
Coaching during the Pre-Caucus



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Negative emotions can be dissipated as the parties feel heard during the pre-caucus phases of Party-Directed Mediation. While the mediator's empathic listening is crucial to preparing disputants for the joint session, it is not always sufficient. The mediator can play an active role by coaching individuals through some additional preparatory steps. These steps have been separated for conceptual clarity, although several points may arise at one time. The pre-caucus, then, is also a good time to:

- Prepare a list of topics to discuss
- Create distance from contentious feelings
- Validate identity projections
- Permit positive feelings
- Challenge blind spots
- Practice through role plays
- Improve communication skills

PREPARE A LIST OF TOPICS TO DISCUSS

As mediators listen during the pre-caucus, they also take notes. Each topic of concern brought up by the parties is recorded (they often overlap considerably). These lists are a vital springboard for the joint session dialogue. Even sensitive matters need to be jotted down, unless a party requests otherwise. Even then, the mediator and the disputant may think of possible ways to broach the topic in the joint session.

CREATE DISTANCE FROM CONTENTIOUS FEELINGS

There seems to be a pattern in entrenched interpersonal conflict: each contender is overly distracted with the stress of the dispute, has difficulty sleeping, and is generally thinking of bailing out (of the workplace, marriage, or friendship). Individuals may be in denial about the negative effect of contention in their lives.

One manager claimed that he became angry and exploded but that his resentment was short-lived. He asserted that he did not hold grudges, no matter how disagreeable the encounter. Further into the pre-caucus, however, the manager admitted that a recent confrontation made him so furious that he was ill for a couple of days.

Mediators can help individuals visualize life without the tension created by destructive contention. John Winslade and Gerald Monk, in *Narrative Mediation*, argue that while people are theoretically free to say what they wish in a conversation, parties often feel their responses are influenced by the remarks of others. They see themselves entrapped within the conflict cycle.¹ Certainly, the results of numerous social psychology studies show that people often react in predictable ways to specific situations.

The authors of *Narrative Mediation* ask individuals how they might have felt forced by the dispute to do or say regrettable things. Or how the conflict affected them negatively in other ways. By placing the blame on the clash itself, mediators allow the parties to save face and slowly distance themselves from the conflict-saturated story. Parties can detach themselves from the

dispute long enough to consider if they want to keep feeding their negative feelings for each other.²

In *Crucial Conversations*, we learn that people are adept at creating defensive stories in milliseconds. As we entertain these narratives, they are likely to grow more clever and complex. Every emotional outburst, the authors argue, is preceded by such a story.³ Part of the role of the mediator, then, is to help parties recognize the function that self-justifying and defensive stories play. They also help contenders look for alternative narratives—those which permit the existence of motives that are less hideous and perhaps even honorable.

Some years ago, I attended a meeting of soccer referees in which my supervisor pointed out problems that referees needed to avoid. I became defensive. I remembered very well what had happened during the game in question. In my opinion, I had made the right call. I raised my hand and began to support my decision. “We were not talking about you,” the supervisor said calmly.

The authors of *Crucial Conversations* would explain that it was not the referee director who made me upset, but rather the story I told myself to justify my behavior. The very fact that I felt compelled to create such a story should have been a warning to me. The story permitted me to entertain defensive emotions, which resulted in my negative behavior: defending myself at the meeting when no one was attacking and thus running at “the sound of a shaken leaf.”

VALIDATE IDENTITY PROJECTIONS

Individuals attempt to cultivate an identity of how they like to be seen by others. One person may see herself as an intellectual; another may see himself as an outdoorsman, a scholar, a rebel, an athlete, a cowboy, or a free thinker. Such identity labels are part of a complex set of traits that a person might value.

An important part of mindful interpersonal communication, explains Stella Ting-Toomey, is the mutual validation of such *identity projections*, through a process of *identity negotiation*. Ting-Toomey suggests that people tend to build bonds with those who seem supportive of the identity they attempt to project.⁴

Certainly, such mutual validation builds psychological intimacy.

Charles T. Brown and Charles Van Riper explain the broader concept this way: “Acceptance [requires] listening to the other to sense how he wishes to be heard. This confirms him and thus he tends to confirm us, and thus we are led to further self-confirmation. Self-acceptance and acceptance of the other are therefore interactive.”⁵

Those involved in significant interpersonal conflict may go as far as denying contenders their most valued identity characteristics. When individuals have built a relationship at least partially based on affirming identity validation, it is not uncommon for one or both parties to want to take back such positive attributions.

