In Practice

Insight Mediation: A Learning-Centered Mediation Model

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Insight mediation is the name we have given to the model of mediation that is taught and practiced at Carleton University in Ottawa, Canada. The name has evolved from our efforts to situate the model in relation to the transformative and narrative styles of mediation. Drawing upon the work of Canadian philosopher Bernard Lonergan and his theory of insight, mediators practicing this model seek direct and inverse insights into what the conflict means to each party by discovering what each party cares about and how that threatens the other party. Insights shift attitudes and create space for collective action. The authors argue that coming to recognize the theoretical underpinnings of our practice helps us become better practitioners.

Key words: mediation, insight mediation, transformative mediation, narrative mediation, alternative dispute resolution.

Introduction

Since the publication of *The Promise of Mediation* (Bush and Folger 1994) and *Narrative Mediation* (Winslade and Monk 2000), mediators in North

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America have devoted considerable effort toward understanding their own practices in relation to these two models. Often the result has been a clear identification with one or another model; but, in some cases, experienced mediators have found that their approach differs from both styles significantly enough to prompt them to examine and describe the distinctive features of their own practice. Researchers at Carleton University in Ottawa, Canada, have given the name insight mediation to the model of mediation that is taught and practiced there in an effort to articulate its principles in relation to both the transformative and narrative approaches (Picard et al. 2004: 108–131).

The Promise of Mediation and *Narrative Mediation* have been recognized as the first significant efforts to articulate the theoretical underpinnings and distinct features of particular mediation styles. However, we believe that the invitation that these works have extended to the mediation community to develop a deeper understanding of mediation by situating mediation practices in relation to each other may constitute an even more important contribution. In this article, we accept this invitation by contrasting some of the key theoretical and practical elements of the insight mediation model with the narrative and transformative approaches. In addition, we describe four distinct strategies used by insight mediators: linking, de-linking, verification, and feelings as values. We hope to both evoke interest in the insight model and to offer ideas that may inform our understanding of other mediation approaches.

Approaches to Mediation

Central to all mediation approaches is that a third party helps disputants resolve conflicts by enabling parties to find their own solutions (Picard 2002). It is a process of assisted negotiation where the mediator has no power to impose outcomes — instead he or she facilitates the parties' efforts to work their way through the issues, ideally, toward consensus. Mediation seeks to change the way participants relate to the problem and to each other. What they discover in the process are new pieces of information about each other and new ways of "seeing" the issue and the other person. Participants thus come out of the process with new ways of resolving the dispute between them and, ideally, of working and living together. None of this should be imposed.

Transformative and narrative approaches to mediation have been positioned as alternatives to the interest-based approach that has dominated mediation practice, especially in business and legal matters. In the interest-based model of mediation, mediators focus on the problem itself and encourage parties to explore data and experiences related to the problem. Their approach to the problem is pragmatic. The result is that, when they probe for issues underlying the conflict, they tend to focus on information

related to the problem itself, rather than on exploring broader issues related to the parties' identities and relationships.

In contrast, transformative mediation focuses on relationships and on parties' ability to achieve empowerment (the ability to make one's own decisions) and recognition (the ability to recognize others' experiences) through mediation. It has its roots in the moral development theories of social psychologist Carol Gilligan (Gilligan 1982), and its creators see conflict mediation as an opportunity for moral growth and development of the participants. The mediator is thus less interested in probing the conflict situation and is more interested in providing opportunities for parties to make decisions at every turn and in "recognizing opportunities for recognition in the parties' conversational cues and creating responses that support the development of empathy" (Della Noce 2001: 108). Transformative practitioners hold that conflicts and resolution processes offer people opportunities to stretch themselves, to develop themselves, and to work out new relationships based on the development of newfound potentials.

In narrative mediation, the construction of an alternate "story" or "narrative" is the mediator's prime focus. This model assumes that disputes are rooted in conflict-saturated stories that parties have developed through the course of their relationship. The mediator seeks to develop a better understanding of the narratives behind the conflict by helping parties jointly create an alternative narrative rooted in cooperation and mutual respect. Mediators look for the social, historical, cultural, and personal factors and assumptions that under the parties' relationship. By deconstructing interests and expectations rooted in conflict-saturated stories, they seek to make way for new narratives that enable the parties to relate to each other more respectfully and cooperatively.

Each model approaches the conflict differently. Interest-based models focus on the problem itself, with a pragmatic focus on settlement rather than on relationships. Transformative and narrative models encourage the deeper exploration of relationship issues by directing parties away from issues related to the presenting problem. Transformative and narrative mediators assume that probing for information about the problem keeps disputants locked in the conflict and that helping them achieve resolution requires a shift in focus *away* from the problem.

