Insight Mediation Offers an Innovative Approach to Elder Mediation[1]

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Conflict Results from Interpretation and Meaning-Making

Conflict behaviour results from interpreting that what we value is being threatened by another's actions. In conflict, interpretation is often taken to be certainty or fact.

The insight approach is based on an *interpretive* view of action and communication. This view understands that human beings live their lives within a network of relationships. Over time, our actions and the actions of others shape the interpretive frameworks that filter the way we understand our day-to-day lives.

Interpretive frameworks are sets of ideas and expectations that have become habitual, so much so that we are rarely aware of them nor are we aware of how much they shape the way we interpret others and the stand we take in relation to them. These interpretive frameworks become the implicit rules by which we live our lives, and rules for how we think others should live their lives.

While interpretive frameworks provide us with necessary basis for living our lives, they can also be problematic given that they are never complete. As we go through life we develop assumptions and attitudes that can distort our ability to relate, cut off new lines of thinking and questioning, and limit our ability to integrate new ideas. Actions emerge from the meanings attributed to interactions and communications with others.

Because conflict behavior is understood to be action that responds to interpretation of threat, it is important to develop strategies that surface the interpretation or meaning of a situation. In an insight conversation, mediators explore the meaning-making of the *listener* to ensure the intent of the speaker is understood. They do this more often than relying on the speaker to explain his or her intent to a listener. Theory and experience show that having the speaker explain intent does not necessarily ensure that the listener's interpretation of that intent is in line with what the speaker meant. Interpreted meaning and intended meaning can be very different!

Listening to the listener is important for a number of reasons. As long as people are convinced others are out to do them harm, it is hard to open their minds to anything the other person has to say – they are closed to learning because they are certain they know all

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there is to know. This is particularly true in long-standing relationships found in families, communities or workplaces where there is plenty of "evidence to prove one right". Over time individuals come to notice only those interactions that reinforce their threat-based narrative, placing them even more strongly in the position of "knower" and defender of their "truth". Our interpretive, partial perspective is obscured when we are convinced we know the truth. From the position of knower there is little reason to be curious about others involved in the conflict. In fact, being curious can itself pose a threat if that curiousity is interpreted as a sign of uncertainty, weakness or disloyalty. Talking may be going on, but the ability to learn about each other is blocked.

The insight approach to conflict and insight mediation make way for curiosity to emerge by disrupting the certainty of knowing the other/s only as a threat. Curiosity about what each party knows generates new insights and make it possible to consider new options for how to act; new actions that will change threat-based and conflictual patterns of interaction.

A basic assumption of the insight approach is that in all conflicts the interpretations of those involved are more likely to be partial and limited than complex and complete. This is because meaning-making is internal, personal and formed from individual cognitive maps and mental schemas generated from past experiences and situational factors such as culture, ethnicity, family background, education, social status, gender, age, and so forth.

In elder mediation, intergenerational conflict is common. And, it is intensified by the differences between each age generation, which is then compounded by the diversity of individual cognitive maps of each family member, however extended the family may be. Mental maps act on individual family members as organizing principles that form their habits, reflexive actions, values and worldviews influencing what each family member knows and how they act. This is why siblings from the same family often have such diverse recollections of family encounters. To recognize the power of mental schemas and cognitive maps we only need to recall a time when we were drawn into the middle of a friend or a family member's conflict, and after listening to each of them, we were left wondering whether they were even in the same conflict their stories about each other's intended actions were so different!

The insight approach understands that peoples' actions are linked to interpretations about each other's intent. In situations of conflict these interpretations are formed from the words or gestures of others that trigger feelings arising from past experiences of harm. Think of how well family members know each other's body language. When engaged in an elder mediation, this intimate family knowledge has a strong bearing on what is interpreted and how it then plays out in the conflict. As a result, insight conversations focus on discovering whether interpretations accurately reflect intent. Surfacing meaning-

making often helps family members to make sense of behaviours that before made little or no sense. Exploring family members' interpretations not only de-links incorrect interpretations, it also offers the possibility of replacing them with more complete and less threatening knowledge.

Conflict Behavior is a *Defensive Response* to Interpretations of Threat

People respond defensively against a perceived threat to protect what they value. To explain in an encompassing way the concept of ''what people value" the insight approach uses the term 'cares'. Cares operate at three hierarchical levels: 1) individual goals, interests, needs and desires 2) expected patterns of interaction in a relationship, or a group, organization, or system and 3) judgments about what is right and just for society that signal either progress or decline.

