

Kluwer Mediation Blog

Combative behaviour – aggression and anger in the mediation room.

Rosemary Howell (University of New South Wales) · Sunday, November 22nd, 2020



Covid is the gift that keeps on giving. It has provided a wonderful focus for blame that has let us off the hook for a lot of things. It has coincided with significant changes in our mediation experiences and again has been seized on as the culprit when mediation sessions go 'off piste'.

The new online dispute resolution life and interaction is different, challenging and full of unexpected surprises. Covid has certainly left its mark. However, I think it's time to let Covid off the hook and take a deeper dive into what is happening.

The opportunity to interact with local, national and international colleagues through resources such as this blog is helpful and reassuring in times of change and uncertainty. We all have mediation practices that are very different. We work with different kinds of conflicts and different cultures.

However, the messages from many of my colleagues is the same – there is a new level of aggression and combative behaviour in the mediation room that goes far beyond what we have become accustomed to.

What might be the source?

For at least the last 4 years there has been a strong movement in the world to slow or reverse the drive for globalization – the movement which blurred regional borders and promoted ever loosening trade and regulatory restriction. Sometimes described as a [rejection of neoliberalism](#), this return to a more insular and nationalistic approach can be seen across the globe. The most uncomfortable version of Brexit playing out before our unwilling eyes is one example. We also see the Trumpian predilection for unwinding alliances and free trade agreements. Jingoism is on the rise.

The impact on individual behaviour

As an observer, these powerful and highly visible forms of national encouragement for valuing the local over the global seem also to have had a significant impact on the behaviour of many individuals. Numerous research projects track and identify the [rise of individualism](#) as a global phenomenon. During Covid this phenomenon has been readily identifiable, for example, in multiple examples of refusal to wear a mask – where the explanation is not a scientific belief (for example that masks have no impact of the spread of the disease) but an assertion that being coerced into mask-wearing is a breach of individual rights. The same phenomenon is observable in the rise of the ‘anti-vaxxers’ who are being identified as a very real threat to the development of herd immunity to Covid via vaccination.

Aggression in the online world

Cyberbullying and aggression abound online. Strangers who know nothing about us or our values feel free to make appalling comments about our ethics, ideas and appearance with very limited opportunities for us to protect and defend ourselves or have the behaviour called out as unacceptable.

Access to everything gives us a livestream of presidential figures receiving applause and admiration for using bullying and name-calling to demean and damage political opponents. We have become accustomed to a continuing stream of aggressive behaviour. There is no evidence that anti-cyber bullying campaigns with slogans like ‘[It’s cool to be kind](#)’ have any real traction with those whose daily online trolling is rewarded by lack of consequences.

What does this mean for mediation and mediators?

This question has been keeping me up at night.

In the end it has taken me back to basics – to revisit the researchers and thinkers whose work has informed some of our basic mediation practices.

I began by revisiting the work of [Dr Robert Kegan](#). I have long been a fan of the way his thinking about human development is laid out for us in a succession of his texts. It is fascinating to walk with him as he explores, develops, discards and rethinks. It seems like a great practice for us as mediators.

His early work ‘[The Evolving Self](#)’ gave us ‘meaning making’ – his analysis of how we navigate and make sense of the world. He presented our ongoing challenge as a tussle between being and being seen to be a distinct individual on the one hand and our urge to belong on the other.

As the world changed, Kegan’s ideas changed too. It seemed as if he anticipated some social changes before they arrived. ‘[How we can Change the Way we Work](#)’ introduced us to his immunity map, further enhanced in ‘[Immunity to Change](#)’. These texts (co-authored with Dr Lisa Laskow Lahey) connected Kegan’s ideas with frameworks from other influential thinkers and gave them greater power and influence. Kegan explored the significance of the big assumptions which underlie our behaviour. He developed thinking tools for questioning these assumptions drawing on the work of others who were already pursuing these ideas – such as the work of the management educationalist, the late Dr Chris Argyris and his [Ladder of Inference](#) .

And the answer is

It seems unwise to suggest the answer is clear – however the opportunity to return to our basic ideas about dealing with conflict is reassuring. Revisiting the texts gives me a stronger sense that while the challenges of the mediation room seem different and troubling, there is a lot of help at hand. The tools are there to help us ask and answer the important questions:

- What is happening and why?
- What do I need in my repertoire to maximise my facilitative role?

Sounds like a plan!

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