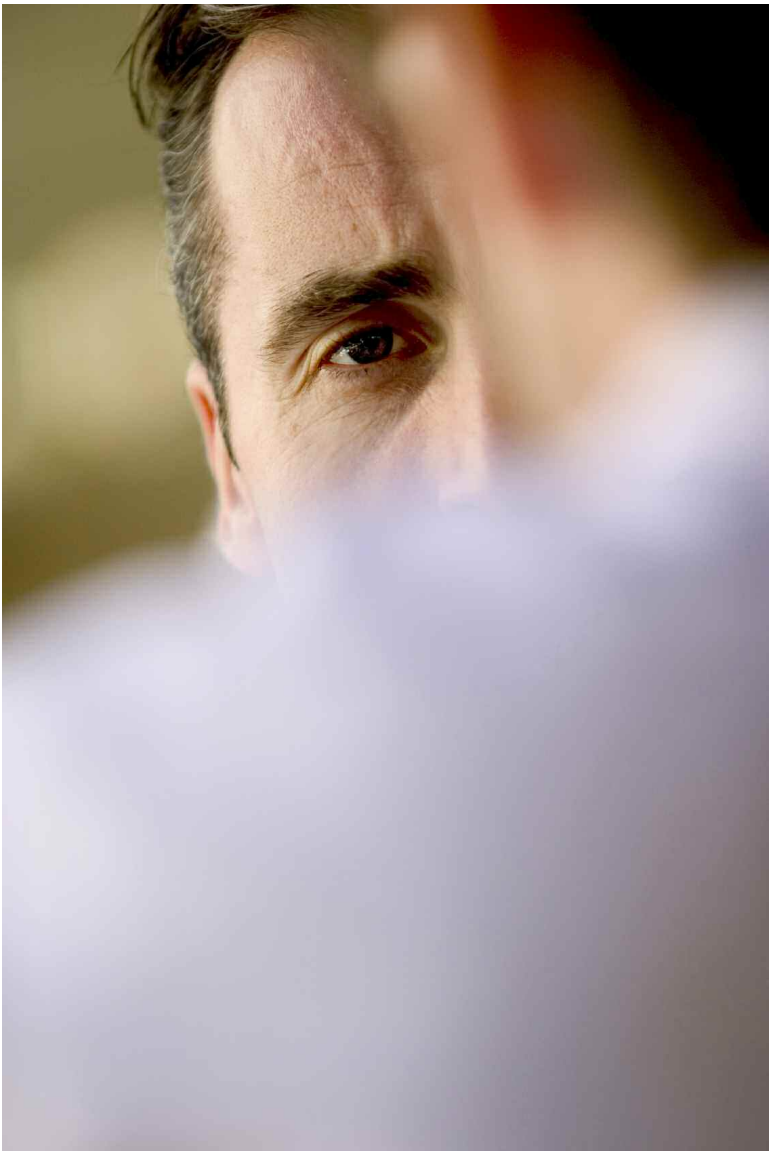
When the time comes for the supervisor and subordinate to sit down and talk to each other, there should be a relaxed and positive atmosphere. A location without distractions is essential. Phones should be turned off and all interruptions eliminated. These measures let it be known that the subordinate has the supervisor's full attention.

The supervisor and subordinate sit face-to-face at one end of the table. The facilitator sits at the other end, away from the parties, as observed in PDM (Figure 5–1). Once again, this arrangement stresses that the meeting is mainly between the supervisor and the subordinate.

Throughout the process, the subordinate will share a list before the supervisor does. They will move on to the next list only after the conversation about each list has been completed and the facilitator has been given the opportunity to make any additional comments.

List I: What the Employee Does Well

The supervisor thanks the subordinate for attending and asks the subordinate to share List I. The supervisor listens attentively and takes notes while the subordinate speaks. The supervisor



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It is human nature not to want to bring up our faults; but it is also human nature to prefer to point out our own shortcomings rather than having someone else do it.

listens empathically, showing through facial expressions, eye contact, and minimal positive affirmations that she is listening.

If the subordinate mentions something that the supervisor finds odd, worrying, or unclear, the superior can ask for an explanation. People almost never mind being interrupted if it gives them a chance to clarify something they are saying. When these questions are asked with real interest, slowly, softly, and tentatively, they are less likely to put someone on the defensive.

Though there may be disagreement between the supervisor and the subordinate on whether an item constitutes a positive trait, this is not the time to discuss it. There will be opportunities to discuss weaknessess during List III. Nor should the supervisor put a damper on positive subjects by explaining that something on List I has both a positive and a negative aspect. (It should be understood that almost any positive attribute—when exaggerated—can turn into a weakness.[4] For example, exaggerated perseverance can mean spending too much time on one task and refusing to move on to more important things.)

Because the subordinate shares lists first, this allows the supervisor to take note and add compliments that may have slipped out of mind. This opportunity should not be wasted.

At one organization a superior focused on a subordinate's contributions from years past, overlooking her recent work. The subordinate was disappointed because it seemed her supervisor was not interested enough in her work to update his comments. It is more likely that this type of mistake will occur in organizations where performance appraisals are held regularly and supervisors use notes from previous years. Without ignoring the past, supervisors must focus on more recent events.

After thanking the subordinate for the comments, the supervisor takes a turn to share. It is necessary for the supervisor to praise all of the positive points recorded in her List I, even if they have already been mentioned by the subordinate. Here, repetition is a good thing. It is fundamental that this celebration between the subordinate and the supervisor be drawn out.

An interesting phenomena I have observed is when supervisors share at length with me, during the pre-caucus, the

positive things that a subordinate has done, only to spend a fraction of the time describing them once in the joint session. Beside fear of praise, there are additional factors. Supervisors and subordinates have a shared vocabulary wherein they can communicate volumes with a few words. Facilitators want to encourage supervisors to provide compliments without using these shortcuts. When being praised, subordinates will not mind if supervisors go into great detail.

A second factor has to do with anxiety. When we are nervous, we tend to speak faster. People who are starting out as public speakers often find out that speeches that took ten minutes to practice in private took two when they were behind the microphone. Supervisors need to be cautioned to take more time (and maybe a deep breath) to speak slowly, and to celebrate.

One facilitator extended the time spent on List I by asking the supervisor to read the whole list before going into the details. After the supervisor finished with the details, the facilitator recapped what had been said. (Such a summary needs to reflect the supervisor's praise rather than the facilitator's opinions.) The parties continued talking about List I after the summary.

One businesswoman felt she could prolong the celebration and involve the evaluated subordinate by asking for details about how the subordinate had managed to succeed at a specific project. Several approaches, if they are sincere, can be used to achieve these goals.

List II: The Employee's Recent Improvements

The supervisor may have noticed some areas in which she has seen the subordinate improve, but she may have also included them in List III. If the subordinate does not mention these improvements in List II, the most sensible choice for the supervisor is not to mention them until List III is being discussed. List II is similar to List I in the sense that it serves to validate the subordinate's efforts.

List III: Skills the Employee Needs to Improve

As with the other lists, the subordinate shares List III first. However, the rest of the process is very different. While in the first two lists the supervisor could support the subordinate, and agree with what the subordinate said, that is not the case with List III. Rather, the supervisor will share only the items in List III that the subordinate has *not* mentioned. If the subordinate has taken ownership of a weakness, once again, it is not necessary for the superior to rub it in.

It is possible that the subordinate has, from the start of List III, mentioned the weaknesses being faced as well as possible strategies for overcoming them, and a timetable for their accomplishment. Otherwise, after all of the subordinate's comments and those added by the supervisor have been combined into one list, the supervisor asks the subordinate to choose one item at a time for discussion.

For example, a warehouse manager could present a plan for making equipment accessible and at the same time ensuring it is returned. The supervisor can certainly participate in these conversations.

Based on complaints made by his subordinates, a middle-manager (who was the subordinate in the NPA) agreed to let his staff know in advance when he was going to need their help, unless it was an emergency. His subordinates had complained that he usually interrupted them with no prior notice.

An individual who wants to improve some aspects of her graphic design skills could suggest she would like to work with a colleague from another department, and also take a class at a local university.

A facilitator who notices that one of the parties is exhausted or depressed may intervene by asking what the individual is feeling. For example, a subordinate may then share that he is feeling somewhat overwhelmed and does not know how to find the time to fit in a new assignment without neglecting other responsibilities. In one such situation the supervisor thanked the subordinate for these comments and eliminated some of his previous responsibilities. The subordinate was clearly relieved.

This additional dialogue increased his chances of success with the new assignment.

While a supervisor ought not contaminate the celebration of a subordinate's strengths by mentioning weaknesses, the opposite can be very beneficial. Subordinates may be reminded of their strengths when speaking about their weaknesses. Take, for instance, a discussion of a subordinate's tendency to be a little self-righteous and to discount other people's opinions. The supervisor senses that the subordinate is beginning to feel deflated and says, "You know, Kenny, I realize that it's *because* you care so much about this operation, *because* you take pride in your work, *because* you want things done just right, that you wish to express your opinions. We certainly want to keep hearing them. The challenge, as I see it, is to encourage others to feel that their views are important—especially those who are shy about speaking up."

When a supervisor shares issues from List III, it is best to avoid labels. If the subordinate seems confused, the supervisor can provide additional data in the form of examples of critical incidents. The supervisor uses the miniature hammer whenever possible, by speaking slowly and softly, thus encouraging interruptions from the subordinate.

Some specific agreements may be made at this time in the joint session, while others may be better constructed after discussion of List IV. The role of the facilitator is to make sure that the agreements are feasible and sensitive to the parties' feelings and needs.

List IV: Changes the Supervisor Can Make

Only the subordinate fills out this list, but that does not mean the superior does not have an important role to play. The supervisor should avoid the natural tendency toward defensiveness. It is essential for the supervisor to listen in an empathic way and encourage the subordinate to feel comfortable expressing ideas, even if the supervisor disagrees with what is being said. When a subordinate finishes his list, the superior repeats the main points and makes sure she has properly

understood. Only after ascertaining that she has correctly understood the points does the supervisor respond.

According to one employer's standard operating procedure, anyone who placed an order for supplies had to check the prices charged by three different suppliers within an established period of time. During the NPA, a manager said to his superior: "Since you keep the purchasing book in your office, when you're not here I have to make the three calls before I can place an order. If I had access to the book, I could see if you had already done it and determine how many additional calls were required. And if I needed to make another call, I would then update the information in the book. It would save us both time."

On another occasion, a subordinate did not know how to deal with a boss who sometimes loved to banter but at other times was in a more serious mood. Together, they were able to discuss this delicate subject and reach an interesting agreement. The supervisor would turn a particular item on his desk upside down when it was not safe to joke.

Subsequent Steps and Follow-Up

The facilitator makes sure each point mentioned in List III and IV are discussed and that logical agreements are reached. These understandings must be specific and supported by a timetable for achieving goals. The agreements can be printed and shared.

A follow-up meeting one or two months after the initial performance appraisal may be necessary in order to discuss the areas in which the subordinate has improved, as well as the areas that need special attention. At one company, an employee had improved in several aspects but other weaknesses soon appeared, including some which had not been discussed at the original joint session. These issues were successfully resolved in the follow-up meeting.

When the NPA has been used to address an employee's poor performance, the supervisor must pay attention and praise the positive changes achieved by the subordinate after the original joint session. Managers tend to forgive weaknesses, almost to a



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Individuals may need to be challenged regarding their fear of giving or receiving praise.

fault. But once these same supervisors decide enough is enough, they can be blind to recognizing individual progress.

In many ways, the follow-up meeting is similar to the initial joint session. The evaluated subordinate must be given the chance to arrive prepared to discuss what has and has not worked so far.

Focusing first on the positive is as crucial for the success of the follow-up meeting as it was for the original joint session. The idea is to preempt defensive behavior. Obstacles to success can be discussed at length.

While the NPA can stand alone, it will make its most dramatic impact when coupled with a more traditional performance appraisal process that can be used to make pay decisions. This becomes an additional incentive for subordinates who know their outstanding performance will eventually merit a pay increase. An explicit discussion of these points, together with mutual input on what the traditional appraisal will entail—and how it will be carried out—will do much to improve ongoing supervisor-subordinate communication and subsequent performance. Likewise, it is helpful to have ongoing discussions as to how well targets and objectives are being met, so the traditional appraisal will not be a surprise to the subordinate.

MEDIATION OF HIERARCHICAL CONFLICTS

Sometimes a mediator knows there is a dispute between the supervisor and the subordinate. Or, an NPA facilitator may detect feelings of resentment and contention only upon meeting with one of the parties in a pre-caucus. At the earliest hint of these feelings, the mediator will want to drop the discussion of lists to focus on empathic listening.

The mediator who tries prematurely to direct the conversation toward the lists, without letting the involved parties fully vent, will end up losing more time—and worse yet, losing control—in the joint session. Even when it seems the parties have gotten their strong feelings off their chests, the mediator will want to remain attentive to possible leakage of negative sentiments as the parties role-play or discuss issues. Additional pre-caucuses may be needed.

When hierarchical differences between parties are not well established, sensitive situations can arise. For example, a professor can share the services of a secretary but not be the person who evaluates her directly. Or, a business owner may not have clarified the role of group leader among several colleagues who work as a team. In such circumstances, the mediator can speak with the supervisor and together they can decide if a PDM or an NPA process would better suit the parties' needs.

In a very contentious dispute between the parties it may be better to forgo the traditional introduction of the process by the supervisor and have the mediator take time during the pre-caucus to explain how the NPA will be conducted. Once again, this is something that can be decided jointly by the supervisor and the mediator. What must be avoided is a volatile situation that might explode during the introductory meeting.

As in PDM, the neutral will listen with empathy and not move forward into the joint session until both parties are capable of recognizing something of value in each other.

SUMMARY

The NPA is a powerful tool for increasing individual and organizational productivity. The process encourages the discussion of subjects that are often avoided.

Because it preserves differences in authority, the NPA is an excellent mechanism for preventing hierarchical conflicts as well as addressing them.

The NPA model facilitates effective conversation through a combination of goodwill deposits, in the form of sincere praise, and a dialogue on how the subordinate can improve skills and performance. Supervisors may have to make changes that will facilitate better subordinate performance. A focus on blame is avoided either way. Discussions of critical incidents in the past are a springboard for conversations about the future. Though the NPA does not guarantee results, it does clarify exactly what each party must do to achieve specific goals.

Chapter 13 contains transcripts of numerous clips from NPAs to help illustrate some of the points in this chapter, and

Chapter 14 is the transcription of a subordinate NPA pre-caucus where feelings of contention where intense. Much of the focus of the latter is on the empathic listening process.

CHAPTER 12—REFERENCES

1. Chapter 12 incorporates new material first published in the journal of the International Association of Facilitators, which can be retrieved from http://www.iaf-world.org/Libraries/IAF_Journals/2010_V10_IAF_Journal_full.sflb.ashx. Billikopf, G. (2010, January). The Negotiated Performance Appraisal model: Enhancing supervisor-subordinate communication and conflict resolution. *Group Facilitation: A Research and Applications Journal*, 10, 32–42.
2. I prefer to avoid talk about *difficult people* and instead speak about *unproductive behavior*. Otherwise it seems like something genetic, impossible to change.
3. The story has been adapted from the video. Brinkman, R. (Producer), & Kirschner, R. (1995). *How to deal with difficult people* [Seminar]. Mission, KS: CareerTrack.
4. Oaks, D. H. (1992, November). Our strengths can become our downfall. *BYU Magazine, 34*(38), 42–43.

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13

Negotiated Performance Appraisal Clips



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Just as "listening" to a real mediation was useful, so is having the opportunity to read highlights from several Negotiated Performance Appraisals (NPAs). Clip 11 involves a conflictive supervisor-subordinate relationship, while the other transcripts revolve around situations where positive feelings exist between the parties. The identities of the parties have been obscured. Rodrigo López provided Clips 2-3, while Clips 1, 4-7, 10, and 12-13 were provided by Macarena Pons. Gregorio Billikopf provided Clips 8-9 and 11, as well as the analysis of the thirteen cases.

NPA Pre-caucus: List I

The first list in the Negotiated Performance Appraisal is an attempt to underscore the positive contributions of the individual being evaluated.

Clip 1. Business Executive and Facilitator Discuss List I

In this clip, we join an executive who has given much thought to the positive qualities possessed by a subordinate manager. Rather than interrupting, the facilitator permits the executive to share his complete list before asking for examples of each positive characteristic being raised. Because an important purpose of List I is to celebrate the accomplishments of a subordinate, it is better to expand the number of categories rather than diminish them. It is not uncommon for individuals being interviewed to punctuate the end of what they have to say, as we see below.

FACILITATOR: Let us begin with List I, Aalim, regarding where you think that Kai's performance has been outstanding.

AALIM: All right! First of all, Kai has made an effort to organize the unit he's responsible for. He's attained the integration of the team, involving everyone in the work of everyone else, that is, being a support . . . creating a sort of synergy among those whom he's responsible for.

FACILITATOR: Uh-huh.

AALIM: He's also demonstrated a leadership quality. Let us say, he's been a leader for the team, and that can be seen in terms of the respect he has obtained from his work team. Let us say, they respect him as a boss, and basically—I believe this is one of those critical matters—that they recognize his knowledge and that he has contributed to the overall know-how. Mmm, do I continue?

FACILITATOR: Yes.

AALIM: He's adapted himself quickly to the workgroup. That is, he's not been with us for a long time yet he's quickly made himself a part of the enterprise—and that, without any problems of adaptation. He has a good handle on computer matters, which is key for us. Within a short time he had designed an information process . . . and has

also known how to organize a workflow within the enterprise. That permitted us to reduce a series of risks and errors on the one hand, and on the other hand, organize the functions of each of the staff. For that very reason, he's been able to organize the internal administrative procedures of the enterprise, which in turn have permitted him to partially implement the new computer system, confidently moving forward with each module that has been incorporated. He has a good understanding of the computer software, which is an important thing, as one can begin to apply procedures as one understands them. He's been one hundred percent involved in each step of this project, which gives me peace of mind. That is, let us say . . . the things he's implemented, he's done so taking personal responsibility for them . . . in terms of the development of the procedures.

FACILITATOR: Uh-huh.

AALIM: Another positive characteristic he possesses is his analytical thinking. Before making a change or implementing a strategy, he reviews it and puts it to a test. That is, he just does not jump in to do things which he later needs to undo. It's clear that he has a capacity for analysis and comprehension of procedures that need to be tested . . .

FACILITATOR: Tested . . .

AALIM: . . . tested before we begin to make changes, because there are individuals who are very good about making changes, but things end up not moving forward. Mmm . . . What other positive qualities does he have? Well, he has a good sense of humor—is likeable. He maintains a good work atmosphere, which is no small matter when one works with people, especially when one has to supervise people. Until now, I've not had complaints that he's an annoying boss. On the

contrary . . . he's been well received by his work team. His dedication, his commitment, his knowledge, and how he's responded to the challenges he's had to face during his short time . . . confirm that we were correct in selecting him. He's been with us only four months . . . or three . . . and to date we've seen progress, progress, and progress. That's it!

The facilitator begins to read over her notes and check her understanding of what the executive has said thus far. We pick up the conversation toward the end of that process.

AALIM: I'm missing another quality, it seems. I don't know if I mentioned it—that he's clear in terms of teaching and transmitting his knowledge to those he supervises . . .

FACILITATOR: Mmm . . . [Looks at her notes.]

AALIM: . . . which has something to do with what has been said: the ability to engage his people. That is, besides being able to organize, he has the ability to educate. He's able to transmit his knowledge, which is no small matter, let us say. One thing is to know something and keep it to oneself, and another is being able to share it . . . and being able to get the most out of it. And that, let us say, is what's being accomplished.

After completing the outline of positive issues to discuss, the next step is to plan a strategy to deliver them and drive the points home with force, including at least two examples of positive critical incidents. After doing so, the facilitator may ask the superior to role-play one or more topics, as needed.

Clip 2. Front-End Supervisor and Facilitator Discuss List I

In this clip, the facilitator conducts a pre-caucus with a farm crew leader. The facilitator makes much use of his role as a coach, especially since the crew leader has little experience with

any type of performance appraisal. This facilitator chooses to get examples after each type of positive attribution, rather than building a list first. The facilitator is carrying out this pre-caucus as a demonstration, in front of several farm managers, with some time constraints.

FACILITATOR: As we had mentioned earlier, we now want to begin the process of increasing our goodwill deposits. We want to do so with specific examples—not only say that he does something well, but ask such things as "When? Where? What?" so that when we speak with José, he will perceive that what you're saying is sincere, that it's something concrete that you've noticed—and value in him. What will we do to have him feel good about his accomplishments, in order to be able to address more difficult issues later and, as a result, come up with a plan of action? Remember that, in the end, I'll be a spectator, and it'll be your role to speak directly to your subordinate. We will also do some role-playing later. So, let us begin with some positive qualities you see in José.

RAMÓN: His positive attitude to do things. You just tell him what you want done, and he's willing to do it. He never puts on negative airs or complains. None of the "Hey, boss, why me?" sort of attitudes. That would be one of the first positive things.

FACILITATOR: Excellent. Now, let us obtain some details through examples, such as, "When I told you to do such a thing, you agreed," or some such thing.

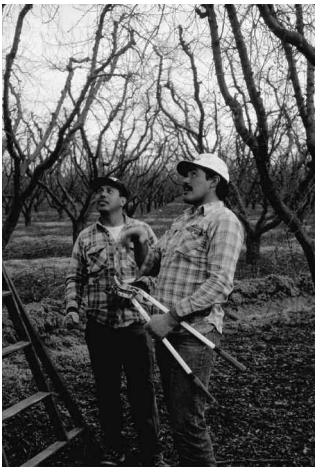
RAMÓN: For example, sometimes a crew worker doesn't come on time . . .

FACILITATOR: Mmm.

RAMÓN: . . . and you tell him, "Hey, José, you need to take a co-worker's ladder out to the field, to the spot where your crew was switched." That's where this positive attitude shows up. Because there are people who say, "Hey, how is that my problem?"



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FACILITATOR: He has a positive attitude, then, and we have a specific example of the ladder . . . Let us make it even more specific. What were you harvesting when this happened?

RAMÓN: Granny Smith.

FACILITATOR: Ah, then, let us add this detail to what you're going to say: "We were harvesting Granny Smith, and when a co-worker was late, I asked you to take out a ladder for him and you did it cheerfully."

RAMÓN: Yes, and what's more, the co-worker never showed up so it meant that José had to take the ladder all the way back to the shed at the end of the day!

FACILITATOR: Excellent! Now we're being very concrete. Here we have a perfect example. The idea is to try and have another example of how José's positive attitude shows at work. [The facilitator models for Ramón the complete example and how it could be delivered in the joint session.] We want José to say to himself, "Hey, Ramón really has noticed my efforts!" It is as if you were saying to José, "I'm giving you two concrete examples, and there are more, but you get the point, that I've noticed."

RAMÓN: There are different tasks that take place through the year, and I give instructions to the crew workers, and they go to different spots in the farm . . .

FACILITATOR: Uh-huh.

RAMÓN: Well, he has a positive attitude . . . he understands what I am saying to him. Does that make sense? Because I may tell him, "You have to do this specific job in such and such a place."

FACILITATOR: Let us be concrete. For example, "I sent him to prune" or . . .

RAMÓN: The example would be when he went out to train the plant and bend some limbs . . .

FACILITATOR: OK. Train . . . What happened?

RAMÓN: To be specific, it was in block seven . . .

FACILITATOR: Uh-huh.

RAMÓN: To bend some limbs in the Pink Lady variety.

FACILITATOR: Uh-huh.

RAMÓN: He immediately understood the idea, when we spoke in the shed, even though we were not even looking at the trees.

FACILITATOR: Uh-huh.

RAMÓN: That would be the positive characteristic.

FACILITATOR: Let me see. I'm understanding that . . . he's technically competent and able to understand instructions given at the shed, where instructions were given before the whole crew, and he understood. He thought of the Pink Lady, the training process . . . "I have to do such and such" . . . and he understood right away. I see that more as a technical skill, certainly an important one to add to the list, such as being able to give him instructions without having to repeat them as one might have to do with others.

RAMÓN: Precisely what I was trying to say.

FACILITATOR: We can consider that as another item in List I. [The facilitator thanks Ramón for the new item for List I, and asks for another example of José's positive attitude.]

RAMÓN: Another thing . . . It's very difficult to find him depressed.

FACILITATOR: He's always positive?
RAMÓN: Right.
FACILITATOR: He's an optimist . . .
RAMÓN: Yes.
FACILITATOR: . . . and cheerful. For example? Tell me about a situation when he was being optimistic or cheerful.
RAMÓN: . . . or cheerful . . . he suddenly will tell a joke.
FACILITATOR: To cheer up the crew? OK, try and give a specific example.
RAMÓN: When we began the Fuji pruning, he was willing to say, "Let us give the new piece rate approach a try," rather than being negative about it.

