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by

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**Mediators' Strategies for a Successful Mediation: A Literature Review
of Conflict Mediation**

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Abstract

Mediators' Strategies for a Successful Mediation: A Literature Review of Conflict Mediation

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Abstract: In a conflict mediation, a mediator works as a third party to help disputants negotiate their problems and facilitate them to reach a consensus. The goal of a conflict mediations is more than solving problems. From a mediator's point of view, the key issue in a conflict mediation is to produce results that can benefit each party in the conflict. Previous research examined mediators' practice in conflict mediations theoretically and empirically. However, there is a lack of specific exploration on mediation strategies that mediators can apply in practice for a successful mediation. The aim of this report is to find feasible strategies that can be used by mediators through reviewing past literature on conflict mediation and rethinking a three-month mediation training the author experienced. Findings indicate that strategies such as creating a comfortable environment, active listening, being aware of disputants' nonverbal behaviors, and showing empathy are useful and can lead to successful mediation. In addition, in conflict mediations, mediators

should be selective to these strategies depending on context. The mediators' strategies that are summarized in this report are general and possible for a successful mediation; in other words, if mediator use these strategies it will lead to more satisfied parties, so that they can ensure a smoother mediation rather than guarantee an outcome.

Keywords: conflict, mediation, mediator, strategy

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Mediators' Strategies for a Successful Mediation: A Literature Review of Conflict Mediation

Chapter 1: Introduction

Conflict arises naturally in everyday communication. Although conflict cannot be defined as an abnormal state, it hurts people's feelings and causes interpersonal relationships to deteriorate. Resolving conflicts takes several forms, including mediation.

Mediation refers to a process in which a mutually acceptable third party facilitates an interest-based communicative process neutrally and impartially (McCorkle & Reese, 2019), which assists conflict disputing parties to explore concerns and to create outcomes. This is not the only definition of mediation, but this is the one that I will use in this report. There are different types of mediation. For example, cognitive mediation focuses on mediating mental conflicts such as to assess traumatic events, appraisal of symptoms, personal behaviors, and resilience recovery (Koss & Aurelio, 2004).

Constructive mediation highlights solving a complex conflict and improving management (Munro, 1997). Transformative mediation can be understood as a process of changing the quality of conflict interaction, during which disputants establish a constructive interaction that goes beyond the immediate conflict to enable them to move forward to a positive direction (Bush & Folger, 2004; Bush & Pope, 2002). Narrative mediation examines an increasing understanding between disputing parties and resolving their relationship issues (Cobb, 1993; Stewart & Maxwell, 2010). Facilitative mediation is highly structured and open-ended, and the process and outcomes of this sort of mediation are oriented with less

directive mediators (Folberg, Milne & Salem, 2004), which means the mediators will not expect conflict solutions, but they can help disputants to make conversations and seek solutions by themselves. In terms of evaluative mediation, mediators assist parties to reach a resolution by pointing out the weaknesses of their cases and predicting what a judge or jury would be likely to do (Zumeta, 2000).

To reduce the negative impact that conflict creates, professional conflict mediation, which usually is negotiated through a facilitative mediation, is requested by many people to deal with daily issues. In order to explore the mediation that common people go through the most, this report focuses on facilitative mediation. Meanwhile, due to the fact that the mediation practice is influenced and challenged by cultural differences (Brigg & Bleiker, 2011), and in order to strengthen the applicability of this review, this report will focus on Western mediation theories and practices, especially American studies and cases.

In practice, not every conflict mediation ends up with a success. Well-developed mediation skills do not guarantee sustainable mediation practice, let alone a successful mediation. Thus, mediation skills should be used strategically. However, to be strategic does not mean that mediators need to use every strategy in a mediation case. Each conflict has its uniqueness and tangles, so mediators should act according to the changing circumstances of a mediation talk and facilitate by using the most appropriate and suitable strategies. Mediation requires flexibility, thus, being strategic to adapt to various contexts is necessary. In this report, through reviewing published literature on conflict mediation, applicable strategies that mediators can use in conflict mediation practice

across contexts are explored. The goal of this report is to bring together strategies that have been reported to have practical value.

In communication studies, conflict is theoretically investigated by two trends: studying the role of cognitive functioning and emotions in interpersonal conflicts from a social cognition perspective (e.g. Guerrero & La Valley, 2006; Roloff & Miller, 2006), and examining the dynamics of conflict in different relationships (e.g. Caughlin & Vangelisti, 2000; Koerner & Fitzpatrick, 2002). Studies of conflict behaviors, emotions of parties in conflict, and conflict patterns are covered by the literature. However, the theoretical findings have not been systematically reviewed. Although there are recognized rules, instructions, and guidance for mediation, adding these theoretical strategies will improve mediation, Therefore, the purpose of this report is to review the existing literature to identify strategies that can be used by working mediators.

When assessing conflict mediation and mediators' strategies, there are some theories that can be applied. A popular perspective that theoretical research on conflict mediation usually take is the social constructionism, where conflict is defined as a way of communicating and maintaining human relationships. Conflict, in this view, is positive and constructive. Social structure theories view the divisions of class, race, ethnicity and sex as the basis for conflict. It recommends looking at conflict positively by accepting or avoiding these divisions (Schellenberg, 1996). Conflict can be negotiated. Simmel (1955) studied the positive side of a conflict and its effects on personal relationships from the perspective of social constructionism. He suggested that conflict occurs for the reason that the parties care about each other. It is the opposite of indifference. Also, he argued

that conflicts facilitate interpersonal relationships. Furthermore, conflict is regarded as the beginning of cooperation. However, the constructive side of conflict usually occurs when parties are willing to talk with each other and cooperate. Everything outside of cooperative talking isn't destructive, though. Mediation can facilitate conversations so that people move towards cooperation. If conflicting parties talk, they must select the appropriate manners of speech and follow sequencing rules. Mediators help disputants exchange ideas in sequence. Also, mediators guide the conversation between disputants. Theories about conflict can be applied in mediation practice. On one hand, theories provide perspectives to develop and improve strategies; on the other hand, theories are references that may be altered in practice.

