Four Distinguishing Features of Insight Mediation

Cheryl Picard and Kenneth Melchin, July 8, 2022

Insight mediation brings conflicting parties together in face-to-face dialogue sessions that help them transform conflicts by gaining insights into themselves and others. Insight mediators help parties probe feelings of threat that block them from innovating solutions on their own. Through insights they de-link from threat feelings, and this opens avenues for a genuine curiosity that can explore more cooperative and less threatening ways of interacting. The process is fully participatory, creative, flexible, emergent, non-linear, and responsive. It takes parties through a 5 phase process towards decisions that change their conflicts for the better.

At first glance, Insight mediation may appear similar to other mediation models. With roots in Insight Theory, however, the training takes practitioners in novel directions that are markedly different, and for this reason it is currently acclaimed as a fourth pillar of mediation. We believe that exploring its full potential has only just begun.

There are four features that distinguish Insight mediation from other approaches:

1. conflict is understood as arising from threats-to-cares;
2. conflicts evoke feelings and narratives that block parties from innovating solutions on their own;
3. conflict is resolved through the transformative learning of insights; and
4. insight mediators help parties by deepening on threats-to-cares.

Conflict is Understood as Arising from Threats-to-Cares

In Insight mediation, conflict is understood differently than in other mediation approaches. Instead of thinking of conflict as arising from incompatible or conflicting goals, needs, or interests, conflict is said to emerge from defending behaviours animated by feelings of threat to an individual's or group's "cares"; an occurrence referred to as "threats-to-cares".

Cares are understood to be of various types and they operate on various levels. What is important for Insight mediators is the distinction between two levels of cares: (1) cares for particular goods that satisfy our own particular interests, needs and desires, and (2) cares rooted in deeper patterns of interpersonal or social cooperation that evoke strong value feelings, which oblige us, often without our being aware, toward actions focused on others. While parties usually can identify their cares of the first type, frequently they have not understood their own deeper cares of the second type. The deeper cares drive conflict behaviours through feelings, images, and narratives that often operate pre-reflectively. When these cares are threatened, even when parties have not understood their own deeper cares, they nonetheless feel the need to defend themselves or attack others.

As in other models, Insight mediators can help parties probe beyond presenting problems to identify underlying cares of the first type. But this is not their main task. Rather, their focus is on probing the deeper threats that operate as blocks to understanding. This means that Insight mediators must help parties gain insights into themselves as well as each other.

In conflict situations, it is easy for parties to misunderstand each other's words and actions, and these misunderstandings arise frequently when threat feelings shift them towards defending and away from curiosity and understanding. Understanding others requires that we be curious about them, that we be open to alternate lines of questioning, that we consider things from their perspective, that we learn about their context, that we gain the necessary insights, and that we ask the questions required for verifying our insights and correcting our misunderstandings. When we feel threatened, our

minds are galvanized into action away from these concerns and towards defending what it is that matters to us. The result is our minds get blocked and we are left with the misunderstandings that exacerbate conflicts.

The main task of Insight mediators is to probe these threats-to-cares so they can help parties de-link from the blockages that escalate and sustain conflicts. When they do this successfully, parties are able to innovate solutions for themselves.

Conflicts Evoke Feelings and Narratives that Block Parties from Innovating Solutions on Their Own

The Insight approach recognizes that parties in conflict interpret the meanings and actions of others based on data from two different sources: (1) data from their careful observations of others; and (2) data from feelings and narratives from their own past that are triggered in the present by the words and actions of others. When parties' responses are animated by threats-to-cares, then data from the second source (their own feelings and narratives) often distort their interpretations of others and block the curiosity required for correcting these distortions. When Insight mediators probe parties' threats-to-cares, their goal is to discover the personal feelings and narratives that influence these misunderstandings so they can be discovered and more accurately understood.

Conflict is about patterns of interaction happening in the present that are linked to experiences of the past that give rise to expectations of unwelcome futures. To exemplify this point, we refer to the workplace mediation between Les and Micki analyzed in Cheryl's book (Chapter 4), Practicing Insight Mediation. In this dispute it was discovered that how Micki and her co-workers responded to a request by Les to answer the phones over their lunch-hour triggered in him feelings of threat, and that these feelings were accompanied by an unformulated yet powerful narrative that was rooted in Les' past. The narrative provided Les with a "logic" for his defending behaviour that the staff interpreted as an attack on them – a logic that in their minds felt perfectly reasonable and justified. In Les' past experience, when others spoke and acted like this, the result was that harm came to him. The narrative placed Les in the present with the expectation that an unwelcome event in the future will happen, and so he must now focus entirely on defending against this. The same sort of threat-based experience is also taking place for Micki and the co-workers she represents.