Personal desires, goals, and interests are one level of value directed toward the self, such as what I want or need for myself. Expected or prescribed patterns of interaction are what we have come to expect of ourselves and others in *relationships:* such as being a good parent, a good family member, care giver, partner, co-worker, neighbour, teacher, student, friend, guest, and so forth. These second level cares are about relationships, patterns of cooperation with others, and organizations in which we cooperate with others to achieve goals for all of us. These relationships carry their own internal obligations that can take us beyond individual desires. While we can be motivated strongly about our individual desires, they can sometimes lose priority when values about patterns of interaction are challenged. At the highest level of cares are judgments about what is right and just in the world around us. It is at this level that we subject social relationships and institutions to critical scrutiny about such matters as human rights, justice, fair and unfair social practices. In elder conflicts, the family structure itself is sometimes at issue. For example, families new to Canada may incur intergenerational conflict as a result of changing values adopted by younger members of the family. Changes such as different clothing, music, food and relationships may not be well received in the family, thus touching off conflict

Since the concept of 'care' contains desires, expectations and aspirations, it follows that the concept of *threat* is related to disruption, disorder and challenge to personal desires, expected patterns of interaction and what is believed to be right. Think of the role of power of attorney in an elder mediation situation, when the sibling responsible for this role within the family acts in a secretive manner. This lack of openness contributes to the perceived threat felt by other family members. So, too, learning that entitlements to family inheritance are not as expected, are common causes of family conflict that signal the need for elder mediation.

Disruptions to ways of knowing and challenges to deeply embedded sets of values surface strong emotions. Insight conversations recognize the importance of allowing feelings to be part of the conflict dialogue. Because emotions are pathways to the discovery of cares, it is important for mediators, and especially family and elder mediators, to become skilled at working with strong emotions.

Furthermore, because values take the form of judgments that assign worth, blame, praise or aversion, they, too, are deeply embedded with feelings. Feelings are indicators of underlying values; threats and cares are carried and expressed through emotions. Once we get insight into our own and others' threats and value-based interpretations, it becomes much easier to talk about possible solutions. Insight mediators learn to notice, acknowledge and use the expression of strong feelings as a means to understand threats and cares that are motivating behavior within a family situation. Once individuals become more able to use the expressions of emotion as a means to talk about the underlying care or threat, it becomes easier to address the issues that are motivating conflict behavior and hurting families so deeply.

Feelings are not explored as an end-in-themselves. In insight conversations, we tend to avoid the question '*how do you feel'*. Instead, we use emotion as a way to deeply explore what matters and what is at stake.

<u>Conflict Consists of Defensive Patterns of Interaction that Protect Us from Threats-To-Cares and their Negative Consequences</u>

It is important for mediators to pay attention to noticing *patterns of interaction*, especially defend responses. Defend responses include argumentative expressions such as: "*that is not what I am saying*"; "*how can you not get this*"; "*this is not rocket science why is it so hard for you to understand*!" They also involve not so obvious responses that are framed as "*yes, buts…*", and responses aimed at "*convincing someone that I am right*"; "*getting you to understand"; and "insisting that you be rational*".

When family members feel threatened the instinct to "flight or fight" is triggered. Fight or flight responses focus on protection and defense. Sometimes it is hard to recognize a sibling's defensive response as a protective response. This is why the defensive response so often triggers an experience of threat in other family members and why they in turn respond with a defensive reaction of their own. While sometimes an attack is intended, there are many times when a response is experienced as an attack, that a person never intended, or is even aware that the other is experiencing. Thus, a siblings' defensive reaction makes little or no sense to the other family members, except as an intended act of harm that forces them to defend against the other causing the conflict to spiral.

These "threat-defend" patterns of interaction need to be altered for learning and change to occur. For this reason, insight conversations are directed toward new kinds of knowing in the hope of producing insight into the experience of threat. Insights that reduce experiences of threat can empower families to seek to discover new patterns of interaction that bring about change for the better.

Noticing the family dynamic is critical, which is why insight mediators use a skill called "*noticing"* to discern whether learning is happening or if it is blocked. The mediator pays attention to all verbal and nonverbal interactions to notice when learning or defending is taking place. It is difficult to change a pattern unless it is noticed; *learning to distinguish between defending and learning is a crucial first step to changing negative conflict patterns*.

To help determine between good information exchanges or defending communication, insight mediators coined the concept of defend vs. care stories. Defend stories express a person's rationale for being "right", and for knowing the other as being wrong. Defend stories contain the justification for why a person feels threatened and the rationale for why he or she is justified in responding as they have in that situation. They are stories about the already-known, and provide no room for change because of the certainty of knowing they are right. *Defend stories are the stories that the others involved in the conflict both disagree with, and feel attacked by*. They are the stories that fuel the conflict and keep it on-going. And, they are what traditionally foster family feuds.

