

Communication from the Heart Makes Mediation Work

By Kathleen Nichols

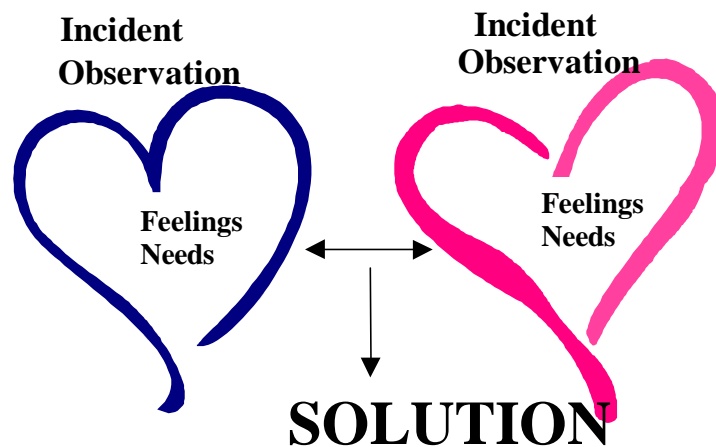
Often in talking to people about mediation I am told that they believe mediation is a good thing – except it wouldn't work in their case. Their case has too much animosity, too much history. They can't imagine any progress. This brings to mind a mediation that illustrates the power of the process.

The mediation was between two families who had recently immigrated from neighboring countries. Their "countries of origin" have been involved in boundary wars for years, and each family brought with them a history of fighting and a tradition of animosity. It seems they were, on some level, engaged in their own boundary fight over 10 feet of shared living space. After a physical altercation and a complete breakdown of communication, each thought the only way to have any peace was to get mutual anti-harassment orders from the court, and to keep their children apart. Anyone who has spent time with children will agree: preventing children who live so close from playing together is difficult, and the value of an order that requires physical separation is questionable.

During the mediation, they talked about their desire to live in peace, but they called each other liars. They both believed their children benefited from playing with each other, but had different ideas about how to deal with the inevitable spats. They each recalled past events between them differently, casting the other in the role of the villain. One called the other a name, which in the other's culture was extremely derogatory. Marshall Rosenberg, PhD, of The Center for Non Violent Communication says, "Violence in any form is a tragic expression of our unmet needs." Indeed, the conflict between these neighbors had escalated into physical and emotional violence. What were

the unmet needs so tragically expressed by their violence against each other?

Dr. Rosenberg discusses the process of "gifting" which must occur before parties can resolve their disputes. He believes human beings are natural gift-givers, and experience pleasure from giving another person gifts of value. The heart diagram illustrates how a focus on observations, feelings, needs and requests will lead to elegant resolutions. In his book, Non Violent Communication: A Language of Compassion, Dr. Rosenberg describes this communication as "the ability to inspire compassion from others and to respond compassionately to others and to ourselves. When we focus on clarifying what is being observed, felt, and needed, rather than on diagnosing and judging, we discover the depth of our own compassion." Unfortunately, our cultural conditioning often leads us to observe and listen through filters, and to demand rather than request. Sadly, these tactics tend to decrease the possibility of having our needs met.



As mediators, we experience what we call the “mediation moment” when parties shift from demanding to giving. It begins when people feel safe enough to expose their deeper needs and feelings. Once people find the words to express themselves – and the other person listens – solutions follow rapidly. Mediators foster compassionate communication by providing a safe environment, listening objectively, and helping people identify and express feelings and needs.

Using Dr. Rosenberg's principles the mediator helped these neighbors recognize each other's feelings and needs and their agreement was soon to follow. One neighbor expressed her need to live peacefully, to speak kindly and not have to avoid eye contact with the other

neighbor when they passed each other in the hall. The first neighbor offered her apology for the derogatory remark. The second neighbor appreciated that. The first neighbor shed tears about the injuries received in the fight. The second neighbor was injured too, and they both acknowledged the pain in their situation. They began talking about their children and their shared experiences as mothers. There were more tears and then some smiles as they realized that they were no longer speaking to the mediator and to the interpreter, but were speaking English to each other -- from the heart.

***The book, Non Violent Communication: A Language of Compassion (Puddle Dancer Press, 1999), is available from The Center for Non Violent Communication on the Internet at <http://www.cnvc.org/matls.html>