

**Exploring Threats-to-Cares in Insight Mediation**

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In this short paper, I aim to do two things. First, identify the distinctive nature of Insight mediation, and second, talk about what it means to explore threats-to-cares, a key Insight mediation strategy. Within the text I have included examples of threat-based questions<sup>1</sup> as well as questions intended to elicit parties' interpretations of each other's intent to help illustrate the practice of Insight mediation. This paper is still a work in progress so ideas and questions are both invited and welcomed.

Four Defining Characteristics of Insight Mediation

(1) *Insight mediation is a learning approach to dealing with conflict.*

A key aspect that differentiates Insight mediation from other mediation approaches is that mediation is, first and foremost, an interpretive process of learning; through learning change can occur and through change learning can occur. Privileging learning over problem-solving influences the role and goal of the mediator. Insight mediators believe that conflicts are best solved when conflicting parties are free to "learn"; facilitating learning is their primary role. Jack Mezirow<sup>2</sup>, a leader in the field of transformative learning, and Bernard Lonergan<sup>3</sup>, the philosopher used to help articulate Insight mediation, both say that the desire to understand the meaning of our experience is a defining condition of being human. In other words, being human is about wanting to know. This may explain why so often we act on our own interpretations and not on the judgments or advice of others even when doing so is not in our best interest.

It is this strong desire that we all have to know that produces the curiosity an Insight mediator hopes to release through the mediation dialogue. Dialogue provides the means to generate new insights and new interpretive frameworks that can lead to change. New insights not only lend themselves to seeing things differently, they can also lead to questioning the

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<sup>1</sup> Thanks to Linda Gunning, Helen Taylor and Diane Mainville from the Insight Mediation Coaching Group at Carleton University for their contribution of threat-based questions.

<sup>2</sup> See, J. Mezirow and Associates, *Fostering Critical Reflection in Adulthood: A Guide to Transformative and Emancipatory Learning*. San Francisco: Jossey-Bass, 1990.

<sup>3</sup> See, B. Lonergan, *Collected Works of Bernard Lonergan*. Vol. 3, *Insight: A Study of Human Understanding*. 1957. Toronto: University of Toronto Press, 1992.

learning system through which the conflict was produced. In Insight mediation we call this type of shift in understanding an *inverse insight*<sup>4</sup>. Other mediators talk about a similar experience as the “magic of mediation”. Mezirow refers to this shift to a new way of seeing the world as *transformative learning*. Argyris and Schon<sup>5</sup>, in their work on learning organizations, call it double-loop learning and press upon us the importance of exploring underlying assumptions that can alter governing variables and shift the way in which consequences are framed. Other learning and change theorists<sup>6</sup> distinguish between first-order change that does not challenge the established context of an organization from second-order change that does call into question the existing culture or organizational paradigm when deciding to do something different. Noticing and enhancing the quality of learning has the potential to bring about transformative and double-loop learning, as well having the potential to bring about second order change – that is what makes Insight mediation so powerful.

What is distinct about Insight mediation is the extent of “noticing” given to the *kind* and the *quality* of the learning occurring between conflicting parties. Insight mediators are very attentive to whether or not new insights are emerging, or whether parties are becoming more defensive and entrenched. They are intentional about discovering whether one party’s interpretation accurately reflects the other’s intent because they know that each other’s actions are linked to these interpretations. Often this strategy helps parties to make sense of what before made little or no sense. It can also lead to discovering that the other’s intent was not only misinterpreted, but that what was intended would have been quite acceptable. Exploring parties’ interpretations enables the parties to de-link incorrect interpretations and replace them with more accurate and less threatening knowledge.

Deepening on threats-to-cares helps parties determine if their cares must *necessarily* be a threat to the other. It also helps with finding different ways of interacting that allow each other’s cares to co-exist without threat. Deepening involves the mediator noticing if the parties’ communication patterns are reinforcing, or changing, existing threat narratives and defend/attack patterns of interaction. They also routinely ask parties to talk about what they *expected* the other person would be doing differently if they really were not trying to cause harm. And, they ask parties to talk about how the other person’s action would need to change for them to no longer feel the need to defend themselves. These elicitive strategies uncover expected and normative patterns of interaction and values.