Systems theory is also used to study conflict mediation. It is a framework that provides a way to understand conflicts by understanding information patterns. Many intervention techniques for conflict management derive from system theory (Hocker & Wilmot, 2001). Although this theory can be applied to conflict management of disputants and intervention styles, this report only emphasizes how to use it to reflect mediators' intervention strategies. One of the functions of this theory is to assess information development in conflict mediation. System theory explains that conflict arises primarily from the parties' treatment of each other and from differences or inequalities between parties (Kriesberg, 2007). According to this theory, the timing of intervention influences the conflict process, and thus the outcome of mediation.

In the field of conflict mediation, case studies account for the majority of academic publications. Stiles (2009) suggested that the value of case studies is that they emphasize

personal understanding rather than detached observations. Research also found that knowing cases means mastering conflict parties, issues, forces, timing, and context (Crocker et al., 2004). In conflict mediation, a comprehensive review of case studies improves understanding and builds strategies because case studies provide actual examples of conflicts that may be repeated.

In terms of mediation strategy, it is necessary to clarify why this report uses the word “strategy” instead of “skills,” “techniques,” “tools” or “tactics”. Usually, mediators are skilled professionals, but they are unable to strategically plan for each mediation (Mosten, 2001). Lax and Sebenius (2006) pointed out that a strategy is developing and aligning tactics. Mediators’ tactics are small actions like how to use words to ask questions, while strategies take general and overall views that think about the outcomes of the questions and how they can facilitate parties’ talks. Mediation strategy requires a macro-perspective that considers the whole process of the mediation and its outcomes. This perspective is an instructive guide for practice.

To determine useful strategies that can lead to a successful mediation practice, this literature review highlights the findings of previous research and practical experience. The author will then categorize and extract strategies. For example, elements that can influence the result of mediation include cultural backgrounds, individual power, personality, etc. (Leigh-Phippard, 1998). Thus, the strategies a mediator can use to facilitate such conflicts could be trying to understand each party’s cultural perspective, creating a comfortable environment that encourages conversation, being patient and tolerant when listening to disputants’ thoughts, and improving listening skills.

A good outcome of a conflict mediation is not always an agreement, though in most cases an agreement is desired. A positive result of mediation for disputing parties could be to learn information, show understandings and be willing to talk with each other. Sometimes it is hard for disputants to hear the other side and have a constructive and meaningful conversation, and thus, to come to an agreement. Therefore, the use of strategies in conflict mediation is necessary, and the examination of these strategies is of great significance for mediators to conduct a successful mediation.

Another reason that this report focuses on mediation strategy is that conflict mediation might have rules to follow. Although people come to a conflict mediation with different problems and goals, the structure and process of facilitating a mediation are almost the same. In practice, disputants usually come to mediation with a narrative that has three components: a personal version of the event, complaints against the other party, and a personal definition of the problem(s) (Haynes, et al., 2012). It is noticeable that the conflict cases are different, but the mediation structure is similar. Additionally, Stewart and Maxwell (2010) pointed out that conflicting parties' adversarial narrative is the most common way of communication in a conflict mediation. By knowing the common conflict narrative, mediators can well prepare themselves. Consequently, strategies can be applied to a variety of cases.

In this report, by reviewing published literature, mediation strategies will be found and summarized in three categories, which are getting started, during the mediation, and after mediation. Meanwhile, I will reflect my mediation training to connect the findings from literature to real cases, and then point out the strategies need to be improved and

developed based on actual mediation practices. In the end, this report will give practical suggestions and tips for mediators to facilitate conflict mediation successfully.

Chapter 2: Literature Review

Mediation is a process in which neutral mediators facilitate disputants to explore outcomes on their own (McCorkle & Reese, 2019). The third party refers to a mediator who helps disputants manage their conflict and find a feasible solution to their problems. According to Deutsch (1973), the roles of a third party include helping conflicting parties identify their problems, providing favorable circumstances to confront the issues, removing communication blocks to facilitate mutual understanding, and helping establish an interaction of mutual respect and open communication. Ury (1999) explained that mediators are the people who can help disputants reconcile their interests by bringing them into negotiations, facilitating communication, and helping them search for a solution. Using strategies in conflict mediation is important as indicated by scholarly research and practical experience, as it allows mediators to approach people with different goals, interests, and positions.

The current literature review was conducted by reviewing published journal articles, academic books, and professional essays. For reviewing each type of the literature, the same keywords were used, and they were: *conflict communication, mediation, skills, tactics, tools, practice, strategy, mediators, and interpersonal communication*. In terms of journal publications, the author searched online databases such as Academic Search Complete, PsycINFO, SAGE Premier 2018, and Emerald Insight. Relevant books were found and reviewed from a professional mediation website called *Beyond Intractability* and open source website *Google Book*, where there is a comprehensive list of mediation-related books in its knowledge database. Professional

essays written by practitioners that were under review come from another professional mediation website named *Mediate.com*. There are more than a hundred professional essays posted in this website, but only three are related to facilitative mediation and focuses on mediating daily issues. The range of these three types of literature was set from 1955 to 2019. The time 1955 was decided because an influential scholar, George Simmel, who was in the field of conflict communication, published his research by taking a social constructive perspective, which had a far-reaching impact on conflict study. To be included, articles, books, and essays should have solid contents on mediation strategies, skills, and practical thoughts. Finally, the author reviewed 36 research articles, 45 books (including 16 manuals), and 3 essays. Many of these are research, others are descriptive materials (see Appendix).