In contrast, care stories express a person's desires, needs, hopes and values. While defend stories express threat and protection, care stories express hope, affirmation or aspiration. Care stories articulate what matters to us and are often rarely heard or understood by others involved in the conflict. Instead, defend stories are exchanged in a way that affirms threat and continues the need for defense. When individuals are able to listen to each other's care stories in a context of de-escalated threat, they access learning and new ways of understanding actions and intentions. Insight conversations are less focused on discovering mutual or shared cares. Instead, they are a way to learn how separate cares can co-exist without creating threat. For example, 93% of Canadians express the desire to age at home. An insight conversation facilitated by an elder mediator assists the family in developing an action plan focused upon the implementation of separate, yet co-existing cares, within the family in order to fulfill their parents' wish to stay at home.

Insight mediators use several strategies to focus attention on care stories rather than defend stories. One strategy is to begin an insight conversation with a focus on hopes by asking each person to describe how they imagine a successful conversation today will

change their lives for the better.[2] It is a *hope* dialogue that purposely avoids talking about the details of the conflict, immediate concerns, or even what each person 'wants to get' from the conversation. Instead, those involved in the mediation talk about their hopes for a better tomorrow after the conflict is changed; doing so intends to surface individual motivations for being in dialogue. Surfacing hopes for positive change elicits information unlikely to have been part of the conflict dialogue thus far. This information opens a pathway for the conversation to explore something other than the defend narratives that conveys judgment and blame. It moves the discussion from accusations toward values.

Hopes are rarely discussed in conflict. By talking about them mediators can genuinely shift individuals from a position of "defending their corner" to one of curiosity about the other. Hopes are expressions of value that are more understandable or acceptable to the other family member, because they lack judgment and blame. It is common for family members when asked, "*what are you hoping will be better after this conversation*", to express the hope for a better relationship with a sibling or parent, a less stressful environment, a happier household, and the like. It is from this place of hope that the conversation can develop more productively, thus strengthening the family identity and its core.

In addition to noticing defend stories and asking about hopes, insight mediators employ the communication skills of listening and questioning selectively to identify and understand the cares behind the defend stories. The skill of paraphrasing is a particularly helpful tool when it addresses the *care behind the defend story*. Paraphrasing a *defend* story, however, can cause the threat to escalate or the defend story to become more entrenched as individuals endeavor to provide more evidence to prove they are right.

As an example, imagine a conflict between two adult children, John and Linda. Their 85-year-old mother, Anne, has dementia. Anne lives with Linda's active family consisting of her husband, Harry, and two teenage sons in Ottawa. John lives hours away in Calgary. Linda, who is now the full time caregiver for their mother, is experiencing signs of caregiver fatigue. During John's recent visit she angrily accuses her brother of being negligent towards their mother, something that was quite hurtful to him. John only visits Anne once or twice a year when he can get away from his demanding business interests.

It can be helpful to notice Linda's impulse to judge her brother in what she said to him: ("*you're never here. You never help out with mother*") or listen to her explain ("*I'm doing everything for mother now and I am exhausted. You know we promised never to place mom in a home").* As the elder mediator, it can be more helpful to listen for the care expressed by these comments and to verify understanding through a short comment: "Linda, you want to

[2] See Picard, *Practicing Insight Mediation* (2016) published by University of Toronto Press for a full explanation of this and other insight strategies.

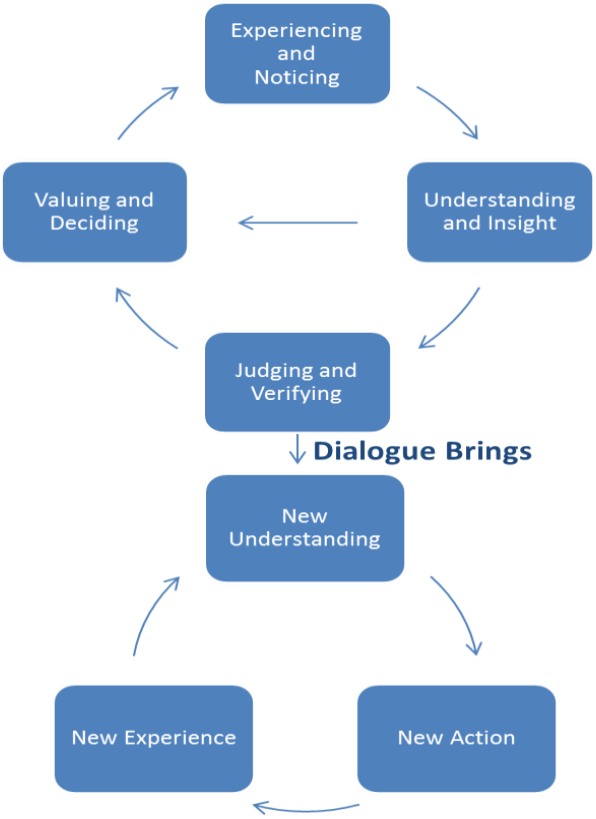
provide your mother with good care to keep her at home, where she is comfortable and stable, for as long as possible". This would be followed by a question from the elder mediator that asks Linda to talk about the threat that is being signaled by her anger, "what do you imagine will happen if your mother can't stay with you and your family anymore", rather than, for example, asking her to talk about the impact of the situation (i.e., her defend narrative)? The answer to this question intends to surface imagined dire futures for Anne as her dementia progresses and for the integrity of their family values – the family promise not to institutionalize their mother. Uncovering a threat-to-care provides John with a direction for understanding his sister, Linda's, hostility towards him as a defense: "So, the fear of no longer being able to care for your mother at home", comments the elder mediator, "is fuelling the hostility with your brother over his not visiting more frequently and not contributing to your mother's care".