The Emergence of Insight Mediation

In our experience, disputants are, unsurprisingly, deeply concerned with the problem itself. In addition, some mediators who feel a genuine affinity with transformative and narrative approaches nonetheless believe these concerns are legitimate. Moreover, gaining insight into the issues related to the problem itself can, indeed, lead to breakthroughs in perspectives and attitudes that can shift relationships onto new ground. Focusing on the problem, these mediators believe, does not only automatically lead to the

short-term or "Band-Aid" application outcomes of interest-based models, but it can also serve to improve the relationship.

To further explore the idea that a focus on the problem itself does not preclude improving the parties' relationship, we chose to examine our own mediation practice. We asked: what, then, is going on in our mediations? We were particularly interested in something interesting that has happened in our mediations, something that transformative and narrative mediators say is unlikely to happen. By focusing on the problem itself and by probing the parties' cares and concerns related to it, we found that parties could indeed break through a narrow pragmatic understanding of the problem to a deeper understanding of the relational issues underlying the conflict. And while developing the parties' understanding of the problem was not by itself sufficient for resolving the dispute, doing so was also not the distraction that proponents of the narrative and transformative approaches have suggested. We wanted to know why.

To help us understand what was going on in our mediations, we turned to the "insight theory" developed by Canadian philosopher Bernard Lonergan (1957; see also Morelli and Morelli 2002). We found a wealth of ideas that helped answer our questions. Based on Lonergan's work, we also concluded that having a better understanding of how people learn and formulate their meanings is important for mediators (Picard 2003). At the heart of what we came to call "insight mediation" are moments when parties begin to understand enough about each other that they cease regarding each other as a threat to cooperation and begin to believe they can either live with their differences or resolve them. This insight follows careful attention to the problem itself and then enables the learner to move beyond an understanding of the problem to an understanding about the underlying relationship. Insight transforms feelings, alters perspectives, and creates new possibilities for relationships.

The Process of Insight Mediation

Insight mediation, like transformative and narrative mediation, is a process of assisted negotiation where an impartial person facilitates the negotiation so that parties can determine the outcomes. All three models are built on a relational view of conflict that sees relationships and interdependence as cornerstones of conflict. In the insight model, mediators pay particular attention to the meanings expressed through communication to help parties understand these relationships. They need highly developed questioning and listening skills to discern the broader and deeper dimensions of the parties' interaction. Utilizing these communication skills, they help foster communication among disputants to explore the events, experiences, meanings, and emotions that have caused and sustained the conflict. While not limited to particular types of conflict situations, its relational nature may make it most useful in situations involving ongoing relation-

ships, such as those often found in family, coworker, community, and long-standing business disputes, as well as in deep-rooted conflicts originating from religious, cultural, political, or other deeply held values.

Insight mediation does indeed share many of the same features as other models of mediation. It follows a fairly standard process of storytelling, exploration of interests, and generation of options. The model uses a five-stage, non-linear process, and the name of each stage reflects key principles (Picard et al. 2004: 173–183). In the first stage, "Establishing the Process," the parties and mediator together establish the protocols for the mediation. Typically, protocols include the following: listening carefully to each other and waiting until the other person finishes speaking before expressing your view; expressing your experience of the problem rather than attaching blame or accusing the other person of being the problem; and being open and forthcoming in providing the information that is needed to resolve the issues. How confidentiality is to be handled, how long the session will be, and whether the parties have authority to settle are also discussed.

In stage two, "Stating Hopes and Problems," parties disclose early in the process what each hopes will come out of the discussion and also articulate a brief statement of the problem itself. Having parties state their "hopes" for the mediation often elicits positive, hopeful comments rather than positional demands or accusatory remarks, thus encouraging parties to continue with the mediation process.

The work done in stage three, "Seeking Insight into Interests," is focused on discovering and understanding the deeper cares and concerns at work in the conflict and how each of the parties feels these are threatened by the other party. Stage four, "Collaborating to Meet Interests," is predicated on the recognition that parties can cooperate when what they care about is no longer being threatened. And stage five, "Making Decisions," reflects the model's emphasis on self-determination.

Insight mediators use many of the same communication skills used in other models, including active listening, open and closed questions, and reframing. What distinguishes insight mediation is that these communication skills, along with some newly created strategies that we discuss later in this article, are used to gain insight into why it is that what each party cares about is perceived to be threatened by the other, and how these feelings of threat are linked to past experiences, present behaviors, and future expectations. This differs somewhat, we believe, from transformative mediation, where mediators use their communication skills to seek opportunities for empowerment and recognition, and from narrative mediation, where mediators use their skills to construct an alternate story.