Getting Started: Strategies before Mediation

Create a Comfortable and Safe Environment to Talk

After disputants request a conflict mediation, a mediator begins to prepare. Creating a comfortable environment is indispensable because it might encourage the parties to share their ideas and impact the overall outcomes. Four popular instructional manuals touch this topic. Beer and Packard (2012) called this kind of preparedness “arranging the room,” by which they mean setting up the furniture with a clear seating pattern, clearing extra chairs, providing paper for notetaking on the table, and providing beverages. Mosten (2001) added that written instructions and checklists can be provided to disputants. Krivis and Lucks (2006) suggested this process makes “a great first

impression” on disputants. For example, a mediator suggested keeping the “décor bland and nonthreatening,” having “standard furniture, conventional prints framed and hung on the wall,” and “no personal effects” that reveal the mediator’s personality (Krivis & Lucks, 2006).

In addition, a whiteboard is necessary because it can help mediators to list key problems and assist disputants to focus on their discussion highlights (Tillett, 1999). Generally, the arrangement of a room should consider the number of disputants, placement of chairs and tables, copies of printed instructions, etc. Also, the room should have a quiet and distraction-free environment.

Mediators’ Preparation of Themselves

Before mediation, mediators should prepare themselves by learning about the disputants’ backgrounds, their confliction, and their goals. Cloke (2002) suggested that mediators who are well-prepared are able to begin by asking questions, rather than spending time learning about the conflict. Ideally, mediators should acknowledge the disputants’ needs and identify the major problems raised before launching a mediation (Morgado & Oliveira, 2010). They should also apply strategies gained from previous experience like minimizing personal stresses, arriving early, reviewing notes to open the mediation, talking about mediation styles if there is a co-mediator present, and concentrating for the full session of a mediation (Beer & Packard, 2012).

Finally, it would be better if mediators could place light snacks, reading materials, instructions, and some paper in the meeting room. This will help relieve tensions. If the

mediation becomes aggressive, mediators can take a break and let the disputants calm down by having a beverage or food or writing down notes (Krivis & Lucks, 2006).

During Mediation: Key Strategies for a Successful Mediation

Mediation strategies are sometimes called mediation skills in literature. In this section, key strategies or “skills” will be summarized. Scholars and practitioners agree that essential mediation strategies include active listening, asking questions to uncover underlying interests and problems, having an awareness of nonverbal behaviors, reframing problems, and summarizing information that disputants share (Charkoudian, De Ritis, Buck, & Wilson, 2009; Gilman, 2017; Moore, 2003). Meanwhile, scholars encourage practicing empathy while avoiding bias (Goldberg, 2005; Heisterkamp, 2006; Rock, 2006). Although not all strategies will be used in a mediation practice, they should be considered a baseline for practitioners.

Listening Strategies

Listening plays an important part in conflict mediation. Disputants in mediation are likely to be more candid and satisfied with outcomes if they feel they are being heard. This indicates that listening skills matter in facilitative mediation (Egan, 1986). Research agrees that listening is an important component in conflict mediation (e.g. Beer & Packard, 2012; Lane & McWhirter, 1992; Winslade & Monk, 2001). Mosten (2001) explained that mediators need to listen to both parties so they can help disputants effectively come to an agreement. Meanwhile, case studies show that listening removes

obstacles and misperceptions (Pearson, 2001; Sampson, 1994). Therefore, mediators should be good listeners.

Research indicates that conflict often represents a lack of listening (Cloke, 2002). Consequently, active listening is a particularly important listening strategy in mediation. It concentrates on what is being said instead with a motivation to understand the disputants' perspectives (Rogers & Farson, 1957). Domenici and Littlejohn (2001) argued that active listening is indispensable in conflict mediation like earlier research (Deutsch, 1994). Beer and Packard (2012) suggested that mediators sometimes can add "emotion" words to respond to parties' statements through active listening. For example, mediators can say: "You are feeling fearful..." or "It sounds like you are feeling angry...", etc. These can help mediators be more correct to identify parties' feelings and make parties' feel that they are heard. Therefore, this is a strategy mediators should use to assess problems and discover disputants' goals.

Active listening can be carried out by showing concerns for others (Rutter, 2003) and asking questions (Phillips, 1999). Generally speaking, mediators are listening to disputants' conversations. In this case, mediators can use the experience of listening difficult conversations to form their listening strategy. Research suggested that by showing care and concern to speakers, listeners can ask open questions, ask for more concrete information, give speakers the option of not answering, paraphrasing to clarify information, and avoiding questions that are actually statements (Stone, et al., 2010). In the mediation process, mediators can express their concerns for disputants' problems

through active listening. This also prevents them from frequently interrupting disputants' while they are talking.

Another successful tactic for active listening involves mediators setting the precedent that every time a disputant vocalizes their opinion, the other person must reiterate what was just said. This ensures that the parties are paying attention to one another (Porteus, 1991). This method guides disputants, allows their conflict to make progress, and creates a respectful and cooperative climate.