Another strategy that the elder mediator or practitioner uses to avoid unintentionally inviting those present to relate their defend stories is to avoid asking them too many *why* questions. While this may seem obvious, the fact that why questions have a tendency to place individuals in a defensive stance because they can be heard as judgments and accusations that trigger others to defend against their interpretation of accusations is surprisingly overlooked in mediation encounters.

Conflict Changes through Insight and Learning

Insight conversations focus on learning to help family members understand their threats and defend interactions in a new light. Learning, or insight, can change interpretations and create new patterns of interaction. The insight approach understands successful conflict intervention as a process of learning. Learning involves a change in one's understanding of self or other, which can lead to behavioral change**.** Conversely, behavioral change can produce new understanding that can also shift a conflict dynamic. Privileging the goal of learning influences a conversation in significant ways. Learning involves us in four distinct operations: 1) experiencing and noticing 2) understanding and insight 3) verifying and judging 4) valuing and deciding.

Learning involves much more than the passive reception of information. To "learn" means that we perform these operations: first we must be exposed to the information (experiencing and noticing), next we must understand what the information means (understanding and insight), then we must ensure our understanding is correct (verifying and judging), then we assess its significance or relevance (valuing) and finally we must be able to use the information in taking responsibility for our actions (valuing and deciding). The driver of learning is curiosity, insofar as questioning sets the conditions for reaching new understanding.



Part of the purpose of an insight conversation is to help family members become curious about each other, as well as reflectively curious about themselves. *I wonder why I am still feeling so angry with John after all these years? I wonder what he feels about me?* In conflict situations we become certain that what matters to us is at risk and our attention becomes focused on protecting what matters. There is little room for curiosity because we are certain we know all there is to know. It is only through talking and listening differently that we are able to hear things in a new way. Curiosity towards self and other emerges from the uncertainty that is created when something new or different about what they thought they already knew is discovered. *The curiosity needed for learning emerges when the certainty of knowing another person only as a threat is disrupted.* No longer experiencing threat gives family members courage to open up and share what matters most to them, even when it leaves them feeling vulnerable or emotional.

Uncertainty can surface when one individual is questioned about how he or she interpreted the actions of another, "*what are you hearing me say*?" It is in listening to the answer to these questions that misinterpretations are discovered and new understandings produced. Disrupting the certainty of knowing provides an opportunity to explore, correct and expand information. The insights generated are what produce new interpretive

frameworks. It is these new perspectives that enable family members to collaborate on possibilities for resolution and change.

Insight conversations help to trigger curiosity between family members through skillful communication that reviews what is known, highlights information that is new, ensures that new information is correctly understood, and synthesizes new connections. As discussed above, insight conversations focus on care stories and the interpretation of threat, rather than defend stories. Focusing on defend stories reinforces defensive responses and increases resistance, making it harder for siblings or parents to be curious about each other and thus be open to learning.

When an insight conversation is focused on learning, individuals are able to move from an exchange of defenses into curiosity about each other. Below are common statements and questions that illustrate new insights have been generated:

> *"If you weren't trying to hurt me with that comment, then what were you trying to do?"*
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> *"Now that you've described what it was like for you, I can see how you interpreted what I said on our last phone call as unfair and hurtful. Are you OK with hearing what I was hoping you would take from what I was saying about mother's situation?"*
>
> *"It now makes more sense to me that you acted that way. You were hoping to save time and expense for us all. How it landed on me was very different."*
>
> *"I notice that we're responding defensively to each other. I wonder if there are other ways to talk about this."*

In closing it needs to be stressed that authenticity is the key to successful conversations. 'Faking it', or using prescribed techniques in a mechanical way, can actually be a defensive response that others interpret as threatening or disrespectful. Cultivating our own noticing, wondering and curiosity, as well as for another, is key to creating learning conversations that can change difficult patterns of interaction.

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