The pre-caucus continues in this vein, as the facilitator prepares Ramón to provide his comments from List I.

Clip 3. Role-Play List I

The facilitator explains, in this continuation of the pre-caucus, that Ramón will have only one chance to impress José during the joint session. That is why careful preparation is so critical. The facilitator suggests: (1) showing enthusiasm with the tone of voice, (2) making sure to explain why each particular positive quality makes a difference for good in the enterprise, (3) giving the specific examples that accompany each positive area, (4) addressing the subordinate by name, and (5) speaking to him directly rather than to the facilitator. This pre-caucus, again, takes place in front of an audience.

RAMÓN: I'm not very expressive that way. It is hard for me, as I'm much more of a reserved type of a person. Furthermore, I'm not accustomed to this type of thing. It isn't me.
FACILITATOR: Uh-huh. Understood. We can certainly say to the difficult things in life, "That isn't me!" But it's also good to push ourselves, to push the envelope of what we think we can do. It can make such a huge difference in our roles as supervisors. José knows that you're not an effusive type of person,

but he will notice your effort—that you're trying—and put a great value on your effort.

RAMÓN: True. The things we've been talking about are things I've not told him before.

FACILITATOR: Yes, you can even use that and say something like: "I have some things to say to you, that I have wanted to say but never have. This isn't easy for me." It's good to permit yourself to talk about your feelings. We want you to forget that I'm here, also, and truly talk to José.

RAMÓN: OK. "José, look, there are some work-related as well as personal matters that I admire in you. These are things I have never told you. You have a positive outlook on work, you worry about your co-workers, and you show concern for your family.

FACILITATOR: Yes, excellent! Now let us include the examples. Ramón, it's OK for you to read from your notes. Don't feel that you have to somehow memorize this whole thing and everything you want to say.

RAMÓN: OK. I'll make sure to add the examples, then.

FACILITATOR: Good. Let us practice that.

RAMÓN: "Look, José, here we are. We've been looking at—evaluating—many of the positive things you bring to the enterprise. Both in terms of things at work as well as others that are more personal in nature. When it comes to work-related matters . . . uh . . . you've a great attitude . . . about fulfilling the assignments given to you—for instance, your willingness to go to other farm locations to work when needed." And in terms of items of a more personal nature, he does do well for his family.

The facilitator has been trying to encourage Ramón to visualize that he is addressing José, but occasionally Ramón reverts to addressing the facilitator instead. This time, he is not interrupted and naturally goes back to pretending that he is addressing José in this role play.

RAMÓN: "And, when it comes to friendliness, you have a good way of showing friendliness to co-workers. You're capable of helping them and cheering them up when they have problems they bring to work. These things are those which you excel in. These are things I had never said to you, but this is an opportunity that has presented itself for me share these things with you."

FACILITATOR: Excellent! This is really good. Now, we need to add the examples.

RAMÓN: He's not going to read my notes?

FACILITATOR: No. No, he will not. While it needs to be as natural as possible, don't hesitate to read from your list, along with the examples: "José, thinking about the positive things, here is what I wrote," and then just read it.

Little by little, this crew supervisor gets the idea of what is expected and has a productive conversation with the facilitator about how to speak of positive qualities. Also, he understands that it is fine to show affect when complimenting. Ramón goes through every item in his list, becoming more effective at his praise and needing fewer interruptions as he proceeds.

Clip 4. Subordinate and Facilitator Discuss List I

Here, we take a brief clip from a conversation between a facilitator and the subordinate she is preparing for a joint session. We join them as they come to the end of a discussion on List I.

KEVIN : And the last item from my list would be emotional intelligence . . .

FACILITATOR: Uh-huh.

KEVIN : . . . in day-to-day-circumstances. For example, conflict resolution, interpersonal relations, and reaching objectives.

FACILITATOR: Could you share with me a specific case where you obtained a resolution to a conflict, one that

your supervisor might recognize and say, "Oh, right, I remember that one"?

KEVIN : Ah . . . Yes, I experienced one of these yesterday. [Laughs.]

FACILITATOR: OK. Let us see. Tell me about it.

KEVIN : One of our technicians wanted to quit right in the middle of a critical procedure. I had the opportunity to act as a quick mediator in the matter . . . talked to everyone involved. I was able to convince him to stay until the end of the day. I've set up several follow-up appointments for today, and I'm hoping we can arrive at a positive resolution.

FACILITATOR: Perfect! Do you have another example?

NPA PRE-CAUCUS LIST II

List II points out the areas in which the subordinate has improved.

Clip 5. Subordinate and Facilitator Discuss List II

In this brief clip, the subordinate explains how he has found it necessary to acquire knowledge outside of his area of expertise.

GORDON: You see, my degree is in another field, so I've had a lot of catch-up work to do. That's what I mean.

FACILITATOR: How have you accomplished it?

GORDON: Well . . . uh . . . based on experience and reading a lot.

FACILITATOR: Studying.

GORDON: Studying the literature in the field as well as spending hours in on-the-job training.

Clip 6. Subordinate Explains He Did Not Fill Out List II

It is important that the subordinate fill out all lists, perhaps with the exception of List II. Rather than insisting the subordinate move in an orderly fashion from one list to another, the facilitator has the flexibility of coming back to a list later.



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Supervisors can: (1) show enthusiasm with their tone of voice, (2) make sure to explain why each particular positive quality makes a difference for good in the enterprise, (3) give specific examples that accompany each positive area, (4) address the subordinate by name, and (5) speak to him or her directly rather than to the facilitator.

PAT: Before we begin, I just want to tell you that, of the four lists, I only filled out three.

FACILITATOR: Mmm.

PAT: I filled out those things that I do well. I skipped the one where I've improved recently.

FACILITATOR: How come?

PAT: In my opinion, the amount of time I've spent with this firm is so short . . .
FACILITATOR: How long have . . .
PAT: August, September, October, November, December, January . . . Six months.
FACILITATOR: Mmm.
PAT: The "good list" and the "to improve list" get mixed up a bit . . .
FACILITATOR: . . . with . . .
PAT: . . . the "recently improved list."
FACILITATOR: Mmm.
PAT: That intermediate point, I believe, is somewhat difficult to define.
FACILITATOR: OK, we will see how it works out.
PAT: And the fourth list . . . I also filled that one out.
FACILITATOR: Perfect. Let us begin with List I, and when we get to List II, I can help you there.
PAT: Excellent!

The facilitator eventually brings the conversation back to List II and is able to help Pat gain a better perspective.

PAT: So . . . from here we move on to List III.
FACILITATOR: One moment. Let us take a look . . .
PAT: OK.
FACILITATOR: . . . at List II . . .
PAT: OK.
FACILITATOR: I understand that you've been here for a short time . . .
PAT: Uh-huh.
FACILITATOR: That . . . it's difficult for you . . .
PAT: Uh-huh.
FACILITATOR: But in five months—if you begin to analyze things by stages—your relationship with the rest of the firm (your supervisors as well as subordinates) has been the same since day one?
PAT: Uh. Let us see . . . Not really . . . We began with a slight sense of obvious distrust. Strictly speaking,

there has been an improvement there. But I don't place it as an item on the list, because even before coming here . . . I consider myself an individual who doesn't have interpersonal problems with people . . . While it involved improvement, I knew it was not something that was going to be difficult for me.

FACILITATOR: It wasn't your problem . . . but rather, one related to the organizational change that had taken place . . .

PAT: Exactly.

FACILITATOR: . . . within the firm. Well, they had to have gone through an interview process . . . and asked for referrals, and all of that.

PAT: Uh-huh.

FACILITATOR: But do you think that the trust and credibility level placed on you has improved?

PAT: Yes. Yes, without a doubt.

FACILITATOR: OK. What would you say was responsible for that?

PAT: When it comes to my bosses, I have nothing but positive things to say . . .

FACILITATOR: Mmm.

PAT: They have always been very open with me, and I haven't had any problems in that regard. But, yes, in terms of those I supervise, the whole issue of communication, trust . . . the fact that one gives out signals at work . . .

FACILITATOR: But you . . . your communication . . . Has it improved or been constant?

PAT: It did improve in relationship to the first few weeks, in terms of my subordinates. It was quite complicated . . .

FACILITATOR: So, we could add it to the list.

PAT: Yes . . . We could add it.

FACILITATOR: We could add it.

PAT: Yes . . . Yes.

FACILITATOR: Communication with the . . . subordinates . . .

PAT: Exactly . . . has improved since my arrival. [Writes on his list.] I wrote down [Laughs.]: "The ice is broken!"
FACILITATOR: Excuse me?
PAT: That the ice is broken. [Laughs.]
FACILITATOR: Ah.
PAT: At the beginning, it was much more complicated, without a doubt.
FACILITATOR: A concrete example with someone . . . or . . .
PAT: Yes . . . Well, I'm not going to name the individual by name . . .
FACILITATOR: No, of course . . .
PAT: At the beginning, the interpersonal relations with some of the supervisors who work for me was quite distant. They had taken a wait-and-see sort of attitude. We didn't have a good team relationship where this individual could count on me as a support. I wasn't getting results. I was just a person who was there. Now, I can be more pro-active . . .
FACILITATOR: Perfect.
PAT: . . . in terms of communication.

NPA PRE-CAUCUS LIST III

List III involves consideration of areas in which the subordinate needs to improve.

Clip 7. Subordinate and Facilitator Discuss List III

Kai, the accountant in Clip 1, has carefully and methodically prepared each of the four lists. The facilitator has little need to participate, other than to let Kai know he is being listened to. The next clip begins as Kai pauses at length and taps his notes against the table.

KAI: Uh . . . I separated this one from the last issue and have called it financial management.
FACILITATOR: Uh-huh.

KAI: Yes . . . I must improve on the financial management . . . That is, more or less, the explanation, despite the fact that we've advanced, and can *outline* the future of the cash flow . . . but we're not at the point where we can *draw* or *paint* it. For the moment, it's only an outline—something that isn't too clear. For example, there have been sufficient funds in the last two weeks to be able to execute some short-term, flash-type investments . . . to be able to get some interest. But we have not because of the lack of clarity as to the amounts we will need and when. If I had a clearer picture, I could have . . .

FACILITATOR: Right.

KAI: . . . invested in a mutual fund for the two-week period and recovered . . .

FACILITATOR: Perfect.

KAI: Another issue is that of sales . . .

Clip 8. Graphic Designer Develops a Plan for Improvement

The subordinate must not only present areas where there are weaknesses but also arrive at the joint session with a very specific plan for improvement. Progress in meeting each improvement proposal should be something that can be measured in the follow-up interviews.

FACILITATOR: What concrete steps could you take to achieve your goal of improving your public speaking skills—to turn this weakness into a great strength?

PRISCILA: Mmm. [Long pause.] I would say that I need more practice . . . making presentations or speaking in public.

FACILITATOR: Ah, so where would you practice? How would you practice?

PRISCILA: At my house, or with a group of friends. For example, rehearsing a presentation I have to make at work with them . . .

FACILITATOR: OK.

PRISCILA: . . . getting used to giving presentations to a group, or also, how to present to clients . . . making sure I am getting their attention. Also making sure I am making eye contact and that . . . Sometimes I tend to talk super, super, super fast . . .

FACILITATOR: Ah.

PRISCILA: . . . when I am nervous and I am presenting something. [Laughs.]

FACILITATOR: [Laughs.] Mmm.

PRISCILA: And making sure, well, as the saying goes: "Practice makes perfect." Practicing more and organizing my presentations better, like dividing the presentation into parts. [Pauses.]

FACILITATOR: [The facilitator is taking notes and does not rush to fill in the pause.] Great!

PRISCILA: [Long pause.]

FACILITATOR: Anything else?

PRISCILA: [Long pause.] Something that I would like to do—I'm not sure I have the courage to do it—is take a public speaking class to improve my presentation skills.

FACILITATOR: Great!

PRISCILA: [Smiles.] I'm not sure I'm brave enough to do it.

FACILITATOR: Tell me something about that . . .

PRISCILA: [Laughs.]

FACILITATOR: Tell me something about the courage thing.

PRISCILA: [Laughs.] Speaking in public—I know a lot of people find it hard to speak in public.

FACILITATOR: That's true.

PRISCILA: [Laughs.]

FACILITATOR: [Laughs.] Yes.

PRISCILA: [Smiles.] I would like to take a public speaking class. I think it would be very useful. Yes, it would be useful for a lot of jobs . . . but . . . yes . . . [She moves her head, showing she is becoming convinced of what she is saying.] . . . it really is a matter of having the courage.

FACILITATOR: I know there is also a club . . .
PRISCILA: Is there?

The facilitator tells Priscila about a local club where participants take turns giving speeches, practicing public speaking, and also talking about different subjects that are assigned to them on the spot. Priscila is very interested and the facilitator agrees to introduce her to another woman who is a member of the club. When Priscila meets with her supervisor at the joint session, she will not have to settle for saying, "I'm going to improve my public speaking skills." Something as vague as that usually remains an unfulfilled wish. Instead, Priscila can now arrive equipped to discuss the skill she wants to improve, how she plans to do it, and a timetable with specific goals. If the public speaking class is expensive and requires a lot of time, she may negotiate with her boss during the NPA joint session.

When it seems that Priscila cannot think of another area in which she needs to improve, the facilitator asks her to think about what her supervisor might point out.

FACILITATOR: In addition to what we have already talked about, are there other things that your boss might add to the list?
PRISCILA: [Pause.]
FACILITATOR: Things that he might want you to improve?
PRISCILA: [Long pause.]
FACILITATOR: Maybe my time management?

This last question allows Priscila to add, little by little, a series of things that she can improve, along with concrete plans to do so.

PRE-CAUCUS LIST IV

List IV revolves around those areas in which the supervisor can make changes to facilitate the subordinate's performance, as viewed from the *subordinate's* perspective. It is often difficult to get subordinates to suggest things their supervisors could improve on.



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Each proposal for improvement should be something that can be measured in a follow-up interview.

Clip 9. You Are Intimidating!

Priscila, the graphic designer, prepares List IV by considering some changes she would like to see in her supervisor.

PRISCILA: Maybe I would say that he is not very approachable.
FACILITATOR: Mmm.
PRISCILA: I don't mean to say intimidating but . . .
FACILITATOR: Let's write down "intimidating" for now. Later we can look for a more appropriate word.
PRISCILA: [Smiles.] OK.

Eventually, after covering other topics, they return to the issue of Priscila's supervisor, who is not very approachable.

FACILITATOR: The word *intimidating*—it is incredibly important for you to tell your boss that he is intimidating—but not using the word *intimidating*, of course.
PRISCILA: [Smiles.] Of course. [Laughs.] "You are *intimidating!*"
FACILITATOR: [Laughs.] We don't want to offend him, but . . .
PRISCILA: [Smiles.] Of course, yes.
FACILITATOR: So, what is another way we could say intimidating?
PRISCILA: In a nice way?
FACILITATOR: Yes.
PRISCILA: Mmm.
FACILITATOR: Or more or less nice, and we will look for the nice way little by little.
PRISCILA: He is not very approachable.
FACILITATOR: Not very approachable . . . Excellent! Now, let's look at a way to really soften that . . .
PRISCILA: I agree.
FACILITATOR: . . . so that he doesn't get defensive. We could use examples, like: "I went to your office but I didn't dare to bother you because you seemed so busy, so I ended up deciding to not talk to you."
PRISCILA: [Nods her head in agreement several times while the facilitator is speaking.] Right.
FACILITATOR: What do you think?
PRISCILA: Perfect!
FACILITATOR: Then, could you give me some examples of when that has happened?

Before leaving Priscila, we will look at another request for change that she mentioned in her List IV, because it is a topic that subordinates bring up repeatedly, both in conflictive and normal relationships with supervisors.

PRISCILA: I think if he was more . . . when a project is successfully completely . . . if he could share some

feelings of appreciation or praise with the staff, I think that would help. I think that would help improve the work environment. Yes, I think I need more positive feedback from him!

Clip 10. Subordinate and Facilitator Discuss List IV

FACILITATOR: Now the difficult . . .
CARLOS: The difficult.
FACILITATOR: [In a lighthearted tone of voice.] Now to the difficult, the good . . .
CARLOS: The easy . . .
FACILITATOR: That which will help . . .
CARLOS: Well. [More seriously.] In this area . . .
FACILITATOR: What changes can Isaac make, so you can improve your performance?
CARLOS: I defined it in one sentence, but . . .
FACILITATOR: Yes?
CARLOS: I consider it very important, and that is for him to participate in at least one meeting with the sales department . . .
FACILITATOR: Uh-huh.
CARLOS: . . . with the end of creating a relationship similar to that which exists with the production team. Let me explain myself. I'd like him to participate . . . [Provides details.]
FACILITATOR: Anything else you'd like to see in your supervisor?
CARLOS: [Laughing.] That he doesn't change. That's all.
FACILITATOR: You had previously mentioned that you needed additional technical training. Is that something that he could support you in?
CARLOS: He's supported me, already.

Clip 11. Facilitator Listens Empathically to Veterinary Assistant

Gabriel works at a veterinary clinic. He has had a conflictive relationship with his boss, Evangelina, a veterinarian. This precaucus has required a great deal of empathic listening. Although the focus is on List IV, Gabriel and the facilitator also share some

of the topics that came up during the conversations about the other lists. We will look at what happens when Gabriel explains how he feels when the veterinarian notices only what he does wrong.

GABRIEL: [Serious.] And she reprimanded me because I did not put away one of the instruments after the surgery . . . and I felt especially bad about what she said because, well, I remember I had tried harder than usual that day . . . for everything to go as well as possible, every instrument in its place, and even to have several instruments ready for the surgery just in case. One thing leads to another. If I do something wrong she criticizes me, which makes me feel that I have disappointed her, that I have disappointed myself . . . and it can affect my attitude for the rest of the day. If I leave one speck of dust—something relatively insignificant, in my opinion—she makes a big deal about it. That I could have done it better, always, that I could have done it better! And . . . I guess that's life. You can always improve . . . [Laughs.] Sometimes achieving perfection isn't easy. That's what happens in a busy environment, without enough time to achieve all of your goals.

Gabriel continues to vent his frustration while the facilitator listens empathically.

GABRIEL: [Laughs.] I love animals, so it is easy to fall in love with a job like this. And you want everything to go well and for everything to be organized, for the animals to be in good condition . . . and there is one thing that can ruin everything that has happened that day. [Pauses and laughs.] The boss! [Long laugh.] Ah! Something I would really love to be able to change . . . the tension . . . the amount of tension that I have to put up with every day.

When there are conflicts between people, parties often like to show that they are not the only ones who have had challenges with their counterpart.

GABRIEL: She has had a lot of conflicts with other employees, and I certainly don't think I'm the only one she's had these problems with. The girl who quit—and I had to add her responsibilities to mine—she told me that one of the reasons she left—it was not only because she couldn't work in a place where the goals change every day—but also because . . .

Gabriel continues with more details and is clear about several changes he would like to suggest to his boss. For example, he thinks it would be ideal for her to use some sort of electronic device to communicate with him inside the veterinary clinic, instead of going to look for him in order to speak to him in person.

GABRIEL: [Smiling as he talks.] Well, if that were the case—using some sort of electronic device—that would mean she wouldn't have to come see me in person every time . . . [Laughs.] . . . and say this or that. [Laughs.] That would also help—to not see her as often. I hate to say it . . . [Long laugh.] . . . but usually, when she comes to see me . . . [Laughs.] . . . it's usually not something positive. [Long laugh.]

Gabriel comes up with another suggestion for Evangelina.

GABRIEL: [Serious.] Positive feedback throughout the day! [He looks down and pauses for a long time. It is clear that he does not know how to continue.] Nobody likes to be criticized non-stop all day. [Laughs.] Right? I don't think I'm the only person who thinks that. [Serious.] She is not someone who likes to give praise. It's not that she's a bad person.

It's just not part of her personality to take the time to share something motivating . . . [Smiles.] . . . or say something positive. Instead it comes more naturally for her to mention mistakes . . . and, for her, it is easy to find those mistakes. I know she appreciates me, but she doesn't show it, and for me it is important for her to show it.

Gabriel also explains that his boss is not very approachable.

GABRIEL: She doesn't like it when I disturb her. [Smiles.] She doesn't like to be bothered. But sometimes I feel I have to ask her this or that and she barks at me when I do.

At one point the facilitator encourages Gabriel, regarding List IV, to "Dare to dream!"

GABRIEL: [Laughs halfheartedly.] "Dare to dream!" [Serious.] Nobody's perfect, and I know I'm not either. There are things I know I could improve. But, when it comes to my boss . . . knowing who she is . . . it would be very hard for her to change some things—really hard! It would be hard for me . . . It is hard for anyone to change their personality. [Laughs.] But, "Dare to dream!" [He pauses and then goes on seriously.] She could give me positive feedback throughout the day, be more willing to improve communication. She is very capable of doing it when she has to deal with customers, and . . . [Smiles.] . . . she makes sure that they know how their animals are doing. I guess some people know who they have to get along with, and with whom it is not as important.

In a transformative moment, Gabriel dares to share something he did that his boss liked.

GABRIEL: She had a protocol and I added some things without changing the essential items, and the result



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The facilitator needs to remember that the parties will continue to work together after she leaves. When one of the parties is the supervisor, he will continue to be so after the joint session.

was much better. She liked it very much and even added it to the general protocols.

In mediation, it is essential for both parties to be willing to say something positive about each other. Gabriel has said many positive things about Evangelina, without being asked to. He has no problem speaking sincerely and at length about his boss's positive qualities. But at the same time, we see that his painful feelings are very vivid.

GABRIEL: [Serious.] She tries to do everything possible to be prepared, every time, for every operation, for it to have the best possible result and for the animals—who she loves and cares for very much—not to suffer. [He takes a long pause and looks down. Before speaking again, he laughs.] I know, because she also has her own animals and . . . [He closes his eyes and smiles as he shakes his head.] . . . she really loves them. You can see how much she loves them. I'm even sure that for her, I'm in a category below the animals . . . [Laughs.] . . . in terms of the affection and treatment I receive.

After some time Gabriel returns, in all seriousness, to the positive comments.

GABRIEL: Evangelina has a lot of positive qualities . . . I think I already mentioned that she is a great doctor. She's had many years of experience and if there is something she cares for above all else, it is the animals and their health. She is a very good surgeon and she is on the same level as any regular doctor. I've also had surgery, and I would trust her to operate on me, even though she doesn't have direct experience with humans. It reflects the care she gives to her animals: that precision and care . . . She can tell that something is not right one or two days before an animal has symptoms. Maybe I

am exaggerating a little, but she doesn't miss anything when it comes to an animal's well-being.

Transformative comments include both the things that a party shares about the other person and admitting his own faults, or even explaining how the conflict has impacted his own behaviors.

GABRIEL: [Serious.] One of my qualities is that I have a positive attitude in general. [He pauses and laughs before continuing.] But it cannot endure everything. [Smiles.] My boss takes it away little by little throughout the day and tends to discourage . . . at least to discourage me. [Serious.] So my attitude is often not what it could be. [He pauses, looks down, and continues in a more serious tone.] Some days I don't make the effort that I know my job deserves.

Again, we see some negative *leakage* in the following narrative.

GABRIEL: [Serious.] For example, she has a list of things that must be completed, of the things that I do every day, which is actually very useful—but it's quite rigid and inflexible.

Next, we will look at a role-play in which Gabriel prepares to share some of his feelings with Evangelina in a way that will not make her feel defensive. It was very difficult for Gabriel to express himself, and what follows is the result of much coaching and several role-plays.

GABRIEL: [Serious.] "Evangelina, something I really admire in you is . . . [Gabriel shares some things.] I wanted to tell you that sometimes when I'm working, there are things that come up, and I don't always know the best way to respond. I would like deal with these challenges in a way that would please you . . . and I wonder . . . when these things happen—and I need to ask you something or

confirm something—what would be the best way to handle these things . . . when I feel that you're busy?"

The facilitator asks Gabriel—before the first NPA pre-caucus ends—how it feels to participate in the NPA process so far, and Gabriel responds thoughtfully.

GABRIEL: [Serious.] Let's see. How do I feel participating in this process? . . . It's been useful. I've had the opportunity to vent . . . And know that something positive could happen . . . and we could discuss these issues together and talk about our concerns . . . [Smiles.] . . . our problems. It has been a positive experience for me because . . . the truth is that I have felt more comfortable talking about this than I would have thought . . . [Laughs.] . . . and I have been able to vent a lot, and I hope it has positive results and Evangelina sees it as a positive thing, and I hope I learn something from her also. And we can reach an agreement.