In Insight mediation, we expect to discover that conflicting parties' interpretations of each other are likely mistaken. These misunderstandings arise because when a party feels threatened, the feelings and narratives triggered from their own past (data from the second source) block the curiosity required for carefully attending to the words and actions of others (data from the first source). The work of the Insight mediator, then, is to ask questions that elicit answers that can help correct these misunderstandings. One strategy is for the mediator to ask Les for his interpretation of the staff's actions, and then to ask Micki to verify if that is what they were intending. Because the questions were careful enough to elicit the personal feelings and narratives that shaped Les' interpretations, Micki was able to discover information that helped her correct important misunderstandings.

When Insight mediators ask questions that probe for unwelcome futures anticipated by parties, they often unearth responses that have the greatest potential for transforming conflicts. When the mediator asked Les about his expectations of a dire future, her focus was as much on Micki as it was on Les. The mediator was interested in observing and learning how Micki was listening and responding to the conversation going on with Les. In particular, she was interested in Micki's reaction to the portrait of the conflict that was emerging. Breakthroughs occurred when Les formulated an account of a dire future expectation that was sufficiently different from the actual intentions of Micki and the other staff causing Micki to sit up and take notice. She became curious in a way that previously she was not. This curiosity helped her de-

link from her prior portrait of the conflict with its implied threat to her and the other staff's deeper cares.

Conflict is Resolved through the Transformative Learning of Insights

A key aspect that differentiates Insight mediation from other approaches is that it engages parties in a learning process to resolve conflict. Learning, when it is authentic, is transformative, and this changes the course of conflicts. The mediator's focus is on opening pathways for the curiosity that sets parties on the road to the transformative learning of insight.

Insight mediators do not help parties solve problems. Rather, they focus on helping remove blockages that stand in the way of parties solving problems for themselves. Frequently this involves learning that the problem is different from what they had thought. This means that Insight mediators pay attention to the kind and quality of learning of conflicting parties. They wonder about how curious parties are about each other and how able they are to be attentive to new information. When opportunities arise to probe threats that block curiosity, mediators ask questions that deepen parties' understanding of threats-to-cares.

Insight mediation does not understand learning as acquiring information. Rather, the focus is not on acquiring information but on understanding information. This changes things dramatically. When we gain insights, we are transformed away from mistaken and misleading impressions and we begin to glimpse novel and surprising aspects of others that previously we would not have considered or imagined. When learning is blocked by threat feelings, parties' interpretations often misrepresent the other's intent leaving them feeling forced into defend behaviours. When parties are able to de-link from threat feelings, parties engage in ways they could not have done previously. Their new forms of engagement arise from initial insights that open the doors of curiosity. And what follows is a learning path animated by their basic "operating system," their curious mind's own operations of experiencing, understanding, verification, and decision. The goal of Insight mediators is to enhance the quality of learning because of its potential for bringing about transformation and change.

Insight Mediators Help Parties by Deepening the Conversation on Threats-to-Cares

The fourth distinguishing feature of Insight mediation is that practitioners explore and deepen on the threats-to-cares at the root of the experience of attack and subsequent defend responses that generate and sustain conflict. For conflict to change, threat experiences need to be reduced or eradicated. Deepening the learning conversation helps parties determine whether their cares must necessarily threaten others' cares. It is the felt necessity of threat that keeps parties locked in conflict. If they can discover that differing cares can co-exist without the necessity of threat, the course of the conflict changes dramatically.

Misinterpretations in conflict result frequently in parties attributing intentions to others that are misguided. These attributions arise from the feelings and narratives from parties' own pasts that are triggered by the words and actions of others in the present. When their own narratives trigger parties into expectations of dire futures, the threats are attributed to others as their malicious intentions. In conflict, we generally feel like the other intends the harm we expect and fear. The fact remains, however, that these attributions are often enough misguided.

Deepening conversations help parties learn about their own feelings, narratives, and threats as well as those of the other party. Having threats "on the table" allows them to be examined, considered, and reconsidered when they are found to be misguided. Paying attention to threats is the focus of deepening. Rather than helping parties innovate solutions, deepening focuses on the things parties frequently find it difficult to talk about: their deeper cares, the feelings that accompany and evoke these cares, and the past life narratives that are triggered when these cares are threatened. These are the things holding

them in conflict and when they can be discussed openly, insights transform the course of the conflict. At this point, parties are able to innovate solutions for themselves both today and in future conflicts.

There is much more to be said about deepening the learning conversation and the strategies mediators employ to deepen on threats-to-cares. For the present purposes, our focus is on offering a brief overview of four features that distinguish Insight mediation from other approaches. Readers interested in reading further can consult the texts and bibliographies of two books we've published on Insight Mediation: Kenneth R. Melchin and Cheryl A. Picard, Transforming Conflict through Insight (Toronto: University of Toronto Press, 2008); and Cheryl A. Picard, Practicing Insight Mediation (Toronto: University of Toronto Press, 2016). We also look forward to posting other texts on Insight mediation on this website in the upcoming months. So please stay tuned.