

Becoming a Better Mediator by Mediating Your Inner Dialogue

Presentation by John Kinyon and Ike Lasater
Article with Julie Stiles

The American Bar Association
11th Annual Spring Conference for the Section of Dispute
Resolution
ADR: Building Bridges to a Better Society

Held at the Sheraton New York Hotel and Towers, New York City, NY

9:45-11:15 a.m.
April 17, 2009

Overview

As mediators our work necessarily includes being with people who are in conflict. In the process, our own reactions to the subject matter of the conflicts and to conflict in general become stimulated. Especially because of these reactions, we each need to care for ourselves—to support ourselves to continue the work of stepping into the conflict arena. All too often we fall short of the critical voices in our heads that judge us against an impossible standard of perfection. Each of these thoughts triggers a cascade of neurochemical releases that are consistent with believing that thought. We don't enjoy our lives when we are experiencing this. We doubt you do either.

This article provides an overview of how to use the skill of self-empathy from the body of work initially developed by Marshall Rosenberg, called Nonviolent Communication. (For more information see: CNVC.org) We have built upon our understanding of Marshall's NVC mediation model, and here write about the aspect of that model that we can, and regularly do, apply to care for ourselves in the course of our work and day to day life. One of the insights of NVC is to recognize that each of us is animated, moment by moment, to meet our needs. By "needs" we are referring to those qualities that enable us to survive and thrive. These are universal to all humans, such as the need for air, sustenance, shelter, touch, care, protection, autonomy, celebration, intimacy, etc. (For a list of needs see: <http://cnvc.org/en/what-nvc/needs-list/needs-inventory>). A key aspect of this self-empathy process, in addition to greater presence with our inner experience, is to translate and transform our internal judgmental thinking of ourselves and/or others into needs met or not.

We distinguish three different phases in which mediator self-care can be practiced—before, during, and after mediation. Each of these phases is characterized by a common process, which is to identify the needs on each side and have them understood by the other side. Before mediation, we typically want to translate judgments about the parties in the conflict or about ourselves. These judgments disconnect us from ourselves and others. Transforming our judgments, into self-awareness of our present moment experience, reconnects us to ourselves and makes us available for connection with others. During the mediation, thoughts of judgment often arise about something that a disputant has said or done, or even something that we have said or done. Judgments such as these tend to result in being less connected with the parties and ourselves. Following the mediation, we so often judge our contributions and those of the others involved. We can practice self-care again in this context. For this article, we will focus on an example from the phase of post-mediation. Of course, we hope you will see that this life-skill can also be applied to all the phases of mediation, and in fact can support you in all areas of your life.

Increasing Self-Awareness: Noticing Internal Conflict

Before we get into a specific example, it might be helpful to look into how we might realize that we are in conflict internally. Our experience is that any time that we have judgmental thinking of ourselves or others happening inside us, we are in a state of internal conflict. There is an absence of inner peace and centeredness. We can often go for hours, days, or even weeks without realizing that we have warring voices within. We have found various clues useful to alert

ourselves that we may be in conflict internally: thoughts, bodily sensations, and our interactions with the environment.

For some people the clearest sign of internal discord will be thoughts of judgment of oneself or others. For example, if an interaction with another person during mediation did not go the way we would like, we might notice thoughts of blaming; “I messed up.” “I should have done it this way or that way.” “Well it’s really so-and-so’s fault, if he had been this way or done that then things wouldn’t have been so screwed up.” These voices continue to go back and forth, and eventually we catch on and notice that we are blaming ourselves or other people for what happened.

We might not notice these voices; they may be under our radar, or we fool ourselves into thinking that we are not blaming anyone, even thinking that we are above doing that. We might notice, though, that we feel crummy when we recall the mediation or think about a specific interaction. When any kind of thoughts exist in our consciousness, we will automatically have feelings that are consistent with them, even if we are not fully aware of the thoughts at the time. Thus, we might first become aware of the feelings we are having, which can alert us to look for the thoughts that are creating those feelings.

A third clue we might use to look for internal conflict is through reference to our external environment. We might notice tension around us, particularly in our interactions with other people. Sometimes things just are not going very well; perhaps we have a sense of walking through thick mud, things are arduous instead of easy and flowing. In these cases we might want to look internally to see if our external environment is simply a reflection of an internal tension caused by blaming, criticizing, or judging ourselves or other people.

The Structure of Internal Conflict

Whenever we find these thoughts of judgment and criticism, we are in internal conflict. Every moment we are making choices, so we have a part of ourselves that makes those choices. We call that at voice within ourselves the “chooser.” However, we also have a part of us that evaluates our choices. Often, however, that voice, which we can call the “educator,” tries to educate through judgment, blame, and criticism. Generally, when anyone comes at us from a judging and criticizing energy, whether someone outside of us or a voice in our own head, we will resist out of our needs for respect for our autonomy and choice; the chooser contends, after all, that it had good reasons for doing what it did. Thus, we can often understand our internal conflicts as being between these two parts of ourselves, the chooser and the educator.