For instance, one associate built her relationship with another by telling her that she was artistic. The affirmation was greatly valued by the recipient. Over the years, these two women continued to strengthen their friendship. After a contentious disagreement, the artist was told she really did not have much creative and artistic ability. And the women were not even fighting about art when the comment was made.

People who have felt hurt or manipulated in the past may be slow to accept validating projections from others. Such rejections may come across as guarded or even confrontational. Intermediaries help disputants exchange at least a small, tentative measure of validation.

Lack of validation normally plays a pivotal role in interpersonal conflict. Some of the most hurtful experiences are attacks on self-image or valued identity. They may take the form of a refusal to use the contender’s name or to speak, greet, or look at the other person. When confronted about their passive aggression, the offender might say that there is nothing wrong. “I don’t say anything bad to her. I simply don’t look at her or speak with her. She just doesn’t exist for me.”

Individuals also project the personal qualities they wish to attain. When people’s weaknesses are exposed, they may reason that it is not worth trying to pretend anymore.

Because friends, colleagues, and loved ones are more likely to

have seen an individual's weaknesses, the person may first stop pretending with family, close friends, and associates at work. A key mediator role is to help the party who has crossed the line and stopped trying, so the person can put the best foot forward, cross back, and thus get a second chance at a relationship.

It is not easy to cross back. Some people prefer to show improvement through actions rather than words. Both are often required. A vital step is for the party to announce planned behavioral changes—no matter how positive the changed conduct—lest these be misunderstood.

A man who had been involved in a contentious relationship voluntarily began to make what he thought were positive changes. When they did not seem to make a difference, he tried other adjustments. During the pre-caucus, the other party explained that this individual seemed somewhat fickle, changing personalities from day to day.

PERMIT POSITIVE FEELINGS

In the process of meeting with the parties, the mediator can make a more informed determination as to whether to proceed with Party-Directed Mediation, use a more conventional style of mediation, or even recommend arbitration.

Under certain circumstances, more harm than good can result from permitting parties to speak directly to each other. It is not the purpose of mediation to simply provide a safe place for contenders to exchange insults. In order to empower parties, there must be some hope—an olive branch buried within the anger, frustration, and despair.

In *The Promise of Mediation*, the authors suggest that mediators watch for and recognize *transformative opportunities*.⁶ That is, mediators should be alert for any sort of compliment, kind word, show of understanding, apology, or acceptance of an apology. Transformative comments help the disputants validate each other.

Contenders have probably had unproductive exchanges. Each party has taken the role of *victim* or *aggressor* or, most likely, has



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alternated between both. Each probably owes an apology to the other. Learning how to apologize and accept an apology is an essential interpersonal negotiation skill.

During a pre-caucus, an executive, almost as an aside, had something positive to say about the other party: “One thing I really value about the assistant manager is that he shows pride in his work—something I really admired in my father.” The mediator suggested that the executive share these thoughts in the joint session, but was turned down. The challenge had been extended in a gentle way, permitting the executive to retain control. During the joint session, the executive did compliment

the assistant manager despite his earlier refusal to consider doing so.

While a number of factors can affect the success of a mediated joint session, perhaps none is as telling as asking what one contender values in the other. This question is asked during the pre-caucus *after* the participants have had a chance to vent their frustrations. Individuals are more apt to see the good in their opponents after they feel understood by the mediator. It is not uncommon for the contenders to raise these positive issues on their own. The intermediary then asks permission to share the details with the other party.

From a psychological perspective, this matter is of transcendental importance. People involved in contentious interpersonal conflicts not only fail to validate each other but also tend to discount their adversaries and strip from them any vestiges of humanity. Failing to find a positive quality in another is a reflection of this phenomenon. Individuals who have such negative feelings must give themselves permission to allow others a measure of humanity. Without some degree of mutual respect, Party-Directed Mediation is destined to disappoint.

In the absence of this tiny light of hope, there is no point in proceeding to a joint session. And it is not enough to say that the other person “is always on time,” “drives a nice car,” “is attractive,” or “doesn’t smell.” If there is nothing of significance that one person can value about the other, more harm than good can come out of the joint session.