In addition, strategic listening (Maxwell, 2019) is used by some mediators in conflict mediation. Strategic listening is listening to understand speakers and to shape the outcome of communication. It is analytical as well as active and directs mediators to compare what disputants say and integrate or contrast their ideas for greater clarity. It is strategic, because the mediator focuses on how to use what they hear to facilitate resolution. Of course, this is also a way to make others feel that their ideas are important (Tate & Dunklee, 2005). During the mediation process, mediators should listen strategically to disputants and be clear about their meanings. In this case, mediators can guide parties towards constructive talks and satisfying outcomes.

Underlying Interests and Problems

Taking active steps to facilitate a conflict mediation is a strategy that mediators adopt in most cases. A mediator should uncover disputants' underlying interests and concerns by their initiative. The advantage of this strategy is that it helps disputants overcome problems and negotiate mutually beneficial solutions.

Kravis and Lucks (2006) suggested that to conduct a successful mediation, a mediator should make an effort to find the path of the complex conflicts. This path under the conflicts is like a collection of invisible problems that mediators should find out and facilitate. In addition, by taking a mediator's perspective, it is believed that mediation can push disputants apart or put them together for understanding the potential causes of conflicts (Moore, 2003), which indicates the importance of uncovering disputants' interests and problems of their conflicts. Research further pointed out that asking questions is a good way to discover underlying problems and make mediation more productive (Fisher, et al., 1996). Beer and Packard (2012) suggested that questions for underlying interests can be: "did I perceive your problems correctly that...?", or "I heard that you really would like to...", etc.

In practice, a mediator works as a bridge connecting each party and guiding them to communicate their concerns and goals. Thus, mediators help conflicting parties clarify their interests and uncover the causes of their problems.

Awareness of Nonverbal Behaviors

Nonverbal behaviors include eye contact, facial expressions, tone, posture, touch, and gestures. One way to examine nonverbal behaviors in conflict mediation is to pay attention to the participants' emotions. A mediator should be aware of emotions and pace the mediation accordingly by understanding the needs behind their emotions. In conflict mediation, negative emotions tend to create an obstacle to negotiations, while positive emotions can act as an asset to negotiations. Fisher and Shapiro (2005) suggested that

emotions should not be suppressed or ignored. Emotions, to some degree, are hints of disputants' status in a mediation process. For example, overexcited parties may only care about their own interests and refuse to accept negotiations. On the contrary, silent parties are possible to avoid more conflicts in their talks, which means they expect mediators' facilitation, even intervention. Therefore, it is necessary for mediators to care about their emotions and facilitate. The ultimate goal of being aware of disputants' emotions is to find invisible problems of conflicts.

Poitras and Raines (2013) discussed the crucial role mediators play in helping disputants understand their emotional needs. When mediators help parties recognize their emotions and needs, it may encourage them to be more open, curious, and engaged in problem-solving rather than being defensive or suspicious (Picard & Siltanen, 2013). Emotions of parties, to some degree, are signals of problems. If a mediator skillfully detects emotions of disputants, it can contribute to a positive outcome in a mediation case.

Additionally, gestures and postures are significant nonverbal cues that mediators should pay attention to. Ingram and Maxwell (2017) found that disputants' stance demonstrates their relationships and has interactional meanings, and here the stance means that a conflicting party positions its own actions in relation to the other side's talk and action. Domenici and Littlejohn (2001) suggested that mediators are face managers in conflict mediation, and they should be aware of parties' "minefields" in mediation process through identifying their body languages. This means mediators should guide

parties to express and share when mediators notice some nonverbal cues of conflicting parties that are unexplained.

Intervention and Facilitation Timing

Mediation is an art requiring constant judgment about how and when to intervene (Domenici & Littlejohn, 2001). Each conflict is different and requires an understanding of context including the communication styles and relationships of the involved parties. Mediators must learn when to intervene and how to facilitate discourse. Research reveals that mediators may be most likely to intervene when the circumstances are most dire (Greig, 2005). Participants may also be more likely to agree to mediation at this point.

Stewart and Maxwell (2010) suggested that mediators may actively intervene to defuse verbal aggression. They also found that verbal aggression illustrates the ways that conflicting parties act upon each other (Green & Maxwell, 2017), which may give mediators hints to facilitate. Research pointed out that verbal aggression is usually prohibited by the presence of mediators (Rudd, 1996). Maxwell and Anderson (in press) used the word “acrimonious” to describe conflict talk in a mediation that is associated with anger and bitterness, and the mediation of this kind of talks depends on mediators’ ability to strategically intervene. Therefore, mediators in necessary to intervene in such a situation. Mediators’ intervention should focus on relieving emotion, in other words, to let the parties calm down and rethink about their goals for the ongoing mediation.

During mediation, the conversation between parties includes disagreements. If there were no mediators to facilitate, disputants would likely miss the opportunity to negotiate.

In this case, a mediator should interrupt escalating tones, get the disputants' attention, and try to hold it long enough to give them time to cool off before restarting the discussion (Beer & Packard, 2012). Ultimately, mediators are necessary for when the conversation between parties is becoming more hostile. Kolb (1983) suggested that using more aggressive or intensive strategies to intervene in these moments, which leads to concessions and settlement in more than 70% of cases. Beer and Packard (2012) specifically demonstrated that a mediator can use a few commanding words, make a sharp change in their voice, call for a break, and call disputants' names to intervene.