Before examining further features of the insight model, we want to make clear that our purpose here is not to advocate for the superiority of insight mediation. *Each model of mediation has its merits and its place —*

and in some situations, it may be appropriate to combine various elements. Rather, our purpose is to show how different underlying theories of mediation guide mediators to act in different ways at similar moments within a mediation. We hope to encourage mediators to draw from the range of mediation approaches to ensure that their mediation practices are flexible, creative, and appropriate for the nature of the dispute and for the parties involved.

Key Assumptions and Concepts of Insight Mediation

The insight model of mediation is based on four key assumptions:

1. People are both individual and social. We live in relationships with others, we want to understand each other, we share values, and we pursue interpersonal and social, as well as personal, interests.

2. People act not only on the basis of self-interest but also according to their values. Even if we cannot always articulate our values, we act to pursue them in our lives. Understanding our actions thus requires understanding our underlying values, and the feelings associated with them.

3. Conflicts arise from the values and the interests that underlie our actions. Consequently, dealing with conflicts requires understanding those values and interests and how they are at work in the conflict.

4. Developing insight about our values and interests can change how we experience conflict, which can shift the conflict situation from impasse to an attitude of openness to the concerns of the other party and to the possibility of resolution. Insights, when they get to the root of things, are not merely intellectual, they are also affective. This emotional shift adjusts the participants' horizons and opens doors to collective action. Insight mediators probe for insights into what the conflict "means" to each party by discovering what each party cares about and how that can be interpreted as a threat by the other party.

Insight mediation draws from Lonergan's theory of "insight." The relevance of insight to problem solving is not new; it has also been used by Gestalt therapists. This contemporary psychological view holds that insight involves understanding and that insight moves individuals from "a state of relative confusion to one of comprehension" (Mayer 1995: 37). Lonergan and Gestalt therapists agree that insight is associated with the "A-ha" experience, in which the proverbial "light bulb goes on over one's head," and that the resulting insight has both cognitive and affective impacts. Consistent with social constructionist thinking and narrative mediation, insight mediators believe that the meanings that the parties attach to events are constructed and shaped by culture and society. Insight theory, however, takes a step beyond the social constructionists to say that the meanings are

"about" something, that they are the individual's attempt to make sense of his or her experiences. This is why insight mediators believe that to understand the meanings, you need to probe the experiences themselves, the issues in dispute, in order to determine the meanings. According to insight theory, culture influences meaning but does not completely shape it — the individual also has agency in the process.

Insight mediators work under the assumption that conflicts are sustained by what we characterize as *feelings of threat*. Consequently, they probe for insights into the sources of these feelings of threat. Mediators know that conflicts are about tangled webs of meaning. As we interact with others, we try our best to express our meanings in words and gestures. However, words and gestures are often unreliable messengers: they must be interpreted, and this entangles other people's world of meanings with our own. Because meanings matter to us, we react strongly when we encounter meanings that threaten our own. The conflicts that result from these tangles can be further complicated because the origins of the meanings that we attach to events are sometimes buried in our memories and not always immediately available or understood.

Insight mediators help disputants untangle these webs of meaning by helping them examine threats, both real and perceived. Getting to the source of a conflict involves probing for insights into why parties think that what they care about is threatened by the pursuits of others. Understanding a particular conflict is often made more difficult because the underlying values that give rise to a feeling are not always known — even by the person who feels it. Understanding and clarifying these underlying values help parties understand the actions of others and chart courses of action that avoid either the appearance or the reality of threat.

Behind conflicts lie interpretive frameworks. (Lonergan calls these frameworks "horizons" [Lonergan 1972: 235].) Insight mediators examine parties' past experiences to determine the frameworks for their interpretations of the conflict. Each party brings his or her own history to the conflict, and this past can be a resource for understanding the actions of others in the present. One's past can also project a set of future expectations onto events, and these future projections can carry a sense of threat. Discovering how the parties' interpretations of previous experiences and future expectations of threat are linked to present events is the work of insight mediators.

Types of Insight

Recall that insights are not merely cognitive; they are also affective: they change feelings. This is particularly important when disputants glean insights into what matters to another person. The other's interests do not suddenly become their own, but they can begin to understand why their counterparts have a particular concern and connect with it in ways they

were unable to before, which can change the nature of the parties' relationship. These new insights can complement and correct prior perceptions, and form the basis for continued learning throughout the mediation and beyond.

