Setting a Strong Foundation for a Learning Conversation in Insight Mediation: The power of asking about hopes for an imagined better future

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Introduction

Mediators use a variety of communication skills in their work – such as paraphrasing, curious questioning and validating - to help conflicting parties address their differences and interact more peaceably. A mediator's choice of an intervention skill is based on their understanding of how conflict begins and changes. Asking about hopes for an imagined better future is a specific strategy used by mediators using the Insight approach because of their understanding of conflict that is quite different from other mediators. Their interventions are based on the understanding that conflict is enacted through people's behaviours. Conflict behaviour is what people do - when they discern some kind of threat and decide to defend - with behaviours like aggressive fighting, silence, avoidance or even placating appeasement. People enact those conflict behaviours when they believe they need to protect against different kinds of threat – including a risk to a practical interest or a concern about justice and fairness in systems.[1]

Other mediators, for example, may understand conflict to be the result of unmet needs so they would use questioning or paraphrasing skills to help the parties explore their needs as well as to consider ways to satisfy those needs in less conflictual ways.[2] A different mediator might understand conflict to be an expression of competing narratives and power-related discourses, so the aim of the mediator's questioning or paraphrasing skills would be to help the parties to recognize and change those narratives in such a way as to alter the parties' interactions with each other.

What is distinct about Insight mediation is the recognition of the truncating impact of threat on people's ability to listen and learn as well as the connection between a person's sense of threat and their defend-conflict behaviours. The impact of threat on cognitive functioning is to truncate curiosity and focus attention on defending and protecting in ways that are often habitual or rash. Insight mediation is a way for parties to change their conflict behaviours. Using a range of strategies and communication skills, a mediator using the Insight approach helps parties expand their curiosity and counter the truncating impact of threat, which enable the parties to reassess their assumptions and interpretations shift their behaviours. An Insight-oriented mediator thus facilitates learning conversations by helping the parties become more curious and discover new possibilities in their interactions with the other. They do this through five overlapping and non-linear activities: 1) Attend to Process 2) Broaden Understanding 3) Deepen Insights 4) Explore Possibilities and 5) Make Decisions [3].

In this short essay we explore the theory and practice of the activities that take place before and in the early part of a mediation session to help a mediator and the parties create the foundation for a learning conversation. We begin with a brief introduction to "Convening", sometimes referred to as pre-mediation or intake, that happens before the joint sessions, along with an explanation of the activity that "Attends to Process" [4]. The remainder of the paper will focus on "Broadening Understanding", with particular attention to the purpose and value of asking the parties about their imagined hopes for a better future, known in the Insight approach as the "hope question". To help us illustrate these activities we explore a simulated conflict named, "What to do with Mom".

The conflict revolves around two sisters – Adrianna and Carla - who disagree on how best to look after their mother, who is 87 years of age and living in the large home where she raised her family. Carla (who is divorced, has no children and a good job) lives in a small apartment. Adrianna (who does not work outside the home and is married with three children and two pets) lives in a large house. Although each sibling has concerns about their mother's ability to look after herself, they disagree about what to do. Adrianna thinks Carla should move in with their mother in the family home. Carla thinks her mom should move in with Adrianna. The sisters' arguments have reached a stage where they are no longer talking to each other, and neither one wants to upset their mother, who is not aware that these conversations are taking place. Their mother wants each daughter to be happy, does not want to be a bother to either one, and

considers herself well enough to look after herself, despite a number of minor incidents that indicate she is having some challenges. Carla emailed Adrianna to suggest mediation. Adrianna agreed.

Convening a Mediation and Attending to Process

In separate sessions held prior to any joint sessions being held, the mediator talks with each sister in such a way as to set the stage for learning to take place during the mediation. In these one-on-one conversations, the mediator introduces herself and describes Insight mediation as an opportunity for each sister to listen and be heard so that they can discover new possibilities for action. Through these convening conversations, the mediator also assesses whether the situation is appropriate for mediation and if the parties are sufficiently motivated to participate.

During the convening, pre-mediation or intake session, the mediator is attentive to helping the parties set the stage for learning from each other in the joint sessions that will follow. This involves strategically asking questions to prompt each sister to reflect on what matters to them as well as the certainties and patterns of interaction that prevent the two of them from agreeing or discovering their own solutions. Having this conversation with the mediator, without the other present, can help each sister engage her curiosity toward herself and possibly her sister in a way that may have not been accessible before.