Empathy and Avoiding Bias

Mediators play a key role in facilitating conflicts, and their attitudes towards disputants and their concerns are related to the outcomes of mediation. Showing empathy and avoiding bias are two behavior strategies that mediators employ. Empathy during mediation is studied by examining how mediators use empathy to facilitate and foster agreement between the parties (Noce, 1999). Research suggests that being empathetic to disputant's situation is likely to encourage disputants to address their issues or interests (Ginkel, 2004) because that empathy is a construct that appears in problem-solving and conflict transformation. In particular, empathy from mediators can make the conflicting parties feel that they do not lose face in the conflict. Also, empathy is usually employed strategically by mediators for a better understanding of disputants' wants and needs (Noce, 1999).

Furthermore, showing empathy can help mediators build up sufficient trust so disputants feel safe enough to share their concerns and problems (Ginkel, 2004). Being able to empathize with disputants can enhance their trust in mediators, which is essential (Mosten, 2001). Krivis and Lucks (2006) stated that mediators work like a doctor; they make a diagnosis after probing the sources of pains. Research also found that mediators foster transactional empathy between disputants because empathy is “a way of knowing others” (Duan & Hill, 1996).

Avoiding bias should be a strategy that mediators employ in every mediation. Generally, for mediators to avoid bias, they must not side with a particular disputant, so avoiding bias is also named being neutral (Domenici & Littlejohn, 2001). If a mediator favors a specific party, they are biased. Beber (2012) argued that biased mediators cannot initiate change during mediation processes. Instead, mediators should respect every party involved in the conflict and treat them equally. Studies show that an unbiased mediator leads to a lower likelihood of conflict (Kydd, 2003), which enables conversation and resolution.

In order to remain unbiased, mediators should not take sides in the conflict or speak for any side. Mediators should show the same level of interests to all disputants and try to help them clarify information. In practice, mediators should ask more questions to gain information. No one can be completely neutral, as Cobb and Rifkin (1991) suggested that neutrality means detachment, but in practice, it requires mediators’ involvement. In this case, mediators should use strategies to keep neutral. This is a tough task for mediators, and a basic requirement is to not stand on any sides.

Immediate Summary and Information Confirmation

Conflict structures can be transformed through tactics such as summary or reframing (Sinclair & Stuart, 2007). Immediate summary and reframing can help mediators fully understand disputants' problems and their goals (Donohus et al., 2011). In a mediation, disputants are encouraged to share; however, disputants have different perspectives towards their conflicts and sometimes are emotional when communicating those perspectives. In this case, making sure each side's information is accurate is essential. It is also the foundation for further conversation and negotiation.

Mediators should maximize the effectiveness of communication during the mediation. They should be clear about the meanings of each party's sharing and make sure the accuracy of the information. At the same time, mediators should try their best to reframe the information to find something new that can contribute to negotiations. Research suggests that mediators rely on reframing as a technique for finding common ground among disputants. They can remove toxic language and alter the way that messages are conveyed and accounts are constructed (Gray, 2005; Moore, 2003). By reframing, the mediator focuses on how conversations can develop by interpreting and sharing the information (Dewulf, et al., 2011), for example, in terms of summary and confirmation, mediators can ask disputants "according to what you said, it seems that ...", or "Is that right that ...", etc. This strategy can help mediators know how conflicting parties see things differently and how to facilitate their talks.

Chapter 3: Strategies from Experience

The literature review summarizes frequently referenced mediation strategies. In practice, some of these strategies are easily implemented, while others need to improve and expand. Based on real cases, there is no consensus as to which mediation strategy is the most effective (Wallensteen & Svensson, 2014). Mediation strategies are practice-oriented. They depend on contexts and individual needs, and require adaptation. Some strategies that are not studied by researchers have been effective in real cases. In this section, mediation strategies that are aligned with or contradict the literature will be discussed.

Practical Strategies

During a three-month conflict mediation training, I observed and participated around 20 mediation case during the 100 hours' training sessions. The purpose of this training is to practice mediation skills learned from instruction books and develop mediators' own styles for conflict mediation. I found strategies used in practice that aligned with strategies from the literature, such as the arrangement of the mediation room, active listening, having awareness of nonverbal cues, controlling timing, and avoiding bias. However, some strategies can be expanded and improved, to ensure a successful mediation.

Room arrangement

The literature suggested that mediators should create a comfortable and safe environment for conflict mediation. The settings and arrangement in the room are important to negotiation.

In practice, the arrangement varies. First, disputants sometimes do not like to sit face-to-face because it might create more tension. Second, if there were more chairs than people involved, the participants would not choose to sit face to face. Some disputants avoid facing the other side to avoid eye contact and embarrassment. In some cases, disputants came in and looked around to find a seat that made them comfortable, but that did not necessarily facilitate discussion. In such circumstances, mediators should coordinate seating. Therefore, the strategy of arranging a mediation room for a successful mediation should include the option to not have seats facing one another. Based on previous training and practices, my suggestion is that conflicting parties should be allowed to pick comfortable seats they prefer. This helps parties avoid making eye contact as sitting face-to-face, which would effectively reduce some aggressive behaviors caused by facial expressions. Of course, distance and space might influence communication outcomes. If disputants are spread out and avoid making eye contact, it may ultimately influence the mediation.

Improving both nonverbal and verbal communication skills

Important information exchanged between disputants during a conflict mediation is often communicated nonverbally. Research suggested that the ability to use, interpret, and adapt nonverbal communication is a foundational skill in conflict mediation (Morse

& Andrea, 1994). Simple nonverbal signals such as a calm tone of voice, a reassuring touch, or a concerned facial expression can go a long way in defusing a heated exchange.