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<sup>4</sup> See Melchin and Picard, *Transforming Conflict through Insight*. University of Toronto Press, 2008

<sup>5</sup> See, Argyris, C., & Schön, D. *Organizational learning: A theory of action perspective*, Reading, Mass: Addison Wesley, 1978 and *Organizational learning II: Theory, method and practice*, Reading, Mass: Addison Wesley, 1996

<sup>6</sup> For instance, see G. Bateson, *Mind and Nature: A Necessary Unity*. Dutton, 1979; and W. Bergquist, *The Modern Organization: Mastering the Art of Irreversible Change*. San Francisco: Jossey-Bass, 1993

Before going any further, I want to clarify an important point. Insight strategies, while done with intention, do not imply that an Insight mediator is leading or directing the conversation; he or she is not, and should not. Instead they “follow” the parties as they tell their story about what matters to them and explore how the experience of their cares is being threatened. Questions that would typically be asked include: *What do you imagine will happen if this situation continues? What makes you so nervous about his behaviour? What are the dangers of leaving things as they are? Talk a bit about what makes this situation so untenable. What makes you uneasy about that decision? You seem worried by her silence; what are you thinking she is thinking? What did you expect he would have done differently if he did feel sorry about the situation? What is it that you are afraid of? What are you hoping to avoid?* Through deepening work the mediator helps generate new insights about the dynamics of the parties’ interactions; insights that often change both the speaker and the listener. This practice of not leading the parties is known as “responsive intentionality”.

(2) *How conflict is defined.*

In the Insight approach conflict is defined differently than in other mediation approaches. Instead of viewing conflict as arising from the perception of incompatible goals, needs or interests, the Insight approach views conflict as emerging from an interpretive experience of threats-to-cares. The word “cares” connotes more than the act of “caring”; it includes all the things we have come to value over time. Cares exist at different and hierarchical levels. At the lowest level are *personal desires* such as interests, needs and goals. Personal desires are superseded by *expected patterns of interaction*, which, for instance, might include what it means to be a good, or not so good, parent, partner, co-worker, neighbour, teacher, friend, pastor, and so forth. At the highest level of cares are the *criteria of judgment* that we use to distinguish what ought, or ought not, to be in the world around us.

Insight mediators are trained on how to facilitate insight into the value-based interpretations that underlie the conflict dynamic paying particular attention to higher level cares given that they are more powerful motivators than lower level ones. Their training teaches them to explore feelings to discover values and to ask about and paraphrase interpretive stories more than defend ones.

(3) *Conflict is about patterns of interaction.*

Understanding conflict as relational leads to a further distinguishing feature of the Insight approach; Insight mediators pay attention to noticing the parties’ *patterns of interaction*, especially their “defend” responses. Defend responses can include very obvious argumentative expressions such as, “*that is not what I am saying*”, or “*how can you not get this*”, to the not so

obvious responses that involve “yes, buts”, along with responses directed at “convincing you that I am right”. The theory behind this is linked to our definition of conflict - conflict emerges from an experience of threat-to-cares. When we feel threatened our instinct to “flight or fight” kicks in; these “defend” responses create the experience to others of being “attacked” because they disregard or reject what matters to the other. In turn, defend responses elicit from others a “fight or flight” response that feels like an attack-back, and so the conflict spirals. These defend/experience attack/defend patterns of interaction need to change for learning to occur. This is why Insight mediators direct their curiosity toward helping parties gain insights that can change defend patterns of interaction. Reducing threats helps parties to engage in a different type of dialogue - one that allows them to turn their minds to discovering new ways of interacting that can bring about change for the better.