When the conflict stays in this dynamic, we don’t experience the kind of ease, peace and self-connected awareness that comes from resolution. We continually focus our attention how to avoid judgment, criticism and blame, in part by shifting these to others. This avoidance dynamic can also undermine our confidence and ability to interact effectively with others. Instead of learning how to avoid, we would prefer to focus on creating what we want in the world—to be drawn forward by learning to meet our needs. Learning a more satisfying way to deal with these internal conflicts is a critical piece of mediator self-care.

The way out of the endless recording loop is to listen underneath what is being said by the chooser and educator. When the educator speaks, we listen for the needs of ours that were not met by what we did, so we can learn from the situation. With the chooser we listen for the needs we were trying to meet by doing what we did. In the example below, we will see how the NVC mediation model, which can be used for internal conflicts, is designed around revealing these needs.

Post-Mediation Self-Care

One way to approach mediator self-care following a mediation is to anticipate that there will be internal judgments about how the mediation went, judgments that are about oneself as the mediator or about the participants in the mediation. If we expect this, then following mediation we can take some time to look for those judgments, thus, preemptively approaching our proclivity for self-judgment.

We have learned that it helps to first identify what we liked about how the mediation went and any “positive” judgments. We celebrate the things that we liked, the ways we responded that seemed to work or aspects of the session that are satisfied about when we recall them. As we celebrate these, we connect with what needs of ours were met by them. For example, perhaps we liked what resulted from a certain response we made to a participant’s expression of anger because it seemed to bring into her awareness her needs not met by the conflict. As we reflect on this memory, we notice that our own need for contribution is met.

In remembering what we liked about the mediation and our needs that were met, there’s a fullness and richness that makes it easier to approach the judgments we are having about what did not go as we would have liked. We might then ask ourselves whether there were times in the session when we felt uncomfortable, or responded in ways we did not like, and look for any judgments or blame we might be carrying as we think about the mediation.

Often, people find it difficult at first to separate out the different voices in their head. One way to become more proficient at identifying them and learning to mediate between them is to externalize them. Since we have identified that these voices are in conflict, treat them as if they are separate people in a conflict situation, and mediate between them.

The goal is to eventually be able to identify and mediate these chooser/educator conflicts internally on your own. If at first, you practice externalizing an internal conflict and see it mediated outside of yourself a few times, it becomes easier to distinguish the voices internally and get support from a person who can help you find the needs each voice is seeking to meet. Eventually, you are able to do the whole process internally.

The following is an example of how to externalize an internal conflict, using the five stage NVC mediation model and “Three-Chair” learning process that we use in our trainings. The three-chair model consists of setting up a role-play of a conflict situation, with one person in the mediator chair and two people as the disputants. Others might be present as coaches or observers, but the simplest form consists of these three players. The role-play might be an imagined situation or a real situation that one of the people is in the midst of. For the purposes of

this article, of course, we are using an internal conflict; thus, the two disputants are the two voices in conflict—the educator and the chooser.

To set up this kind of role-play, the person with the internal conflict tells the role-playing disputants what these internal voices say. It is often enough to just give two or three sentences for each voice. Though we can never be inside someone else's head, we have found in our trainings that we are all remarkably similar in the ways our judgments and criticisms operate; it is often plenty for someone to have just a couple of sentences to be able to accurately portray an internal voice. The person whose conflict is being externalized can choose which role they want to play. At times it might be helpful to embody one of the voices and experience receiving empathy for that part of oneself, or to be the mediator and give empathy to both sides. If enough people are present, he or she could also choose to be an observer.

We will use a real post-mediation example that one of the authors (John Kinyon) experienced in relation to critical judgments he was having towards himself following mediation. The mediation was between a husband and wife. In the course of the session, John expressed his thoughts about the behavior of the husband, who was expressing himself in what John perceived to be an angry and unhelpful manner, along the lines of the following: “Look at how you are talking to your wife right now. I think that's what she is talking about.” The man afterwards said he felt “beat-up on” by what had been said, and thought John was siding with the man's wife. Upon reflection, John realized that he did have some negative judgments about the way the man was acting, which inadvertently came out when he offered his perspective on the man's behavior. He then judged himself; his educator essentially saying to the chooser, “you screwed up, you should have known better.”