Nonverbal communication is highlighted as a strategy in mediation. Nonetheless, it does not replace verbal communication, which is often neglected by researchers. The way mediators verbally communicate will influence the facilitation and outcome of the mediation. Brisoff and Victor (1989) mentioned that supportive verbal strategies emphasize empathy and equality. Supportive verbal communication is helpful to clarify problems and understand conflicts comprehensively, which reflects mediators' effort to facilitate disputants' conflict talks and their empathy to disputants' hard situation caused by conflicts. Shapiro (2004) argued that certain words facilitate conversation, while some words make people feel defensive. A question beginning with the word "why" usually triggers negative feelings. If mediators like to ask a "why" question, it is a risk that would make parties feel threatened and assume the mediator might not hold a neutral attitude. It is more facilitative to use "what" or "how" to ask questions. For example, a question like "what are the reasons that you have different ideas to this problem?" is more friendly than a question to be asked as "why don't you agree with the other side?"; also, asking "how do you feel about in this situation?" is better than directly saying "why do you feel bad now?". Therefore, mediators should be strategic to ask questions because the way to ask questions can decide whether the mediation is facilitative and satisfying.

In addition, my observation is that sometimes humor is particularly useful for diffusing confrontational moments. However, mediators should avoid laughing at disputants, as it indicates bias towards that person.

Collecting feedback through surveys

At the end of a mediation case, usually disputants either reach an agreement or their conflicts are mitigated to additional meetings. However, most research does not focus on what mediators do the moment when a mediation process is over. An essay written by a professional mediator mentioned that feedback can help mediators improve (Goldman, May 2019). This is a key component to the success of a mediation practice. When talking about the function of third parties in conflict mediation, LeBaron (2002) pointed out that mediators' learning about conflict mediation does not only come from being in the vicinity of every real case, it also comes from engaging with others. As such, it is necessary to reflect upon mediation strategies by getting responses from disputants (if they are willing to share their feedback).

Based on my trainings, I believe that after mediation receiving feedback from disputants would be helpful for mediators to reflect upon their strategies and improve them. The reason that feedback matters is that mediation is a communicative process, and the reflections of should be based on both mediators and disputants. If disputants are satisfied affects the success of the mediation. Therefore, a voluntary survey might be helpful. For example, disputants could be asked: how do you feel about the mediation? did it relieve tension or solve a problem? did the mediation affect their relationship with the other party? what do they think about the mediator's role in the process? what part of the mediation was most helpful? The survey could be an open-ended response or combined with evaluative scales. This should be a strategy for mediators to improve and prepare themselves.

Although this strategy is not widely and usually applied so far in current mediations, it might be helpful for mediators to receive disputants' opinions about their mediation experience and help them to prepare better in future mediation practices. This is a promising strategy of future orientation. Nonetheless, the survey should always be voluntary.

Strategies contradict practices

Practice does not always align with the literature findings. A major discrepancy between practice and literature is the procedure of conflict mediation. Domenici and Littlejohn (2001) traced four stages in a conflict mediation: the introduction stage, the story-telling stage, the problem-solving stage, and the resolution stage. During the mediation process, mediators should constantly remind the parties of their responsibility and commitment to move forward towards an agreement (Stulberg, 1981). However, in practice, mediators' facilitation does not work as the development of mediations stages mentioned by literature. In this case, the strategies of a mediation practice are not used in accordance with a standard mediation process.

Based on conflict mediation practices, strategies that contradict the literature are mainly related to listening and intervention. Disputants are easily irritated and not good at managing their emotions in mediation. For example, in some cases, disputants hated each other and did not want to share their ideas. The mediators began to ask questions to facilitate their conversation. However, those questions elicited both their thoughts and emotions. The disputants then might be volatile and responded with vulgar language.

This did not make it possible for mediators to actively listen, but rather they had to intervene constantly. Being respectful is the priority in conflict conversation although it is not always possible. In this situation, mediators should use their power as an impartial third-party to intervene. Colburn (1994) suggested that if someone's language gets nasty, mediators can simply stop the hearing and even send them home because disputants are required to show respect to others during the mediation. This also embodies the strategy of avoiding bias and being neutral. In practice, usually, mediators do not suspend the mediation and let parties leave right now. They prefer to take a break and give enough time to each party to calm down, and then they will ask parties how they would like to spend the time for the ongoing mediation. If parties are willing to talk after the break, mediators will keep facilitating their talks; if they are reluctant to continue, mediators will consult if they want to come back later to have another round of mediation or give up seeking solutions through a mediation process. Therefore, tensions between disputants require mediators to change their strategies to listen and intervene.

Active listening does not work well in every situation, especially when two sides cannot talk constructively. To deal with this kind of ineffective communication, Cobb (1994) suggested to "thicken" parties' narratives. A thick narrative is to identify the destructive talks and focus on it through mediators' facilitation. In addition, Stewart and Maxwell (2010) found that such a destructive way of parties' interaction can be called adversarial narratives. This narrative tends to generate fear and anger during disputants' conversation, making the original issues to be a complex web of interlocking issues. It is the opposite of the goal of mediation which pursues constructive and facilitative

communication, so mediators in this situation should immediately intervene instead of listening to dig into the problems. Meanwhile, tensions require mediators to control the discussion. The strategies of intervention should be changed. First, mediators should use their power to ask disputants to be respectful towards the other party. For example, the mediator can stop the mediation, separate the two parties, and ask them to calm down until they can talk. During the break, the mediators, with parties' agreement, can talk with each individual separately. However, if they cannot talk after having a rest, mediators can suspend the ongoing mediation and ask them to make an appointment later.