The mediator also emphasises their role is as a facilitator rather than a decision-maker and discusses responsibilities for decision-making as well as confidentiality with each sister. The mediator also welcomes questions about the mediation process and asks each sister to consider what they might need in the session to feel comfortable and be able to listen or feel heard by the other. Once questions have been answered and there is agreement to proceed with joint sessions, a time, date and place will be set for the mediation.

The mediators' goal in the first joint session, because they recognize that a sense of threat inhibits the parties' capacity to listen and learn, is to help settle participants into the space and the conversation so they can be ready to engage. In our case study, the mediator takes some time to welcome Carla and Adrianna, and review their understandings of roles, responsibilities and process that were discussed in convening. The parties are not the only ones to benefit from this opening phase: the mediator can also use this phase as a way to settle into listening and learning.

An Insight mediator "attends to process" rather than "introduces a process" for several reasons. Their role is to attend to process (i.e. the parties' interactions and the flow of dialogue) throughout the mediation, not just in the opening phase. "Introducing a process" conveys an impression that the process belongs to the mediator, while "attending to process" is a task that can be shared by the parties and the mediator, who are co-responsible for how the mediation process evolves. An Insight mediator does not provide "ground rules" but can help co-create guidelines with the parties. Being seen to establish rules can put the mediator in an authoritative role of referee rather than facilitator of a process that belongs with the parties. Instead, the mediator may say something like: "*Let's start by talking about what the two of you understand about mediation based on what we've talked about in our meetings. That way if there are questions or different understandings, we can talk about them to ensure we have a shared understanding of what will happen today. Next, we may want to talk about our roles - how I see my role and what you see as your role, along with what you need from each other, and from me, to make this a safe and successful dialogue. Remember, you are here to learn what really matters to each other and in the process, you are likely to discover more about what really matters to you. Learning how conflict behaviours are linked to protecting what you each value is often the door through which you will discover new ways of interacting with each other and making decisions that will be less painful and more productive*".

Using an elicitive and interactive learning process right from the start helps ensure the parties and the mediator agree on important aspects of the mediation such as roles, confidentiality, timelines, authority to make decisions and other process issues.[5] Furthermore, interacting with the parties in an inclusive manner enables the mediator to observe how willing, or capable, they are to engage with each other this early in the process. These observations of the parties' relative openness to listening and learning thus helps the mediator orient their strategies toward unblocking the flow of curiosity that can help the parties have a learning conversation.

After the sisters are settled into their process, the mediator asks each of them to talk about their hopes for a better tomorrow by choosing to attend

mediation. This begins the second phase of Insight mediation.

Broadening Understanding through the Hope Question

Asking each party about their vision for a better tomorrow aims to reveal a different and less accusatory narrative from the one parties are used to hearing from each other. It intentionally avoids asking "what is the problem you want to resolve" or "what are the issues you have come to talk about". Opening comments are seen as an opportunity for the parties to articulate their purpose and hopes in coming to mediation rather than to inadvertently regurgitate their disagreements, defend their viewpoints or reinforce their conflict behaviours. We will repeat this important point, considering that it may be a new idea for non-insight trained mediators. An Insight mediator does not invite the parties to make opening statements about the problem or issues to be discussed. These kinds of opening statements are often accusatory narratives (what an Insight mediator might call "defend stories")[6]. An Insight mediator understands these blame-filled stories are likely to elicit a sense of threat and reciprocal conflict behaviour (such as shutting down, interrupting, or counter-accusing) which further block curiosity and learning. Instead, the Insight mediator begins by asking each party to talk about how they hope their lives will improve after talking to each other in the mediation.

"Asking the hope question" is more than simply asking about a hope. It involves a series of communication techniques that reveal and clarify the parties' hopes, motivations and visions for how changing their situation today will improve their lives tomorrow. Using our case study, "What to do with Mom", the following dialogue exemplifies the strategy referred to as "asking the hope question".

