

Kluwer Mediation Blog

What Can Mediators Do To Help Parties Overcome Their Biases?

Catherine Brys (Strathclyde University) · Friday, February 3rd, 2017

In this article I discuss some of the perception and cognitive biases relevant to conflict as well as the interaction between biases and conflict. I think that it is important for mediators to be aware of the parties' biases, firstly, to understand how biases are contributing to the conflict, and secondly, to help the parties overcome their biases and use a problem-solving conflict resolution approach. I end this article with some ideas for how mediators can help parties in this respect.

To gain some insights into how biases occur, we can look towards neuroscience.^[1] The limbic system in our brain helps us to make sense of the world. It does this by taking in the enormous amount of sensory signals we are exposed to and filtering and prioritising them. This leads to biases in perception, such as selective perception.

Based on these filtered signals, the limbic system then generates our basic emotions and either a primitive “fight or flight reflex” will result or cognitive functions will be activated. At this stage, cognitive biases can occur. Particularly when our brain operates in reflexive mode (autopilot), it uses unconscious neural patterns and networks to make inferences. But even when we concentrate (reflective mode) we are prone to a range of cognitive biases.

Although there are many types of biases, within the context of conflict we can distinguish between biases relating to oneself (or in-group), to the other party (or out-group), to activities leading to conflict and to conflict itself:

- Biases relating to self/in-group, for example, self-serving bias, ego-centric bias, in-group bias, group-think and the lone moderate effect.
- Biases relating to the other party/out-group such as the fundamental attribution error, stereotyping and the halo effect.
- Biases relating to activities, such as decision-making, including overconfidence, confirmation bias, escalation of commitments and loss aversion.
- Biases relating to conflict itself, for example simplification of conflict, fixed pie perception and false dichotomy between competitive and cooperative options.

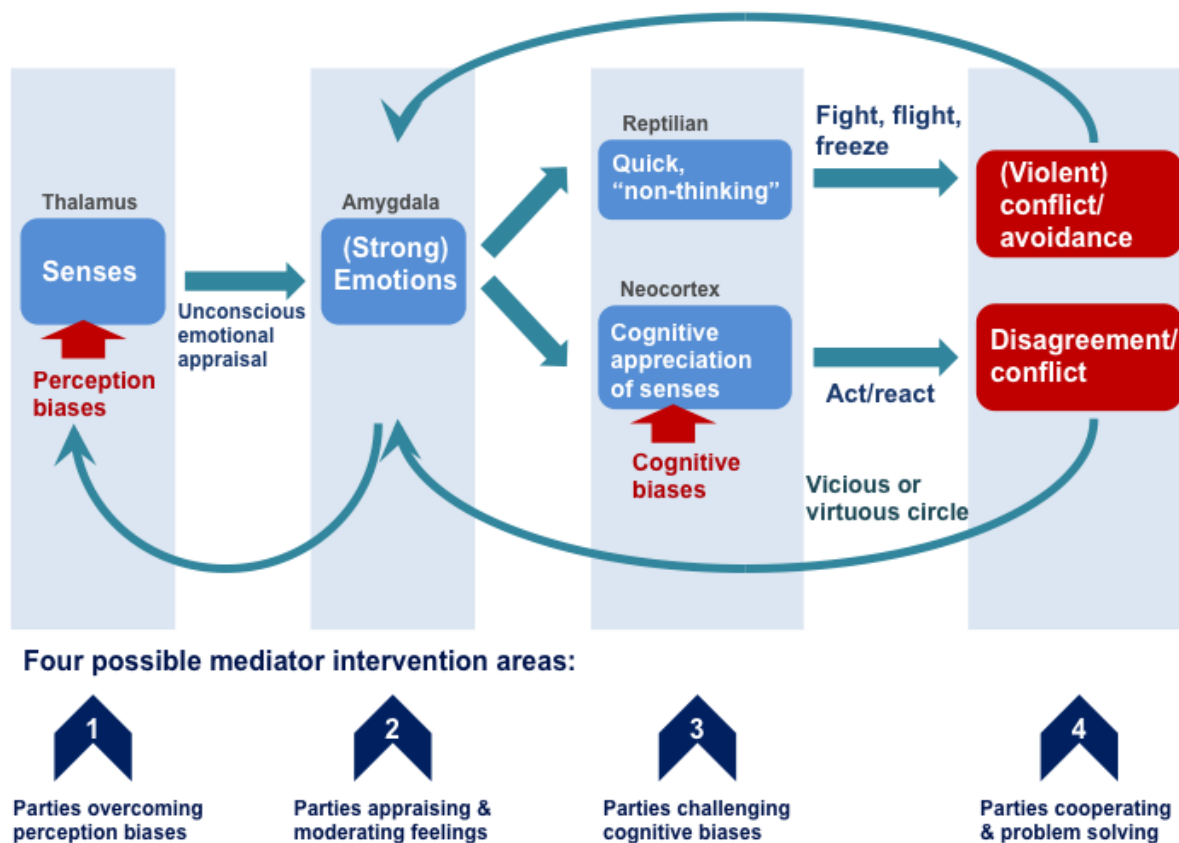
These biases can lead to disagreement or conflict because we perceive different realities or interpret facts differently. The “bias blind spot” can make things worse through the belief that the