Direct Insights

Lonergan described two kinds of insight: direct and inverse. Direct insights can occur dramatically, in those moments of discovery we call "A-ha! experiences" (or "Eureka moments," "epiphanies," or "moments of clarity"). They follow periods of confusion and often catch us unawares, and can leave us feeling surprised as confusion turns to comprehension.

These kinds of transformation in understanding can also occur gradually, but they are not predictable. Even when insights "sneak up" on us more slowly, the transition often leaves us with a feeling of having been transported or relocated. We can reconstruct the journey afterward, but in the confusion prior to insight, the path is not clear. The change can be so significant that we were unable to imagine it before it occurred, but once we gain the insight, it is difficult to remember what it was like without it. Whether the change occurs dramatically or gradually, it is total, affecting not only what we think but how we feel. Direct insights can open our minds and hearts to events, issues, and concerns that we might otherwise have missed. Insights are not merely intellectual; they are also affective.

Insight mediators devote much of their attention to probing for direct insights. They look for insights into what parties are feeling, what these feelings are about, what really matters to them and why. Experience shows that conflicts often arise when parties feel that the interests of the other pose a threat to their own. While these feelings of fear and threat are at the root of conflicts, usually, the parties have not identified the deeper interests and concerns or understood their role in the dispute. Getting insights into what their feelings are about helps parties clarify the values that are at the root of their actions, and this plays a key role in de-escalating conflicts. Learning why something matters to another person can help one make sense of his or her behavior and put it in context. For example, discovering that long-term staff members resist the introduction of new computer software because in the past similar changes were accompanied by lay-offs, and not because they are truly reluctant to learn a new system, can help a manager make sense of their refusal to even discuss the idea.

Inverse Insights

The work of acquiring direct insights in conflict situations requires that mediators ask questions about assumptions and expectations, pay attention to parties' verbal and nonverbal communication, and have the confidence to explore the places where insights might be found. Mediators often find themselves exasperated with a client, exhausted from trying to understand

him or her, only to stumble onto a seemingly unrelated issue or point that shifts the mediator to a new and more productive line of questioning. The mediator realizes that her first approach was leading down a dead-end street because it was built on false assumptions and expectations. Eventually, she may indeed arrive at a new direct insight. However, what makes this possible is the inverse insight that she has been barking up the wrong tree — she's been on the wrong track.

Major scientific advances have often been a result of inverse insights. Theorist Thomas Kuhn has described the importance of "paradigm shifts" to scientific advancements. These dramatic shifts in scientific theories usher in radical changes in the way scientific research is conducted. Among the most remarkable of these was the revolution in physics introduced in the Renaissance by Galileo Galilei and Sir Isaac Newton. Their discoveries introduced not only new ways of answering questions in physics, but they also introduced new ways of asking questions. They discovered that the old ways of asking questions needed to be abandoned if physical phenomena were to be explained properly.

Before Galileo and Newton, physics was dominated by questions rooted in "common sense" observations. For example, when we throw a ball into the air, we watch it leave our hand, rise in the air, eventually slow down, and fall to the earth. The most obvious explanation of this trajectory was that the ball begins at rest, our hand imparts a force, this force is dissipated through the motion of the ball, and it falls to earth when the force is spent. Given these notions, the logical line of questioning was to ask how a force is imparted by our arm, how much force is transferred to the ball, how it is dissipated through its trajectory, and how the precise trajectory can be explained by this dissipation. However, Galileo and Newton discovered that this entire line of questioning was mistaken. They took measurements and made calculations in an effort to answer these questions, but none of their calculations added up. Something was wrong, not simply with the answers, but with the questions.

What they discovered shocked the entire world. The ball's motion through the air does not involve the natural dissipation of force. In fact, the natural tendency of motion is not to dissipate but to continue on. The ball only slows down because other forces act upon it. If other forces did not intervene, the ball would continue in the direction and trajectory imparted by our throw — forever! What physics needed to explain was why the ball does not continue moving. They asked new questions that led them to investigate the forces of gravity and friction. Their inverse insight was that inertial motion is not a question that needs to be answered; it does not need to be explained. It is the ordinary, universal state of all things. Questions about the origin and dissipation of motion do not help explain physical motion; they are a dead-end street. Newton eventually developed a series of new direct insights into an explanatory theory of motion. What marked the

shift was not a direct insight; however, it was the inverse insight that pronounced the earlier line of questioning to be faulty.

We see inverse insights at work, for example, when a divorcing couple starts working together to develop a parenting plan after the wife comes to understand that the husband does care about the welfare of their children and is not deliberately trying to make her life difficult. Another example would be two coworkers who start working as allies rather than opponents when it is discovered that for both of them the question is not if there will be change, because they both accept that a change is necessary, but how that change will be implemented.