#### (4) *Conflict emerges from meaning-making.*

Another important theoretical underpinning of the Insight approach is that it draws from an interpretive view of communication that posits human action as a response to meaning-making. For this reason, Insight mediators, not unlike other mediators, ask elicitive questions about interpretation: *What did you just hear her say about the reasons for the actions she took? What meaning did you take from his refusal to open discussions on the topic again? What does it mean for you to engage in respectful interactions with co-workers? What was your interpretation of his intent when you learned he spoke to your supervisor about the missing files?* Insight mediators follow these queries by asking the original speaker to verify if what the other heard was in fact what was meant. They may ask - *how does what he just said fit with your intentions? What do you have to say about how she understood what you have been telling us? Is what you meant what she understood? How does what you just heard fit with your intentions? What, if anything, is missing from what she heard about the reasons for your actions? What more does he need to know to understand your perception of things?*

Given that Insight mediators’ practices are embedded in an interpretive view of communication, they explore the meaning-making” of the listener to a greater extent than ensuring the “intent” of the speaker is clear. This is important for a number of reasons. As long people are convinced others are out to do harm, it is hard to open their minds to consider anything that others have to say – they are closed to learning because they are certain they know all there is to know about the other person. In long-standing relationships such as those found in families, communities or workplaces, there is lots of “evidence” to prove one right. In fact, over time we come to notice only those interactions that reinforce the threat-based narrative placing us even more strongly in the position of “knower”. From the position of knower there is little or no reason to be curious about the other; in fact, doing so might put us at risk, either figuratively speaking or in some cases quite actually in real danger. Talking may

be going on, but learning is blocked. Insight mediation is about helping learning to occur once more.

An interpretive view of conflict and communication is helpful because it explains human action as both a *response* to something as well as the *intention* to do something. It highlights the interactive nature of conflict, and supports the practice of exploring what a person's actions are in response to. Conflict is not only about individual interests or needs, it is about the patterns of interaction happening in the present that are linked to experiences of the past and to those anticipated in the future.

Given that meaning-making is internal, private and formed from our individual cognitive schemas, it is not surprising that so often messages are misunderstood. A basic assumption in Insight mediation is that conflicting parties' interpretations of each others' intent are likely wrong. Cognitive psychology explains this phenomenon. It purports that this happens because meaning-making is generated from unique cognitive maps and mental schemas that have been formed through past experiences and from situational factors such as culture, background, training, social status, gender, age, ethnicity, and so forth. These maps act on us as organizing principles that then form our habits, reflexive actions, values and worldviews; principles that influence both how and what we know, and how we act. To recognize the power of mental schemas or cognitive maps we only need to recall a time when we were in the middle of our friends' conflict, and after listening to each of them, we were left wondering whether they were even in the same conflict their stories about each other's intentions were so different!

These four characteristics of the Insight approach to conflict explain why Insight mediators see their role as one that explores and deepens on each party's experience of threat-to-cares. Let's explore this idea further.

### *What It Means to Explore Threats-To-Cares and Why Do It?*

The primary reason for an Insight practitioner to work with threats-to-cares is because threats, whether real or perceived, are at the root of defend/experience attack/defend patterns of interaction that are generating the conflict and keeping it on-going. If these destructive patterns of interaction are to change, threat experiences need to be reduced or eliminated. Reducing threats removes the need to defend ourselves, this in turn increases the desire to understand our circumstances, in this case the conflict we are involved in. Wanting to know generates the curiosity needed to accept new ideas and to learn. Through learning more acceptable relations and ways of interacting can be found.

Threat experiences are internal and the reasons producing them often obscure, even to the person experiencing them. This is why in mediation it is quite common to discover that the threats being experienced were never intended. Interpretations of threat produce a “fight or flight” defend response. The goal of an Insight mediator is to help parties change these defend responses to new ways of responding that produce the curiosity needed to engage in dialogue aimed at discovering better ways of interacting.

The point I am stressing is that is common to misinterpret other peoples’ messages. Furthermore, misinterpretation involves *attributing intent* and *making judgments* about others from a incorrect place of knowing. These incorrect judgments create a narrative about the other that sets in motion a respond pattern of interaction that others can only make sense of as an *intentional* attack on what matters to them. To add to this, when expected ways of behaving are absent, their absence can be perceived as an intentional attack, which explains why conflicts can occur as much from what is *not* happening as by what is happening. Over time parties come to only notice those utterances and actions that verify their attack narrative; anything contrary to this narrative either does not get noticed or taken seriously. It is like we form a bubble around ourselves where only information that supports our threat-based narrative of the other is able to get through. As the conflict escalates information that might alter the perception of threat is deflected. This is why it is so hard for parties to resolve their conflict on their own; they believe that they already “know” the other and this inhibits their curious nature. Their conflict talk does not produce the insights needed to move from a “knower” to “seeker” of knowledge.

