

# Kluwer Mediation Blog

## Keeping Mediation out of the Box

Rosemary Howell (University of New South Wales) · Friday, April 22nd, 2022



One of the great joys of being part of the world-wide mediation community is the opportunity to learn and keep learning from professionals whose practice is far from homogeneous.

The generosity in sharing thoughts, ideas and even intellectual property is remarkable. Despite this, there is still a lot about the practice of mediation that is kept tightly 'in the box'. By that I mean there are discernible barriers between mediation and a number of other non-judicial forms of dispute resolution.

I am not the only one observing this and it is common to see commentators describing the dispute resolution field as 'siloes'. Silos exist not just between those practising in the field but also between those engaged in academic research.

It is rare to see cross-disciplinary collaboration or to review mediation research which draws on methodologies from other fields including education, psychology, commerce and economics.

This explains why I have always enjoyed Joel Lee's ongoing series of [articles](#) about Neurolinguistic Programming (NLP). Lee readily acknowledges the many detractors, encouraging us to see LNP as a model, not a science - adding another dimension to

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how we see and experience the world and the behaviour of others.

What I take from Joel's growing body of blogposts and videos is that Joel is not just offering us an opportunity to explore NLP. He is providing an example of how, as mediators, there are all kinds of tools available from a range of other disciplines that help us to take the lid off the box and maybe even climb right out of it.

Some years ago I enrolled in the training program for the Myers-Briggs Type Indicator (MBTI) and then decided to proceed to certification. Much like Joel's experience with NLP, I have found the MBTI tools to have greatly enhanced my mediation and coaching practice.

MBTI offers us more tools to navigate the world more readily and offers useful ways to understand and accept the behaviour of others without judgement.

Developed by the mother and daughter team of Katherine Briggs and Isabel Briggs Myers, the tool draws on and expands the work of Carl Jung to offer an explanation of the differences in human behaviour based on the way individuals prefer to use their perception and judgement. It draws on a regularly updated research base going back to the 1940s.

It is often poorly understood and is widely criticised, particularly because it is self-scoring and highly manipulable - in my experience not a problem at all if it is thoroughly explained and administered as required by the training.

What is really useful, and doesn't require sceptics to accept MBTI as science, is that it can provide a really useful place to begin a conversation.

My mediation practice almost always involves parties who have an important business relationship and a good outcome is to find ways to repair the relationship or part with grace. Sometimes during intake, as I let parties talk about their business life and work, they will tell me their MBTI profile and I often find that parties struggling the most with the personal impact of conflict have a strong 'F' preference.

In MBTI speak this means that the frame around which they make decisions is the relationship frame and at its most basic this means that they want everyone to be happy. Disharmony for 'F's is painful and there is great internal pressure to avoid the disharmony by trading off what they would really prefer in order to have everyone be happy.

I've oversimplified this significantly in the hope that you won't doze off while I am mid-sentence - however what I call the 'trade-off tendency' is very real. Like Joel, my understanding of MBTI has added another tool to my toolbox.

It has given me a line of information-seeking that can help parties identify for themselves the trade-off they are potentially moving towards - allowing them to refocus and separate aspiration for their ideal business relationship from what the best creative options might be.

This can be a very positive way to support parties in changing the frame from the

**either/or** dynamic to the **and/and/and** one.

Surely that's a win/win?

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The image shows a promotional graphic for Kluwer Arbitration Practice Plus. On the left, there is a blue banner with the text 'Kluwer Arbitration' and the Wolters Kluwer logo. On the right, there is a larger blue banner with the text 'Explore Practice Plus' and a checkmark icon. Below this, there is a screenshot of the software interface. The interface shows a profile for 'Gary S. Barr' with a photo and various data points. There are also several circular charts and graphs representing data visualizations. The overall design is clean and professional, with a focus on data and user profiles.

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