Common Skills and Interventions Used in Insight Mediation

Helping parties gain insights into their own cares and concerns, as well as those of others involved in the conflict, is a central goal of insight mediators. Insight mediators seek insights by listening: they are curious; they wonder; and they probe for underlying motives, concerns, and needs. They notice; they listen for discrepancies and follow hunches; they verify, acknowledge, and validate. They paraphrase to ensure that they have heard parties correctly and to reassure that they are listening. They link and de-link (see explanation below), and search for ways that parties can save face and negotiate themselves out of positional "corners" that they may have backed themselves into.

By displaying curiosity, rather than taking a judgmental or problem-solving stance, insight mediators seek to develop a more complete understanding of the conflict that incorporates the viewpoint of each individual. By listening for discrepancies, the mediator helps develop new perspectives on the conflict. To be sure, many of these strategies are used in other models of mediation, but, based on our observations, we believe that they are used by insight mediators in different ways and with different purposes.

Communication Skills

Insight mediators use questioning and listening techniques that are similar to those used in transformative, narrative, and interest-based approaches. What is distinctive, at times, is not only *how* a question is asked but *what* and *when* it is asked, and how this will change the nature of the discussion. First and foremost, insight mediators probe how each party perceives that his or her concerns are being threatened, and how his or her present feelings and behaviors may be linked to both past experiences and future expectations. Their communication skills are used to help the disputants achieve insights into what really matters to them, what really matters to the other person, how these values are related to the issues in dispute, and how the parties' individual and common interests might be pursued together.

Interests

Most mediators speak about the role of "interests" in conflicts. For some, this term refers strictly to individual desires and concerns, but insight mediators use the term somewhat differently. For them, interests involve deeper relations with others that can evoke the appreciation of other parties in a conflict. When a mediator helps a party gain insight into interests, the party grows to understand what is important to the other party and why. The party develops empathy because the other party's positions seem now to make more sense and to express something more than just an idiosyncratic desire. Our notion of empathy is similar to Bush and Folger's concept of recognition in the transformative model. Developing empathy does not mean that one party adopts another party's interests but, rather, that the party begins to see how and why these interests matter to the other party.

Discovering each other's interests involves confronting difference. When insight occurs in mediation, the discovery is not merely of difference but of a new way of relating to difference. This new way of relating involves a shift from a sense of threat to a sense of appreciation.

Curiosity

Insight mediators adopt a stance of curiosity throughout the mediation. They are curious about more than just the issues involved. Every mediator intervention is designed to generate the parties' insights and sense of self-determination. Like transformative mediators, the insight mediator's actions are thus nonjudgmental, and he or she seeks to avoid problem-solving interventions. Because insights arise as a response to questions, insight mediators pursue lines of questions to evoke a range of images and experiences, to retrieve memories, and to probe feelings. They know that proclaiming solutions and pronouncing cures can exacerbate the conflict. By displaying curiosity and by cultivating the parties' own curiosity, they guide disputants through their own discovery process toward insight.

Distinct Skills and Interventions Used in Insight Mediation

While many of the skills and strategies used in other mediation approaches are also used in insight mediation, some distinct interventions are noteworthy. In this section, we discuss four of them: linking, de-linking, verification, and feelings as values.

Linking

Insight mediators pay careful attention to each party's story, listening for discrepancies in descriptions of events, perceptions, assumptions, and expectations. They listen for information connecting past events to current

feelings. Has something similar happened in the past? What is the current impact of this past event? How does it affect his or her current position? How is it linked to his or her behavior during the conflict? How is it linked to social or cultural expectations or patterns?

The mediator also probes for parties' expectations of how present behaviors might be linked to anticipated outcomes. Insight mediators seek to uncover what parties think will happen if they do what the other wants or if they do not get what it is they want. Fears of future consequences are shaped by past experiences, and mediators help parties gain insights into these links.

Through this process of linking, mediators seek to help parties discover how the other party's interests threaten their own and vice versa. Often, they probe for feelings of fear that reflect cultural attitudes or that arise from past experiences and that the party has come to somehow associate with the present dispute. Parties are often unaware of these connections between their past experiences and present conflicts.

Mediators must do more than identify these links; they must be intentional about helping disputants themselves achieve these insights. To do this, mediators probe deeply into parties' statements for linkages by asking what we refer to as "deepening" or "layered" questions. These questions reflect the mediator's curiosity about why something matters to a particular party and how it has come to be so valued. They are layered in nature because they arise out of the answer to the previously asked question and because the mediator continues with a particular line of questioning until insight into these values is acquired. Metaphorically speaking, they help to peel back the outer layers until they get to the core of the problem.