NPA JOINT SESSION

Finally, we examine two clips from the Negotiated Performance Appraisal's joint session.

Clip 12. Joint Session: List I

This is an example of a successful celebration of what the employee is doing well, one in which the subordinate jumps in to help the supervisor underscore the positive. We have already met Pat, the subordinate in Clip 6, who had not completed all the requested lists. At the end of the conversation, both subordinate and supervisor are happily interrupting each other, underscoring the positive.

CHRISTIAN: The dedication you've shown, your commitment, your knowledge, and how you've responded to the challenges we've placed in your way, confirm that

we made the right decision when we hired you. I'm very, very happy. Very grateful. Another thing would be your sense of humor. It is a good thing.

PAT: [Spontaneous but reserved laugh.]

CHRISTIAN: You are a person who has brought humor to the workplace . . .

PAT: [Reserved and joyful laugh.]

CHRISTIAN: . . . and that has lifted up people's spirits. That is something you didn't know, because you didn't know how we were before.

PAT: [Laugh.]

CHRISTIAN: But the work environment has changed within the management team . . . a merit that is purely yours. This all has to do with being a leader, having knowledge, and having the capacity to extend knowledge . . . to teach. When people see that, it shows them how to do something and demonstrates it. [Taps three times on the table with the hand for emphasis.] This makes it so people become aware . . . and be at peace . . . that what they are doing, they are doing well. Another thing that is important, is that you're good at . . . I've heard it—that you motivate people through your expressions, you congratulate them, you say, "Well done!" That sort of thing is something they were not accustomed to . . . hearing that sort of thing from previous supervisors. They just felt pressured, besides the inherent pressure of the job. But with that characteristic of being on top of things, and being there to provide positive feedback, well, this has given them a confidence that I hadn't seen before. I see that people are now willing to take on challenges. That's something meritorious on your part. That's what I wanted to say.

The facilitator summarizes the key points of what has been said and thus continues the process of celebration. Both participants concur with her interpretation. She has afforded them

the opportunity to continue celebrating before moving on to List II.

CHRISTIAN: I'm very pleased that Pat mentioned leadership. Sometimes one knows things but doesn't believe it.

FACILITATOR: Doesn't believe it . . . Or doesn't dare say it.

CHRISTIAN: Or doesn't dare say it. I think that is really important, Pat, that you had the confidence to say it. I believe you have the leadership capabilities that we need. That is good . . . good when you have a person next to you who is confident that what he's doing, he's doing well, and that he can move forward with the people he's managing. That is a superb, positive quality.

PAT: Yes. As you know, I've worked up through various jobs, so I feel confident in telling people, "This is the way it is," because that is the way it is! It isn't that I sort of believe something, but rather, there are facts that I know about . . . and so I have a bit of knowledge-based leadership, the experience in those things, perhaps something that might be considered routine, or small within the context of the whole enterprise, but . . . but that . . . gives me that level of leadership.

CHRISTIAN: But leadership is more than that!

PAT: Yes. It's much more than that, but with that . . .

CHRISTIAN: Yes, of course.

PAT: When someone makes a mistake . . .

CHRISTIAN: A leader . . .

PAT: However, from a technical perspective, then leadership . . .

CHRISTIAN: Absolutely. Knowledge of the material is very important, but you have a leadership ability that goes beyond knowledge. You are also a person who transmits knowledge . . .

PAT: Well, it's because I also like to explain things.



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The key to the NPA is the ability to have this conversation between supervisor and subordinate, which will clarify the needs and expectations of both parties and encourage dialogue, even when the facilitator is not there.

CHRISTIAN: You see, then. The persons you work with are anxious to learn . . .
PAT: Yes, of course.
CHRISTIAN: . . . and every time they perceive . . . that they are being taught something . . .
PAT: Uh-huh.
CHRISTIAN: . . . they absorb it and they want it. Well, that is something very good—that you have people who want to learn and a supervisor who wants to teach.
PAT: Yes.
CHRISTIAN: In the past, we've had people who guarded what they knew and waited for people to fall down so they could correct them and come to the rescue . . .

Clip 13. Joint Session: Lists III and IV

In this clip, the mediator introduces the lists. A better alternative, generally, is for the facilitator to have coached the supervisor to do so. The facilitator permits the parties to discuss both lists III and IV before asking them to narrow down the agreements. By doing so, all needs are assessed and everything is on the table.

Jason, the supervisor, gives few verbal signals—or positive minimal responses—that he is listening to Daniel. When Jason speaks, in contrast, Daniel makes sure his supervisor feels heard. Jason was instructed not to agree with Daniel on items mentioned in List III. Jason can, however, show interest by taking copious notes.

In one instance, after coming to List IV, Daniel tells Jason that he is feeling "somewhat emboldened" by the conversation. If Jason expects certain improvements from Daniel, there are changes Jason can make to facilitate the process—suggestions that would rarely be raised by a subordinate in a more traditional performance appraisal. Jason begins to reflect on the subject and realizes that he also needs to work on being a better communicator, but not before becoming a bit defensive. Facilitators need to prepare superiors to deal with defensive feelings.

For the sake of brevity, the following transcript eliminates some of the specific examples provided by Jason.

DANIEL: I knew that I was correct regarding the data-entry procedure but mentioned it in a very unassertive manner. Waldo had a different opinion, and I didn't defend mine, so his approach was taken instead. After three weeks, I brought it up again, in a more assertive fashion . . . and that is what was done! Because of the way I framed the issues, well, we permitted three weeks to go by, whereas we could have done it correctly from the beginning. I should have been more assertive. At first, I wasn't capable of convincing you, Waldo, or anyone else. It was difficult for me to finally be more assertive. The next issue where I expect to improve is in taking less time in the execution stage. I was telling Macarena that I've noticed that this job entails a lot of putting out fires. One is under constant bombardment. Which I have liked, actually. In my previous jobs, there came times when, well, I frankly had nothing to do and had to get on the Web and try and find something to do. Not here. Every minute here is used more profitably, but what does happen, however, is this "putting out fires" syndrome. I've lost my capacity to act in a more strategic way. So, that is what I mean. By the time I notice something needs to be done and get it done, much water has flowed under the bridge. I also believe I've been somewhat weak in my organizational skills. You know that this whole thing escaped my hands. I need to also increase my follow-up in terms of those whom I supervise. I prefer to give very thorough instructions and not leave until I'm sure people have understood me. Then, I can be at peace when I walk away. The challenge is that—because of the fires I'm putting out—I'm not checking people with the needed

frequency. This is where I notice that, although I thought I had given clear instructions, my subordinates end up doing things very differently from what I thought I had instructed them to do. Some of the managers don't have this problem, but others certainly do. I need to improve on my follow up. Another item . . . [Pauses and turns over a page.] I need to better manage myself, especially when it comes to time management. I need to be more proactive. I've failed to verify some critical issues. I need to set priorities, delegate, and act in more strategic ways. That is a little bit . . . where I'm coming up short. [Gestures to make it clear that he has finished his list.]

FACILITATOR: Jason, anything you have to add to Daniel's list?

Jason begins by giving an example of a difficult challenge that Daniel was able to deal with and expresses his confidence in Daniel's ability to handle the issues at hand.

DANIEL: Uh-huh.

JASON: I believe you can improve in the following matters: being responsible for a budget, as well as a monthly review process as to where we're at.

DANIEL: Uh-huh.

JASON: I believe you're capable of doing that at this point in your career. I'd like for you to keep better track of human resource costs through a computer spreadsheet. Nothing fancy. I'd like us to establish a more regular or formal communication, where I can be kept up to date with advances, costs, and so on. Maybe through that spreadsheet.

DANIEL: So we can show progress.

JASON: As indicators. I'd also like to see you come up with a timeline for each managerial team member. This way, each one of them will have clarity as to what they have to do and can carry out a self-appraisal as to how they are doing and know that they can

proceed with confidence. And all of this needs to be tied to the budget, also. [Jason continues to add items to List III, with Daniel's encouragement and give-and-take between the two.]

Jason and Daniel are now ready to address items in List IV.

FACILITATOR: Now, Daniel will read List IV.

JASON: [Smiles.] List IV?

DANIEL: [Laughs and pauses.] The truth is that I don't have much in the way of suggestions for you. Nothing but the truth. [Laughs.]

JASON: Nothing but the truth. [Laughs.]

DANIEL: But, there are two issues . . . and perhaps I'm feeling somewhat emboldened, but something from List III—the importance of organizing myself better—really depends to some degree on you. Despite the fact that I didn't come up with very specific cases . . . For example, often you've told me about important matters that were coming up with almost no notice. "Hey, such and such is on his way . . ." This sort of thing can add quite a bit of stress. Second, you've made some changes—excellent ones—but didn't notify me. So when I came back from my classes at the university, I found all of these changes and didn't know how to react to them. No one was able to explain what had happened until you arrived. This gave me a feeling of "What am I doing here?" These are the only things I could say about you . . . You are busy and just forget to tell me . . . That's all.

JASON: What was item number one, again?

The facilitator reads the summary of what was said, and Daniel notes his agreement with her understanding.

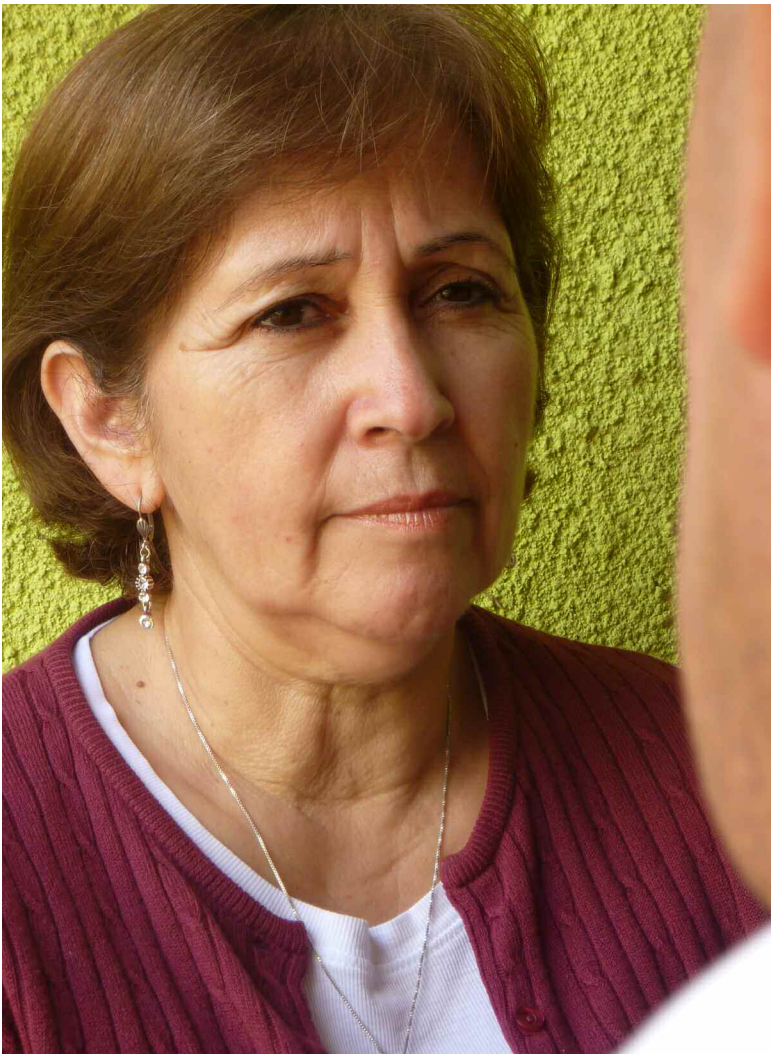
JASON: Yes . . . That's very much like me to do that. [Long pause.]

FACILITATOR: Both issues revolve around communications.
DANIEL: Yes.
JASON: I don't quite agree with the communication . . . we actually communicate a lot.
DANIEL: Uh-huh.
JASON: Sometimes you're not here, and a decision has to be made . . .
DANIEL: Yes.
JASON: We communicate a lot. We just need a more formal communication process.
DANIEL: Yes.
JASON: Such as, "How are things going?"
DANIEL: Yes, taking stock of where we are.
JASON: I'd be upset if a change is taken the wrong way . . .
DANIEL: Of course. Not at all.
JASON: I think of myself as a good communicator . . . but now I'm beginning to question myself. [Laughs.]
FACILITATOR: "Am I that good of a communicator?" [Laughs.]
DANIEL: I believe you're a good communicator but that you sometimes forget. You have a thousand things going through your mind.
JASON: Yes, this is important. We will have to be careful about this. [Laughs.]
DANIEL: [Laughs.]
JASON: I'll accept that . . . I'll accept it.

Daniel and Jason continue their jovial conversation for a while.

FACILITATOR: OK. Now we will develop a timetable of agreements by which these will be accomplished or evaluated.
DANIEL: Yeah.

The facilitator mentions the list of items on which the two men agree. Daniel notes his understanding or agreement by saying, "Yes," "Exactly," "Uh-huh," or the like. The facilitator then speaks to Daniel.



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The mediation NPA, utilized for dealing with hierarchical conflict, is usually conducted in a similar way to NPAs used for improving productivity, the main difference being an increase in empathic listening.

FACILITATOR: So, speaking about the budget, what do you suggest?

DANIEL: We need a monthly budget review: a history of what we've accomplished and what we ought to have accomplished. So, the first thing we need to do is to give order to these things through a timetable that includes when specific tasks were accomplished as well as the allocated resources. I'd suggest, Jason, that I have a monthly meeting with you in which we can review the budget. This would include a review of what has been done as well as future events. All of these could be seen in the context of the allocated budget. Hmm . . .

JASON: I've something to say.

DANIEL: Uh-huh.

JASON: We have to turn in a yearly budget by the end of February.

DANIEL: Uh-huh.

JASON: I'd like it if you could work to turn this in by the fifteenth and give us time to review it.

DANIEL: And thus say, "This is what we've agreed upon."

JASON: This is what we've agreed upon. [Bangs desk with his hand and voices a noise of explosion.] Pshhhh!

DANIEL: This means I'll have to speak to the department heads, to each one of them.

JASON: Yes.

DANIEL: But I need an assurance that they will be committed.

JASON: Absolutely.

DANIEL: Yes, then we would have the commitment of the enterprise: mine, yours, and the department heads.

JASON: But the bulk of the responsibility would fall upon you to coordinate all of this.

DANIEL: I agree to have it done by February 15 so you can have time to review it.

Jason adds specific details of what the budget needs to contain.

DANIEL: In order to accomplish that, I need for us to come to an agreement regarding some other matters ahead of time. What do I mean by that? For example, making a decision now about the investment plan . . .

JASON: Exactly . . .

DANIEL: Because what I intend to do this year, and I've conversed about this with Ulrich, and everyone . . .

JASON: Perfect.

DANIEL: . . . that we need an operations budget besides an investment budget.

JASON: Yes.

DANIEL: Then I'll need to know ahead of time our goals regarding . . . [Goes into detail on operational matters.]

JASON: Yes . . . I commit myself to get answers for you on these items, but you agree to come up with the questions.

DANIEL: Exactly. Perfect. I have a good handle on costs but not on revenues.

JASON: Yes . . .

FACILITATOR: OK, then . . . I hear an agreement, and I'll ask both of you to help me make it more detailed, so it meets your needs. You will develop a yearly budget with monthly controls.

JASON and DANIEL: [In unison.] Yes, a yearly budget with monthly controls.

JASON: And we could have the meeting the third Tuesday of each month.

FACILITATOR: Next point: having a monthly meeting in order to formalize the communication process. Is that something you want to do at the same time?

JASON: Well, we also meet every Monday of every week, so this Tuesday matter is more about the budget.

FACILITATOR: About the budget . . .

JASON: About the budget . . . Yes.

FACILITATOR: OK. Planning surrounding the visits of the external consultants.
DANIEL: Exactly.
FACILITATOR: How often do these external consultants come?
DANIEL: Look . . .
JASON: Once a month . . . or . . .
DANIEL: This isn't a problem. This is very well planned. I'm completely clear on what I have to do there.
JASON: Uh-huh.
DANIEL: As Jason says, I have to be clear on what was done, why was it done, or why was it not done, and be clear on what we will be asking from these individuals.

Beginning with the documentation of agreements, Jason provides many more affirming comments such as, "Yes" and "Uh-huh." The parties continue to hammer out specific agreements.

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14

NPA Mediation Pre-Caucus



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Véronique is a young Frenchwoman who works as a designer for the fashion industry in New York City. She was particularly sought after because of her ranking in her *école des beaux-arts,* an impeccable eye for design, and her multi-language skills. She is fluent in English, Greek, and her native French. Véronique speaks with a pleasant accent. Ysabelle is her direct supervisor, with whom she is in conflict.

This Negotiated Performance Appraisal (NPA) is almost entirely focused on empathic listening. Only after Véronique has been listened to extensively does the mediator turn to the lists.

Chapter 2 covered empathic listening at length. Remember that as long as we can remain in Phase I (*listening*—as compared to *diagnosing* or *prescribing*), individuals who are venting can progress through several stages: Stage I (*sharing*), Stage II (*exploring*), and Stage III (*discovering*). As parties move through these stages they tend to speak slower, pause more often, become

increasingly analytical, consider other narratives, explore possible solutions, and begin to discover ideas they might not have considered before—or share thoughts they might have been reticent to share with others, or with themselves.

As you read this transcript of Véronique's first pre-caucus, consider the following questions. What are the indicators that Véronique is progressing from Stage I to Stage II to Stage III? Can you identify these stages in Véronique's pre-caucus?

Which of Véronique's narratives seem to transform over time? What might be behind these changes? What are some of Véronique's self-justifying stories?

Does Véronique permit herself to see Ysabelle in human terms? How is emotional leakage manifested when Véronique attempts to speak positively about Ysabelle? How would you interpret Véronique's comment that the suggestions that she has for Ysabelle are not meant to improve just her own interaction with her, but rather, for the good of the whole shop?

What seeds may have been planted in the way of small challenges to promote positive fermentation? Does empathic listening promote exploration of other possible narratives?

What role do you think repetition plays in venting? If you were the mediator, would you have listened more, or less, before moving on to filling out lists?

In your opinion, is Véronique ready for a joint session? If not, is there room for more empathic listening during the next pre-caucus?

Can you visualize Véronique and Ysabelle not only working well together but actually becoming good friends? At one point Véronique feels the impact of an "aha moment," as to the reasons why Ysabelle might not have wanted her to take her leave. What happens to this self-narrative over the remainder of the pre-caucus?

In the previous chapters I have removed much of the repetitive comments and have greatly shortened the narratives—as in the case of Nora and Rebecca. Not here. Many will find this chapter painful to read because of its repetitive nature—despite the fact that I cut substantial portions. What follows is much more true to

the type of empathic listening that requires the mediator to be truly engaged in the narrative. Here is where the gift of being listened to permits a person who is venting to see matters more clearly.

EMPATHIC LISTENING

MEDIATOR: Good morning, Véronique. So . . . tell me . . . what's going on with . . . Ysabelle?

VÉRONIQUE: [Laughs, then speaks with a smile.] Well, it's kind of weird, because I explained to her for about a year that I would be needing time for a semi-elective eye surgery. I told her back when I applied for the job that I would be doing this.

MEDIATOR: Ok.

VÉRONIQUE: So, I have tried to time my leave as well I could, knowing that I would have to wait forever if I wanted to wait for the perfect time. It turned out not to be the best of times, as one of the other designers was in Europe at a special show. But Ysabelle knew this was coming up.

MEDIATOR: M-hm.

VÉRONIQUE: The doctor told me that I could return to work, if there were no complications, no later than two weeks. So I explained that to my boss. She said, "Sure. No problem." So, I had the surgery . . . and there *was* a complication.

MEDIATOR: Oh!

VÉRONIQUE: [Explains the complications from the surgery in some detail.] And I kept hoping I could go back to work soon, but I was in a lot of pain and discomfort. I thought, "This is going to be really difficult—going to work not feeling a hundred percent." So I called my surgeon and asked, "Do you mind if I could extend my leave a little bit more?" She told me not to return until she had had the follow-up with me, which was scheduled for

the next week. She preferred to be cautious, especially after the complications related to the procedure.

MEDIATOR: Right.

VÉRONIQUE: So I called my manager and said, "I had a surgery complication." [She brings her hand close to her face and moves it and smiles even more.] And I don't get even that much out when my boss responds [Using a gloating voice.] "I knew it! I knew you would pull this!" "Ysabelle, I'm not pulling anything. I'm just letting you know that because I had a complication they are not clearing me to go back to work yet . . . not until I see the doctor again." So . . . she wouldn't even listen to me . . . She wouldn't even let me tell her why. She never even asked me if I was OK. Instead, she interrupted me and said: "Fine. You do whatever you have to do, I have to go," after which she hung up on me! So I really didn't get to explain what I wanted to say. So, I called my HR department and was instructed to honor the doctor's recommendations. I still have not gone back to work. My doctor has not cleared me yet.

MEDIATOR: M-hm.

VÉRONIQUE: In the meantime, Ysabelle was a Facebook friend along with several of my co-workers. So I'm on Facebook updating my family in France and my friends, on my surgery, and I noticed that—it's called a wall—you can see, if you have two mutual friends, if they talk to each other.

MEDIATOR: I see.

VÉRONIQUE: So I noticed Ysabelle was talking to another one of my co-workers and explained that her own workload had now increased. "We will have to discuss our little *issue* and I spoke to the *issue* on Friday and she is giving me some big story." [Véronique doesn't smile when speaking for



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What role do you think repetition plays in venting?

Ysabelle but her smile returns when speaking for herself.] And basically, I'm the *issue*. As opposed to "It sure is inconvenient but I hope she is OK." I'm not referred to as a *she* or a person. I'm an *issue*. Like a pair of scissors, a sewing machine . . . excess thread!

MEDIATOR: M-hm.

VÉRONIQUE: It really made me feel dismissed. My first instinct on anything, as opposed to getting defensive, is to assume it's my fault. I was thinking: "I don't know how to fix this . . . She is mad at me . . . I don't like people being mad at me. And my doctor won't let me go back. I'll see if my doctor will let me go back sooner . . ."

MEDIATOR: Mmm.

VÉRONIQUE: So I went to the doctor's appointment . . . Actually I had to go sooner because I was experiencing a lot of pain. [Smiles broadly.] "No, you can't go back yet! Absolutely not!"

MEDIATOR: Mmm.

VÉRONIQUE: So I'm looking for another job, meanwhile. I'm quite concerned with possible retaliation. I spoke to HR. I was in tears and they wanted to know what was wrong. I told them about the Facebook thing and explained how Ysabelle was making me feel as if I had done something wrong. All of a sudden, two days later, Ysabelle is completely off Facebook. At first I thought she would have deleted me as a friend, which I thought would have been nice . . . which leads me to believe that she had been talked to.

MEDIATOR: M-hm.

VÉRONIQUE: She may have removed her page but I'm worried about retaliation. She may cut my trips to Paris—my mom lives in Fontainebleau, which is relatively close to our shop there, and I have been participating in a special cross-country skiing event

in Auvergne every year for the last four years—and she can otherwise make my job miserable. I've seen her do this to somebody else.

Véronique, no longer smiling, goes into detail on how Ysabelle made another of the designers despondent and defensive.

MEDIATOR: M-hm.

VÉRONIQUE: I'm trying to figure out how to be a big girl and handle all of that. Not to worry so much if things like that happen so I can function in my job . . . but be aware if it's happening . . . Do you know what I mean? That sort of fine line . . . so . . . I know she has done this to other people and she keeps getting away with it . . . [She smiles and laughs again as she completes the sentence.] . . . and I don't want to be one of her victims because I had the audacity of having surgery complications.

MEDIATOR: M-hm.

VÉRONIQUE: She felt that I should have waited for the perfect time, which is what precipitated the whole thing. I asked Ysabelle why she couldn't support me in this. [Véronique mimics a whiny voice] "Oh, I am, but you have to realize that I'm running a business." [She smiles again.] Well, I'm trying to run my life! And so, when I said I couldn't return as originally planned, it just turned into "Oh, well, Véronique is just trying to get away with something." I'm not feeling so much discriminated against as harassed. She is sort of a bully. I think she is waiting for me to mess up so she can pounce on me. [Smiles openly.] She wasn't happy I was there in the first place . . .

MEDIATOR: Hmm.

VÉRONIQUE: . . . but her boss forced her to hire me. [Pauses.] I kind of poked the tiger in the cage or something.