Insight mediators continually ask themselves - is it necessarily so that what each party cares about must *necessarily* threaten what the other party cares about? Recall the earlier point that as human beings our actions are motivated by our *interpretation* of another’s intent; interpretations that can be different from what was intended. In conflict situations we can almost always be sure that some interactions have been misunderstood, and that these misinterpretations have led parties to believe that something they value is under threat. Exploring how parties have come to “know” each other, and whether they have interpreted each other’s actions correctly, are important tasks for the Insight mediator. This is helpful for parties because meaning-making is unconscious and rarely questioned. Providing some examples of some threat-based questions may help illustrate this point: *What do imagine will happen if you do not put a stop to the situation? What makes you so nervous about his behaviour? What are the risks if she does not move in with you? What are the dangers of letting him stay in that role? Talk a bit about what makes this situation so frightening. Why is his behaviour of such concern? What makes you uneasy about that decision? What is it that you*

*are afraid of? What would make it safe for you to trust that she will be ok? Where's the worry in his request? What is it that you are trying to protect?*

Newly trained mediators tell me that they are hesitant, if not at times, frightened by the thought of exploring parties' threats before exploring their cares. They wonder if exploring threats would be too direct; too unsettling; or generate more emotion than they can handle. I have noticed that mediators trained in other approaches to mediation share this concern, especially if they understand their role as discovering common interests and areas of agreement where strong emotion is viewed as an obstacle to achieving this goal, thus it must be managed and changed<sup>7</sup>. To help new Insight mediators feel more confident about the value of exploring threats-to-cares, I remind them that conflict emerges from the experience of a threat-to-care. Asking parties about cares that may have little or nothing to do with their experience of threat is distracting and of little use in helping them find ways to change the conflict dynamic. This paper emerged from a discussion with Insight mediation coaches and is an attempt to further explain the importance of focusing on threats- to-cares to a greater extent than focusing on cares alone.

Most mediators, whatever their training, would agree that their primary task is to help parties resolve their conflict because they have not been able to do this on their own. Insight mediators are taught to notice the patterns of interaction blocking the parties from changing threatening and uncomfortable situations. They work to help the parties become aware of their threats, along with the threats of the other party. In doing so, the cares most at risk in the conflict dynamic emerge. As Insight mediators, we think our most helpful role is to help parties talk about what is hardest for them to talk about on their own - the value-based and emotional aspects of the conflict.

One of the first opportunities for an Insight mediator to intentionally explore threat narratives is likely to occur in stage two when they invite each party to tell each other what they want to talk about and what they *hope* will be better in their life (workplace, family, community, church, school, etc.) as a result of their conversation. The point of asking about future hopes is to surface early on in the storytelling individual, and sometimes shared, visions for a better tomorrow. It also offers the opportunity to elicit interpretive information rather than beginning the mediation with details of "defend" narratives that we know tend to escalate already problematic interactions. Notice what the Insight mediator does in the following dialogue after attending to process matters in the first stage of Insight mediation.

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<sup>7</sup> See, Fisher and Shapiro, *Beyond Reason*. Viking, 2005

Mediator: *Now that we understand and agree to the process we will follow today, I will invite each of you to share what it is that you have come to talk to each other about, and your hopes for how these discussions will change things for the better. Who would like to start?*

Pat: *I am happy to start. I would like to talk to Chris about why it is that every time she uses a file it manages to go missing! I hope that if we can figure this out it will stop happening and then I can get on with doing my job in the way it is supposed to be done.*

Mediator: *And if you are able to get on with doing your job as you envisage (listening response), how will that make things better for you at work (layered question)?*

