

Unmasking the 'Magic' of Mediation

Why it can be hard to see - A Personal Story

Written by
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People often say that they do not need mediation or facilitation: they will just negotiate. They do not see that an impartial third party has anything to add. Sometimes they are right. Party-to-party negotiation can, indeed, be the way forward. Too often, however, they are missing out - not only on saving time, money, and on finding better solutions - but also on preserving and improving their relationship with the other party and on being happier healthier people. Hard to believe perhaps - but that is the point of this article.

This is particularly important in disputes in areas such as employment, where people may have to continue to work together. For example, if there have been accusations of bullying-type behaviour at work, a good facilitator may be able to help the parties understand each other and relate to each other better, as well as amend behaviour, more informally, without having to go through a fully fledged disciplinary procedure. In the process the parties may have grown personally and feel more confident, stable and trusting of each other. This could help avoid significant morale issues, make things less awkward and open channels of communication. Alternatively, after a procedure, a facilitator could help the parties figure out how they will work together and re-integrate into the wider team with less disruption.

There are three reasons why people fail to see the value of facilitation (I will use the word to refer to both mediation and facilitation). This article explains those reasons and why involving a third party is so helpful. But let's begin in my back yard.

My garden fence

Recently, I found myself in an ironic dispute with my new neighbour over the cliché garden fence (really). As a facilitator, I thought, 'I should be able to handle this'. But I was quite upset by the situation - as my neighbour had built a fence with gaps in it which I felt invaded my privacy, as well as hers - I could see her moving around in her living room - although she did not seem to mind.

I discussed the issue with my neighbour. She talked, and I made sure I had heard her and made it clear that I had understood her point of view. And I talked, and I did not feel like she was taking in anything I was saying (I am, of course, biased here). I may have said something to that effect, which I am fairly certain did not help matters. She was set on having things her way and I was annoyed.

We arranged to meet another time to discuss the issue - and this time her mother was with her. Her mother is not a trained facilitator, but she was a little less partial than either of us - and her daughter trusted her. From time to time she would tell her daughter something like 'darling, I don't think you're hearing her', 'I don't think you're listening', or 'I don't think you understand her point'. Although, that is not something you would expect a normal facilitator to say, it seemed to work in this situation. Having her there created space in the conversation where previously there had been none and opened up her daughter's ability to listen, trust, and take in a different perspective. We found an interim solution and understood each other better.

Why is it so hard to realise that mediation and facilitation work?

Firstly, often people cannot understand the value of mediation and facilitation. This is partly because, as humans, when we are in conflict, we easily become limited and defensive. We see our own perspective and get attached to it. We not only fail to see the other party's perspective, we are so caught up in our own version of events that we fail to see that any good can come from seeing the other person's perspective.

The model of transformative mediation (as well as a number of other models) recognises that when there is conflict between people they become disempowered and no longer properly 'recognise' each other as human beings. People in conflict have trouble seeing another person's perspective because they are so caught up in their own stories and in their own points of view that they only see the other person as an obstacle.

Secondly, facilitation and mediation are black boxes. No one really understands what goes on. Because of this, it is so hard to imagine that 'magic' could actually happen in the 'black box'. This is not helped by the fact that there is no consistent process or way in which all mediators work, so there is no one process to explain to people. It is not a bad thing that facilitators use different approaches and can be flexible. Arguably, there is no one-size fits all. But it is confusing when people are trying to understand what happens.

The third is that we are emotional people and we take things personally: we think "I can sort this out, I'm a rational person" but when it is important to us, we react quicker and often shut down. Emotions are not bad. They can even guide us to greater understanding and clarity but in these situations, they make us more reactive and less able to take in information that differs from our own point of view.

How do facilitation and mediation help with this?

A good facilitator will make people feel heard. People will be heard at least by the facilitator. But once they have been heard by the facilitator, a good facilitator will endeavor to make sure that the parties hear each other. And once that happens, 'magic': connection reoccurs. There is an intrinsic happiness and calm that comes from relating genuinely to others - hearing and being heard. You see people visibly relax when they feel they have been heard and understood. I have often heard people say 'no one has ever listened to me like this before'. It makes a difference.

When people begin to relax and be more in touch with themselves, they can start to see the other person. They realise that the other person is a real and genuine person, not just an obstacle in the way of what they want, but a real person like them with needs and hopes and desires. They also have a clearer fuller picture of what actually happened. They see beyond their one-sided version of events. This opens up more possibilities for solutions: ways forward that are different than what was possible before.