Research found that third-parties can prevent threats or attacks between parties and can pressure both sides to resume negotiations (Ury, 2007). Mediators can also control the hostile environment by changing the structure of conflict talks and motivating conflicting parties to seek a possible solution (Pruitt, et al., 1986). Cobb (2013) suggested that even the meaning and nature of disputants' violent interaction can "governed" by mediators' use of power. Mediators can use certain expressions to control tensions. For example, ask disputants to reflect what initially send them to the mediation, ask if they want to change the conflicting status, and remind them that a basic rule of mediation is to stay away from aggressions during conflict facilitation.

Overall, mediators should intervene and use power when disputants lost themselves in a hostile conversation. If mediators could not control what happened in the mediation room, the situation would quickly get out of hand.

Chapter 4: Conclusion

Mediators play an important role in facilitating conflict mediation. Although this kind of mediation is open-ended and may not have a resolution, it encourages disputants to share information and reflect on personal interests and goals. It also helps reconstruct trust and cooperation to the benefit of both parties. Mediators' can be strategic during the mediation. Strategies like arranging a room, active listening, paying attention to nonverbal communication, showing empathy, intervening, avoiding bias, and summarizing and confirming information are all feasible strategies. In addition, some strategies need to be expanded or changed depending on the context. For example, analyzing verbal language along with nonverbal cues can help to understand the situation and the disputants' backgrounds and goals. Mediators can also use their power to relieve tension, reconstruct the mediation framework, and guide disputants towards cooperation. Finally, they can use their power to regain control of talks that devolve because of emotional disputants.

It is important to note that mediators' strategies for a successful mediation are also built upon previous experience. Having a good record of successful settlements will help secure new mediations (Krivis & Lucks, 2006). Mediators' overall strategy should be to prepare themselves to be patient and persistent. They must problem-solve, guide disputants without being biased, and be adaptable to the changing dynamics of mediation.

The future direction about conflict mediation studies should pay more attention to the combination of theoretical findings and practical applications. It would be better if scholars could be concerned more about the actual mediation cases. This would help

scholars to correct theories and research directions, which would also make the research close to actual situations. As for mediators, strategies used for conflict mediation should be reflected and improved at all times as the conflict mediation is accepted by the majority with increasing requests. Also, as the development of human society and relationships, conflicts would become more complex, so mediators' strategies should move with the times. As long as doing these, conflict mediation would serve more people and have more chance of success.

After reviewing existing literature and reflecting mediation practices, this report extracts and outlines general strategies that mediators can use in facilitative conflict mediation cases. Mediators affect the mediation process by supplying skills, values, procedures, energy and a sense of optimism (Mayer, 2000), which are synthesized as strategies. The aforementioned suggestions and tips for each strategy are applicable to the majority of actual mediation cases.

<i>Strategies</i>	<i>Practical suggestions</i>
<p>Comfortable and Safe Environment</p>	<ol style="list-style-type: none"> 1. Keep the mediation room clean, tidy and nonthreatening; 2. Use standard furniture and conventional decorations; 3. No personal effects revealing the mediators' personality, and nothing too extravagant; 4. Put mediation instructions and paper on the table, just in case the disputants want to review the mediation process or take notes;

	<p>5. Mediators should prepare themselves to be creative, natural, patient, and persistent. Meanwhile, mediators should be themselves during a mediation case, applying their experience from previous cases.</p>
<p>Listening Strategies</p>	<ol style="list-style-type: none"> 1. Show interest and concern for disputants' stories, e.g. nonverbal behaviors such as eye contact, leaning in, nodding head occasionally, etc., and verbal communication such as asking follow-up questions or confirming concrete information, etc. 2. Give hints to the person who is sharing to show receipt of information such as nod heads, discourse markers, e.g. eh, oh, ok. 3. Mediators can use some "emotion" words to organize their statements like "It sounds like you are feeling angry...", "I hear that you are fearful to...", or "You are feeling frustrated...", etc. 4. Mediators should encourage active listening and ask the parties to try to reflect what the other side said. 5. Be strategic while listening with an outlook to shape positive outcomes.
<p>Uncover Underlying Interests and Problems</p>	<ol style="list-style-type: none"> 1. Try to discover detailed information by asking follow-up questions; 2. Guide disputants to give more information, for example, ask them "how do you feel about the

	<p>problem?,” “what are you seeking in this situation?,” “what is your goal or main concern?</p>
Awareness of Nonverbal Behaviors	<ol style="list-style-type: none"> 1. Pay attention to disputants’ facial expressions, gestures, and mood swings, etc.
Intervention and facilitation Timing	<ol style="list-style-type: none"> 1. Intervene when there is a silence or an impasse and no one wants to share, and try to use summaries, comments, and questions to encourage dialogue; 2. Intervene when parties behave aggressively and disrespect the other side; 3. Intervene when the information a party shared makes the other side be emotional.
Be Empathetic and Avoiding Bias	<ol style="list-style-type: none"> 1. When disputants share their problems, follow up with empathetic responses: e.g. eye contact, small phrases like “I’m sorry to hear that,” “hope you feel better now,” or “thanks for sharing these with us,” etc. 2. Avoid statements that indicate bias such as “I agree,” “I totally understand,” “If I were you...,” “I support your decision,” “I think you are probably right ...,” etc. 3. Remain neutral and be able to translate parties’ inflammatory and aggressive remarks into neutral language.
Immediate Summaries and Confirm Information	<ol style="list-style-type: none"> 1. Use some simple sentences to reframe or summarize shared information. For example, “What you mean is that ...”, “You just