[Pauses and then smiles widely.] My last little—I tend to be a little passive aggressive, so my last little "stick it to the man"—I'm now cleared to go back to work this coming Monday but, as it happens, I'm scheduled for my three weeks of vacation starting next Monday. I plan to take these and have already purchased my plane tickets to return to France. Ha, ha. It's kind of my sticking my tongue out at her.

MEDIATOR: M-hm.

VÉRONIQUE: I happen to know she is one of those people who completely closes herself off and tends to say, "Uh-huh, uh-huh, uh-huh," but doesn't listen to anything that you're saying. It's like she has already made up her mind, so why discuss something with her when you don't think you're being heard . . . You don't feel you're being listened to. She sits there smiling and nodding her head . . . "I know you're going through the motion of pretending that you understand what I'm saying but you're not really hearing what I'm saying." And it's not so much that she isn't agreeing with me . . . I don't think that I'm being heard just because someone is agreeing with me, because they are taking my side or changing their mind . . . but any sort of acknowledgement as far as . . . understanding . . . or something. "Even if you don't agree with me, give me some indication that you understand what I'm saying. Or give me the opposite point of view. If I'm telling you the sky is purple, you heard me say that the sky is purple even when you know it's a different color. You may ask, 'So, why do you think the sky is purple?' Something . . . some response so I know you have heard me tell you that the sky is purple . . . As opposed to 'M-hm, m-hm, m-hm . . . [Laughs.] It's blue.'" Maybe in the evening it was purple. Maybe

I had a valid reason. I feel she is just nodding her head but telling me I'm wrong . . . And it's really interesting that it's like that, because our enterprise spends a lot of money teaching managers how to listen. [Véronique goes into further detail here.]

MEDIATOR: Yes.

VÉRONIQUE: I think what I'm really hoping for, as far as a general outcome, is to show up for work when I return from France . . . and everything is fine. That I have worked it up more in my head than in actuality. That would be perfect. I don't think that will necessarily be it . . . I think it will be rather uncomfortable. If I pretend it's not uncomfortable . . . maybe everybody else . . . I know that her frustrations have been fed to some of the other designers—I'm sure not to everybody, but some of them. So they might be uncomfortable as to how to react toward me because they have been fed all of this from her . . .

MEDIATOR: M-hm.

VÉRONIQUE: . . . so maybe if I act normal . . . maybe they will respond the same way. I do know, with the other designer that she bullied out—his reaction was to shut down and become very defensive. You could not crack a smile from him. He was rude to the clients . . . not really rude, but very abrupt . . . [With a very serious face she speaks.] It was, "What can I help you with?" Maybe if I go there and be pleasant and take their discomfort away, then they will be more apt to say, "I don't understand where the problem is," as opposed to "Ysabelle was right!" She is almost hoping that I come back ready to do battle or react in defensive ways. If I go in acting as if nothing is wrong, that will take the wind out of her sails.

MEDIATOR: Wind out of . . .

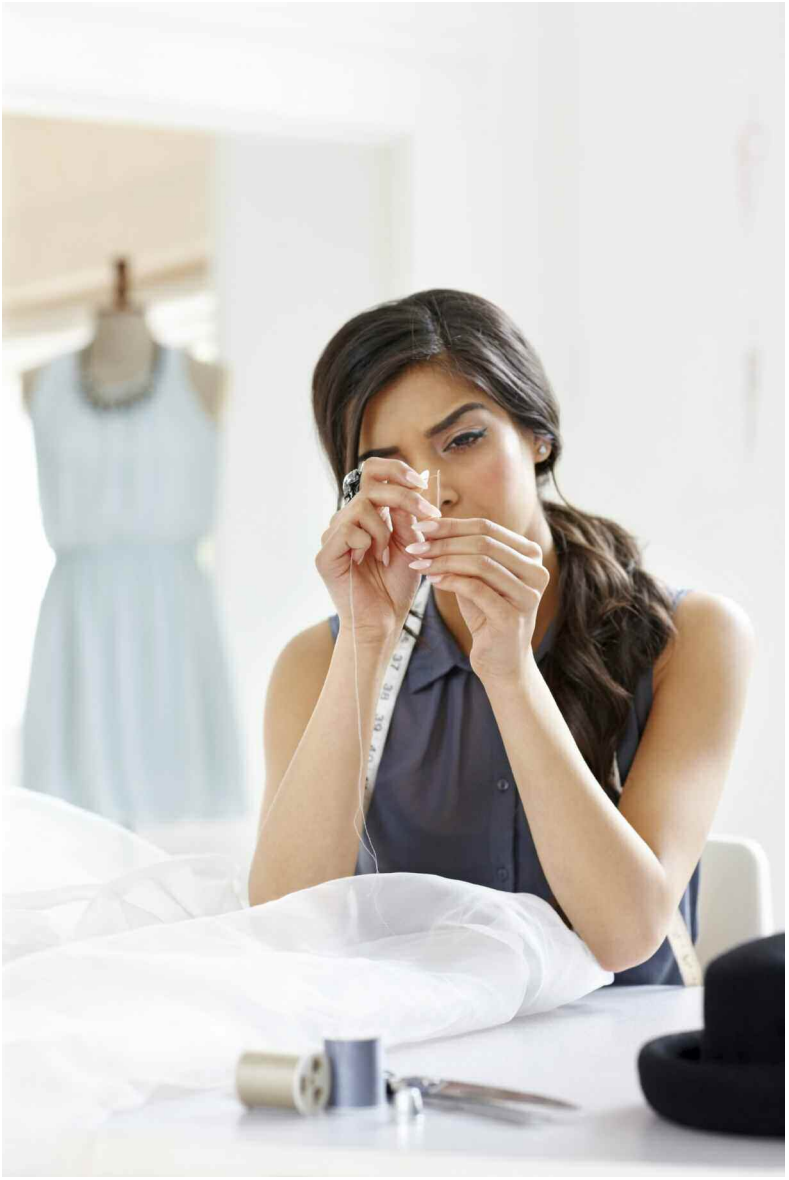
VÉRONIQUE: Yeah, I have . . . I have a tendency . . . I've noticed . . . to build things up in my head. I think a lot of people do that . . . They tend to build things up in their heads and then they get defensive about things and about what everyone around them is saying. You almost have a whole argument by yourself and stress yourself to a level that nobody else was at.

MEDIATOR: Mmm.

VÉRONIQUE: [Speaks slower, without smiling.] Yeah . . . and it's interesting because . . . I'm not sure where, exactly, I need to go . . . in terms of getting her to understand where I'm coming from. I . . . I get the impression that she—and I understand that she is running a business . . .

MEDIATOR: I understand . . .

VÉRONIQUE: . . . I understand . . . it's a business. It's not her business. She didn't create the business, but she is responsible for the New York operation. But . . . and you know . . . I have a tendency to build things way more than they need to be, in my head. If I purchase a hundred-dollar blouse I will sit most of the way, in the subway on the way home, having an argument in my head—"How will I present this to my husband?"—so that when I get home I'm, like, ready. [Laughing.] And his reaction was, "So you bought a hundred-dollar blouse." Then, I'm almost mad that he didn't care and I spent all that time getting ready to explain myself. [Laughing.] "What do you mean, I could go out and buy a hundred-dollar blouse?" [Véronique repeats herself and then in a more serious tone explains that she hopes she is blowing this whole issue out of proportion. She puts much emphasis on each of the following words.] I am so stressed out about going back to work. It's not to the point that I'm scared to go back. I'm afraid that



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"And basically, I'm an issue. Like a pair of scissors, a sewing machine . . . excess thread!"

they are going to be really negative toward me. Because my colleagues perceptions of me as "the issue" will have been affected by Ysabelle.

MEDIATOR: Mmm.

VÉRONIQUE: It's really a difficult thing to build up the courage to pretend that it was nothing. [Very seriously.] I think that when I do return to work, something that I'm going to focus on, is to just try and be me. That is, to try and do what I do best, which is be a fantastic designer and interact positively with my clients and interact positively with my co-workers and . . . [Smiles and laughs.] . . . maybe especially with those with whom I feel safer. [Serious again, speaking very slowly.] I'm concerned . . . that I'm . . . going to let it . . . almost overtake me. I'm worried about what she might have said about me, but it's possible that she didn't say anything about me. My having built up this argument in my head will literally mean I have built a wall . . . that's almost impossible to kind of break down. I'm concerned that a lot of this tension could be something that I have just created myself. "Am I creating this myself or does this actually exist?" . . . I'm . . . I'm . . . I'm just trying to . . . to figure out . . . within myself if this is an intrapersonal conflict or if it is as big a conflict as I think it is . . . before I go back to HR, before I go back to work. I think if I go back to HR before I go back to work I might look foolish . . .

MEDIATOR: Hmm.

VÉRONIQUE: What if I go to work . . . and it turns out to be bigger than what I think it is? And I should have gone to HR first and expressed those concerns? So that's like the little dance I have going on in my head. [She repeats this concern again to herself and then pauses.] It's kind of a strange little conflict.

Véronique starts to speak very, very slowly with some pauses, but doesn't say anything. After this false start she continues slowly, with fewer smiles and a little less eye contact.

VÉRONIQUE: One of the things I really think about is that Ysabelle never really wanted me to work for her. And we did get to a good place in our relationship, for a good period of time, for a good four or five months. We were friendly and chatty, and I allowed her to become a Facebook friend. You know, I didn't initially allow her there. [Smiles, then speaks normally.] I didn't understand why she wanted to be friends on Facebook when I didn't consider us friends. [Slowly.] I . . . when . . . when I was first moving out to New York, before I left France, she interviewed me over the phone and said, "Well, I don't think you're going to work out here in New York. I'm planning on promoting Heidi," and then gave me the name and contact information of another design firm. That person hired me, sight unseen, four months pregnant with my first child, knowing I was going to go on maternity leave. She still hired me, and she's still one of my closest friends. [Speaks slowly with a smile.] I absolutely adore her and I consider her like a mentor.

Véronique goes on to speak about the strong work ethic and other positive traits of this friend and former employer.

VÉRONIQUE: To this day I'm grateful she was willing to take a chance on me, four months pregnant, sight unseen, from France, recently out of the academy. The problem was the long commute to her shop. So time had gone by and I got another interview with Ysabelle. [Smiles again.] This time, I have a proven work record as a top performer . . . I have

won countless awards . . . I do my job very, very well, OK? Zero reason she shouldn't have hired me [Stops smiling.] but she had made up her mind—from our brief meetings at some of the big events since I had moved to New York four years before—that she didn't like me very much. [Véronique describes some of her personal qualities that might have turned Ysabelle off.] So right before she interviewed me, she changed the position description to include fluency in German . . . and I don't—I speak French, Greek and English, and a tiny bit of Russian and Italian. [Smiling.] So how can I argue with that? I didn't get that position even though I was extremely qualified for it. [Véronique goes on to explain how Ysabelle's boss in France reversed Ysabelle's decision and hired Véronique.]

MEDIATOR: M-hm.

VÉRONIQUE: It was my intent to be an overachiever, but Ysabelle felt I was being a showoff—trying to make the other designers, or even Ysabelle, look bad. She should have thought: "My success is your success!" [Speaks slowly.] It kind of . . . gets to the point where . . . you don't know how to speak . . . to someone who thinks like that. [Now smiling.] Who doesn't want you to succeed? [Stops smiling.] I don't know if it's a jealously thing . . . I don't know if . . . it's a sabotage thing . . . I don't know if it's a . . . I just don't know. Is it a personal thing? Where she personally doesn't want me to succeed? But, why? I feel like I just now went on a strange tangent from "We were never friends," but we did get to a point . . . where we had kind of an understanding . . . despite the fact that she was nitpicking almost everything I was doing when I got there. I decided I wouldn't lower my performance level. At some point she seems to

have come to respect that. Yet at a later point that all changed again, but I'm not sure why. [Véronique tries to analyze this matter.] Actually, I do know where it came from, I think that the turning point came mostly from . . . when I decided to seek a promotion in her department. She wanted me to take the position that that associate designer I mentioned to you before, Heidi . . .

MEDIATOR: M-hm.

VÉRONIQUE: . . . so she told me in my review that she was going to do whatever it took so I could reach that position. [Speaking slowly.] So I said OK . . . maybe she's seeing what I'm capable of . . . It was around that time when our friendship . . . not friendship, but personal understanding with each other . . . started improving. I thought she had my best interest in mind and I was going to hold her best interest in mind. [Speaking even slower.] So I started training for that position . . . on my own. I started reading, shadowing others, and paying a lot of attention . . . asking questions . . . Ysabelle knew because I told her, "I'm going to do everything possible to make this as easy as possible for this transition to occur." But part of our corporate culture is that I had to apply for the position . . . and permit others to apply for the position. That was part of the requirement . . . [Smiles.] But I was told it was mine. I put in my application and knew another person who put in his application, someone who was not as qualified as I was. But I also found out someone else was also putting in her application. It wouldn't be a promotion for her, but actually a demotion, but it would put her in a different career track.

MEDIATOR: Mmm.

VÉRONIQUE: I had already been training for the job, so I didn't consider her much of a threat. [Smiles.] Remember

I told you that Ysabelle wouldn't originally hire me because she decided to promote Heidi? Well, that's who was also applying . . . and she got the job.

MEDIATOR: Oh!

VÉRONIQUE: [Seriously.] I'm sitting there, trying to figure this out, because in my head . . . I had been training for several months for a position that I wouldn't hold. And Heidi had not been doing any of that training. And Ysabelle used the excuse: "Well, you're both equally qualified! But she also speaks German." [Véronique speaks at length about her frustration with this sudden change of circumstances. Furthermore, she was asked to train Heidi. The individual Véronique had shadowed for four months had recently taken maternity leave and Véronique was left as the expert. Véronique speaks with frustration.] Well, that sucks! And to be honest, when she's asking me to schedule my surgery at a better time, I thought, "Why in the world would I do that!" . . . Why would I sit there and take the shop's consideration before mine when the shop would not take my consideration at all? Three times she has passed me over now! Three times I have been dismissed by her! Why should I change everything so it's more convenient for her? [She waves her hand as if to interrupt herself.] I'm not used to that sort of selfish thinking—but that goes into the fact that I almost feel guilty about the fact that I had to take a medical leave, about the fact that I had a complication . . . It's because I know that the reason I chose that date was because it was more convenient for me . . . not because it was more convenient for them. And it's very hard to do things for me first . . . so . . . that's where that kind of comes from. [Véronique puts her hand close to



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"If I have done something incorrectly, and one of my subordinates brings it up, I have a tendency to try and defend it. As opposed to listening to what they are saying . . . But if I get less defensive, and listen better, I will understand it the first time that the say it."

her face and pauses. She continues seriously.] I'm wondering . . . if . . . hmm . . . if . . . hmm . . . I've done something wrong . . . you know . . . I'm just not sure . . . if . . . if I had handled it differently, and had had the surgery after my vacation. [Pauses, then laughs.] She wanted me to have the surgery *during* my vacation. She even told me, "Why can't you take vacation time!" Why would I take my vacation time instead of sick leave time? But it was more convenient for her, and I did something for me instead. And because I have such a hard time with that . . . it's hard for me to move past the guilt that I feel for not thinking of somebody else first . . . for, instead, thinking of myself first. So [Long pause, after which she rehashes much of what she has said.] I don't know if Ysabelle's frustrations are surface frustrations or if her frustrations go as deeply as mine toward her. [She again repeats some of what she has said earlier, then laughs as she speaks.] Because that is how my frustration is for her—it's soil deep.

MEDIATOR: M-hm.

VÉRONIQUE: [She again repeats much of what has been said and continues speaking seriously and slowly.] I think I'm going to take the right approach, though, to go in there and be as positive as I can and just work for myself and do what I know is right and keep my own integrity, so I think I am approaching that correctly. [Smiles and laughs as she speaks.] It's just very frustrating, thinking that somebody is mad at me . . . [Now seriously.] . . . or that I may have done something wrong . . . because I don't do well with that. I'm too much of a people pleaser. [Véronique pauses for a long time before resuming with a large smile, laughing as she speaks.] Something that's kind of funny is that I thought of getting a different position so I would never have

to face her. Just go in to work and turn in my keys and return some of my tools and that would be it.

Véronique speaks at length about actually starting to apply for another job for which she was tested. Two very qualified individuals also applied for the position, so in the end Véronique was not interviewed.

VÉRONIQUE: So, I'm wondering if somehow Ysabelle started chirping into his ear. Everyone knows everyone in this industry; nothing seems to be private. Since then, I have seen this designer twice and he wouldn't even look at me, wouldn't even come out and greet me. He normally used to come out and give me a hug and say, "Hi, how are you doing?" [Smiles.] Nothing. Now my brain is thinking, she started chirping in his ear. She knew exactly what I was applying to, and what I was doing, so my stress level of returning is that much more. It could very well be that she didn't even know I was applying for that position, but the fact of the matter is that she very well could have known and decided to sabotage that a little bit. But if she did not like me—I like to weight both sides of things—then . . . why . . . why would she try to keep me there if she didn't like me? [She repeats herself and then becomes more serious.] That was really disappointing. I really thought I was a shoe-in for that position.

MEDIATOR: M-hm.

VÉRONIQUE: The letdown was so hard! It's so hard to have that expectation and to see it in your mind as a fact, and then it is not there. That's frustrating . . . and . . . and it can get very easy to think that . . . ah . . . they are either out to get you or doing it on purpose . . . [Takes a deep breath.] . . . or there is someone who is trying to sabotage you. It really . . . gosh, it really . . .

MEDIATOR: Mmm.

VÉRONIQUE: . . . starts to grate on you . . . to have that sort of disappointment. You know, time after time after time, when all I do is show up for work and try and do a good job . . . [Véronique raises her left hand above her head and moves it back and forth.] . . . to put the very best effort all the time, to excel all the time. Every day my goal is higher than most of my co-workers. In our group meetings, when I talk about my goals, my boss rolls her eyes as if to say that my goal is ridiculously high. But that's a realistic goal for me. [Véronique talks at length about her goal-setting and then pauses, makes a face, and shakes her head.] It tends to be frustrating to work so hard and to try to have the work ethic all the time . . . [She closes her eyes for a moment as she begins to speak.] It is so much easier to follow the pack. I'm listening to myself and I almost sound like a . . . martyr or something. [Véronique begins to wonder why Ysabelle is not more supportive of her excellent performance.] Maybe she likes to have everyone at the same level of performance so she can justify the general performance . . . or left without an excuse because you have . . . [Raises her left hand.] . . . this person up here—showing that more can be accomplished.

Véronique goes on to explain that the manager should encourage even a little more effort and that, without punishing people for not reaching higher goals, could at least foment higher productivity. Instead, she explains, Ysabelle seems content with minimal performance and not rocking the boat. Véronique then repeats that she is leaving Ysabelle without excuses.]

VÉRONIQUE: Maybe she feels threatened by my performance and would rather I performed at the same level as the others, you know. But when I'm not there . . .

[She suddenly seems enlightened and jerks her head as if startled.] Which could be it . . . When I'm not there . . . the total performance is much lower because I'm beefing up the curve. [She rejoices in this discovery for some time before continuing.] But why does she . . .

MEDIATOR: Mmm.

VÉRONIQUE: . . . have to be mean to me about it? [Breaks into laughter and rejoicing.]

MEDIATOR: [Laughs.]

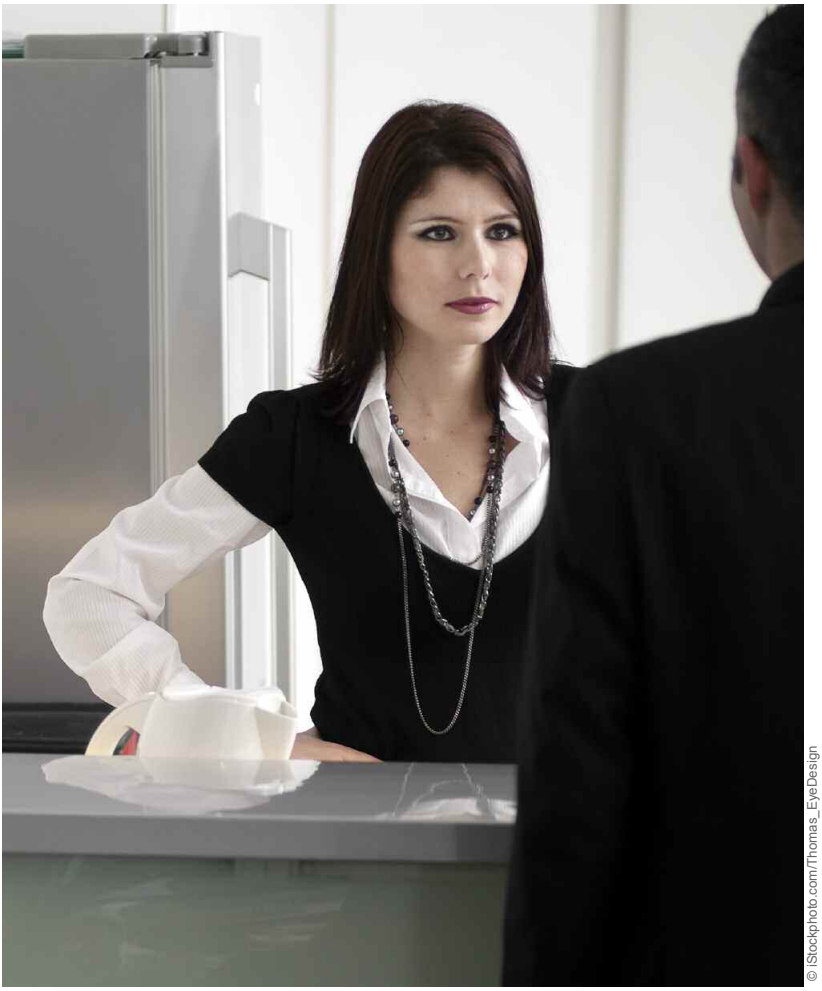
VÉRONIQUE: [Begins with a laugh but becomes serious towards the end of the sentence.] Why does she have to be so mean to me? I've seen them not promote someone before because they were doing too good of a job in their present position. [Smiling and laughing.] So what does that mean? I have to reduce my efforts if I want a promotion? [Laughing.] Well, now I am just frustrated. Now I do not know where to go. I had a realization moment that is so frustrating. That makes total sense! [She continues to relish this discovery for some time.] She just misses me. *Ooooh*, I think Ysabelle needs a *hug!* [Laughs enthusiastically.]

MEDIATOR: [Laughs.]

VÉRONIQUE: [Now more seriously, continues to explore where she is at, and that her present situation is not sustainable.] I feel she has cut off the top of my ladder.

Véronique speaks at length about her options and finding a place where she can be better appreciated. She repeats much of what she has said so far. She then talks about major life events that took her from just *existing* to *truly living*. That was when Véronique started putting more energy into a childhood interest, cross-country skiing.

VÉRONIQUE: If you get a bad haircut, your hair will grow back, but if I make a bad career move . . . I won't have



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"Even if they are yelling at me, I have gotten really, really good at . . . I call it 'talking them off the ledge.'"

money to feed my kids. Even overachievers, like me, have lost their jobs for doing stupid things. Ysabelle is constantly bringing this up, not to me, but to the whole team. Everyone is so afraid of losing their jobs. A lot of my co-workers are single. I have two children . . . [Laughs as she finishes the sentence.] . . . and my husband's job is not that well paying. And it's not cheap living in Manhattan. "How dare you hold me back"—thinking back to my aha moment—"so I won't be able to advance for my kids!" [She moves both hands from one side of her body to the other as she continues in a serious tone.] I'm very actively trying to move my whole life from *existing* to *living*. Everything about my life, and even way deeper than what we are discussing at this level . . . everything about my life. I'm completely changing everything about myself. [Véronique mentions the risks of moving to a different firm, with the economy as it is, where she would have no seniority and no protection.]

MEDIATOR: M-hm.

VÉRONIQUE: It's very frustrating. Sometimes it's hard to be brave. [Takes a deep breath.]

MEDIATOR: M-hm.

VÉRONIQUE: Sometimes it's scary to be brave—not just hard, but scary.

MEDIATOR: Right.

About ninety minutes have elapsed. Véronique is serious, speaking with somewhat diminished eye contact and more pauses. She seems to be walking this path on her own—it seems she is in a very lonely place. It is difficult to observe her pain and watch her struggle. She ceases to make eye contact and pauses frequently and at length. She speaks slowly, with little animation, and seems depressed.