Mediators often notice that one person tends to be nobler in terms of affirming the other. Years ago, I asked a party for the positive characteristics of his antagonist. When he claimed there was none, I shared the affirming remarks that had been made about him. I was surprised by his second refusal to find anything of value in the other person, especially after hearing something so positive about himself. Most people want to appear reasonable before the mediator.

“Well, if there is nothing positive you can say about the other person, there is no purpose in attempting a conflict management session together,” I explained. I suggested a short break after which we could sit down and look at the alternatives. When we

returned, the taciturn party had prepared, to my shock, a long list of positive attributes about the other disputant.

Since then, I have come to recognize that if one party seems to have nothing affirming to say about another, it might mean that I have not listened sufficiently. Such a person may require several pre-caucuses before they are ready for the joint session. This was the case with Nora and Rebecca, the subjects of the extended case study included later in this book. Some conflicts, such as the one between Nora and Rebecca, have spanned decades. Is it reasonable to think that after one listening session the adversaries will be ready to meet?

It is essential, before moving into a joint session, for each party to have something positive and validating to say about the other.

CHALLENGE BLIND SPOTS

Psychologists speak of *blind spots* as information individuals may not know about themselves. As a youngster, no one told me I was a terrible singer. When I found out, I was shocked. Now, I joke that I got rich because people paid me *not* to sing. Blind spots prevent us from seeing our own faults. We do not always notice how our actions may be contributing to our difficulties.

Conflict tends to enlarge our blind spots and reduce our ability to think rationally and creatively. People involved in disputes also tend to make false attributions. Contenders often excuse their own negative behavior, yet ascribe the worst motives for others' actions. As long as blind spots exist, we tend to blame everyone but ourselves for our predicaments.

During the mediation process, each party will face plenty of difficulties. Contenders will have to confront blind spots, beginning with the pre-caucus. If the mediator has listened to each of the parties with empathy, disputants will often recognize some of their faults on their own.

Furthermore, there is a certain amount of *psychological unfreezing*⁷ that takes place when people are willing to see other possibilities. To use another metaphor, while they may not open the window blinds all the way, they begin to crack them and let

some light in. As a result, after the pre-caucus the parties often begin to soften their stances towards each other.

Given enough time, such as in therapy, people can begin to see additional blind spots. Mediation seldom affords such opportunities. More complex Party-Directed Mediation, however, tends to be carried out over a longer period of time, and the time factor seems to work in favor of softening obdurate stances.

Just as in mediation, there are different approaches to therapy. Despite the similarities between some types of therapy and Party-Directed Mediation, these forms of intervention are not the same.⁸ Therapists have specialized training and longer periods of time to work with clients. Blind spots may have to be considered sooner in mediation than in therapy.

So, what does it mean to challenge a blind spot? According to Gerard Egan, “At its simplest, confrontation is an invitation to examine some form of behavior that seems self-defeating, harmful to others, or both, and to change the behavior if it is found to be so.”⁹ Not everyone can challenge these blind spots. A listener must earn the right to do so,¹⁰ by showing empathy and true concern.

Only after the party feels heard can a mediator introduce challenges. Under no circumstances should a person be challenged so the intermediary can feel better. Nor should the challenge be based on feelings of resentment the facilitator might be harboring. On the contrary, a mediator should only challenge a person for whom he or she has a positive regard. Furthermore, intermediaries must be willing to accompany the party through the painful process of examining dysfunctional behaviors.¹¹

An example of a challenge is to ask a person to explore possible reasons why others react negatively to her. Another example—as discussed in the previous subsection—involves challenging one person to share positive qualities the other party may possess.

Egan suggests that it helps to “deliver challenges tentatively, as hunches.”¹² I call this using the miniature toy hammer rather than the industrial sledge hammer. Gentle challenges invite reflection; overbearing ones, defensiveness. The power of the

miniature hammer is that it does not remove responsibility from the party involved in the dispute. In contrast, the industrial size is likely to act as a punishment in itself, permitting the person to discount the challenge as well as the challenger. People who have been effectively challenged may respond right away, after a few hours, or even months later.

A positive negotiation technique is to ask permission to pose a question.¹³ The mediator, by using this strategy, lets the party know that the matter requires deep thinking and is not easy to answer.

Sara and her boss, Nick, have been involved in a dispute that has taken on major proportions. Among other things, Nick has complained that Sara is constantly threatening to leave the enterprise. The first time Sara used this tactic, Nick worked hard to please her. Now he feels great resentment towards Sara. Threats—both direct and veiled—can reduce a party’s negotiating power.

