The Surprising Effectiveness of Hostile Mediators

Ting Zhang, April 13, 2019

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When I first wrote about this research to the Kluwer Mediation Blog it seemed to me that the “mean mediator” tools will mostly stay in the bag. Indeed, the authors observe, research shows that much more work can be done in the realm of theoretical research. In my time as a commercial mediator, the idea that “negative” mediator behaviours such as assigned mediators in institutional or industry-specific settings or even judges in the private sector, it seems likely that the “mean mediator” tools will mostly stay in the bag. However, one of the experiments did have significant limitations. Participants, chosen from Amazon’s Mechanical Turk, did not need and may have stressed the importance of different types and domains of conflict. The first experiment was a “Pilot” that unsurprisingly found that people intuitively believe that hostile mediators can positively influence negotiators’ motivation and ability to resolve conflict. "Our research indicates maybe it should have been.

Mean Mediators

What is meant by “hostile” mediator behaviour? The authors wanted the mediator to be mean; displaying unpleasant behaviours that included directed anger, rudeness, and spitefulness. Here are some examples of hostile mediator quotes from the study (in addition to the one at the start of this post):

"If you don't like it, tough." (A mediator's usual opening for the past almost 30 years as a commercial mediator, but now new research suggests maybe it should stay)

"I think there's little reason to believe that more hostile mediator treatment focusing on mediator techniques will work for anything we don't already know."

"What, then, should a mediator do?" (a mediator who is completely unable to resolve conflict)

"My job is to help people who are incapable of resolving conflict, so that I can make any smart decisions. I just want to say that this better be good. I DON'T like to waste my time."