other party is strongly biased but that we ourselves are relatively bias-free. Also, the stronger the disagreement, the stronger the bias we attribute to the other party. This situation can lead us to behave competitively, which in turn is likely to fuel the conflict.

Once we are in conflict, we are more likely to be subject to biases. This is because our emotions may cause us to communicate less well and our thinking may be restricted. Restricted thinking may also lead us to focus on opposing views.

Because bias can lead to conflict and conflict can be worsened by bias, a spiral of conflict can result. ^[2] When groups are involved, in-group and out-group biases (such as group-think or the lone moderate effect) may worsen the situation specifically, in extreme cases even leading to intractable conflicts.

What can mediators do about this? To analyse how biases occur and can lead to conflict, and where mediators can intervene, I have made a simple model: mediators can break through the vicious bias-conflict cycle by encouraging the parties to overcome perception biases; appraise and moderate their feelings; challenge their cognitive biases and use cooperation and problem solving.



Through active listening, mediators can encourage the parties to be more objective in how they perceive the world (intervention 1 in the figure). A first way this can be done is by guiding the parties to revisit the facts which led to the conflict. Another way is by helping the parties to hear their own story (for example by summarizing what they have said), and to truly listen to the other party by asking what they have heard in the other's story. These interventions can help parties to take a more unbiased view of events and of the discussion during mediation.

Mediators can also help the parties to see the other as less extreme (intervention 2). One way is by helping to surface and identify emotions. Another way is by facilitating conscious appraisal of the conflict and of the other's emotions and perspective by encouraging reflective-mode thinking, positive reframing and non-counterarguing listening. Finally, mediators can foster empathy between the parties by helping them to be aware of each other's emotions (mirroring) and to focus on similar rather than opposite characteristics. This can be especially important to overcome out-group bias.

Mediators can also help parties to come to a more accurate view of the situation and move towards a resolution (intervention 3). One way of doing this is by encouraging the parties to think about their own and the other's story and explore different meanings, for example by summarising the other's point-of-view and using positive reframing. Mediators can also help parties to reflect on their behaviour and increase awareness of biases, for example by raising awareness of how unconscious biases can affect conflict. Finally, mediators can guide the parties to focus on the future rather than the past and on moving the dialogue to constructive, conflict-resolving action.

A final way in which mediators can help parties to break through the vicious bias-conflict cycle is by encouraging cooperation and problem solving (intervention 4). Firstly, mediators can facilitate cooperative behaviour by for example setting mediation ground rules. Secondly, mediators can flex their style to guide the discussion into cooperative problem solving, for example by first using a critical discussion style to explore issues and then a bargaining style to guide towards conclusion. Finally, the well-known advice of separating the people from the problem and focusing on interests rather than positions will also help to foster cooperation.

Cooperation and problem solving are more likely to be successful if first perception biases have been overcome (intervention 1), feelings have been moderated (intervention 2) and cognitive biases have been challenged (intervention 3). I think this combined approach can help to turn the vicious bias-conflict circle into a virtuous cooperative circle. I would be interested in your views.

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