VÉRONIQUE: I don't do scary very well. I tend to be very analytical with almost everything . . . So I am glad I was able to have that realization, which I will have to ponder more about later . . . But it is so frustrating . . . It was a very frustrating "aha moment." [She repeats herself and explains that it is her nature to want everyone to succeed.] I can't fathom somebody being so . . . I don't want to say evil, but so greedy, so self-centered, and so . . . [Véronique seems to silently debate with herself. She attempts to speak but has several false starts.] I know she thinks she is a good person . . . and I know there are parts of her that make her a good person. I believe she has justified, in her own head, her reasoning as to why she thinks she is right. [Pauses and makes a face while briefly glancing toward the ceiling.] I don't know if that makes sense but I really believe that she thinks in some way . . . [Véronique seems to move away from the simplistic "aha moment," listing it as only one possibility of many before continuing.] This whole project of mine—of going from existing to living—is very exhausting . . . but very important to me. [Long pause.] I almost wonder if it's even worth it. I don't know if people expect it of me, and it's not a diminished self-esteem thing. "Véronique has not done much in the sports world before, so why would she be able to participate in a two-day cross-country skiing event!" [Laughing.] And when I do these things, "Oh, wow, Véronique participated in a two-day cross-country skiing event!" [Now more present.] This year I'm going to be involved in a harder event. I plan to increase the length of the trail at Auvergne—it's about four hours from Paris—by a number of kilometers. The reason why I decided to do so, not because I have always wanted to, is because I have skied the

easier paths before. I know I can do it. Although I am not sure . . . and I'm scared . . . But there is only one way to find out . . . The bottom line is that I have an issue as far as fear is concerned. I have a fear of disappointing people. I have a fear of making people upset with me, I have a fear of failing—I have a big fear of failing. [Shakes her head.] Ugh! And that probably has a lot to do with the fact that I'm afraid of people being disappointed in me. My biggest problem with this issue is in the workplace. I have a really hard time with conflict . . . which is odd, because at work I regularly deal with clients and their issues. It's easier for me to deal with complaints when it's not something that I have done. When I tell someone I will do something, I make every effort to do so and even document the steps I've taken. "This is what was wrong. This is what we have tried. This is what we want to do for you." Everyone leaves happy.

Without warning Véronique switches back to speak about Ysabelle.

VÉRONIQUE: Wow! It feels like a parent. I'm constantly trying to please this person and I'm never able to do it. I mean, it's like a daddy complex or something. I'm constantly trying to please this manager and there is nothing I can do to make her happy. [Smiling for a moment, Véronique explains how none of the different approaches to make Ysabelle happy have worked.] And now that I've stopped trying to make her happy . . . now that I've decided, "Forget it, I'm going to try to make me happy!" [Reiterates about scheduling her surgery before her trip to Paris and the impossibility of making her supervisor happy.] I need to stop trying to please

her. [Sighs and quickly glances toward the ceiling.] It's hard, but I understand that . . . But how do I show her the respect that she deserves and still function in my job and not want to run away . . .

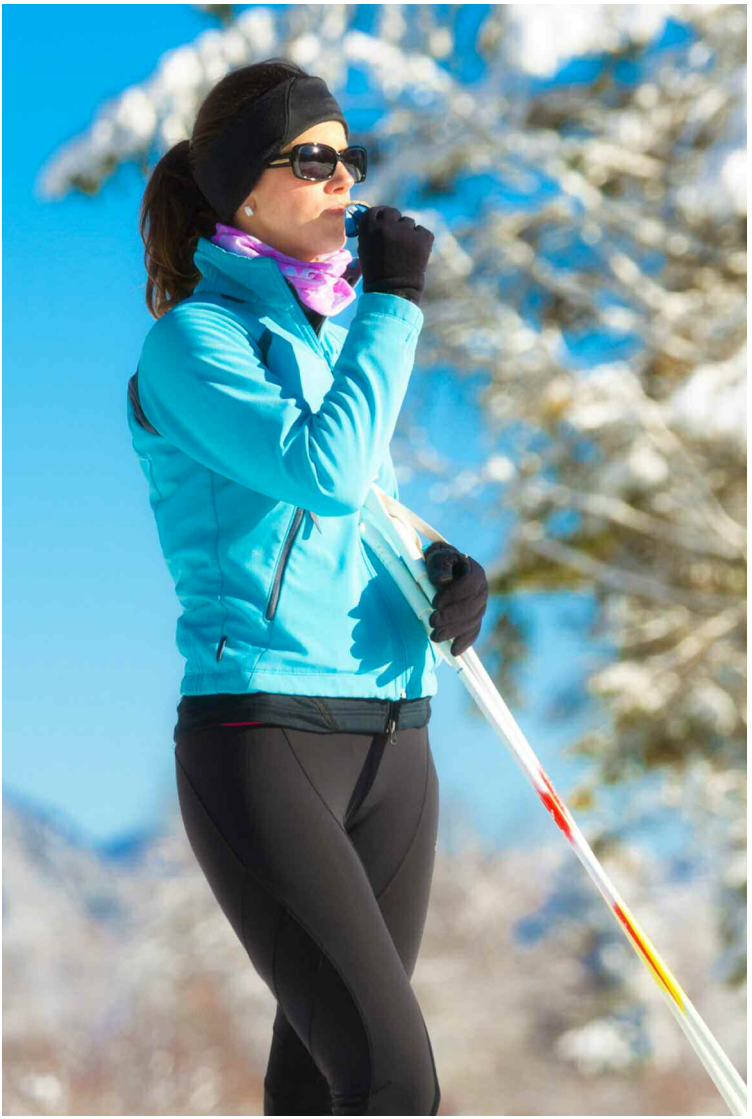
MEDIATOR: Run away.

VÉRONIQUE: . . . from the job itself . . . [Nods her head.] . . . right, and not want to find another position? I don't know why I'm still there if it's not appreciated despite all the effort and everything I do to accommodate her. [Now smiling.] Well, I'm still there because I'm afraid to go anywhere else. If I go somewhere else I may not be as successful, or I may still have problems . . . and what if the problem is me, yeah? It's really tiring to be so frustrated all the time. I don't want to disappoint . . . [Véronique lists many people she does not want to disappoint.] . . . and even myself, I don't want to disappoint myself, either. [Haltingly, she explains what disappointing herself would mean in terms of not being able to support her family. Another longer pause and then speaks very softly.] So where do you go from there? [Very long pause.] Maybe I have been going through the motions and not really facing the really scary issues and really standing up for myself. [Long pause.] You know . . . [Long pause. Véronique describes a friend who is very tall, very smart, very funny, and very vibrant. She has landed a job that pays six figures, and is phenomenally successful yet has very low self-esteem in her personal life. Véronique imagines how nice it would be to blend with her and smiles for a second.] "Then I could model." [Becoming more serious, she reemphasizes her distress about her relationship with her supervisor. After the longest pause yet, she attempts to start speaking but hesitates again.] I think that . . . when I go back to work . . . after this trip . . . [Speaking

very slowly.] that I have a good idea . . . of where my head . . .

MEDIATOR: My head.

VÉRONIQUE: . . . needs to be. When I'm on my cross-country trail . . . for example, this last year I knew there was a hill that I couldn't finish . . . It was three-quarters of the way into the second day . . . and I was the most out of shape that I'd ever been . . . so everyone was ahead of me and I was about to start this hill that had defeated me twice before . . . and one of the things that I had decided as my game plan was . . . Now—let me back up a little bit—the first year I didn't know what to expect . . . It was not a race, that was my mantra . . . "Have fun, and do as much as you can." The first day, one hour into the day, I started crying and didn't think I could finish, but didn't give up and kept going. When I got to that tough hill I told you about, I sat on the side of the trail, on a fallen tree, until a snowmobile picked me up—they had them going through the whole day, carrying supplies or helping people with their equipment and carrying food as well—and I was taken to the last rest stop. Then I skied the last hour to the finish line . . . So the second year my game plan was just, "Have fun. It's not a race, and when you get to that hill, do your best. If you can't make it, you know the snowmobile will be there." I had given myself permission that, if I needed help, the snowmobile could take me to the rest stop. And they did, because I couldn't make it . . . So, the third year—this last year—my game plan was different. [Smiles.] Because the other two had not gotten me up the hill. So, my game plan was, "You know what you can control . . . You can't control the elements. You can't control how steep the hill is." I was in better shape. I did a lot of jogging in



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"When I got to that tough hill I told you about, I sat on the side of the trail, on a fallen tree, until a snowmobile picked me up, and I was taken to the last rest stop."

Central Park, but that's still very different than cross-country skiing up and down hills. "I can control that I keep moving my legs. I can control my breathing. I can control my focus and where I keep my focus. I can control how I approach the hill. I can control whether or not I stop for rests." I ended up taking more breaks on the hill than I wanted and got rid of my pack when the snowmobile went by, but I got to the top of the hill. [Smiling.] And skiing down the other side was freaking fun, because it was a steep hill. [Becomes animated with joy.] I just shot down that hill right into that rest stop that two years before I had been given a lift into. And I was, "Ok, I was not able to do it with my pack, but I did do it!" I finished the trail without any help from anybody, other than having them take my pack. I finished the cross-country trail on my own legs. And I didn't finish it last. For an hour there were people coming in behind me. [Beams happily.] So this year, well, I'm ready to add a few kilometers. [Becomes serious.] The way I approached that hill, and the way I approached the cross-country skiing, it's how I think I need to approach work. I can't control whether or not Ysabelle likes me . . . I don't even really care if Ysabelle likes me. Because I'm pretty sure I don't like her very much. I know I don't like her very much. But I can control what I do every day and the job performance that I give every day. And I didn't get the job that was promised to me. [Smiling and laughing.] But that's probably good, because I don't like Ysabelle. And I didn't get that other job, but there probably was a good reason why I didn't get that job, too . . . So two years I didn't get up the hill. Two jobs I didn't get. So I still have to try and get up the hill with my pack . . . and I still have to try and get that promotion

that I'm trying to get. I think I need to look at it differently . . . I think I'm still trying to ski with my pack on when I just needed to let the snowmobile take it. And I think that when I return to work after my vacation, I need to take that approach—that is, that I need to control what I can control—and I need a different outlook so I can get up the hill . . . And I think that that will make a lot of difference. At least, it will be interesting to try. It's a lot less scary than saying, "Who cares? I'm just going to go someplace else." . . . Because I know a lot of the elements there. It's kind of like . . . [Takes deep breath.] . . . going to the desert and you don't know . . . [Laughs and smiles as she finished the sentence.] . . . if it's the hot season or the rainy season. [Laughing.] At least if you know how to dress . . . [Becomes serious.] . . . you can have more success in getting through it all. Yeah, I think if I take that approach it will be a lot more successful. [Very long pause.]

Two hours have expired. Véronique makes a few concluding comments, after which the mediator transitions into asking some questions.

ANYTHING POSITIVE ABOUT YSABELLE?

MEDIATOR: Is there anything positive about Ysabelle you can think of?

VÉRONIQUE: [Pauses and makes a face, then speaks seriously.] Well sure . . . I know that she . . . she . . . holds a lot of value in her Christian beliefs . . . and I have a lot of respect for that. And I have a lot of respect for the fact that she doesn't cuss . . . [Quickly glances toward the ceiling.] And I cuss like a sailor. I've actually had to show . . . [Laughs.] . . . a lot of restraint. [Continues on a more serious note.] I value the fact that she doesn't drink at all.

[Nods her head affirmatively.] She holds her beliefs and her values very highly and I have a lot of respect for that . . . I do . . . have a lot of respect for the regard she holds her friendships, because I know that she has some very close friendships that she holds above everything else. [Véronique speaks about some of the difficult challenges that Ysabelle has had to face in her life.] She has been married to the same man for decades . . . [Shakes her head right and left.] . . . and has lived in different places supporting his career. For years she took lesser jobs within the fashion industry to permit her husband to be able to concentrate on his career. So I have a lot of respect for that . . . [Smiles.] I'm not going to say any *buts* and then go into something negative . . . [Laughing.] . . . so I will just leave it at that.

MEDIATOR: Is there anything you admire in her within the fashion industry world?

VÉRONIQUE: I do admire the fact that she is driven to succeed. I'm not fond of her methods. Or the way she relates to clients. [Speaks more rapidly.] But she does have the desire to achieve goals, and she'll have an expectation and see it through. She is persistent and she gets a certain mindset and it's very hard to change her mind. Which could be very positive . . . could be very negative . . . but it could be very, very positive, too. I like the fact that she has a good working relationship with others in the fashion industry . . . with whom she can work collegially . . . and she is not afraid to make referrals when someone else can do a better job in a specific area . . . [Makes a face, then laughs.] That is about it regarding her work ethic and her work . . . that I like. It was hard even coming up with that.

THE NEGOTIATED PERFORMANCE APPRAISAL LISTS

MEDIATOR: What are some of the things you do really well at work? What are the best things you bring to the job? That is, List I.

VÉRONIQUE: [Takes a deep breath.] The thing I take the most pride in are my clients—clients who still follow me even when I was just getting started in France. Celebrity clients who will only call me if they have a problem with something, even if they are not coming in person, they are still calling me to ask questions. And I have a lot of pride that they respect my opinion and appreciate my job performance enough that they know they can still come to me . . . so that is what I think I bring to the table more than anything else, not just the ethic, but the ability to relate to my clients. [Véronique goes into more detail.]

MEDIATOR: Anything else?

VÉRONIQUE: In terms of the positives? I try and bring enthusiasm. I try to bring a positive outlook. I try to . . . [Takes a deep breath.] . . . be a cheerleader for my neighbor. I don't like to only coach negative, I like to coach positive. So, if I have somebody who could have done something better, I tell them about that, but I also tell them what they absolutely did right . . . I really think I bring a good, positive outlook. And I try and keep a positive energy around me. [Makes a face.] As far as my other co-workers are concerned.

MEDIATOR: I'm going to skip to the other lists and then come back for more positives later on.

VÉRONIQUE: Ok.

MEDIATOR: What would be something you've improved in in the last six to eight months? List II.

VÉRONIQUE: At work?

MEDIATOR: [Silently indicates an affirmative answer.]

VÉRONIQUE: [Laughs and then speaks with some irony.] Hmm. Dealing with disappointment . . . [Continues more seriously.] Well, that's sort of hard to say because . . . for several of those months I was training for a position. I think, in terms of dealing with Ysabelle is concerned . . . I have improved as far as . . . expressing myself and learned how to . . . get my point across without maybe being received as hostile. I mean, it used to be received with a lot of hostility and I've learned to project my opinion without getting that hostile reception . . . as much. [Laughs.] I'm not cured. [After a false start, she explains.] I have developed more of a crust as far as taking things personally is concerned . . . with my clients. People would come in screaming "*You* gave me a . . ." and my initial response . . . [Laughing.] "*I* didn't give you a . . ." I have really learned not to take that *you* as personally as they are saying it. What they mean is you, your fashion industry shop. "What are you, as a shop, going to do about my complaint?" Not, you as Véronique. They are frustrated with the shop, not with Véronique. I have really learned to . . . Even if they are yelling at me . . . I have gotten really, really good at . . . I call it "talking them off the ledge," . . . when someone comes in threatening to move to one of our competitors and are beside themselves. There was a man just screaming at Ysabelle, and I mean *screaming*. Ysabelle was ready to call the police. At that time we did not have a guard. He was going completely insane because . . . [Gives the reason.] Well, I'd go insane, too. Ysabelle kept saying, "We can't do anything about it, sir. We can't do anything about it, sir." She's actually on the phone, ready to call the police. And I overheard this whole thing, because I was going by, and softly approached this man and

very softly said, "May I make a suggestion to you?" He looked at me and I said, "This is not a matter of 'We don't want to help you.' This is a matter of 'We can't help you until [Explains why.]' My manager is on the phone calling the police because you're hostile. But we want to help you. Do me a favor, take my card and come in tomorrow and talk to me and we'll get it sorted out." And he did. He took my card, came back early the next day, and we got it sorted out. I took him to a private office, because Ysabelle didn't even want him on the exhibition floor and we fixed the error, and it was fixed . . . [Laughs briefly.] . . . and he was happy. And he wrote a letter. So I pride myself on the fact that I can talk people off that ledge. And I've learned to get very good at it. In summary, I've gotten very good at taking that personal assault—really, they are assaulting the shop—and instead of taking that personally, I'm trying to understand where they are coming from, and saying, "Let's fix it."

MEDIATOR: Let me ask you another question, skipping to List III. We'll come back to this one in a moment. What are some things you could improve in your job? What are things you could do better?

VÉRONIQUE: I still think I could become more skillful at not taking things so personally. I've gotten very good at it but—going back to the question—I can still be better at it. And I think that has to do with my everyday relationships with my co-workers more than my clients. But while I have gotten very good at dealing with my clients . . . I have to interact closely with many of my co-workers daily. We have a number of team projects. It's harder to maintain—to keep up—that thick skin. I need to really learn how to not be so defensive. And I actually think it would make me a better listener,

and I don't mean Ysabelle so much, it actually has to do with people who are below me. If I have done something incorrectly, and one of my subordinates brings it up, I have a tendency to try and defend it . . . as opposed to listening to what they are saying. On the flip side of that—that sounds like the type of thing that Ysabelle tends to

"I can control that I keep moving my legs, I can control my breathing, I can control my focus, and where I keep my focus, I can control how I approach the hill, I can control whether or not I stop for rests . . . The way I approached that hill, and the way I approached the cross-country skiing, it's how I think I need to approach work."



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do—there have been a lot of times when I have gone back and said, "I was thinking of what you said." [Laughing] Because I think about it. [Smiling and pointing with her right index finger as if pressing a button on the right side of her face.] And it's like I replay it . . . "I was thinking about what you were saying and you're absolutely right." Even if they are partially right, I find it important to recognize that, and point that out. But if I get less defensive, and listen better, I will understand it the first time that the say it. I could really benefit from not getting so defensive. [Laughing.] I get that sort of French temper thing going on, where I just want to . . . "Go away. OK, OK, I understand . . . go away."

MEDIATOR: Is there anything else that you can improve in your job?

VÉRONIQUE: [Makes a face followed by a long pause.] Well, that's the biggest thing. [Laughing.] I'm sure there are lots of things people could list for me.

MEDIATOR: What would . . . some of those be?

VÉRONIQUE: I don't know. That would be their own opinion. But I think most of the things I can improve on stem on my getting defensive about things. [Speaking slowly.] Otherwise . . . I would say . . . *focus*. Sometimes I lose focus. [Explains about dealing with some of the repetitive tasks.] I stop paying attention to some of the things that are going on around me. And then I'll make stupid mistakes. Really stupid mistakes. [Makes a face.] And I tend to be a little late. [Smiling.] At least a couple of minutes. Like meeting with you.

MEDIATOR: Let's go to List IV, and we will come back to List III later on. Because we also might want to consider some of the things that Ysabelle might say, what she might want you to improve. But before we do that . . .

VÉRONIQUE: [Takes a deep breath.]

MEDIATOR: . . . how would you respond to the following question, from Ysabelle: "Véronique, what changes could I, Ysabelle, make, so you could excel in this job?"

VÉRONIQUE: Well, hands down, "Just listen better." Hands down, because . . . [Moves her face with a great deal of expression.] . . . I will talk *to* her, and I feel I am talking *at* her. [Véronique bobs her head up and down.] I get that bobblehead thing, "Uh-huh, uh-huh, uh-huh." [Nods her head and puts on a fake smile.] And she usually does it with a fake smile, "Uh-huh, uh-huh, uh-huh." And a lot of blinking, as if she was processing her own thoughts . . . as opposed to processing mine. [She continues more gravely.] So I really think I could go to the bathroom and have a better conversation with the toilet paper . . . [Smiling.] . . . than talking to her. Because she is just . . . a blank face, and I really think that if she just listened and . . . and heard . . . what was being said, she would be better all around. [Moves her head in a little circle.] As a manager, for associate designers, for me, for . . . just all the way around. Because I truly, genuinely don't think . . . [Smiles briefly.] . . . that she has heard even a quarter of the things that I have ever said in the little over a year that I have worked there. I think that she tunes it out so that she can think about her own thoughts. [Enthusiastically, she emphasizes her point.] That is the number one thing. [More calmly she repeats herself.] That is the number one thing that she could do better.

Véronique asks, regarding the question she has been answering, if she should answer in general—or as it relates to herself.

MEDIATOR: What changes could Ysabelle make so you can thrive in your job?

VÉRONIQUE: Yes, listen better . . . Follow through . . . would be a very close second. Because, when . . . when . . . [Briefly laughs.] . . . when you promise something . . . it's not even a "We'll try to make this happen," or "We'll make an attempt to see if this can happen," it's [Speaks firmly and assuredly.] "That is your job! That will be your job! I am going to move heaven and earth to make that become your job." [Now laughing.] And then to find out that her friend is applying, too. [Smiling.] Forget Véronique. And even if you can't follow through with it for some reason—things do happen, and we do get a lot of clients from Germany . . . so the language thing could have been a valid reason . . . Still . . . she made a promise, and if you can't uphold a promise . . . I still think I should have had the opportunity to sit down with her and readjust how we were going to move forward . . . readjust what she was trying to do in terms of helping me reach my goals . . . because I just felt abandoned . . . and I didn't know where to go. Because I had focused so much to prepare for this new position that I knew was mine that now . . . what do I do? I mean, I really, literally felt that I had no place to go. So, follow-through is a very, very close second.

MEDIATOR: Could we say, "Keep your word?"

VÉRONIQUE: And it's not even that she needed to "keep her word." I really understand if it was that she couldn't give me the position . . . If she felt that Heidi was more qualified, that's fine. But talk to me about it . . . This is the direction . . . Communicate—that's it, communicate with me! "I'm sorry we could not give you this position." [She gestures with her palms up, a foot apart, as though weighing things on a scale.] I didn't expect

Heidi to apply for it. She is more qualified because she has the design background that I was looking for . . . and she speaks German." [Brings both hands down.] "Fine . . . now, this is what I think we need to focus on to help you! Because we weren't able to go this direction, we need to find a new path." [Gesticulates and speaks with animation, bringing her hands close to each other, with the tips of her fingers closer than the palms, pointing a direction.] Instead of, "You're on a dead-end road. Let's just leave you here at the dead-end road. [Moves her left hand away and then brings both hands back together.] "We couldn't take you down this road because Heidi took it." [Moves the right hand away.] But instead of finding me a new path . . . she just abandoned me! I just felt completely abandoned. And, and . . . dismissed. That feeling, more than anything, made me close off . . . from her. And after that, it suddenly turned into a . . . I now needed to train Heidi. Grrr. I needed to train the woman who got my job! [Smiling.] That does *not* make me happy! [Laughing.] And when I didn't want to train her, I was getting into trouble because I didn't want to train her! "*I* know how to do it. You should have hired *me*!" [Continues speaking in a more somber tone.] Yeah, that's the biggest thing, the communication . . . as far as where we need to go from here. Follow-through is good, too, but it should have been worded as communication.

MEDIATOR: Hmm. Anything else she could change that would permit you to excel?

VÉRONIQUE: [Makes a face.] Well . . . [Laughs.] . . . without doing a complete personality transplant! Not really. Maybe a little more *empathy*. She doesn't seem to be a very empathetic person . . . [After a false start, she continues.] It seems a little self-centered

> talking just about how I could excel because I really think these things would help the entire Manhattan shop excel. It would help other colleagues, not just me, but yeah, I think she really needs to show a little more empathy towards people. We don't wake up every day to a bed of honey and roses . . . sometimes bad things happen.

She begins to list incidents that some of her co-workers have recently faced in their personal lives, including the death of a spouse. Ysabelle expected the employee to return to work in a week and to act as if nothing had happened.

VÉRONIQUE: She could benefit from a good dose of empathy all the way around. [Smiling]. Then she would be perfect!

MEDIATOR: [Laughs.]

CONCLUSION OF THE PRE-CAUCUS

The mediator extensively thanks Véronique for what has been an intense two-and-a-half-hour pre-caucus. Véronique expresses gratitude for being heard.

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Appendices

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Appendix I

Cultural Differences?



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In 1993, I had my first opportunity to visit Russia as a representative of the University of California to provide assistance in the area of agricultural labor management. “Russians are a very polite people,” I had been tutored before my arrival.



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Breaking through cultural, age, or status barriers can take time and effort. The amount of exertion will depend on many factors, including the skill of the individual reaching out and how alienated and disengaged from the mainstream the person being sought feels.

One of my interpreters explained that, in Russia, a gentleman will pour *limonad* for the ladies and show other courtesies.

Toward the end of my three-week visit, I was invited out to dinner by my young Russian host and friend, Nicolai Vasilevich, and his lovely wife, Yulya. At the end of a wonderful meal, Yulya asked if I would like a banana. I politely declined, thanked her,

and explained I was most *satisfied* with the meal. But the whole while, my mind was racing: "What should I do? Should I offer her a banana, even though they are as close to her as they are to me? What is the *polite* thing to do?"