To put this internal conflict into the three-chair model, one person would take on the voice of the part that chose to express to the man about his behavior, and another person would take on the voice of the part that judged that action. For this example, let's say John plays the mediator of his situation. For clarity, let's call the educator voice in this example Educator, and the other voice Chooser. John would start with one of the parties and ask to hear what that person had to say about the conflict. In the case of self-judgment it can be helpful to begin with the voice of the educator as that voice is less likely to be able to hear anything else until it has first been heard.

This voice often expresses itself in terms of good and bad, right and wrong, and “shoulds” of how we should have acted or what we should have done, for example: “What the hell were you doing? You were completely unprofessional; you used your authority as mediator to make a point. It was wrong. You hurt the guy, and most of all, you made the situation worse because the guy thought he was being judged. You weren't doing what you were there to do; you weren't doing your job. You idiot.”

The first step is for John, in the role of mediator, to empathically connect with Educator, which might sound something like: “Are you upset because you really wanted to contribute to this man being understood, and to creating understanding and connection between him and his wife?” This process might take a number of guesses to connect with what is accurate for the person playing this role, but for now let's say that it was about needs for contribution and understanding.

The second stage of the mediation model is for the mediator to request for the other party—in this case, Chooser—to reflect back the needs he just heard stated. John might say to Chooser, “Would you be willing to just tell Educator that you heard him say his needs were for contribution and understanding?” Occasionally this requires some additional empathy for any reluctance or an explanation of the purpose of doing so, but typically people are willing to reflect back what they heard the other say with this kind of additional support. The point of doing so is for Educator to trust that Chooser has heard him.

Stages three and four are a repeat of the first two, with the attention now on the other party, Chooser. The mediator asks Chooser for his account of what happened. With internal conflict, the voice of the chooser often sounds defensive. Chooser might say something like, “Well the guy was being a jerk! I just wanted to give him some feedback, like, ‘hey buddy, take a look at yourself; you’re talking in a way that is not going to get you what you want. Wake up! You’re getting all rage-oholic talking to your wife this way, what do you think is going to happen?’” I just wanted to let him know that I didn’t think what he was doing was helpful.” John attempts to listen through the defensiveness and respond by guessing what needs Chooser was trying to meet by his actions. “It sounds like you were concerned that the man’s actions were sabotaging his goals for being in mediation, and wanted to contribute to him being understood and getting his needs met. Is that right?” Again, it may take a few rounds of dialogue to get at the needs that Chooser was trying to meet by what he chose to do. After these needs are clear, the mediator then turns back to Educator and asks him if he would be willing to say that he heard Chooser state that his needs were also for contribution and understanding.

Once you have sufficient clarity that you are beginning to mediate internal conflicts in your head, the second and fourth stages—asking the other party to reflect—are often skipped. However, it can be a powerful exercise to try to include them. When we have internal conflicts, we tend to flip between identification with each voice; one moment we are identified with the educator, another moment with the chooser. Staying with one voice and asking it to reflect back the needs of the other can assist in the process of reconciling the two voices as well as help us recognize more easily these different parts and how they interact. This can be a bit confusing, however, and it is helpful to have another person to assist you, or you can track the mediation using a recording device or on paper, keeping notes on what each side says and the needs each is trying to meet.

In the NVC mediation model, these first four stages constitute what we think of as the connection phase of the mediation; that is, the purpose of these four stages are to connect the parties with each other. You know they are connected when they are hearing each other, as they would each like to be heard. These four stages are repeated as many times as necessary to create this connection. Using these first four stages, we are slowing down the conversation so each side gets heard to their satisfaction, not only at the story level, but at the need level—the level at which the disputant identifies the basic human need he or she is seeking to meet by doing what she or he are doing.

The fifth stage moves into the resolution phase of mediation. Once the parties are connected, they often begin to spontaneously collaborate towards creating strategies that will meet all of the needs expressed. The mediator in this last stage assists the parties by continuing to facilitate any unresolved issues that come up (even sometimes moving back into stages 1 through

4 if necessary), and by helping the parties create strategies that are doable, and if necessary that include agreements which are intended to increase the likelihood that the primary agreement will be fulfilled as contemplated.

In an internal mediation, however, the fifth stage is different since there is not a “resolution” in the sense that there would be in a regular mediation. In an internal mediation, the resolution phase is more of a process of learning; using the information that has emerged in the first four phases, the person can reflect on what they might want to do going forward. This might include thinking about what they might do differently in a similar situation in the future, and it might include planning for a follow-up to the interaction that led to the internal conflict.