Nick greatly values Sara’s work, but he has reached the point where he would rather see Sara leave the business than be exposed to her constant threats. This might be a blind spot for Sara. Though she might vent her anger at length, it is doubtful she would ever realize—in spite of having an empathic listener—the dysfunctional nature of using threats as a negotiating tactic. Nick has given the mediator permission to share his concerns with Sara. We pick up the conversation after the mediator has listened to Sara for some time. It is not the first time Sara mentions that she would like to find another job.

“I’m so tired of working here, and I’ve told Nick that perhaps I should look for another job,” Sara explains with a tone that betrays both resignation and angst.

Instead of directly reproving Sara for her use of threats, the mediator may acknowledge Sara’s frustration and eventually broach the issue of negotiation techniques.

“Sara, may I share a negotiation concept with you?”

“Of course!”

“Part of my role is to prepare parties to face each other by first improving their negotiation skills. We can often obtain better

results if we know how to frame the matter at hand. Finding the right language so others will be receptive to what we say. People may stop listening when we use certain approaches. Nick told me—and he gave permission for me to share this with you—that he tunes you out when you threaten to quit. Threats are a hot button for him. But on the other hand, it is so important that you can express the stress and frustration you’re feeling. We don’t want to minimize these annoyances, such as when Nick asks everyone for advice except you. Would you like to spend a little time together finding just the right language to use so Nick is more likely to listen?”

The mediator has not given Sara any reason to believe she favors Nick’s perspective in the overall conflict. She is simply inviting Sara to present her perspective in a clearer, more effective, and less threatening fashion. Once Sara comprehends that she must merely replace the unproductive tactic with a more positive one, the mediator (or a co-mediator) can role play Nick while Sara practices alternative ways of expressing her views. Together, they can try different approaches and find one that Sara feels good about and that fulfills her objectives.

The intermediary, as a careful listener, will often pick up on potentially problematic communication during the pre-caucus—even when the other party has not mentioned it. The mediator, then, also prepares parties to challenge each other during the joint session.

Regrettably, there are times when the third party needs to step in during the joint session. This is not the ideal, as the third party then risks the appearance of favoritism. Issues of defensiveness and saving face are paramount.

PRACTICE THROUGH ROLE PLAYS

Role plays are powerful pre-caucus tools. After listening to a young woman, I asked her to imagine she was talking to a co-worker with whom she had been involved in several unpleasant exchanges. As she told her story, the tone of her voice was relaxed and friendly. As soon as she pretended that she was speaking to her colleague, her comportment changed instantly.

Her body language, the tension in her voice, and the rough words that she spoke surprised me. The transformation was alarming, but it permitted me to offer some helpful suggestions.

At one enterprise, a manager's angry outbursts were well known. Martin had minimized the seriousness of his problem. A co-mediator played the role of the other contender. "Martin," she began. "When you get angry at me, shout at me, and use profanity, I feel very bad."

"Well, I'm so sorry I used bad language and was angry at you," Martin began nicely. "But . . ." And then Martin began to excuse himself and to place conditions on controlling his anger. I interrupted. "An apology with a qualifier or a 'but' is not a true apology; it is merely a statement of justification," I explained.

In total frustration Martin turned to me, raised his voice, and said, "Look, everyone has his style. Some people deal with disagreement this way or that. I'm an expert in intimidation. If I can't use intimidation, what can I do so I don't get run over? Am I supposed to just sit here and tell the other guy how nice he is and not bring up any of the areas of disagreement?"

As previously mentioned, one of the purposes of the pre-caucus is to coach individuals on how to present their perspectives in a way that they will be listened to. So, I calmly responded to his anxious query, "I am so glad you asked, Martin. That's why I'm here."

When mediators have done their work during the pre-caucuses, the joint sessions can be very positive. Martin's case was one of the most difficult I had ever encountered. Yet, once the joint session began, the two managers did most of the talking. They were extremely cordial, attentive, and amicable, showing understanding for each other. I had no need to interrupt as they negotiated, other than to ask for clarification in noting what they had agreed on. Although these individuals did not completely solve their dispute on that occasion, they continued to make progress after the mediator left.

IMPROVE COMMUNICATION SKILLS

Coaching and modeling effective interaction styles is an ongoing task for the mediator. The objective is to enhance the interpersonal negotiation skills of the parties involved.