De-linking

Inverse insights are useful to insight mediators because, while conflicts have some basis in reality, disputants' feelings and interpretations can also involve distortions. Inverse insights are central to the development of the strategy we call "de-linking." The goal of de-linking is to help each party interpret the other party's cares and concerns without a sense of threat. Once the parties and the mediator develop direct insights into the interests and values that underlie each party's position, the mediator explores whether what one party cares about must necessarily constitute a threat to the other party's interests.

Insight mediators believe that it is the perception of threat that often locks parties in conflict. At times, mediators learn that the parties may have good reasons for perceiving such threats and that they may require alternative types of interventions to deal with disorders, dysfunctions, or abuse that lie beyond the scope of the conflict itself. Such interventions could involve referral to a counselling agency for psychological problems; seeking a restraining order from the police for an abusive spouse; or referring the

matter to the legal system to ensure payment of a long overdue account. Most often, however, this is not the case, and the mediator encourages the parties to achieve inverse insights and de-link their sense of threat from their perceptions of each other's interests.

To achieve these goals, the mediator must remain curious and listen for discrepancies, which can reveal the conflict's deeper dimensions. They identify incorrect assumptions about the other party's actions and try to untangle the multiple strands of emotion that have become attached to those actions. They explore alternative ways of interpreting the parties' interests. For example, as long as a divorcing parent is convinced that his spouse is deliberately trying to make him appear to be incompetent as a father, he cannot show interest in her new parenting ideas. Or, when a long-time employee perceives her new boss's desire for change in the department as an expression of contempt toward her achievements, she is incapable of showing interest in the manager's proposals. The insight mediator strives to help the participants achieve an inverse insight that de-links these associations from their present conflict. When they are successful, the parties are freed from the constraints imposed by their assumptions and able to "think outside the box."

Insight mediators do not pronounce solutions, but rather help disputants achieve their own inverse insights. Inverse insights liberate curiosity. On their own, they do not yield new understandings, but they can help the parties remove whatever is blocking them from seeing the situation from the other person's perspective. When disputants are released from their misconceptions, they are able to approach the other party with openness and curiosity. "So then, what *are* you trying to achieve in your project?" "What *do* you think we could contribute?" "So then, what *do* you want to talk about?" Armed with genuine curiosity, disputants are often able to manage the rest of the conflict-resolution process on their own. This idea may seem similar to the transformative mediator's concept of "recognition," but we believe it is somewhat different. Bush and Folger focus on recognition in a rather vague way with an emphasis on recognizing the other person, while we focus on developing insights into what the other person values and thus de-linking his or her values from one's own sense of threat.

Verification

Developing both direct and inverse insights can be a dramatic and exciting process. However, the insights themselves may not be accurate. If we examine carefully our everyday life experiences, we discover that direct insights must be verified. To do this, we reflect back on our insights to ask whether they are confirmed by our experience. For instance, if we are walking home and observe smoke rising, we may realize that a building is burning, but this direct insight does not end the process. Is it a house? Is it

my house? In fact, we quickly move to verify the exact location of the fire. Verification does not provide a totally new set of ideas, rather, it seeks to determine which ideas are correct and which are off the mark.

This can be one of Lonergan's more difficult concepts to grasp: insights can often be mistaken for direct observations because when they are correct they may seem like observations because we have done the work of achieving them quickly. Thus, insight mediators do not take observations for granted; they verify them, which can be an easily overlooked and rarely discussed process in other models of mediation.

Mediators often suspect what factors may be driving a conflict or blocking its resolution, but until their ideas are confirmed, they are unsure. Their verification process involves gauging the reactions of the disputants themselves. This may involve asking outright if what they think or heard is correct, or looking for nonverbal cues that express agreement or nonagreement. When disputants make breakthroughs that clearly shift the direction of the conflict toward resolution, mediators' ideas are confirmed. On their own, insights do not yield certainty, just good guesses that must be tested and verified. Mediators ask parties questions about the information that has led to the insight. Do the insights evoke the same interest in the parties? Do they lead to the same conclusions? If they do, mediators know they are onto something. If not, they turn their attention elsewhere. In insight mediation, the value of a particular insight lies in the parties' responses to it. If the mediator has been able to help parties discover what really matters to them, their reactions will tell the tale. This is the strategy of verification.