Pat: *Yes, well, it will make life around here so much more pleasant and coming to work something to look forward to instead of dreading it; to say nothing of how much more productive we could be if we were not always fighting.*

Mediator: *So you are hoping that work will become a better place to be and that both you and Chris will be able to more productive if you are able to talk about the problem with the files (listening response). Clearly there are some threats in the current situation that we will need to explore. Before doing that, (mediator turns to Chris) let me invite you, Chris, to share what you have come to talk to Pat about today, and what you hope will be improved if you have that conversation.*

Chris: *Well, like Pat I also want to talk about the file situation, but for me I am hoping that Pat will stop blaming me for every single file that goes missing and stop bad-mouthing me; it is so exasperating and demoralizing!*

Mediator: *And if you are no longer being blamed for the missing files (listening response), how will that make things better for you at work (layered question)?*

Chris: *Again, not unlike Pat, not being blamed for every little thing around here will make my life so much more pleasant. And, I agree that if we can stop this nagging and fighting we might be more productive and that might be just enough to keep both our jobs safe!*

Mediator: *Clearly you are both experiencing threats that are linked to job security (listening response). My suggestion is that we begin exploring these threats... your concern Pat about being unable to get your work done in the way you would like and the impact that is having on you; and your concern, Chris, about feeling vulnerable in relation to your job and the worry that is causing. Which of you would like to begin talking about these threats?*

Chris: *Well you went first before Pat, so I can go first this time.*

Mediator: *Sure. So Chris, talk more about the connection between what is going on at work with you and Pat and how it is linked to feeling your job may be at risk. While Chris is talking I am going to ask you Pat to listen for anything you may not have*

*heard before that might change your view of things. When Chris is finished talking you will have the opportunity to talk about your perceptions and concerns. Before you do, however, I will ask you to tell Chris what you heard him say to ensure that you understood him correctly. So, Chris, what is it about your interactions with Pat that leads you to worry about your job?*

### Framing a Threat-based Question

There are many words associated with the experience of threat. While far from exhaustive, here are some that come to mind: fear, risk, intimidation, danger, run the risk of; negative likelihood; vulnerable; endangered; jeopardize; vulnerable; negative consequence; end result; concern; unease; worry; agonize, bothered by, apprehensive; trepidation; distress; discomfort; nervous, and the list goes on. Notice these words; what is striking is that many express emotion. This begs the question - how is emotion understood in Insight mediation? To fully address this question requires a separate paper<sup>8</sup>. For now, I will highlight some of our current thinking about Insight mediation and the emotion of learning.

Insight mediators see emotion as *constitutive* of the reasoning process parties use to understand their conflict, not as a *condition* within which reasoning takes place. This latter positioning of emotions as a condition of reasoning has led some conflict scholars to argue the importance of dealing with emotions by limiting negative emotions and encouraging positive ones<sup>9</sup>. Their reasoning is that negative emotions disrupt and inhibit good reasoning – whereas positive emotions contribute to interpersonal conditions within which good decisions are made.

Insight mediators would argue that emotions are a part of learning thus the mediator should refrain from trying to “put a lid on” on emotions as they arise. Instead they are trained to encourage the expression of emotion and ask about feelings to enable the parties to better understand themselves and each other. Jameson, Bodtker and Jones<sup>10</sup> agree, and suggest using elicitive questions to help parties identify the emotional experience, as well as help them reappraise the situation. Their research shows that communicating emotion helps parties integrate their thoughts and feelings, clarify what they feel and why, and that doing so returns

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<sup>8</sup> This paper is in the early stages of being written in collaboration with Dr. Janet Siltanen from the department of sociology at Carleton University. It will expand on the collaborative work that we have been doing with members of the Insight mediation coaching group at Carleton to understand more about emotion in the transformative learning of Insight mediation.