The lack of effective negotiation skills is often the culprit when people experience interpersonal conflicts. Chapter 4 is a primer on the subject titled “Interpersonal Negotiation Skills.” That chapter—or the corresponding audio seminar by the same name—may be downloaded from <http://www.cnr.berkeley.edu/ucce50/ag-labor/7conflict/> and distributed at no cost to clients, students, or others (see p. iv).

Mediators can suggest that clientele familiarize themselves with these materials before the joint session. Parties are likely to identify dysfunctional communication styles in other people. Instead, they can better take advantage of these tools by introspectively considering if there are behaviors that they can improve *themselves*.

Intermediaries may also need to coach individuals on how to formulate questions, ask for clarification, reflect on what has been said, properly frame ideas, avoid defensiveness, and adequately challenge others.

SUMMARY

After some of the emotional stress is dissipated, intermediaries can continue to help the contending parties prepare for the joint session. Listening with empathy is a powerful tool to help reduce negative emotions, but there are other techniques that also help create a sense of distance between the parties and the dispute.

All of these tools can help the involved parties see more clearly and begin to recognize their own faults and their contributions to the conflict. With good measures of tact and gentleness, mediators can help parties begin to see blind spots in their communication styles and negotiation tactics.

The mediator also listens to each party with the idea of eventually teaching the person how to express viewpoints in the best positive light. Only after individuals are able to

(1) effectively put forth their ideas and (2) listen attentively and analytically to other points of view will the parties be empowered to negotiate successfully in the joint session.

If the parties have been able to distance themselves from the conflict enough to see some good in each other, they are ready to move on to the joint session. If in doubt, holding another set of pre-caucuses may save time in the long run.

One of the functions of the mediator in the pre-caucus is to help parties capture the essence of their conflict by making a list of issues that need to be addressed during the joint session.

When the parties are well prepared, the mediator is unlikely to be required to take an overly active role in the joint session.

CHAPTER 3—REFERENCES

1. Winslade, J., & Monk, G. (2000). *Narrative mediation: A new approach to conflict resolution*. San Francisco: Jossey-Bass.
2. Winslade, J., & Monk, G. (2000). *Narrative mediation: A new approach to conflict resolution*. San Francisco: Jossey-Bass.
3. Patterson, K., Grenny, J., McMillan, R., & Switzler, A. (2002). *Crucial conversations: Tools for talking when stakes are high*. New York: McGraw-Hill.
4. Ting-Toomey, S. (1999). *Communicating across cultures*. New York: Guilford Press.
5. Brown, C. T., & Van Riper, C. (1976). The role of speech in human relationships. In K. Giffin & B. R. Patton (Eds.), *Basic readings in interpersonal communication: Theory and application* (2nd ed.) (p. 166). New York: Harper & Row.
6. Bush, R. A. Baruch, & Folger, J. P. (1994). *The promise of mediation: Responding to conflict through empowerment and recognition*. San Francisco: Jossey-Bass.
7. The unfreeze-change-freeze model is based on the theory that people must unfreeze their attitudes before they are able to change, as shown by K. Lewin (1947/1951) in *Frontiers in group dynamics*. In D. Cartwright (Ed.), *Field theory in social science: Selected theoretical papers* by Kurt Lewin (pp. 188–237). New York: Harper & Row.
8. Bradshaw, W. (1995). Mediation and therapy. In M. Umbreit (Ed.), *Mediating interpersonal conflicts: A pathway to peace* (pp. 237–250). West Concord, MN: CPI.
9. Egan, G. (1986). *The skilled helper: A systematic approach to effective helping* (3rd ed.) (p. 219). Monterey, CA: Brooks/Cole.
10. Benjamin, A. (1974). *The helping interview* (2nd ed.). Boston: Houghton Mifflin.

11. Eisenberg, S., & Delaney, D. J. (1977). *The counseling process* (2nd ed.) (pp. 100–112). Chicago: Rand McNally.
12. Egan, G. (1986). *The skilled helper: A systematic approach to effective helping* (3rd ed.) (p. 200). Monterey, CA: Brooks/Cole.
13. Rackham, N. (1999). The behavior of successful negotiators. In R. J. Lewicki, D. M. Saunders, & J. W. Minton (Eds.), *Negotiation: Readings, exercises, and cases* (3rd ed.) (p. 348). Burr Ridge, IL: Irwin.