Feelings as Values

Mediators often seek to discover a disputant's core personal values, which can have important impacts on the conflict itself. Lonergan wrote that values are embodied by feelings (Lonergan 1972; Melchin 1998). While values often reflect a framework based in some particular religion, school of philosophy, or historical narrative, they usually manifest themselves in our lives emotionally, as feelings of expectation, obligation, or blame. Consequently, insight mediators devote considerable attention to probing disputants' feelings. They ask parties about the conflict and the events surrounding the conflict with the goal of moving beyond the issues to uncover underlying values. By probing what parties are feeling, they seek to discover what values these feelings reflect and what matters to the parties.

This process can be difficult because the parties themselves do not always know the source of their own emotions. We know our decisions and actions are guided by feelings; we say that a decision "feels right." However, we cannot always say *why* it feels right. When mediators probe the parties' feelings, they often make discoveries about things that matter to them. They discover things they value that they did not necessarily know they valued. Sometimes these discoveries are surprising: "I didn't know I valued a good

family celebration that much!" "I thought I was a really sociable person who needed a lot of company around me, but now I discover that I really value my solitude as well." "I was feeling uncomfortable in a lot of situations, but I didn't know why. Now I do. I really care about order and structure, and I am uncomfortable with chaos. I never realized this."

Lonergan's analysis of the relationship between feelings and values guides insight mediators. Emotions emanating from earlier life experiences, which may have been forgotten, attach themselves to the issues and events of the present conflict, generating misunderstanding and confusion about what really matters in the conflict and why. Insight mediators look for information about past experiences and how these experiences have influenced the parties' values as well as their perceptions of the current conflict. Once parties discover the source of their feelings and what values they reflect, insight mediators can help them assess how and why these concerns are or are not reflected in the conflict. If they succeed, they can help parties discover ways in which their values can be preserved and pursued without threatening the values of the other. Insight mediators believe that feelings of threat are most often at the root of conflicts. When parties better understand their own values and those of the other party, they can chart courses of action that avoid real or perceived threats.

Additional Characteristics of Insight Mediation

As we have said, transformative, narrative, and insight models of mediation have much in common and they often rely on similar sets of mediator skills. Insight mediators, however, behave differently based on their understanding of their roles. Recall that the role of the insight mediator is to help parties gain insight into the cares and concerns that underlie the conflict; the narrative mediator's role is to coauthor stories of cooperation and mutual respect, while the transformative mediator's role is to enable people in conflict to develop a greater degree of self-determination and responsiveness to others. These roles are not arbitrary; they exist because the theories and philosophies that ground them are different. Using the same skill set for a different purpose will engage the parties in a different discussion about their problem.

A transformative mediator takes a micro-focus, concentrating on the here and now, being attentive to the parties' interactions to find opportunities to foster empowerment and recognition. The transformative model is often less structured than insight mediation. Transformative mediators concentrate on the interactions between parties during the mediation, and they look for clues that signal opportunities for fostering empowerment and recognition. Rather than probing past issues and events in search of the origins of conflict, transformative mediators look for opportunities for reshaping the future. Their interest is in conversational cues and responses that signal the development of empathy between parties. In the insight

model, attention and time are spent probing the issues, underlying interests, and concerns embedded in the conflict. There is a concerted effort to "get at the roots of the conflict." This is one of the most striking differences between the insight and transformative models. The reason, of course, is that, in the insight model, one explores insights into the underlying cares and threats because that is where one finds the source of the shifts in the disputants' attitudes toward the other party. The transformative model does not look to this deeper understanding of the conflict itself for a source of transformation in the dispute.

The narrative model differs from insight mediation because instead of probing deeply into the conflict "story," as is done in insight mediation, the mediator in the narrative model works to co-construct a preferred nonconflict story by deconstructing parties' positions, interests, and expectations to assist in the construction of shared meanings and understandings. Because the mediator takes responsibility for co-constructing the alternate story with the parties, this model of mediation is at times more directive than either the insight or transformative models. A narrative mediator uses his or her knowledge of cultural norms and history with the goal of diminishing the cultural influences that, they perceive, restrain people's efforts to understand each other. They seek to create a context were diverse cultural perspectives are accepted and, in some instances, embraced by the parties in conflict. Narrative mediators spend little time probing the "problem" story because they tend to see culture, as opposed to inner forces and individual needs, as shaping and constructing people's positions and interests.

In practical terms, the difference between insight mediation and narrative and transformative mediation models is that insight mediation takes disputing parties through an in-depth exploration of the presenting problem rather than around it. In this respect, it is closer to the interest-based approaches that tend to stay focused on problem solving. Where insight mediation differs from the problem-solving approaches is that insight mediation assumes that to solve the conflict adequately, parties cannot stay on the problem, rather they must move through it and beyond it to understand the deeper cares, concerns, values, interests, and feelings that underlie the problem. This is because insight mediation is a relationship-centered approach to conflict rather than a problem-centered approach. How mediators get to these deeper relationship issues is distinct. Narrative and transformative approaches get to them by steering disputants away from discussing the problem, while insight mediation does it by steering disputants toward and through the discussion of the problem.

