

# Kluwer Mediation Blog

## Mediation Mis-Judgments: “Assumed Motivation”

Bill Marsh (Editor) (Bill Marsh Mediator) · Wednesday, November 4th, 2020

I blogged recently on the importance in mediation of not forgetting [what is happening in the other room](#). It's an easy mistake to make.

Here's another one that is easy to make. “Assumed motivation”.

A lot of stuff happens both in conflicts and the process of their resolution. Things are said and done by each party. And each time, the other party(ies) pour over them to try to discern their meaning, the motivation behind them.

- *“They did X (action). That must mean that are seeking to achieve Y (motivation)”.*
- *“They served an amended report the day before the mediation (action). That means they are trying to ambush us (motivation).”*
- *“They sent a more junior negotiator to the mediation (action). That is because they are trying to offend us (motivation)”.*
- *“They want Mr/Ms Smith to be the mediator (action). That must be because they have an “inside track” with them, or feel they can manipulate them (motivation)”.*

Notice that in each of these examples, the first part (the action) is a *fact*, whereas the second part (the motivation) is an *assumption*. Such assumptions are subtle and insidious, and often creep in unchallenged. They usually derive an apparent plausibility from appearing consistent with long-standing assumptions or beliefs about the other party.

- *“Our opponents are inherently untrustworthy, so of course we will assume that any actions they take have a malevolent or at least exclusively self-interested motivation”.*
- *“Given the history of our dealings with them, everything tells us that their actions need to be interpreted as cynically as possible”.*

The net result of all this is, of course, a downwards spiral. All words and actions of the other party are interpreted in a highly critical light. All future words and actions become subject to a baseline or “threshold” cynicism. And hence it becomes increasingly hard for a party to send a conciliatory, or at least less threatening, message to its counterparts.

All this is, of course, meat and drink to mediators. We come across assumed motivations on a daily basis. Parties do as well, but are less likely to spot them because it is hard to spot your own assumptions, especially those with apparent plausibility.

So here are some thoughts about addressing them, for mediators and parties alike:

**1. An assumed motivation may in fact be accurate.**

Mediations are not love-ins, they are usually challenging processes in which parties pursue (quite rightly) their own desired ends. Mediators need to be respectful of the sometimes lengthy history that parties have of dealing with each other, from which they may have formed highly accurate views of each-others' motivations.

**2. An assumed motivation may have been accurate in the past, but is no longer accurate.**

I find this surprisingly common. Parties derive assumptions based on the actions of the other many months or years earlier. Those assumptions may well have been accurate then, but the party concerned has long since moved on. I remember mediating some years ago in another part of the world, one which had seen a lot of violence. One evening I was having dinner with my interpreter, and the TV in the restaurant carried pictures of violent protests in the country. I asked what it was about. He explained that one ethnic group had committed atrocities against another some 600 years earlier, thus "proving" that they "still" could not be trusted, particularly when it came to holding public office.

**3. Mediators may need to challenge, or question, assumed motivations.**

Of course, you can't challenge everything, but from time to time I have found myself asking a party how sure they really are about the motivations they are assuming of others. Sometimes the question itself has been a surprise to them, as if the assumption ran so deep as to be beyond question. At other times, the question has elicited anything from lengthy justification and proof, to a moment of quiet reflection.

But the point of asking the question does not lie in the answer. It lies in the fact that we have asked it, because it is that which invites a party simply to reflect on how grounded in reality their assumptions are. Unspoken assumptions are a powerful driver. Spoken ones may or may not retain their strength.

**4. Take time.**

To reflect genuinely on a person's motivation takes time. Pause, don't rush to judgement. When another party does something unexpected and challenging before or during a mediation, don't rush to judgement. Take a few moments to consider the range of possible motivations. Sit lightly, or provisionally, to any conclusion. At least for a while.

**5. Exercise self-discipline.**

Questioning an assumed motivation is not easy, the more so where the assumption has become widely accepted within a larger group. It is too easy to buy into the group-think of "*The other party is entirely wrong/corrupt/untrustworthy/etc, so the only reasonable conclusion to draw is that they are trying to deceive or prejudice us*". Such questioning requires of us the discipline to stand back from the apparent perceptions, and at least ask what the range of possible motivations might be. And perhaps not to buy in to any easy answer.

**6. Practice curiosity.**

As a general rule, curiosity serves both mediators and parties rather well. Parties who enter mediation with curiosity will inevitably learn far more than those who don't (and so, by the way, will mediators). At the very least, the judgement calls they then make in mediation will be based on a broader foundation of understanding.

Curiosity keeps us focused on the frontiers of our ignorance. We all have those, it's just that we don't always like to admit to them. Curiosity is also a hugely powerful negotiating tool. Expressed well, it draws people out, makes them feel listened to, offers respect (in the willingness to listen), and provides the curious one with information, understanding and food for thought. Our fear, and hence the reason why curiosity is so little practiced, is that we confuse curiosity with agreement. We think that if we ask someone to explain why they think X, or what is behind a certain position they take, that in some way we undermine our own opposition to it. Nothing could be further from the truth.

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