"Would *you* like a banana?" I asked Yulya.

"Yes." She smiled but made no attempt to take any of the bananas from the fruit basket.

"What now?" I thought. "Which one would you like?" I fumbled.

"That one," she said, pointing at one of the bananas. Thinking about Russian politeness, I picked up the banana Yulya had selected. It was a matter of great anguish to me whether I should hand her the banana or peel it for her. What was the polite thing to do? At length, I decided to peel the banana halfway and hand it to her. Yulya's and Nicolai's kind smiles told me I had done the right thing. After this experience, I let the world know that in Russia, gentlemen, the polite thing is to *peel the bananas for the ladies*. Sometime during my third trip, I was politely disabused of my notion.

"Oh, no, Grigorii Davidovich," a Russian graciously corrected me. "In Russia, when a man peels a banana for a lady, it means he has a *romantic* interest in her." How embarrassed I felt. Here I had been proudly telling everyone this tidbit of cultural understanding.

David, my oldest son, had occasion to travel to the Ukraine for a brief student exchange a few years later. My family subsequently had the opportunity to host a number of Ukrainian youths and adult leaders in our home. Bananas were among the popular snacks. I noticed that our Ukrainian guests were peeling the bananas from the flower end rather than the stem end. I thought, "They have never eaten a banana before!" I felt an impulse to correct our guests, but fortunately I recovered my reason. I decided, instead, to peel my own banana from the flower end. It was easier than doing so from the stem end. The banana did not care, and it tasted just as good.

Certain lessons must be learned the hard way. Some well-intended articles and presentations on cultural differences have

the potential to do more harm than good. They present, like my bananas, though perhaps less amusingly, too many generalizations—or a distorted view.

Here is an attempt to sort out some of my thoughts on cultural differences. My perspective is that of a foreign-born-and-raised Hispanic male who lived for more than four decades in the United States and has had much opportunity for international travel and cultural exchange.

Besides being a native Chilean, I have met, taught, been taught by, roomed with, studied with, worked for, worked with, been supervised by, supervised, conducted research on, and been friends with Hispanics from every social class and almost every Spanish-speaking country in the world.

Frequent generalizations about the Hispanic culture include claims that Hispanics need less personal space, make less eye contact, touch each other more in conversation, and are less likely to participate during a meeting. Stereotypes are often dangerously wrong and can lead to contention. This is especially so when accompanied by recommendations such as: move closer when talking to Hispanics, make more physical contact, do not expect participation, and so on.

Commonality of Humankind

Differences *among* the people of any given nation or culture are much greater than differences *between* groups. Education, social standing, religion, personality, belief structure, past experience, affection shown in the home, and countless other factors influence human behavior and culture.

While waiting for a flight, I noticed a man speaking on the telephone near the terminal gate I was in. My curiosity was piqued because he appeared to be Russian. Despite the distance between us, I thought I heard a word in that beautiful language now and again. When I heard the word человек (person) my hunch was confirmed. I wanted to practice my three words in Russian with him, and the opportunity presented itself twenty minutes later, when he walked by me.

"Доброе утро!" (Good morning!), I said.



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In Russia, women often walk arm-in-arm with their female friends. In Chile, women regularly greet both women and men with a kiss on the cheek. In some cultures, "yes" means "I hear you" more than "I agree."

"How did you know?" asked the Russian in disbelief as he turned to look at me. We had a pleasant conversation. I was sad to say goodbye when it was my turn to board the plane. He informed me there was another Russian flying on the plane with

me. After boarding the aircraft and taking my seat, I realized the coincidence as I was seated next to the other Russian.

I greeted him enthusiastically, "Доброе утро!"

"Доброе утро," he responded, uninterested, without even looking up from the book he was reading. End of conversation.

Some have felt that by focusing on commonality, I am minimizing real distinctions among people. Certainly, there is a place for studies that focus on differences. Deborah Tannen, for instance, weighs in on the dissimilarities between the sexes: "Pretending that women and men are the same hurts women . . . It also hurts men who, with good intentions, speak to women as they would to men, and are nonplussed when their words don't work as they expected, or even spark resentment and anger." Furthermore, Tannen says, "The risk of ignoring differences is greater than the danger of naming them."[1]

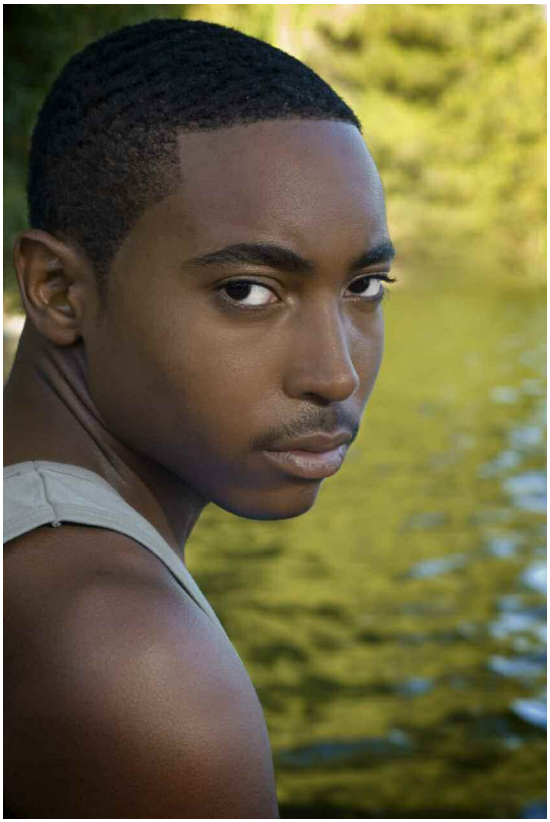
I am an avid reader of Tannen's writings.[2, 3] I certainly would encourage continued studies about cultural and gender divergences. Published research on the latter currently seems to be more up-to-date.

In carrying out my own studies, I have come across a substantial number of individuals who explain how they conform to some of the stereotypes of their nationality, subculture, or gender, but not to others.

While there are real cultural variations to be found everywhere—organizational cultures, family cultures, religious cultures, urban cultures, and sport cultures, just to name a few—it is dangerous to act on generalizations.

Surely there are differing approaches as to what is considered polite and appropriate behavior on and off the job, including:

- Length of pleasantries and greetings before getting down to business
- Level of tolerance for someone speaking a foreign language
- Loudness of conversations in restaurants or public places (i.e., appropriateness of attracting attention to oneself)
- Politeness, measured in terms of gallantry or etiquette (e.g., men standing up for a woman who approaches a table, yielding a seat on a bus to an older person, etc.)



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While there are real cultural variations to be found everywhere, there is a danger in acting on generalizations about such matters as eye contact, personal space, touch, and interest in participation.

- Style of dress
- Method of food preparation
- Taste in music

In México it is customary for the person who is *arriving* to greet others. Someone who walks into a group of people who are eating would say "*¡Provecho!*" (enjoy your meal). In Chile,



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Differences among the people of any given nation or culture are much greater than differences between groups.

women regularly greet both women and men with a kiss on the cheek. In Russia, women often walk arm-in-arm with their female friends. In some cultures, "yes" means "I hear you" more than "I agree."

Paying attention to customs and cultural differences can give someone outside a culture a better chance of assimilation or acceptance. Ignoring differences can get an unsuspecting person into trouble.

There *are* cultural and ideological differences, and it is good to have an understanding of a culture's customs and ways. However, acting on stereotypes about such matters as eye contact, interest in participation, personal space, and touch can have serious negative consequences.

CROSS-CULTURAL AND STATUS BARRIERS

Sometimes, assertions about cultural differences are based on scientific observation. Michael Argyle cites several studies on nonverbal communication that indicate Latin Americans make more eye contact, face each other more, and touch more when they speak.[2] Strong eye contact by Hispanics generally goes along with my observations. If Hispanics face each other more, it is probably because of the desire for eye contact.

I have been married since 1976 to a Californian of Northern European descent—and with a Canadian connection. My wife now realizes that I need to have eye contact while we converse. If she is reading, for example, she has learned that I stop speaking when she breaks eye contact with me. My children still give me a hard time about the year my mother came to visit and we drove to Yosemite National Park. They were all panicked because I kept looking at my mother as I drove. They felt I was not looking at the road enough and would drive off a cliff.

The eyes reflect so much of what a person is feeling. Eyes reveal both liking and genuine interest. While voice tonal qualities convey a large amount of information, the eyes provide key additional data.

Occasionally, I have found an individual who avoids eye contact, but this is the exception rather than the rule. Within some Hispanic subcultures, individuals tend to avoid eye contact when their personal space is violated, as when they are greeting another person. However, in other Hispanic subcultures, strong eye contact is maintained in similar circumstances.

Avoidance of eye contact is partly a factor of shyness, partly a measure of how safe one person feels around another, and partly an expression of norms surrounding power differential in certain subcultures.

This is not to say that one can count on any sort of uniformity. I am acquainted with a successful Mexican American attorney who was taught by her mother—through verbal instruction and example—to avoid eye contact with unfamiliar men as a matter of modesty. She grew up in humble circumstances within a religious family on a *rancho* in México. In contrast, I interviewed



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Eyes reveal both liking and genuine interest. While voice tonal qualities convey a large amount of information, the eyes provide key additional data.

a Mexican woman, also from the *rancho*, who had neither received this type of instruction nor heard of anyone who had.

Reasons for reduced eye contact, then, may include: (1) multitasking (e.g., reading or driving while carrying on a conversation), (2) shyness, (3) flirting, (4) modesty, (5) acknowledgment that body space has been violated (sometimes called *interpersonal overload*), (6) intimidation, (7) depression, (8) anxiety, (9) dislike, and (10) embarrassment.

As for point six, it is true that in some subcultures individuals learn to avoid eye contact as a sign of respect for people with more power or authority. These traditions, however, create artificial barriers. I had the chance to attend a speech on cultural differences presented by an American scholar who explained that this deferential lack of eye contact was the rule in certain Andean areas. Years later, I traveled to one of those areas and had absolutely no problem making sustained eye contact with the people. In a trip to Africa, I noticed that when the non-African manager spoke to one of his African mid-level managers, the latter looked down. As soon as this same mid-level manager left the room and communicated with his own African subordinates, he had no problem making eye contact. None of his subordinates lowered their gaze.

Cross-cultural observations can easily be tainted by other factors. Perceived status differences can create barriers between cultures and even within organizations. Individuals encountering this status differential must show, by word and action, that they value the potential contributions of others.

People who are in positions of authority—or *privilege*—must remember that each time they speak with someone, they are consciously or unconsciously transmitting either feelings of superiority or feelings of equality.

Social or Racial Differences

Social or racial differences can also create artificial barriers. Only through equal respect between races and nations can we achieve positive international relations in this global economy (as well as peace in our own countries, places of employment, and

homes). Cultural and ethnic stereotypes do not encourage this type of equality.

Assertions that people of some cultures do not want to work, are lazy, or are not interested in participating or giving their opinion are divisive. Although it is possible that these characteristics occasionally may present themselves superficially, they are only artificial barriers that can be shattered.

I know a man who teaches welding at a prison in Southern Chile. He has won over the inmates that participate in his workshops with compassion, kindness, and intelligence. He demands respect from his students but also treats them with equality and consideration. I have not gotten my hopes up too high that their recidivism will be conquered—because they must overcome crushing obstacles—but if some of them are successfully rehabilitated, what a positive impact it could have, not only on them but on their families and on society! This teacher has made me think about the impact that one individual who refuses to accept stereotypes can have.

In another example, adult Spanish-speaking farm workers say nothing to their English-speaking instructor over a three-day period—even though they do not understand what is being taught. The same group of farm workers, when given a chance to be active participants in the learning process, become, in the words of a second English-speaking instructor at the same junior college, "the best class of students I have ever taught."

Elsewhere, an Anglo-Saxon adult educator finds that Hispanics are apt to listen politely but not ask questions. He advises others not to expect much participation from Hispanics. A Hispanic instructor wonders if the Hispanic farm workers she teaches decline to participate in class discussions because she is a woman. The former instructor perceives that the lack of participation is inherent in the Hispanic population; the latter assumes that her gender is the cause.

Meanwhile, other Hispanic instructors—male and female—create so much enthusiasm and active participation by Hispanic audiences that those who walk by their conference rooms wonder what is going on. It is not just a cultural difference if someone



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Observations on cultural differences are often based on our own weakness, and reflect our inability to connect with others.

can totally involve a group in a discussion within ten minutes, even when that group has had little experience with a more participatory method in the past.

I have seen several situations in which, through a word of encouragement and clear feedback, people who were on the verge of being fired have become effective, committed, and valued employees. I have also seen managers destroy any desire for success in others and instead reward apathy.

Meaning of Words

Language barriers can also cause misunderstandings between people. When I thought I had asked a Hispanic woman, "Are you sad?" she became indignant. The word in Spanish for sadness that I used, *pena*, also means "shame" in some countries. Words with similar roots have at times evolved to have very different meanings.

When a young woman who did not speak fluently was encouraged by her supervisor to address a group in Spanish, she told the audience: "*¡Estoy muy embarazada!*" She thought she was saying, "I'm very embarrassed," but instead she said, "I'm very pregnant." She then pointed to the man who had invited her to speak and added: "*¡Y toda la culpa es de él!*" (And it's all his fault!)

Meaning of Punctuality

Punctuality also has cultural connotations. But sometimes, it is only a question of communicating. During a visit to Brazil, an expert on multicultural issues came up with a clever way of determining the necessary punctuality for different engagements. When he got an affirmative response to the question "Brazilian time?" he knew he could be late. It did not mean that Brazilians do not know how to be punctual. When more strict punctuality was required he would make plans using the terms "*hora alemã*" (German time) or "*hora inglesa*" (English time).

At some official ceremonies in Japan, punctuality can be even more exacting. A group of foreign visitors received an invitation to attend a reception for a Japanese dignitary. At the time set for

the ceremony to begin, the doors were closed and those who had not yet arrived were prevented from entering.[4]

I have noticed that, regardless of the person's country or culture, punctuality is practically a lost virtue. Punctual people are the exception.

Touch

I do not believe that Hispanics touch more, except during greetings. One of the studies described by Argyle suggests that Latin Americans stand closer than North Americans (something that goes contrary to my observations) but that there are regional variations. Argyle asserts that there are few genuine cross-cultural studies of spatial behavior. Interestingly, yet another study showed that "middle-class Americans actually touched quite a lot" and that the U.S. is more of a contact culture than people think.[5]

For a long time I was also guilty of broad generalizations about those born in the States. While I have not conquered this disagreeable human inclination, I feel I am beginning to see the way. Often, observations of cultural differences are based on *our own weaknesses* and reflect our inability to connect with others.

As a young man I found myself in an almost entirely Anglo-Saxon community in New Canaan, Connecticut. I remember that on several occasions I felt my personal space was being invaded and wondered how Anglo-Saxon men could tolerate being so close to each other. After all these years, I still feel uncomfortable sitting as close to other men as is often dictated by chair arrangements in the U.S. I am not the exception that proves the rule. Immigrants from México and Iran have mentioned feeling the same way.

Jill Heiken, an HRnet forum participant, explained her learning process this way: "I've taught ESL to many different nationalities and lived in rooming situations with people from all nations and lived in Japan and Cambodia . . . It took me a long time not to generalize, and now when I hear others doing so . . . I know they are just beginning to 'wade in the river,' so to speak, of intercultural relations."

Participation in Decision-making

At times it may appear that some people, especially when there are social or ethnic differences, do not participate and interact easily. They hesitate not because they have no ideas to contribute but, rather, because they need a little convincing that their opinions are valued. Once the floodgate is opened, the thoughts flow.

In some subcultures, once a person has given an opinion in a group setting, others are unlikely to contradict it. There are organizational boards whose members are asked for opinions in order of reverse seniority, thus increasing the chances that all members will speak freely. Certainly, setting up the discussion from the outset as one in which the opinions of all present are welcome can be very fruitful.

Historically, citizens of the U.S. have been welcome in most of the predominately Hispanic-populated countries in the Americas. With a few exceptions, they are looked up to and treated deferentially. This polite treatment should not be mistaken for weakness, disinterest, or subservience. Studies conducted decades ago showed African American children preferred to play with dolls that had Caucasian features. This has been changing, as African Americans are less likely to discount their own contributions.[6]

I believe Hispanics, Asians, and other ethnic minorities are also valuing their contributions more than in the past, and subservient behaviors are less likely to be observed.

Like ocean currents, cultural changes are always on the move. Significant differences can sometimes be observed from one year to the next.

INTERPERSONAL COMMUNICATION

There are important speech pattern variations, including the speed of speech, intonation, clues that indicate it is the other person's turn to speak, degree of enthusiasm, use of questions to engage others in conversation, and value of silence. For instance, while one person might ask questions in an effort to keep a

conversation going or as a way to show positive regard, another individual may interpret the questioning as an interrogation tactic. Discourse analysis scholars often speak of these types of interpersonal miscommunications as having cultural or sex-based origins. In addition to the writings of Deborah Tannen, I particularly recommend the works of Daniel N. Maltz and Ruth A. Borker on discourse analysis.[7]

Stella Ting-Toomey speaks about distinctions among cultures and suggests that we adopt a sort of *mindful stereotyping* when we approach situations by keeping in mind what we know about a culture. She cautions us to do so tentatively, while remaining receptive to data that may well contradict previously held notions and shatter the stereotypes.[8] Unfortunately, I find that many of Ting-Toomey's observations are stereotypical.

Much better, John Winslade and Gerald Monk suggest a stance of *deliberate ignorance*. They caution, "Never assume that [you] understand the meaning of an action, an event, or a word."[9] This is excellent advice for improving interpersonal communication skills.

CONCLUSIONS

Stereotyping can yield intense feelings of dislike and alienation. Faye Lee, a concerned Japanese American, wrote to me after reading an earlier edition of this analysis: "How anyone can try to make generalizations about an entire continent of people, plus all the Asian Americans, and the infinite permutations of people's differing experiences, is beyond me."

As we interact with others of a different culture or gender, there are no good substitutes for receptiveness to interpersonal feedback, good observation skills, effective questions, and some old-fashioned horse sense. There is much to be gained by observing how people of the same culture interact with each other. Do not be afraid to ask questions. Most people respond positively to inquiries about their culture. The key is to ask a variety of people so you can get a balanced view.



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There are real differences between nations that grant us identity.

Furthermore, it does not hurt to imitate—or at the very least be aware of—the interpersonal communication patterns we observe in others with whom we are communicating.

Making a genuine effort to find the historical, literary, and cultural contributions of a society; learning a few polite expressions in another person's language; and showing appreciation for the food and music of another culture can have especially positive effects.



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Paying attention to customs and cultural differences can give someone foreign to that culture a better opportunity to assimilate or be accepted. Ignoring them can cause unnecessary problems.

My contention, then, is not that there are no cultural differences. Variances between cultures and peoples are real and can add richness—and humor—to the fabric of life. My assertion is that people everywhere have much in common, such as their need for affiliation, love, participation, and contribution. When the superficial exterior is peeled off, there are not so many differences after all.

Of course, in some instances we are not talking about cultural differences, but rather about historical cases of unearned privilege—such as the expectation that certain individuals lower their gaze or show other subservient behaviors. Even though the road toward equality and mutual respect is long, I see many signs that make me hopeful. Breaking through cultural, age, or status barriers can take time and effort. The difficulty of succeeding will depend on many factors, including the skill of the individual reaching out and the degree of alienation and disengagement from the mainstream felt by the person being sought out.

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Appendix II

Contributions of Caucusing and Pre-Caucusing to Mediation

Wherever choices exist, there is potential for disagreement. Such differences, when handled properly, can result in richer, more effective, creative solutions. But, alas, it is difficult to consistently turn differences into opportunities. When disagreement is poorly dealt with, the outcome can be *contention*. Contention creates a sense of psychological distance between people, such as feelings of dislike, alienation, and disregard. Such feelings can get in the way of effective communication and resolution of even the most minute perceived differences (Billikopf 2000).

Deep-seated interpersonal conflict requires an enormous amount of skill to mediate, even when the best of present-day theory is put into practice by trained and skilled mediators. Yet others who may have little mediation training, such as facilitators, may at times find themselves in the role of mediator.

Despite years of experience as an admired and skillful facilitator, a colleague confessed that mediation required specialized skills. He described a recent intervention as a *third-party neutral*, one in which he felt thrown into a lion's den. The parties became involved in an ugly escalation right in front of him. As a mediator, he felt impotent to help and was even threatened by one irate party.

There are a number of subtle differences between what facilitators and mediators do. Although they both draw from a

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subset of common tools, there are important distinctions. Generally speaking, facilitators tend to help groups through the process of problem solving and creative decision making. Mediators often deal with disputants who may be more openly antagonistic towards each other.

Facilitators, in many cases, work with situations in which people may not know the way but are excited about finding a common direction. Mediators, in contrast, often work with those who have lost faith in the other party as well as any hope of resolving the challenges in a mutually positive or amicable fashion. Having made such broad generalizations, it is important to note that individual mediators and facilitators vary enormously both in philosophy and approach.

There are times when interpersonal conflict may force a facilitator to concentrate on individual or group antagonisms. At times like this, the facilitator may benefit from additional mediation skills.

The focus of this paper is on the contributions of caucusing as a mediation tool and, more specifically, the use of pre-caucusing (or pre-mediation). In caucusing, the third-party neutral meets separately with each disputant, in the absence of the other contending party. In pre-caucusing, these separate meetings take place before the mediator brings the contenders into a joint session (Billikopf 1994; Billikopf 2000).

While countless factors are involved in successful mediation, some are so compelling that they may be called pillars of mediation. Pre-caucusing may well be such a pillar.

With notable exceptions, caucusing has received a somewhat uneven and often shallow treatment in the literature. Little is said explicitly about pre-caucusing. Certain value assumptions about mediation further complicate some of the controversy surrounding the topic. One of the most important of these values involves mediator choice between a *transformative* (Bush & Folger 1994) and a more traditional *directive* mediation.

The *directive* approach tends to focus on finding an acceptable agreement—one that may involve *settling* or *compromising*—between the contending parties. It is sometimes called directive

because of the large amount of power and responsibility placed on the mediator. Some mediators may come close to acting as arbitrators, imposing a solution on the participants. Of course, mediators do not normally start out thinking that they will impose a solution. As situations become more difficult and emotional, however, it is increasingly likely that directive tactics will be utilized (Bush & Folger 1994; Folger, Marshall, & Stutman 1997; Lewicki et al., 1994).

Transformative mediation (1) allows parties to retain maximum control over the process; (2) creates an atmosphere in which disputants can begin to connect interpersonally (i.e., provide mutual recognition or support); (3) helps contenders become better negotiators and reduce dependence on neutrals; and (4) seeks solutions that are based on a careful understanding of the problem, rather than rushing into agreements that may be short-lived.

A study on self-esteem found that people prefer conflict management situations in which they have added control over the results, even when such control may mean making greater concessions (Swann 1996). My own preference towards transformative mediation affects how I see and utilize caucusing.

We shall first review what is said about pre-caucusing in the literature. The positive and negative attributes often associated with caucusing, and, particularly, the special contribution played by pre-caucusing, are mentioned next. Examples of pre-caucusing are drawn from my involvement as a researcher and mediation practitioner in organizational settings.

Pre-Caucusing in the Literature

Little is said in the literature about either pre-caucusing or the timing of caucusing in general. For instance, Moore suggests, "Mediators should take care not to schedule caucuses prematurely, when parties are still capable of working productively in joint session, nor too late, after unproductive hostile exchanges or actions have hardened positions" (1996, p. 320).

Bush and Folger are more explicit about the benefits of early caucusing: "Exploring delicate relational issues and laying further

groundwork for recognition is sometimes easier in caucus, especially in the early stages of the process. Parties often find it difficult at first to give recognition directly to the other party, because it is difficult to give recognition to another person when feeling vulnerable oneself" (1994, p. 153). Having said that, however, they warn that breaking into caucus too early may interrupt the "transformative momentum" or positive conversation flow between disputants that may involve positive acts of mutual recognition (Bush & Folger 1994, p. 271).

There is one veiled reference to pre-caucusing, mentioned almost as an aside by Folger, Marshall, and Stutman. In a sidebar case, a mediator was using computer technology as an aid to conflict resolution. The mediator is reported to have met with the parties "separately prior to the session to help them clarify their needs and positions" (1997, p. 285).

Volkema comes close to suggesting a pre-caucus: "The first contact between the mediator and the contenders provides the first opportunity to establish public images. If this contact is between the mediator and one other person, only two identities need to be negotiated, although groundwork for others can be laid at the same time" (1988, p. 8).