Mediators using the insight model envision a problem as having two levels: its visible level, the way the problem appears and presents itself to the disputants, and its deeper level, which describes the values, feelings, cares, concerns, and interests that drive the conflict but are often hidden.

The conflict's deeper level must be diagnosed through insight and verification, not simply noticed or experienced. Insight enables the parties to move below the problem's surface.

This deeper conflict often stays hidden because parties in conflict fear that their emotions will not be understood or respected. When mediators help parties articulate and acknowledge their feelings and values, they often respond quite exuberantly with "yes, that is exactly what matters to me!" When parties develop insights not only about what matters to them but also what matters to each other, they arrive at a place where they can deal with the relational aspects that are relevant to the conflict. Insight mediation sees the conflict dynamic as fueled by threat in which one party feels that his or her concerns are threatened by the interests of the other party and by the other party's consequent lack of regard for his or her interests. Insight mediators use the strategies of linking, de-linking, verification, and feelings as values to probe the relational features of the conflict and determine which issues are relevant to the conflict and which are not, focusing on some aspects while letting others go or setting them aside, at least for the present.

While we are not trained as transformative or narrative mediators, based on our reading of the literature and from our attendance at presentations on these two models, it is our understanding that the transformative and narrative approaches seek to attain their objectives of probing the deeper relationship aspects of the conflict by steering disputing parties away from focusing on the problem. Their assumption is that the problem is an obstacle to getting to the deeper relationship-related features of the conflict. For example, the narrative model assumes that resolution is achieved when the two parties can work together to either discover or construct a narrative in which both parties find a role or identity that they find satisfying. In this model, the assumption is that "the problem" is rooted in the narrative in which each party enters the conflict. It is a narrative that casts the other as "the problem" and so they assume that this is precisely the reason why probing "the problem" is a dead end; it does not get you out of interpreting the "other" as "the problem." A narrative mediator's strategy, then, is to steer parties away from focusing on the problem and it aims to get parties in a "creative" space where they begin configuring alternate narratives in relation to the other party. Transformative mediators also, it seems, believe that "the problem" carries disempowering features and captures images and notions of the self in which the self is not recognized by the other. We understand that this is why transformative mediators believe that probing the problem keeps the parties stuck in a conflictual place, a place in which one or both feel disempowered and in which one or both feel that their concerns are not recognized by the other.

Both models assume that "the problem is not the problem." We would agree. However, instead of steering parties away from the problem, insight

mediators go more deeply into the problem because, we argue, parties really do care about the issues giving rise to the conflict. They want to come out of mediation not only with alternative ways of relating to the other party, or a sense of personal empowerment and recognition; they also want to come out of mediation knowing they have resolved, to some degree of satisfaction, the issues in this particular conflict. While insight mediation shares many of the advantages of the more complex relationship-centered approaches of the transformative and narrative models, it also goes beyond these to bring parties back to a concrete resolution of their problem. In this respect, it also shares some of the features of the problem-solving models.

Conclusion

Insight mediation differs from the narrative and transformative models based on its understanding of insight. Insights transform both our understanding and our feeling about our concerns, interests, and values, and they also transform our understanding of and our feelings about other people. Insight mediators explore the problem because they believe that insights into the problem transform understanding, valuing, and feeling, and that this transforms relationships. By "getting at" what matters and why, mediators can help disputants understand and acknowledge each other's values and interests and can then explore if there are ways that both sets can be pursued without presenting a threat to the other.

Our intent is not to suggest one model is necessarily better than the others. Instead we believe that it is important to understand the distinctions among the three models because, in coming to recognize these different ways of practicing mediation and their theoretical underpinnings, we stand to become better practitioners and more satisfied consumers of mediation. Furthermore, we suggest that a better understanding of particular models may offer ideas and analyses that prove helpful in others' efforts to understand their own practice.

Given the newness of the insight model, we are hesitant to suggest that it should be limited to particular conflicts because how a dispute is identified often changes through the course of negotiation and also because we ourselves have not had the opportunity to experiment with it outside of the sphere of interpersonal and small-group conflicts. Instead, we invite practitioners and researchers to consider its use in a wide array of contexts so they themselves can judge its value and limits. Just recently, we engaged in discussions about how insight theory might advance the work being done in the areas of international peace-building and reconciliation. We look forward to further deliberations as the ideas inherent in the insight model are communicated throughout the mediation and conflict-resolution communities.

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