"*As I discussed with you in the convening session, I am going to begin the mediation by asking each of you to talk about how you hope opening up the dialogue between you about your Mom will make your lives better tomorrow and in the future. This is a question about your motivation for coming to mediation today rather than what you want to see in terms of an outcome. I will give you a moment to think about this, then ask who would like to go first?*"

Carla offers to speak first:

"*Ok, Carla, what are you hoping will be better for you tomorrow if you are able to talk to Adrianna today about the things that are concerning you? Once we are sure we understand your hopes Carla, I will ask you, Adrianna, to share your hopes for how today's mediation can lead to a better tomorrow for you*".

Although mediators who do not identify as Insight practitioners may ask questions about hopes or reasons for coming to mediation, they likely have different intentions. For example, a mediator whose goal is to help the parties discover and negotiate interests may use a question about hopes to reveal negotiable entry points. The goal and strategies of an Insight mediator are quite different. Because an Insight mediator wants to help parties unblock or release their curiosity so that they can learn and discover new possibilities for themselves, a mediator uses the hope question to shift a party' attention away from their own certainty of threat and a repetition of their defend story.

Parties coming to a mediation session have come with their certainties and habitual behaviours. Some may be prepared to fight for what they feel they need or deserve, while others feel stuck. Most parties feel they must convince the mediator that they are right, or that they are the "wronged" party. In these truncated states, the parties are unlikely to be able to verbalize their hopes even after they are prompted by the mediator to think about this before they arrive to mediation. It is very common when a mediator asks about hopes for a better tomorrow that parties answer with disguised demands or vague generalities. "I want an apology"; "I hope she'll stop micro-managing me". Other parties may be quite vague, "I'd like things to be better between us." "I'd like some respect."

Insight mediators spend time discovering the root of the parties' answers to the hope question as a way to make known that which is often unknown to the parties themselves. Reflecting more deeply on their own, as well as the other's, hopes for the mediation can itself generate a more hopeful environment. Sparked by the mediator's authentic curiosity, this process of discovery and reflection on what really matters offers the parties another opportunity to become less truncated by threat and more open to learn. Hearing another party's hope for a more desirable future in lieu of the unwelcome present can inspire a sense that engaging in the difficult conversations ahead could be worthwhile.

Furthermore, because the mediator ensures that each party hears and understands the other's person response to the hope question, it provides an opportunity for the party to shift their own attention away from preparing for rebuttal.

Being transparent about their intentions [7], Insight mediators help the parties articulate a specific, concrete or imaginable response to the question about hopes for a better tomorrow. This helps the party more clearly express their valuing or meaning-making about what matters to them; something that their threat-defend pattern of interaction very often prevents them from realizing. To help the party articulate a concrete response, the Insight mediator uses the communication skill of asking "layered questions", whereby they ask a series of questions that each follow from the answer to the previous question.

Let's continue with our case study dialogue to demonstrate this skill. We enter the dialogue after the mediator asks Carla about her hopes for a better tomorrow to which she blurts out: "*I just want Adrianna to do what is best and right for our Mom and stop being so selfish!*"

The mediator then asks a question that follows from this answer:

"*You want what's best for your mom. And if Adrianna were to do what you think is best for your Mom, how would this make tomorrow better for you*?"

With exasperation Carla answers: "*Well for one thing, Mom would not be alone and then I wouldn't have to worry all the time about her falling and hurting herself*!"

The mediator asks a layered question that follows from Carla's answer to the question before: "*You are very worried about your mother's safety and you don't want to worry all the time. So you're hoping that this conversation will make things better for you in what way?"*

Carla responds, "*Well, I wouldn't have to call and check up on her three times a day or wonder why she hasn't called me back. I'd be able to focus on my own life and deal with my own problems for a change*".

The mediator uses this information to note that a learning conversation may be possible between the two sisters when their sense of threat is sufficiently diminished: "*So one of the conversations you are hoping to have with Adrianna today involves how to ensure Mom is safe from harm. And that would give you greater peace of mind so you can focus more on your own life. I've made a little note for us to come back to that at some point. Before we do that, however, it is important that we hear from Adrianna about what her hopes are for a better tomorrow if we can talk about what matters to her today*".