Winslade and Monk (2000) are clear proponents of the pre-caucus, especially in cases involving entrenched disputes, although they studiously avoid the word *caucus*, given its negative associations:

> One of the first steps we prefer to take in a mediation is to meet with each of the parties separately . . . In our experience, it is in these separate meetings that a lot of the major work of the mediator is done . . . the separate meetings are a venue for significant developments in the mediation as a whole, not an optional adjunct to the process, to be used only when things are getting sticky. In our approach, they are central to what gets achieved. (2000, p. 137)

Despite Winslade and Monk's use of the pre-caucus, I found they failed to take advantage of all of the pre-caucus's transformative possibilities. In the joint session, parties tend to address the mediator rather than each other. In fairness to

Winslade and Monk, this happens even in the approach used by Bush and Folger (1994).

Positive Contributions of Caucusing

Positive attributes usually associated with caucusing include: deciding whether to bring the disputants together into a joint session (Moore 1987; Moore 1996); giving the opportunity for contenders to vent (Blades 1984; Emery & Jackson 1989; Hobbs 1999; Hohlt 1996; Moore 1987; Moore 1996; Pruitt et al. 1989; Welton, Pruitt, & McGillicuddy 1988); helping each party feel understood by the mediator (Emery & Jackson 1989; Hobbs 1999; Hohlt 1996; Moore 1987; Moore 1996; Pruitt et al. 1989; Volkema 1988; Welton, Pruitt, & McGillicuddy 1988); exploring positions and needs (Blades 1984; Castrey & Castrey 1987; Emery & Jackson 1989; Hobbs 1999; Hohlt 1996; Moore 1987; Moore 1996; Pruitt et al. 1989; Volkema 1988; Welton, Pruitt, & McGillicuddy 1988); reminding parties of the benefits of mediation (Moore 1987; Moore 1996; Volkema 1988); coaching parties on effective communication and negotiation techniques (Hobbs 1999; Moore 1987; Moore 1996; Volkema 1988); and appealing to parties' higher principles (Blades, 1984; Hobbs 1999; Hohlt 1996; Moore 1987; Moore 1996; Pruitt et al. 1989; Volkema 1988; Welton, Pruitt, & McGillicuddy 1988; Winslade & Monk 2000).

Each of the next several sections (1) presents a key decision or outcome of mediation, then (2) underscores the contributions of caucusing followed by (3) the additional benefits of pre-caucusing.

Deciding to Bring Parties Together

The ideal is to bring the disputants together so they can make a joint decision and retain maximum control over the situation. An important outcome of effective mediation is to enable contenders to handle future challenges without a mediator.

While the results of mediation can be markedly superior to those obtained through other third-party interventions (such as arbitration), this is not necessarily so with substandard mediation

(Castrey & Castrey 1987). When things go wrong in mediation, parties may take advantage of the sense of safety they feel in order to escalate the contention to even higher levels than before. It is possible that the mediator can do *more harm than good* by bringing the parties together.

Contributions of Caucusing

Moore suggests that a mediator may use caucusing to deal with relationship problems and that at times a neutral third party may want to "discourage or prevent the parties from returning to joint session . . . when extremely strong emotions [might] be a major stumbling block to further negotiations" (1987, p. 88).

Further Contributions of Pre-Caucusing

A central aim of the pre-caucus is for the mediator to assess the potential benefits and harm of bringing contenders together, before any damage is done. When contention is allowed to come into the mediation session, the opportunity for disputants to start with a clean slate is compromised. Emotional escalation, as Moore (1987) suggests, may also have a negative effect on reaching agreement.

In one of my early efforts as a mediator, a manager not only refused to look at his assistant in the joint session but turned his chair so as to present his back to her. After this experience I developed a litmus test to better help me gauge the likelihood that a joint session would be successful: asking a party for what he or she values in the other (Billikopf 2000). This question is telling because people involved in deep-seated conflict may have trouble finding anything positive to say about each other (Bush & Folger 1994). This is not a question to ask at the outset, as parties may be in too much pain to see very clearly. Nor should the mediator take the first negative expression as final. (For additional tests, see Lewicki et al. 1994, p. 360–361.)

In one difficult case, a top manager could not make a single positive remark about a subordinate, despite the positive things that had been said about him. I shared with the top manager my experience that there was little likelihood of mediation success

when an individual could find nothing positive to say about another and suggested a short break. When we resumed our conversation, the recalcitrant manager was waiting for me with a list of sincere, positive feelings about the other party.

Opportunity to Vent

> Two couples sat on either side of the table, glaring hostilely at each other. At the head of the table, a schoolteacher in her thirties was explaining the service. "First you, Mr. and Mrs. A, will have a chance to tell your side of the story and Mr. and Mrs. Z will listen quietly. Then you, Mr. and Mrs. Z, will have the same opportunity. After that we will discuss the situation and try to find a way to resolve it." . . . While each side was telling its story, there were outbursts from the other of "that's not true" or "wait a minute," which the mediator strove to contain. (Pruitt et al. 1989, p. 202)

Mediators often struggle unsuccessfully to maintain control over conflict escalation. Early joint session phases—in which parties share their stories, come up with ground rules, or begin to interact—frequently lead to unconstructive exchanges. "After each parent has voiced concerns, the two parents are encouraged to discuss the issues freely. In the majority of cases, an argument ensues," say Emery & Jackson, who discuss child custody disputes. "The fight is almost always unproductive . . ." (1989, p. 6).

Kenneth Kressel explains that it is a "common theme in the mediation canon" (p. 25) to let each party tell his or her side of the story in front of the other. He then shares the destructive effect of this approach:

> Mrs. Smith would accept my invitation [to tell her side of the story] with relish, explaining that they were here because Mr. Smith was a worthless lout who cared nothing for his children or common decency and had been vilifying and humiliating her for years. For all she knew, he might also be an alcoholic and child abuser . . . She was in mediation by order of the court and was certainly willing to do her best to encourage Mr. Smith to "finally be a father" but was, shall we say, skeptical. Whatever the tonic benefits of this outburst for Mrs. Smith, for Mr. Smith and myself the results were clearly

> unhappy: he would be provoked into an apoplectic rebuttal and I into a dismal contemplation of other lines of work. Yes, I exaggerate. But only a little. (1994, p. 26)

Some mediators feel that such loss of control is unavoidable, part of the process, or even necessary (Emery & Jackson 1989; Rothman 1997). I contend, however, that there is a better way; that parties have already experienced what does not work and remember it well. It is hardly necessary for them to re-experience it now in front of the mediator. Most third-party neutrals would probably welcome an approach in which such dysfunctional escalations were either greatly reduced or completely eliminated.

Some have suggested strategies for reducing such futile outbursts, including telling one party to remain silent or focus on listening (Hobbs 1999) while the other speaks. To make the point, the listening party may be given a notepad and asked to take notes (Emery & Jackson 1989). It has also been suggested that joint sessions be held in a public place to help contenders tone down their emotions (Folger, Marshall, & Stutman 1997). While the note-taking suggestion has some merits, in this context such artifacts may delay contentious outbursts rather than prevent them.

Contributions of Caucusing

Disputants may have some very poignant and deeply antagonistic feelings towards each other. When these can be vented in front of the mediator, the party often has less need to vent in a destructive manner in front of the opposing party. Defensiveness is reduced and creativity increased as the mediator protects parties from further mutual abuse.

There is little disagreement on this point: while involved in caucusing, disputants are less hostile than in joint sessions (Welton, Pruitt, & McGillicuddy 1988). When conflict escalates into contentiousness, as in these episodes, the mediator not only permits contenders to lose face, but just as importantly, she or he loses both control (Butler 1994) and face (Volkema 1988) in front of the parties.

Further Contributions of Pre-Caucusing

When dealing with acquaintances or strangers, individuals often go out of their way to make an effort to project their best possible behavior. This is especially true in what could be called a "courting period." This honeymoon period may last years, when parties view their relationship as fair and equitable. When the rules of proper interpersonal exchange are violated (Brown, 1986) and someone feels taken advantage of, the situation can change quickly.

Similarly, in a party's relationship with a mediator—assuming the mediator is a stranger and/or has the respect of the disputants—individuals often try extra hard to be on their best behavior (Folger, Marshall, & Stutman 1997), lest the mediator think that they are culpable. Parties are more likely to want to continue to make a good impression on the mediator after they have established themselves as reasonable people in the pre-caucus. Volkema suggests that "it is not unlikely that the parties will have established one image with each other and another image with the mediator" (1988, p. 11).

People also attempt to be consistent: "Consistency gives actors a desirable degree of predictability and trustworthiness, and it generates liking and respect" (Schlenker 1980, p. 232). Contenders are likely to feel a greater need to be seen as consistently reasonable by a mediator who has had sufficient time to meet with them individually. Effective listening is a very powerful tool, and people tend to respect those mediators who can listen with care and empathy.

Once the parties have exchanged insults in front of a third-party neutral in traditional mediation, on the other hand, much of the damage has been done. Disputants feel less motivated to show their best after exposing their worst behavior.

It is not that parties pretend to be people they are not. Because parties meeting with the mediator in the pre-caucus know they will be meeting with the other party in a joint session, it is my experience that they are likely to share their own shortcomings, rather than wait for the other party to bring these out. It is this new *facework* (in part, the practice of allowing another to save

face) between contenders that the mediator wants to encourage in order to give parties an opportunity for a fresh start that is not based on blame.

Helping Each Party Feel Understood by the Mediator

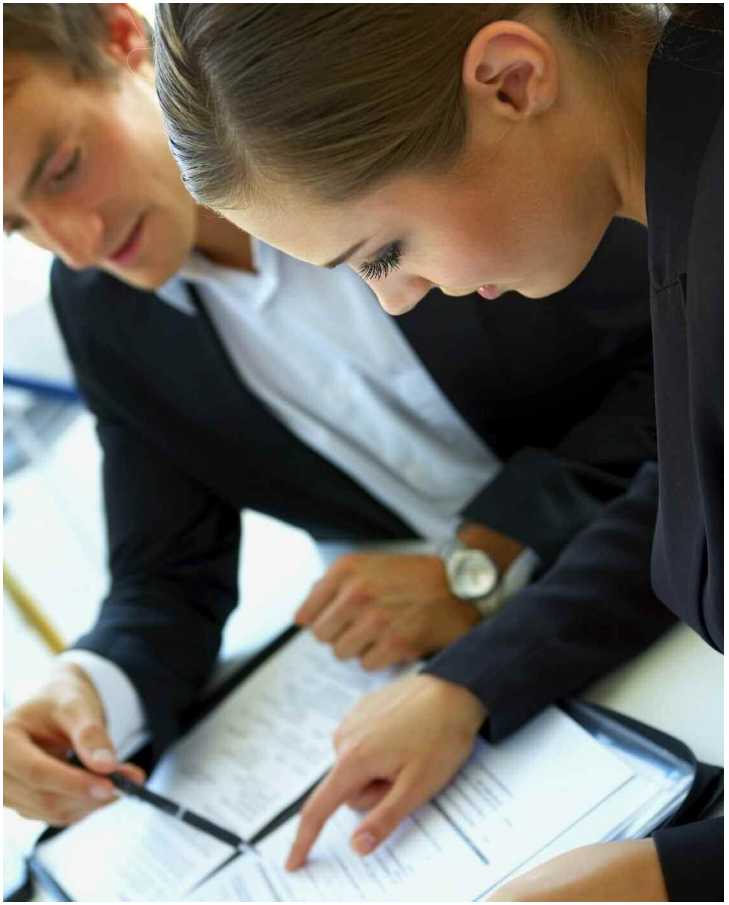
It is difficult to expect disputants who have been involved in deep-seated conflict to put aside their own needs and listen to and focus on the needs of the other party (Bush & Folger, 1994). The natural tendency is for parties to want to express their own perspectives first. The more deep-seated and emotional the conflict, the greater this tendency.

At times, tension in deep-seated interpersonal conflict situations can reach almost unbearable levels. In mediating such conflicts within organizations, it is common for parties to strongly contemplate withdrawal from the enterprise. Psychological separation from the other party and possibly from the organization has already taken place. For instance, in child custody mediation, contenders have already separated physically and psychologically from each other, yet need to work together for the benefit of the children involved.

Contributions of Caucusing

Because parties have the opportunity to meet separately with the mediator, each gets the opportunity to explain his or her perspective first, before having to attend to the other participant. When the party feels understood, an enormous emotional burden is lifted, thus making him or her more receptive to listen to others (Covey 1989). It is true that disputants have a special need to be understood by the other party in the contention, but being understood by the mediator contributes much. Often, it is a necessary step in terms of a party gaining enough confidence to proceed further.

Some individuals tend to be more silent than others. Caucusing increases the chances that an individual will talk (Hohlt 1996) and express his or her feelings. It is hardly possible for the mediator to help individuals who refuse to speak about



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Most criticisms associated with pre-caucusing are really attacks on directive mediation rather than on caucusing itself.

"where it hurts." Mediators have the opportunity to show empathy to one party in a caucus situation without arousing jealousies in the other disputant.

Further Contributions of Pre-Caucusing

It is at the start of mediation that parties are perhaps most apprehensive as to what mediation may bring. Contenders often come to the table armed with and ready to deploy every defensive mechanism (such as sulking silence, angry outbursts, and combative body language). They may have trouble looking at the mediator, let alone the other party.

When a pre-caucus is used and the other contender is not present, this frustration and despair is re-directed in more positive ways. To have an empathic ear to listen to a party in such a nonjudgmental way is powerful medicine indeed. I have seen people who were supposed to be "silent types" open up and talk freely. Men and women have wept openly as they released tension. Such emotional releases are not available to disputants in more traditional mediation.

The Exploration of Needs and the Benefits of Mediation

The mediator attempts to understand individual items under dispute, as well as the general perspectives of parties, and helps disputants keep alive the benefits of mediation (in contrast to other alternatives, such as arbitration).

Contributions of Caucusing

An important benefit of caucusing is being able to explore beyond positional bargaining, into party interests and needs (Fisher, Ury, & Patton 1991). Parties can also be reminded that mediation confers tangible benefits over interventions in which they have less control. This is more likely to happen when individuals feel less vulnerable and defensive and are more willing to think aloud without feeling forced into making concessions. A mediator can increase her or his understanding of the situation through such exploration, but more important yet, the self-awareness of each party increases. For instance, it may become clear that a party desires an apology rather than some other remedy.

Further Contributions of Pre-Caucusing

When disputants enter the joint session with the benefit of a pre-caucus, the mediator can often take a less visible role. Each party comes to the joint session possessing enhanced clarity about the issues and self-confidence.

In one situation, after I listened to the contenders during a pre-caucus, they were able to go on and solve the problem on their own. Bad feelings had developed between them concerning how each introduced the other to visitors and the media. Not only did they solve this problem on their own; they also dealt with related underlying issues and even went on to discuss opportunities for future career growth and cooperation (Billikopf 2000).

As a neutral party, I sometimes do little more than introduce topics brought up during the pre-caucus. Allowing the parties to solve an easier problem early on may give them the needed boost to deal with more challenging issues later (Blades 1984; Emery & Jackson 1989). Furthermore, a mediator who understands the issues involved can make sure that significant matters are not ignored. Despite previous antagonisms, communication between disputants during joint sessions is sometimes so fast-paced that I have to scramble to understand and note their agreements. At times like these I feel like an unneeded observer. Setting up a situation in which parties address each other with little mediator interference takes transformative mediation to the next level. Although not all cases achieve this ultimate success, mediators can count on better communication flow and reduced contentiousness between parties.

Educate Parties on Effective Negotiation Skills

One measure of mediation success is when it equips contenders to handle future challenges on their own. While this may not necessarily happen after a single experience with mediation, the disputants can take with them increased self-awareness and conflict management skills.

Parties may be shown how they can present a perspective using neutral or nonprovocative language (Hobbs 1999) and without causing the other to lose face. An important part of conflict management is helping contenders recognize the need for the other party to build and save face (Ting-Toomey 1999; Volkema 1988; Blades 1984; Moore 1996). In the absence of these skills, people are likely to revert to a more dysfunctional and emotional approach to communication. Participants may also develop a better understanding of the nature of conflict—learning how to divide big issues into smaller ones and what constitutes a proper apology, for instance. Both parties gain negotiating power as they improve their ability to communicate in effective ways.

Contributions of Caucusing

Mediators have the opportunity to privately discuss participant behaviors that are working as well as those that are not. This avoids the appearance of favoritism associated with public compliments as well as the loss of face connected with open criticism.

Further Contributions of Pre-Caucusing

It is hard to expect the parties to have a positive mutual conversation when they lack even the most rudimentary notion of how their communication strategies affect the other disputants. Those who grasp new insights into the negotiation process early on are more likely to enter the joint session feeling confident and prepared, with some control over the results.

Among the potential positive outcomes of transformative mediation is giving parties the opportunity to apologize and to accept an apology (Bush & Folger 1994). One party had a history of vitriolic temper outbreaks when I first met with him. His anger often manifested itself in shouting and profanity. During the pre-caucus, it became increasingly clear that this party felt no regret about his temper tantrums. He was quick both to minimize the extent of his anger and to justify his bullying behavior. Had he defended such behavior in a joint session, his credibility would

have been greatly damaged. Through a series of role-plays and conversations during the pre-caucus, he came to understand the importance of offering an apology for his profanity and anger. Furthermore, he suggested that the topic be brought up early in the joint session so he could have a chance to apologize. During the first role-play his words had sounded shallow at best. The actual apology offered during the joint session was moving and sincere.

Regular caucusing has one advantage over pre-caucusing here. While the mediator can observe and coach a party during a pre-caucus, some dysfunctional communication approaches manifest themselves only during the joint session. This is not a fatal flaw of pre-caucusing, because a regular caucus can be utilized later to deal with such issues.

Much of what has been said here also applies to the idea of appealing to a party's higher principles. Many transformative opportunities that could otherwise be lost present themselves during the pre-caucus. For instance, an owner-operator said something touchingly positive about one of his managers during the pre-caucus. I suggested that it would be magnificent if he could share that thought with the other party during the joint session. The owner explained that he would never do so. I challenged him to reconsider but left the ultimate decision up to him. The individual chose to share the affirming comment during the joint session, taking ownership for that decision, thus making it his own.

NEGATIVE CONNOTATIONS OF CAUCUSING

A number of challenges are associated with caucusing, including: lack of party truthfulness (Pruitt et al. 1989; Volkema 1988; Welton, Pruitt, & McGillicuddy 1988); mediator bias (Blades 1984; Engram & Markowitz 1985; Moore 1987, 1996; Pruitt et al. 1989; Volkema 1988; Welton, Pruitt, & McGillicuddy 1988); mediator control or abuse of power (Blades 1984; Folger, Marshall, & Stutman 1997; Keltner 1996; Moore 1987; Moore 1996; Pruitt et al. 1989; Volkema 1988); reduced likelihood that

disputants will know how to handle future challenges (Pruitt et al. 1989); mediator violation of confidentiality (Blades 1984; Moore 1987; Moore 1996); interruption of positive movement (Moore 1996; Welton 1988); and free time for the other party to use in an effort to build his or her own case (Welton 1988).

Attacks on Directive Mediation

As we shall see, most criticisms associated with caucusing are really attacks on directive mediation, rather than on caucusing itself. When caucusing is instead used to increase party control through transformative mediation, most of these objections melt away.

As positive as mediator empathy towards a party may be, some fear that this may lead to party untruthfulness. They reason that the absence of the other contender during the caucus leaves the party free to exaggerate. Others argue that caucusing may lead to deals between the neutral party and one of the contenders. "Disputants often fear that clandestine deals or coalitions [may take place] between the other party and the mediator" (Moore 1996, p. 200).

Yet others suggest that caucusing simply gives the mediator too much control, lends itself to abuse of mediator power, and does little to equip contenders for future conflict in life. Instead, they argue, parties may become more dependent on mediation. "Caucuses . . . are explicit attempts to narrow issues, to push for compromise, and to synthesize arguments and positions" (Folger, Marshall, & Stutman 1997, p. 262). We even read that "caucuses provide mediators with the greatest opportunity to manipulate parties into agreement" (Moore 1996, p. 325). Volkema (1988) warns that mediators with a vested interest may promote one outcome over another. The assumption, in all these cases, is that agreement is reached during caucusing.

There is nothing inherent in caucusing itself, however, that leads to these difficulties. Quite the contrary, Engram and Markowitz suggest that "the judicious use of caucusing in . . . mediation can even enhance the perception of neutrality and will result in increased trust in the process of mediation"

(1985, p. 25). Likewise, when transformative mediation is used, caucusing may be seen as a tool to help disputants become better negotiators (Bush & Folger 1994).

In transformative mediation, *the parties solve their own disputes,* and there is little to be gained by attempts to influence the mediator. Contenders need not be concerned that the mediator will make a secret agreement with the other disputant. Caucusing is used to teach negotiation skills to parties rather than to circumvent individual empowerment.

Violation of Confidentiality

Another negative associated with caucusing is the potential for sharing confidential information obtained from one party, either purposely or through a slip. Certainly, mediators need to be careful not to divulge confidential information. Yet it should be clear that the purpose of caucusing is to help parties better understand their own needs and prepare to communicate these to the other party in the joint session—not to talk about issues a party wants to keep secret from the other participant. True, some subjects are originally brought up in a somewhat raw manner. These are translated into more effective messages that tend to reduce defensiveness. For instance, if a party feels the other is inconsiderate or selfish, the mediator helps the party better understand critical incidents that may have led to this evaluation. During the joint session, the incidents and behaviors are discussed without the labels.

As a mediator, I note all the issues that are important to disputants during the pre-caucus and give them a chance to expose these during the joint session: "A, could you share with B the story you told me about X?" Opportunities are balanced for both parties to bring up issues that are then jointly discussed.

Sometimes ethical issues require disclosure, such as when a spouse is hiding an asset from the other during a divorce settlement. In those situations, Blades (1984) suggests that the mediator make it clear to the pertinent party that the neutral's continued involvement in the mediation depends on the contender disclosing this information to the other party. Standards have been

suggested for issues with and limits to confidentiality (Milne 1985; Moore 1987). Caucusing does not cause an inherently unethical situation to develop, however. It simply affords the mediator an opportunity to help correct an unfair situation. "Much of the controversy surrounding the issue of caucusing . . . stems from differences in training or orientation rather than from a real debate about ethics" (Engram & Markowitz 1985, pp. 24–25).

Interruption of Positive Movement

Caucusing may be called at any time, by contenders or by the mediator. Parties may even wish to caucus within their own team or with stakeholders, without the mediator. Alternatively, the mediator may need time alone and call for a "mediator caucus" (Castrey & Castrey 1987, p. 15). Any type of caucusing may interrupt the flow of the conversation. The great advantage of pre-caucusing is that it does not interrupt the positive flow of communication that may be established during the joint session. Furthermore, pre-caucusing probably reduces interruptions after the joint meeting has begun.

Free Time to Solidify Stance

The concern that caucusing permits one party time to further solidify her or his own stance while the other is engaged in caucusing is simply not an issue. In transformative mediation one of the roles of the mediator is to help disputants consider potential pitfalls. Mediators help contenders truly understand the problem and thus avoid quick, unworkable solutions.

CONCLUSIONS

Contention creates a sense of psychological distance between people, making even minute differences seem insurmountable. A tool of particular value is the caucus, in which the mediator meets separately with parties. The literature has shed light on both the positive and the negative contributions of caucusing. Positive aspects of caucusing include giving contenders an opportunity to

tell their story and be heard, explore needs, and vent privately. Mediators may also take advantage of caucusing to coach parties and help them understand the tools that will help them become better negotiators in the future.

Interestingly, most of the criticisms associated with caucusing derive from a directive mediation approach. When caucusing is used within a transformative framework, most of the potential shortcomings disappear. In transformative mediation, the disputants remain the primary actors. Not only do the contending parties retain control over the outcome, but they are also equipped with many of the tools they will need to solve future problems: "A skillful transformative mediator can use caucuses in a manner that not only avoids the problem-solving pitfalls [found in the directive approach] but actually builds transformative momentum over the course of a session" (Bush & Folger, 1994, p. 270).

Although in the literature we find some allusions to the benefits of the pre-caucus, very little is said explicitly about it. When pre-caucusing is used with a transformative approach to mediation, the benefits of caucusing are multiplied, and the potential negatives are further reduced.

The main reason why pre-caucusing is effective is that the mediator affords each party the opportunity to be heard when he or she needs it the most. A conflict situation that calls for mediation, almost by definition, is a difficult one. Parties are most often focused internally and have little capacity to listen to someone else at the beginning of mediation. This internal focus tends to extinguish creativity by increasing negative emotion and defensiveness. A party who feels heard in the pre-caucus is better able to listen to the other disputant and to connect in a more positive way. The groundwork laid out during the pre-caucus allows parties to address each other with little mediator interference.

