

Kluwer Mediation Blog

Practical Tips for Mediators

Charlie Irvine (University of Strathclyde) · Friday, April 12th, 2013



I'm not often drawn to practical tips. I once discovered that I am an "activist" learner. This apparently means that I learn best when "thrown in at the deep end" and less well when "absorbing and understanding data" (see <http://archive.excellencegateway.org.uk/page.aspx?o=152477> for a description of learning styles and <http://www.peterhoney.com> for a self-evaluation test). It perhaps explains why, when offered practical tips, I feel I have a choice: either concentrate on remembering them, or concentrate on what's going on in front of me. And I tend to choose the latter, effectively throwing the manual out of the window and improvising.

However, I now teach mediation as well as practice and, as French essayist Joseph Joubert said, "To teach is to learn twice". I have learned a great deal from my students. One lesson at which I still marvel is that, for a significant number, practical tips are really useful. Some students say they remember these more than anything else. This is so contrary to my way of thinking and learning that it took me a while to cotton on, but now I try to go with the grain of other people's learning styles. If I can find a tip and pass it on, so much the better.

One element of mediation practice that beginners can find daunting is language.

Experienced practitioners seem to have a knack of using the right words at the right moment. And so they do. Indeed, if you watch a lot of mediators you hear the same turns of phrase cropping up again and again. This must be because they have the right tone or weight. “Flavour” captures it best: certain phrases have a flavour that lends itself to peacemaking, collaboration and problem solving. So I started collecting phrases from colleagues and put them into a handout.

Here are some of the key ones:

Acknowledging

I see

What do you make of that?

That sounds really important to you.

What do you think about that?

What do/did you feel about that? *(I issue a health warning about over-use of the f-word – “feel.” It can seem intrusive and irritating to repeatedly ask someone how they feel. Try varying it with “think” or the more neutral “what do you make of that?”)*

Affirmation

Thanks for explaining that so clearly.

Thanks for listening so politely while [x] spoke. *(Never underestimate the importance of politeness and positivity. Praising someone for listening underlines and rewards that behaviour while also letting the person know that the mediator has been noticing them.)*

Checking/clarifying

So, what you’re saying is

I am wondering about this. If ..., then?

Can I just ask what you meant by

Can you explain that a bit more?

Am I right in thinking you said

Encouraging

You were saying earlier

You really don’t see things the same way. It’s OK to disagree – that’s why we’re in mediation.

Future Focus *(Mediation clients are often mired in despair. Simple questions can anchor their thinking in a more hopeful place by assuming that the future does not need to be the same as the past.)*

What are you looking for?

What do you want to achieve today?

How will you recognize it when it happens?

Looking forward, what might need to happen?

What needs to happen for you to

So if the position now is ...(summary) how could things be improved?

On hearing something positive from the other side

Does that surprise you?

Have you heard that before?

What do you make of that? (*This is in twice - it's a favourite!*)

Would it be OK if I ask you to say back to X what you heard them say to you?

Option generation (*this and the next category may work better in private session*)

If you had a magic wand what would the future look like?

Reality testing

How do you think they see the situation?

What could you live with?

What would be the effect of that?

Summarising

So, if I've got this right, there are three things we need to deal with. First..., second... and third...?

So from your point of view, and from your point of view

(*This last is one of the most useful moves a mediator can make. It has three benefits: 1) it names the conflict, rather than sweeping it under the carpet, 2) it tells both parties that the mediator has heard their perspective, and 3) it lets people hear their own thinking out loud, something they have often never done.*)

Some limitations: I don't claim great originality - many of these came from observing colleagues in role-plays. These seem to work in a particular setting (Scotland) in a particular language (English) at a particular period in time (now - these things change). I would be fascinated to hear of equivalents in other cultures and languages. And delivery is everything. Any of these can be mis-timed, or said with the wrong expression, tone of voice or hand gesture.

And finally, returning to my own preferences, I must issue another health warning. For me, the best intervention is the one in which the mediator simply responds like a human being. Once we have developed our craft, internalised its precepts and values and practised it time and again, we can begin to improvise. And once we've done that for a while a marvellous moment will come along when, without thinking about it, we find that we have just said the right thing at the right moment.

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