Before continuing the simulated dialogue between the mediator and Adrianna about her hopes, it is worth noting a few aspects of layered questions. Asking layered questions involves more than asking a sequence of questions (which can sometimes feel to a party like an interrogation rather than an authentically curious conversation). Layered questions usually include a short paraphrase and a targeted question. The short paraphrase helps the mediator verify their understanding of the party's response, and the targeted question aims to expand or elaborate on the party's thinking about what they said. Layered questions help the parties "peel back the onion" of their own knowing, valuing and deciding. These kinds of questions ensure the mediator is following the parties' listening and learning, and not their own. For it is not the mediator who needs to know the answer to the questions; it is the party, whose truncated curiosity has prevented the discovery of their own better options.

A second aspect of layered questions is that the strategy of paraphrase and targeted question enables a mediator to explore respectfully a party's concern while recognizing that a party may feel too threatened or truncated to verbalize their hopes. The mediator's goal is to notice and support more curiosity rather than question the parties in a way that could further shut them down. Such is the case with Adrianna in the dialogue below.

The mediator turns toward Adrianna and asks: "*What are you hoping will be better for you Adrianna, if you are able to talk to Carla today about the things that are concerning you*? *This question is about what motivated you to choose mediation rather than a solution you think would work. Feel free to take a moment to think about this before you answer"*.

Adrianna in a frustrated way says: "*Well I hope that Carla will come to her senses and see there is really only one workable option here. She needs to move in with Mom. It just makes good sense given that Mom is adamant she is fine on her own, but we both know she has taken some spills and needs help. I just don't see the problem! There is plenty of space for Carla in the house, and if she moved in with Mom she would not have to pay*

rent, which would mean she would no longer worry about having enough money".

The mediator asks a layered question: "*For you the solution to the problem seems obvious, which is that Carla move in with your Mom. If this were to happen how do you envisage your life being better?"*

Adrianna responds: "*It would be better because I would not have to deal with all this ridiculous bickering and stress."* (Still being accusatory and defensive.)

The mediator asks about hopes once more: "*And if that stress were no longer a part of your life, how might that improve things?"*

Adrianna, still somewhat closed and defensively, says: "*I am not sure what more I can tell you. Clearly if Carla is living with Mom I would worry less about her. And who knows, maybe I would get to see my sister laugh instead of bicker*!"

The mediator recognizes that Adrianna feels frustrated with continuing to be asked about hopes, so does not ask an additional question. "*In addition to being worried about your Mom, it sounds like you would like to have some fun time with your sister*".

Having heard from each party what they hope will be better, the mediator has a clearer sense of how to engage the parties in a learning conversation. "*Clearly, Mom's safety is of concern to you both, and you have different ideas about how to support her, and who should do what. You each have a sense of how the future could be better, and my job is help you work through what gets in the way of having a productive conversation so you can move closer to that better future"*.

In Closing

Asking about hopes for an imagined better future early in mediation is an important strategy in Insight Mediation because it expands the parties' ability to think about the preferred future they would like to work toward rather than the unwelcome future they are trying to prevent. In this way, an Insight mediator intentionally uses the opening stages of a mediation to set the foundation for a learning conversation that will generate new insights and ultimately change behaviours.

Instead of inviting parties to make opening statements that are likely to provoke defensive interactions (based on the parties truncated certainty about the other as threat), an Insight mediator uses layered questions to elicit concrete and specific descriptions of a better future. The parties responses help the mediator assess their openness to engage with each other as well as their motivations for undertaking mediation. With this assessment, the mediator can help the parties have a different kind of conversation that encourages further curiosity towards themselves and the other. Once their flow of curiosity is released, the parties become much more capable of having a conversation to discover what was previously unimaginable.

In future working papers, the remaining three Insight mediation activities (Deepen Insights, Explore Possibilities and Make Decisions) will be examined in order to point out some of the more distinct and key insight skills and strategies and their relationship to Insight theory.

Books for Further Reading

Melchin, Kenneth and Cheryl Picard, Transforming Conflict through Insight. University Toronto Press, Toronto 2008.

Picard, Cheryl A., Practising Insight Mediation, University of Toronto Press, Toronto, 2016.

[1] For simplicity, many insight mediators call these threat-to-cares.
[2] Picard, Practising Insight Mediation, 2016:52-56.
[3] Ibid. p 58.
[4] Ibid. 2016:60-72
[5] For a comprehensive discussion of the process-related areas see Practising Insight Mediation pgs. 60-72
[6] Practising Insight Mediation pgs 27-33
[7] Ibid., pgs. 134-135.