

WE ALL BELONG: INTEGRATING VALUES, DIFFERENCES, AND ENVIRONMENT

Mediation Practice & Diverse Values

By David Levin¹

I. INTRODUCTION - Mediator Presence and Behavior

Mediation may be viewed as a group of human beings gathered in a room. The purpose is to work towards the resolution of a conflict. There are relationships and reactions filling the room. The relationships include:

- Each person has a relationship with every other person in the room;
- Each person has a relationship with the group as a whole;
- Each person may have relationships with sub-groups of the participants; and
- Each relationship will be shaped by the role of each person, such as party, attorney, mediator, etc.

The reactions present in the room include:

- Reactions from within each person, such as those which originate in thought, emotions, physiology, experience, and more; and,
- Reactions from interactions between people.

How the people in the room relate to each other, and how each person reacts to what is happening, will impact how the mediation unfolds. A mediator is one of the people in the room. Their influence, if not power, will shape what happens:

- How a mediator reacts with each individual will influence whether that person can achieve an open, flexible, and creative state of mind which is conducive for mediation;
- How a mediator manages their relationship with each individual, and their relationship with the group, will influence whether the environment in the room is supportive of a helpful dispute resolution process; and
- A mediator's role to guide the process will be shaped by these dynamics.

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II. BUILDING BLOCKS

Mediator presence and behavior may help determine how a participant experiences, and participates in, mediation. People come to mediation apprehensive, on alert for danger, defensives activated, and expecting to be attacked. Mediation is often assumed to be a hostile, unknown environment. What initially happens to a person can be pivotal.

Testing & Reacting. Upon entering a foreign, possibly dangerous, environment, a person continuously tests for safety, assesses what happens, and reacts to the results. Coming to a mediation, a person is already on alert and expecting danger. Coming from an experience of conflict, the person has already learned the world is not safe. Mediation is an unknown place, the mediator is a stranger, and the other party is an adversary. A person will probe, test how their presence, words, and behavior are received.

A Stress Response. Emotional, cognitive, and biological stress responses have already been triggered simply by coming. A person may expect to be attacked, ridiculed, disrespected, minimized, shamed, and told that they are wrong. This is a hyper-sensitive state. Any signs of danger will heighten a fixation on self-preservation. Aggressive defensiveness will be elevated. Fight, flight, freeze, or other behaviors may result. Any of these occurrences, as well as the person's initial state of mind, will not be helpful for mediating.

A Relief Response. What happens when the probe evokes a neutral, or even a friendly, response? What happens when the mediator shows interest, wants to understand, is non-judgmental, is accepting, and wants to know more? What happens if successive probes bring back similarly "friendly" information? Is it possible for the person's state of mind to shift?

A Safe Place. A person's state of mind to meaningfully mediate needs to be open, flexible, and creative. While remaining wary for danger, cautious about the other side, and vigilant to safeguard self-preservation and integrity, a person needs to feel safe. Safe enough to venture out of the fortress of aggressive defensiveness. Safe enough to shift from a purely defensive stance to a more multi-dimensional position – where collective problem solving can co-exist with self-preservation. There is a sweet spot where a person can feel both safe and open to more possibilities that just winning or losing. And, one safe response is not enough. Repeated probing needs to find a reliable environment of safety.

Where Can Safety Come From? The other side is not offering safety. Mere words, "you are safe here," from the mediator can ring hollow. Safety must be experienced. In the gut, as well as in the mind. Words can be so superficial. Mediators can offer a sense of safety. Mediator presence, demeanor, and behavior, as well as words, will be tested for safety. How the mediator responds to each person will be critical. Yes, a mediator can create a safe, working environment. A safe place to work on a dispute may be the greatest gift a mediator can provide.

III. ESSENTIAL TOOLS

Acknowledgement, a basic mediation tool, is the foundation. Mediator presence and behavior matters. If the mediator's reactions and interactions allow people to experience authentic acknowledgement, and if a mediator does nothing else, then a beneficial mediation experience may result. Consider the following approach for a mediator:

- Assume nothing about each person;
- Assume every person is different from you;
- Assume every person is different from every other person; and then,
 1. Listen with interest;
 2. Listen to understand;
 3. Acknowledge what you hear with respect, acceptance, and non-judgement;
 4. Ask to know more; all the while,
 - Monitoring how everyone in the room is doing;
 - Reassuring each person that you will have the same interaction with them; and
 - Being even handed among the people gathered in the room.

IV. VALUES & SPIRAL DYNAMICS – Being Multi-Lingual

Diverse values are always in the room. Each person is a singular expression of the variations of being human. Assume nothing. Initial appearances and one's starting assumptions are frequently false indicators. Approach each person as a new world to explore.

A mediator needs to cultivate a growing awareness of the endless possibilities of people and of their values. Spiral Dynamics offers a doorway for increased awareness. The benefits for an ever-evolving awareness include:

- Increased awareness of how the mediator's own values shape their own participation in mediation;
- Increased curiosity about who is in the room;
- Increased humility, openness, and willingness to learn; and
- Increased ability to offer authentic connections with the people in the room across diverse values.

This writer is an older, privileged, white male. He always will be. His values are influenced by who he is. As a mediator, this is who he brings to a mediation. There will be real voids between who he is and who else is present. The differences are not the issue. Being open to, and authentically interested in, the differences is what is important.

Spiral Dynamics offers a valuable mediation tool. A mediator does not need to be well versed in all of the "colors," nor capable of recognizing every "color" at play during a mediation. However, the view of human experience offered by Spiral Dynamics contains the means for increased awareness of the diversity of values. A deeper and wider awareness of the possibilities is an essential tool for the mediator.

Every person's value system is their own language for experiencing being human. Every language has its own overt and nuanced meanings. Each person having their own language, which will tend to deafen them to the languages of others. Thus, a diversity of values may hamper meaningful dispute resolution.

A mediator does not need to be fluent in every language. The need is to appreciate the differences, to find a way to connect which transcends the differences – to be open to diversity, to honor diversity, and to support diverse value systems in co-existing. This aspirational ability is the art and gift of mediating. If a mediator does nothing else...

V. RESOURCES

Additional materials on this approach to mediation dynamics, as well as mediator presence and behavior, please see the training materials available on www.nmadr.org. See in particular, "Mediation Dynamics," and "Acknowledgement, a Dispute Resolution Basic Skill: From Clenched Fists to an Open Mind."