Mediation has the potential to do much good. Poorly carried out mediation, in which contenders feel they can exchange insults in a psychologically safe environment, can do more harm than other forms of neutral-party interventions. The pre-caucus affords mediators the opportunity to make difficult decisions as to whether to bring contenders into a joint session.

Sometimes the most productive approaches are the simplest, and this is certainly true with the pre-caucus. Caucusing as a mediation tool has been partially misunderstood and certainly has not been used to its potential.

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2009 UPDATE

Two additional books that promote pre-caucusing have since been brought to my attention:

Umbreit, M.S. (1995). *Mediating interpersonal conflicts: A pathway to peace*. West Concord, MN: CPI Publishing.

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2014 UPDATE

I wrote the original paper in 2002, at a time when I had not yet named my mediation models. Pre-caucusing continues to be a potentially dangerous procedure (putting in doubt mediator impartiality) *unless* it is coupled with a joint session where parties are prepared to talk directly to each other with little mediation interference, as we see in Party-Directed Mediation (PDM) and Negotiated Performance Appraisal (NPA). In these models, the burden of solving interpersonal conflicts remains with those who are most likely to be able to do so: the contenders. PDM and NPA provide for a positive and elegant use of the pre-caucus in a transformative setting—with a reduction of the associated dangers. This is because the mediator truly plays a support role.

Traditional mediators—who continue to be weary of pre-caucusing—would benefit by employing skilled individuals who could provide parties with: (1) empathic listening and (2) interpersonal negotiation skills coaching. These services could be contributed by someone *other* than the case mediator.

Providing listening and coaching pre-mediation services to parties would likely: (1) delay premature caucusing, (2) reduce the total amount of time required for caucusing, and (3) improve the communication between parties during the joint session and after.

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Appendix Author: Diane Clarke (dmclarke@omsoft.com)

Appendix III

Inter-Group Mediation Case Study

Diane Clarke

Representatives of a neighborhood club involved in local environmental issues (participant names in **bold *italic***), and a local chapter of a national environmental nonprofit (participant names in **bold**) requested a mediation. The two groups had worked together for quite some time in a small community just south of California's San Francisco Bay Area. A number of the details throughout have been changed to preserve anonymity. These groups, who had now been at odds for about two years, used to be quite close. In this narrative, the reasons for the breach in their relationship are not important, nor are they unique. The purpose of this case study is not to document the history of a dispute, but rather to share the strategies employed for its resolution. A more traditional group facilitation process, over multiple meetings, had been attempted prior to my involvement as the mediator.

Both groups were unhappy about the ongoing rift. The small size of the community had made the situation quite unbearable to most of the parties involved.

As I worked on setting up the first meetings, I offered a general outline of the Party-Directed Mediation (PDM) process, including the need for pre-caucuses (and possibly more than one round of these). As often happens in interpersonal mediation, so it

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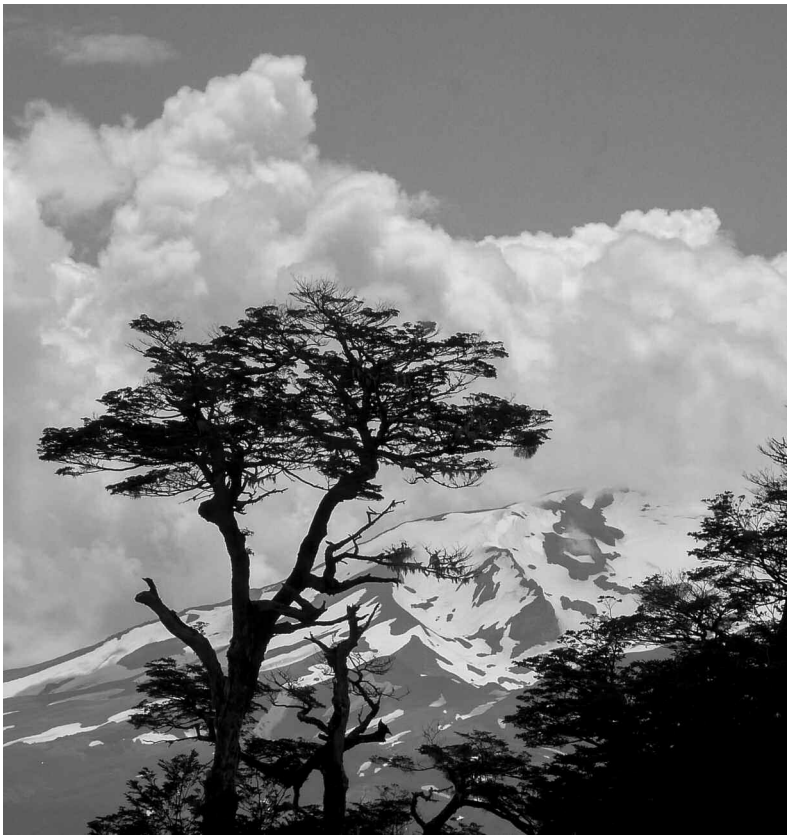
Diane Clarke, a mediator based in Davis, California, is certified in the University of California ANR Party-Directed Mediation and working toward the Fresno Pacific University's Center for Peacemaking and Conflict Studies Certificate in Mediation. Diane has strong interests in workplace, family, inter-group, and victim-offender mediation; communication coaching; and restorative justice.

was with this inter-group mediation—the parties were generally anxious about: (1) the potential harm that additional mediation could bring to the situation as well as (2) the length implied by a PDM process.

THE PROCESS

This mediation combined elements of PDM (including pre-caucusing, empathic listening, harvesting of issues, looking for positive comments about the other group before proceeding to a joint session, communication and negotiation coaching, and parties speaking directly to each other in the joint session, with minimal mediator involvement) with elements of Peacemaking Circle processes. The latter are utilized in many settings, including justice systems, schools, neighborhoods, workplaces, and social services. Established throughout the world, they draw upon the tradition of "talking circles," which have long been used among indigenous people of North America.[1] Key Circle elements include:

- Participants, including the mediator (or "keeper") sit in a circle, signifying inclusivity, equity, mutuality, and joint responsibility for the process.
- Opening and closing ceremonies (e.g., a few minutes of silence, lighting a candle, etc.) promote a sense of pulling together and help participants set their time in the Circle apart from what they were doing before and what they will do afterward.
- The mediator's role is to help participants uphold the integrity of the Circle process and to support what the Circle needs to do.
- A "talking piece" gives its holder sole permission to speak and is passed in one direction around the Circle, in multiple "rounds." The talking piece creates a space for deep listening, so that each participant's voice can be fully heard. It slows the pace, fosters honesty, enforces inclusivity, develops listening skills, and promotes dialogue.



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- During rounds, participants share: (1) their unique experience of the events and issues the Circle is addressing, (2) their responses to what others have expressed, and (3) their responses to questions that may be posed to the group by the mediator.
- Participants are invited to agree upon and adhere to Circle guidelines, chiefly respecting the talking piece, speaking from the heart, and speaking and listening with respect.[2]

I chose to use the Circle process for the pre-caucuses as well as the joint session. This allowed participants to become acquainted and comfortable with the process prior to their face-to-face encounter in the joint session Circle. In many

Peacemaking Circles, mediators participate as equal contributors to the conversation, sharing thoughts and feelings when the talking piece reaches them. I chose to maintain a more minimal role (closer to that assumed in PDM), both in the pre-caucuses and in the joint session.

Pre-Caucuses: Round One

In order to honor the participants' requests to keep the contents of the pre-caucuses anonymous, and because these conversations do not necessarily contribute to the understanding of this dispute or its eventual resolution, I will only summarize some points. For the initial pre-caucuses, I met for two hours separately with each group on the same day.

Participants were concerned about meeting with their contenders again, but their great desire to get past the conflict permitted them to go through the discomfort of a mediated process. The very idea of confronting others can increase anxiety, but avoidance seldom solves challenges such as these. As in any PDM process, parties had the opportunity to vent and, upon being



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heard, begin to recognize they had also hurt the other side. In other words, the parties grew to see what they might have done to fuel the dispute.

In the previous facilitated process, apologies had been offered but seemed to have been insufficient to permit healing. The parties had not reconnected with each other but yearned to do so. Some of the parties were specifically concerned about their own behavior, or how they were judged and misunderstood by the other group. The process brought to the surface lingering and deep pain caused by specific past interactions and not feeling heard.

Each group also made transformative comments about the other. One party, despite the frustration communicated to that point, said that the other group had not acted with malice, but rather, with *good intentions*.

I asked both groups how they felt about the Circle process itself. Some responded that it felt *safe*. Some felt less anxious and calmer, even peaceful. I felt that more empathic listening was needed and that the parties would benefit from a second round of pre-caucuses.

PRE-CAUCUSES: ROUND TWO

Early in one of the second pre-caucuses one of the parties offered a very powerful transformative comment by suggesting the other group *was hurt more* by the conflict. At a certain point, I shifted to coaching and role-playing, so they could try on what they might want to say to the other group. I focused on aspects of Marshall Rosenberg's *Nonviolent Communication*,[3] as well as avoidance of self-justifying stories, a concept explained in *Crucial Conversations.*[4] If the participants could feel they had gained some communication tools, as well as some insight about self-justifying stories, it might help them feel less anxious about facing the other group.

I also asked the groups about desired outcomes. They expressed their needs for clearing the air, avoiding second-guessing each other, closure, internal peace, increased mutual trust, an improved working relationship, and feeling acceptance.

THE JOINT SESSION

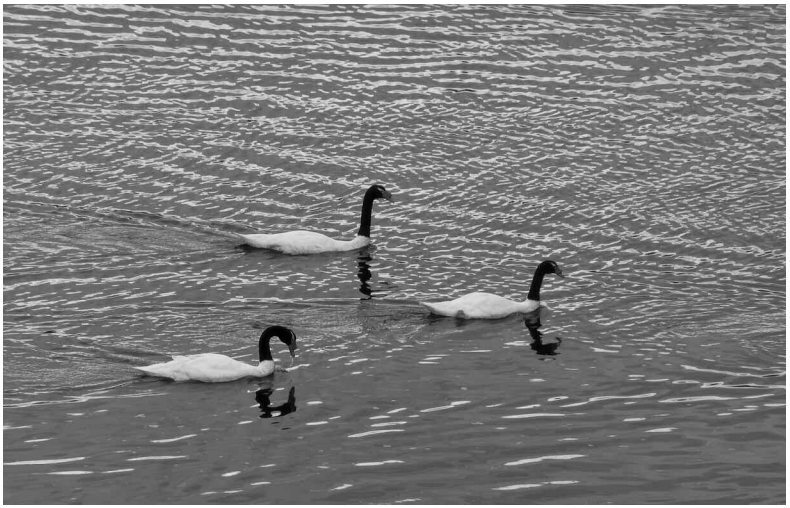
Scheduling the joint session with multiple participants proved challenging, so more than five weeks elapsed between the latter round of pre-caucuses and the joint session.

As is often the practice in Circles, the parties were invited to contribute to Circle hospitality and processes. I had invited both groups to welcome others as they arrived, to bring light refreshments to share, and to lead the Circle in opening and closing ceremonies. Each participant was also invited to bring an individual talking piece that reflected a core value.

Group members, without prompting, sat interspersed, rather than according to their groups. After the opening ceremony, to begin building group cohesiveness, I invited participants to tell the group about their talking piece and the core value it represented. I explained that during later rounds participants would hold both their own and the common talking piece when it reached them. By doing this, they would be reaffirming Circle values as well as the core values represented by their talking pieces.

In the initial round I invited participants to express what they wanted others to hear about their current feelings regarding the conflict.

Janet said she was experiencing a "massive, chaotic jumble of intense emotions," adding that the pain was still very real, and that she was afraid what she said would trigger some of the responses from the previous year. For his part, ***Chester*** reported that after the pre-caucuses, he was starting to feel more listened to, like his heart was opening up. **Lanie** said she hoped to be understood, emphasizing that she didn't feel that way at the moment, but hoped to. **Renee** offered that they had all had a bad experience, but she felt good that it had been brought into the open. ***Josh*** told the group he felt a lot of hope about this session. He explained that he had gained this hope from reading the nonviolent communication materials presented in the pre-caucuses and had come to feel he didn't have anything to prove. ***Berndt*** hoped he would be able to hear what everyone was experiencing. **Marsha** said she wanted to understand more.



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Adele said she felt hopeful and had missed seeing and talking to the club members.

After offering a summary that reflected the positive, transformative things that had been said as well as the concerns, I invited participants to continue sharing their feelings, asking them to add what it was that they desired in their relationships with each other. ***Chester*** said merely that he wanted to find a way of being in a relationship with the nonprofit members. The talking piece came to **Lanie** next, and she thanked ***Chester*** for expressing his desire to be related, explaining that she had been unsure whether he wanted that. She had actually seen him in town, but had avoided him because she wasn't sure he would welcome a greeting. **Renee** expressed that she did not hold a grudge against anyone in the Circle. ***Josh*** told the nonprofit group he felt "very humble" coming to them. He confessed that he could have handled things differently, and that he was sorry. He wished he could have been more calm. He had felt alienated. ***Berndt*** declined the opportunity to talk during this round. **Marsha**, who was next, built on ***Josh***'s apology, saying, "We all have regrets. I hope you [***Josh***] forgive yourself." She added, "We weren't able to be there and understand that you felt alienated." **Adele** said the last year had been difficult for her, and she had not responded "as



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gently" as she should have. She added that how the incidents related to **Gene** were handled seemed unfair, and she had let her emotions run away with her. ***Janet*** told the group she had felt "harshly condemned" by everyone on the nonprofit board, elaborating that it had not felt good at the time and still did not feel good.

At the end of the second round, I summarized, pointing out that I had heard participants offering words of understanding. I wanted to underscore the helpfulness of these transformative expressions.

In additional rounds, ***Chester*** said he had been disappointed in himself because he could not "stay centered." He explained that he became overstressed, remained that way, and needed to remove himself. He told the group his intention for this session was to be present without judgment. With a tone of deep sincerity, **Lanie** told ***Janet*** that her feeling of being condemned was important, and she was "really sorry" she had overlooked how ***Janet*** felt. **Renee** confessed she had been focusing on defending **Gene** because the way he was treated seemed unfair. She added that she could now really understand how ***Janet*** felt.

Josh responded to **Lanie** and **Renee**, saying he understood how they felt, and added, "I'm so bad at conflict." He said that by the time he became involved, he had already begun to look at **Gene** as the villain, and he really regretted that. He said, "I'm so sorry for how I handled things with **Gene** and you all. I understand why it wasn't perceived well and can see how it caused a lot of pain. I was sharp with each of you on different occasions." ***Berndt*** let his opportunity to speak pass again. **Marsha** thanked ***Josh*** and said she was sorry he felt unheard and alienated and was sorry for the pain it caused him. She added, "I love ***Chester***'s word: *nonjudgment*." **Adele** addressed ***Janet***, looking at her and telling her with much feeling that she appreciated what she had said about harsh condemnation. She added, "It concerns and bothers me that you felt demonized. It makes me sad."

With the completion of a round, and with little more than an hour remaining in the session, I checked in with the group to gauge how to use the remainder of the time. I asked participants to say how they were feeling and whether they thought an additional joint session would be needed. I shared with them my sense that more listening was needed, but said I wanted to hear what the participants thought.

Janet spoke first, and, to my surprise, said simply and with a tone of joy, "I feel heard!" I listened with some wonder as most of the other participants expressed their feelings of being heard and understood. Many, but not all, said they did not see a need for an additional joint session. ***Chester*** thought he might have more to say, or that more might surface as time went on. He told the group he would like to plan another session down the road. Others said they would not object to planning another session, though they felt a great deal had been resolved. Participants unanimously agreed that another joint session could be useful for addressing any unresolved issues—and if none surfaced, to celebrate the successful renewal of their relationships.

With this feedback, I suggested moving into rounds focusing on desired changes for the future. ***Josh*** told the group he recognized how valuable the nonviolent communication journey was—for all of his relationships. He cited especially how

important it was that he had learned to express his perspective with humility. He said, "I can see, for myself, how my part in this could have been avoided by not making assumptions about what people's intentions were." **Renee** said, "I'm sometimes quick to judge. I need to be more empathic." **Lanie** told the group she saw how important it was to seek to understand, then to be understood, and always to assume the best intentions. ***Chester*** expressed his desire to build his nonviolent communication "toolbox"—to judge less, and to listen more compassionately to those with whom he disagreed. ***Janet*** said she now realized she had made some generalizations. She added, wistfully, "The cause of my pain was all in me." **Adele** said she also wanted to work on seeking first to understand, then be understood, affirming that "we are all works in progress." **Marsha** focused on her desire to use a better process for addressing conflict in her nonprofit and said she would be looking at practical steps to do this. ***Berndt*** told the group he wanted to be a better listener. He also acknowledged he preferred to solve problems right away and perhaps he needed to take more time.

The remaining minutes were ticking away, so for a final round, I invited participants to share how they felt about the process. ***Janet*** merely said, "Thank you." ***Chester*** felt there had been a lot of restoration. **Lanie** had also experienced a lot of restoration, and she was glad to know she could hug ***Janet*** if she saw her in the grocery store. **Renee** told the group she felt "really good." ***Josh*** said, "I feel loved here today. I feel really hopeful, softened, humbled, and joy-filled." ***Berndt*** said he now wanted to explore what they could do to restore the working relationship between the two groups. **Marsha** acknowledged she felt some sadness, explaining that, in spite of everyone's best efforts during the previous year, this conflict had still happened. Yet, she said she felt healing and restoration.

I summarized, celebrating the listening, understanding, and healing that had occurred and acknowledging what I perceived as a strong foundation for the parties' relationships going forward. I agreed to contact the group to set up the follow-up joint session. We held a closing ceremony, and the session was ended.

ANALYSIS

In this combination of PDM and Circle processes, the talking piece vastly amplified empathic listening and was a critical element in the mediation's success. Because speakers could choose to hold the talking piece as long as needed, and could speak or hold the talking piece in silence, participants could experience being heard—not just by one or two people, but many. Both empathic and active listening (with ample responses and summaries) were indispensible to the success of this mediation.

In addition, it appeared that after feeling heard in the pre-caucuses, participants were freed up to maximally utilize the coaching materials on nonviolent communication and self-justifying stories. The joint session made it evident that during the five weeks between the second round of pre-caucuses and the joint session, a great deal of "positive fermentation" had occurred. In response to a post-mediation evaluation, one participant called the process "miraculous." Without knowing it, I believe she was pointing to the miraculous fruit of her own work, within the process. With no material issues, this mediation was focused completely on individual and relationship transformation. The process played an important supporting role, but occupying center stage was the remarkable openness to transformation in all of the parties.

POSTSCRIPT

Although two and a half hours were allotted for the follow-up session, we finished in an hour and a half. In an initial check-in round, I asked parties what they were feeling. **Marsha** said she felt complete peace, love, and forgiveness. **Lanie** told the group, "I remain ever grateful, especially for understanding ***Janet***'s hurt." **Renee** reported, "I felt different coming in here today—like we were friends. I'm glad we're back together again."

In the next several rounds, I invited parties to share any continuing issues or concerns. Because the nonprofit had many partner organizations in town, and the conflict had been quite visible, several parties expressed a desire for the wider

community to know of the reconciliation the two groups had achieved. Someone suggested they mount a joint project, demonstrating their renewed relationship. Parties expressed excitement and unanimity about this idea, with planning to occur in the coming weeks. In the meantime, everyone agreed to initiate regular communication via an email list. In addition, ***Josh*** wanted nonprofit members to know the neighborhood club would be renewing its financial support of the nonprofit's work. And **Adele** and **Marsha** extended an enthusiastic invitation for a club member to again be part of the nonprofit's board.

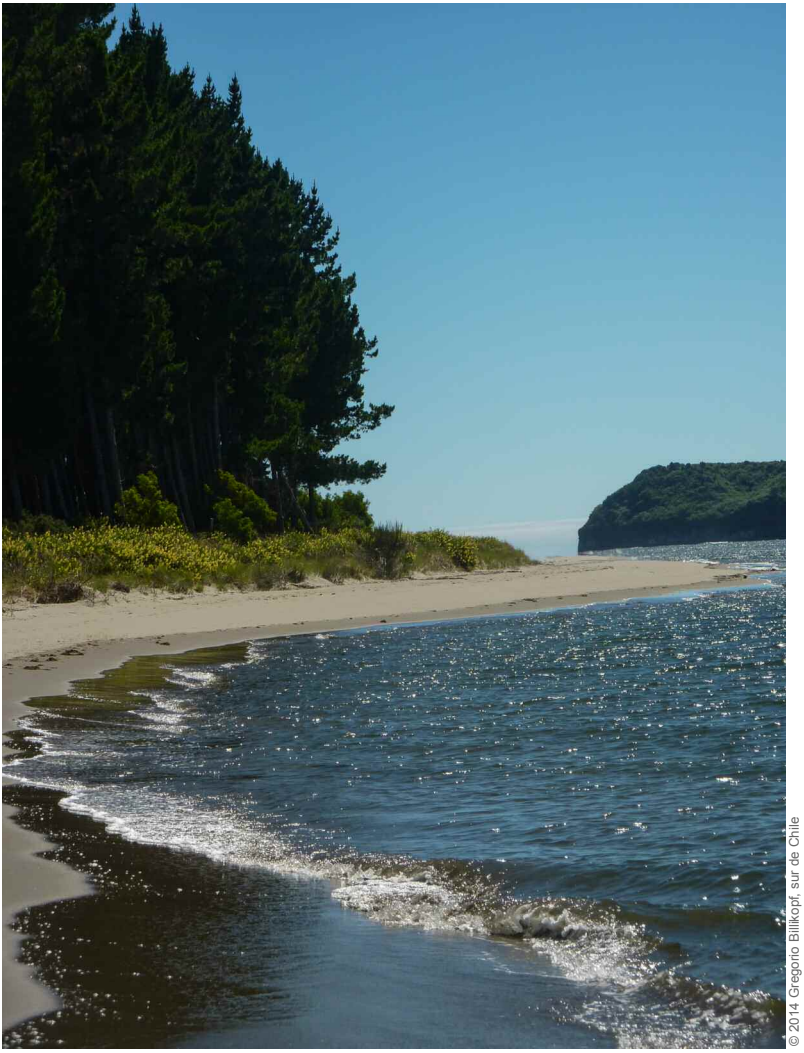
On a more personal note, **Adele** wanted to check in with ***Berndt***, since during the previous Circle gathering he had chosen not to speak during several rounds. She wanted to be sure that he, too, felt resolution. When the talking piece reached him, ***Berndt*** said, without hesitation, "Yes, it was good. I felt heard."

Before closing, I asked parties if there were any additional words they wanted to share. **Adele** said, "This process has been an encouragement and has given me a lot of hope." **Lanie** said the experience would be a "guideline for reconciliation" in her life. **Renee** struggled with why all of the conflict had happened in the first place, but said she was now convinced that in relationships "nothing has to be left in a bad place." ***Josh*** said, "I'm feeling so emotional. This has been such a growing experience for me. I look back and am baffled about how I could have behaved as I did. I am grateful you all wanted to reconnect and forgive." He added, "Seeking first to understand, then to be understood is so hard, yet so refreshing." ***Janet*** finished by saying, "I am overflowing with gratitude for you all."

As the Circle participants were dispersing, **Marsha** turned to me and said, "This whole experience was a taste of heaven."

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2. Pranis, K., Stuart, B., & Wedge, M. (2003). *Peacemaking circles: From crime to community*. St. Paul, MN: Living Justice.
3. With both groups, I focused on developing their skills at expressing themselves nonviolently and receiving others' expressions, including attacks, nonviolently. Specifically, I coached participants on Rosenberg's "observing without evaluating," "identifying and expressing feelings and needs," and "receiving empathically." Rosenberg, M. B. (2005). *Nonviolent communication: A language of life* (2nd ed.). Encinitas, CA: PuddleDancer.
4. With both groups, I focused on the role of the stories we tell ourselves. Specifically, I coached participants on the "Path to Action," which includes "see and hear, tell [yourself] a story, feel, and act." I added elements of "STATE My Path," which include "share your facts, tell your story, ask for others' paths, talk tentatively, and encourage testing." I shared the authors' observation that in our "Path to Action," we're usually unaware of the role of our self-stories in creating our feelings (step 3) and actions (step 4). Patterson, K., Grenny, J., McMillan, R., & Switzler, A. (2012). *Crucial conversations: Tools for talking when stakes are high* (2nd ed.). New York: McGraw-Hill.



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