<sup>9</sup> Fisher and Shaprio, *Beyond Reason*. Viking, 2005

<sup>10</sup> See Jameson, Bodtker and Jones, “Like Talking to a Brick Wall: Implications of Emotion Metaphors for Mediation Practice”, *Negotiation Journal*, 2006:199-207

to them a sense of control about the situation. Jones and Bodtker<sup>11</sup> are emphatic that reappraisal is not facilitated by “trying to fix the problem”. Instead it is about helping parties see things differently for themselves. The following questions exemplify how an Insight mediator could ask about emotions linked to threats. *You seem worried by John’s silence; what are you thinking he is thinking that is of concern to you? Not being recognized by John is obviously upsetting; what does his lack of recognition say to you? Talk a bit about how you feel now that she has asked you to consider withdrawing. His comment seems to have triggered a strong feeling, what can you tell us about that? Say more about how this leaves you feeling.*

There is a further insight that comes from the work that Dr. Siltanen and I have been doing on emotion and learning. Take the situation of a party expressing “impatience”. An Insight mediator, drawing on Lonergan’s work, would look at the expression of impatience as an intentional response that signals an underlying value. He or she might wonder what this emotion says about cares being threatened in the context of the conflict. Or, and this is where our insight is located, this impatience could be an indication that the party is at an important moment in the learning process – where they are recognizing that their previous interpretive framework is breaking down, and where new understandings are required, but not yet grasped. There is also a third possibility tied to issue of learning - the possibility that the party is closed to learning and is not moved to be curious. Emotions, then, not only lead Insight mediators to cares and threats – they can also lead them to knowledge of the parties’ ability, or inability, to learn at that moment.

Returning to our discussion of exploring threats-to-cares, one further strategy needs to be highlighted. This strategy involves inviting parties to share their interpretation of what they heard the other say, as well as asking them what meaning they took from the other’s actions, or inaction. To do this we might ask: *What did you just hear her say about the situation? When he does not call in advance, what does that say to you? What are you hearing her say that makes you so defensive? If she were to show respect for your work what would she be doing differently than she is now? Clearly you were expecting something different to be done in response to the situation, what were you expecting, and when that did not happen what did you think?* Asking parties to share what they are hearing and what meaning is being made from each others’ words or actions does two important things. First, it lets the mediator know how well a party is able to listen along with their readiness to learn. Second, it gets the parties interacting and avoids the silos that get created when the mediator does all the listening and talking.

### Conclusion

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<sup>11</sup> See Jones and Bodtker, “Mediating with Heart in Mind: Addressing Emotion in Mediation Practice,” *Negotiation Journal*, July 2001: 217-244

I conclude by bringing us back to the two main points of this paper. First, that it is critical for mediators to pay attention to parties' threats, even more than eliciting their cares. By exploring threats, the cares will emerge. More importantly, the cares that emerge will be the ones most relevant to the conflict dynamic. Second, mediators ask about parties' interpretations, even more than asking about their intent. Exploring interpretations helps make sense of the interplay between the parties because what they do is in response to their interpretation and meaning-making – they are acting on their *interpretation* of the other's intent. The job of a mediator is to help parties discover if what has been interpreted was what was really intended.

Let me leave you with the following comments from a mediation learner talking about her experience of working with threats.

*At last week's roleplay I was mediating, and my focus was with trying to identify threats. We were doing the roleplay about the video store owner and the client who returned the Video player broken but didn't want to pay for it, and had told all her friends and family about the situation so about 20 of them had cancelled their video memberships. Through open questions, broadening, reflecting, paraphrasing, and bridging we had learned that the membership cancellation by the client's friends had caused a serious loss of business. The video store owner said that she had been finally getting ahead in business recently, but this change meant that her business might no longer be viable and she might have to close, which would affect her family. As the mediator I said to myself "aha! a threat!", but was kind of afraid to actually say the word "threat", in case it made her vulnerable, by showing the other person the power she held. However, I took my courage in my hands and said something like "so having to pay for the Video player repair, and losing the other memberships, is really serious to the store's financial viability, and perhaps even a threat...to its continuing at all?" And she said "yes, it is a real threat". The other party didn't want the store to close, and the seriousness of the situation for the video store owner came home to her through that information, so it was an important learning for her too. They resolved the conflict together. Later when we debriefed I asked the store owner if saying the word "threat" was too bald, too direct. She said no, it was good, and in fact had really hit the nail on the head and felt good to her.*