For example, after mediating the above internal conflict, John realized, “I really like that I was trying to be honest and straightforward with the guy, but I want to find a way to convey that honesty in a way that doesn’t have any judgment to it. I want to do it in a way that is connecting and supports understanding. When I have a reaction, I don’t want the reaction to be speaking for me; I want to speak from what I care about, what I value.” In the next mediation session with the couple the husband brought up that he had felt “beat-up” in the prior session by what John had said. In response, John expressed his mourning about what had happened, saying something similar to the following, “You know, I was having some reactions to what you were saying that were about me and were making you wrong. I regret not being able to hold you and your wife equally in how you were trying to meet your needs. Would you tell me how you feel hearing what I just said?” John then empathized with the man’s response to this question.

In order to make sure that whatever value comes out of doing this type of internal work does not end up simply being forgotten or put aside, it is helpful to think of this whole process as part of a learning cycle. This cycle has three stages; planning/practicing, doing, and learning. The planning/practicing stage often starts with mourning needs not met by some aspect of our conduct. And out of this clarity about what needs of ours are not being met, we may make a plan of how we imagine we might be able to conduct ourselves in the future so as to increase the likelihood we will have our needs met. For example, if we decide to have a follow-up conversation to the interaction that sparked our internal conflict where we try on the new behavior that we want to integrate, we make a plan about how to do that. We might practice in our heads what we want to say to the person. It can help to again enlist another person’s support to role-play the interaction so we can practice out loud the things we would like to say and how we would like to say them. We might even ask the other person to react in ways that we fear the person might, and practice our responses. Then, in the doing stage, we have that interaction as best we can. Afterwards, we move into learning by celebrating the things that went well, and again looking to see if we have judgments or criticism about any part of it, particularly judgment of our own actions. If we find we do, we can then distinguish the voices of the educator (telling us what we should have done) and the chooser (defending what we did), and go through the mediation process described above. This learning cycle is a very effective way of moving us towards implementing the changes we would like to make; each time we go through it, we incrementally increase our abilities to act in new ways through reflecting on what happened, distinguishing our judgments about it, identifying the needs we hope to meet, developing new strategies to try to meet them, and implementing those strategies. (For more about using this model to support personal change, see: [NVC Conflict Coaching](http://cnvc.org/en/nvc-conflict-coaching), by Ike Lasater with Julie Stiles, <http://cnvc.org/en/nvc-conflict-coaching>.)

Conclusion

We have offered a description of a way we use to care for ourselves in our work as mediators. This approach to mediator self-care is an extension of our basic approach to mediation. When we are asked to act in the role of mediator we use the same approach as we do when mediating between the warring voices in our own heads—we set about to have each person to be heard as to their needs, not just their story.

We are writing a book about our approach to mediation and hope in the next year or so to have that for you. Until then, what we have written about our approach is collected at the following site: <http://wordsthatwork.us/site/articlesandbooks.phtml>.

Presenters' Biographies

Ike Lasater facilitates the resolution of conflicts, coaches people in conflict, and teaches these skills to others. His mediation work is based on the principles of Nonviolent Communication (NVC), a communication model developed by Marshall B. Rosenberg with whom Ike has done most of his formal NVC training. Ike has facilitated NVC and NVC Mediation workshops across the U.S. and in Australia, Hungary, New Zealand, Pakistan, Poland and Sri Lanka. He has served as a board member of a number of organizations including: the Center for Nonviolent Communication, the Association for Dispute Resolution of Northern California, and the California Yoga Teachers Association (founding owner of *The Yoga Journal* magazine). Ike engaged in civil trial practice in the San Francisco financial district for twenty years initially as an associate attorney with Brobeck, Phleger & Harrison. He co-founded Banchemo & Lasater, a twenty-person law firm specializing in complex, multiparty, commercial, and environmental cases. His experience in conflict resolution includes almost four decades of marriage and parenting of three now adult children (who seem to enjoy interacting with their parents), long-term practice of aikido, Zen meditation, yoga, and integrating NVC into his daily life since 1996. To learn more about Ike go to www.WordsThatWork.us.

John Kinyon is a staff trainer of the [Center for Nonviolent Communication](http://www.cnvc.org) and a co-founder of the Bay Area NVC (BayNVC) organization. John has offered NVC training and facilitation to thousands of people around the world and specializes in mediation and spiritual practice applications of NVC. John provides mediation services for individuals, groups, and organizations, and has developed with colleague Ike Lasater an extensive training program in NVC mediation. In early 2002, John and Ike offered conflict resolution training to Afghan tribal elders along the Pakistani border. John also works closely with NVC founder Marshall Rosenberg, Ph.D., and is regularly invited to be a staff trainer with him at 9-day international intensive trainings. John has a background in clinical psychology and has started three businesses. To contact John: [nvcmediation \[at\] johnkinyon.com](mailto:nvcmediation[at]johnkinyon.com). For more information see www.cnvc.org, www.nonviolentcommunication.com; and www.johnkinyon.com.