	<p>said, ...”, “Based on what you said, it seems that ...”, or “Is that right that ...”.</p> <p>2. Avoid making comments such as “I know that you ...”, or “I think your situation is ...”, etc.</p>
Using power in tensions	<p>1. When there is tension between disputants, mediators should stop the mediation, pause, and allow each side to calm down;</p> <p>2. Mediators can ask conflicting sides if they would like to suspend the mediation and come back for a second mediation later or rest and then continue talking.</p>
A possible survey to get feedback for improvement	<p>1. Ask whether disputants are willing to share their feelings about mediators’ role in facilitating the mediation;</p> <p>2. Questions can be designed depending on the mediators’ preference for reflection and improvement. There is no singular template.;</p> <p>3. Alternatively, consider asking follow up questions such as “how do you feel about today’s mediation?,” “what part in the mediation do you think helped the most?,” “is there anything you think would be different if something changed in the mediation?,” etc.</p>
Be careful about verbal communication	<p>1. Using facilitative words to ask questions. Try to ask questions beginning with “what” and “how” instead of “why”.</p>

	2. Avoid using certain language that has emotions or is offensive, such as “why don’t you...”, “really?”, “are you sure?”, etc.
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Appendix

Following are four categorizes of literature that are reviewed in this report.

Research Articles

1. Beber, B. (2012). International mediation, selection effects, and the question of bias
2. Bush, R. A. B., & Pope, S. G. (2002). Changing the quality of conflict interaction: The principles and practice of transformative mediation
3. Caughlin, J. P., & Vangelisti, A. L. (2000). An individual difference explanation of why married couples engage in the demand/withdraw pattern of conflict
4. Charkoudian, L., De Ritis, C., Buck, R., & Wilson, C. L. (2009). Mediation by any other name would smell as sweet—or would it? The struggle to define mediation and its various approaches
5. Cobb, S. (1993). Empowerment and mediation: A narrative perspective
6. Cobb, S., & Rifkin, J. (1991). Practice and paradox: Deconstructing neutrality in mediation
7. Deutsch, M. (1994). Constructive conflict resolution: Principles, training, and research
8. Duan, C., & Hill, C.E. (1996). The current state of empathy research
9. Ginkel, E. V. (2004). The mediator as face-giver
10. Goldberg, S. B. (2005). The secrets of successful mediators
11. Green, E., & Maxwell, M. (2017). Getting past antagonism during mediation sessions
12. Greig, J. M. (2005). Stepping into the fray: When do mediators mediate?
13. Heisterkamp, B. L. (2006). Conversational displays of mediator neutrality in a court-based program
14. Ingram, M. B., & Maxwell, M. M. (2017). A listener's stance-taking in mediation
15. Koerner, A. F., & Fitzpatrick, M. A. (2002). You never leave your family in a fight: The impact of family of origin on conflict-behavior in romantic relationships
16. Kolb, D. M. (1983). Strategy and the tactics of mediation
17. Koss, M. P., & Aurelio, J. F. (2004). Cognitive mediation of rape's mental health impact: Constructive replication of a cross-sectional model in longitudinal data
18. Kydd, A. (2003). Which side are you on? Bias, credibility, and mediation
19. Lane, P. S., & McWhirter, J. J. (1992). A peer mediation model: Conflict resolution for elementary and middle school children
20. Leigh-Phippard, H. (1998). The Contact Group on (and in) Bosnia: An exercise in conflict mediation
21. Maxwell, M., & Anderson, S. (in press). Talk in mediation: Metaphors in

acrimonious talk

22. Morgado, C., & Oliveira, I. (2010). Peer mediation: Conflict as an opportunity of change
23. Morse, P. S., & Andrea, R. (1994). Peer mediation in the schools: Teaching conflict resolution techniques to students
24. Munro, J. D. (1997). Using Unconditionally Constructive Mediation to Resolve Family–System Disputes Related to Persons with Disabilities
25. Noce, D. J. D. (1999). Seeing theory in practice: An analysis of empathy in mediation
26. Pearson, F. S. (2001). Dimensions of conflict resolution in ethnopolitical disputes
27. Pederson, E. L., & Vogel, D. L. (2007). Male gender role conflict and willingness to seek counseling: Testing a mediation model on college-aged men
28. Phillips, B. (1999). Reformulating dispute narratives through active listening
29. Picard, C., & Siltanen, J. (2013). Exploring the significance of emotion for mediation practice
30. Rock, E. M. (2006). Mindfulness meditation, the cultivation of awareness, mediator neutrality, and the possibility of justice
31. Rudd, J. E. (1996). Communication effects on divorce mediation: How participants' argumentativeness, verbal aggression, and compliance-gaining strategy choice mediate outcome satisfaction.
32. Rutter, K. A. (2003). From measuring clouds to active listening
33. Sinclair, L. E., & Stuart, W. D. (2007). Reciprocal-influence mediation model: A guide for practice and research
34. Stiles, W. B. (2009). Logical operations in theory-building case studies
35. Stulberg, J. B. (1981). The theory and practice of mediation: A reply to Professor Susskind
36. Wallensteen, P., & Svensson, I. (2014). Talking peace: International mediation in armed conflicts

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1. Borisoff, D., & Victor, D. (1989). Conflict management: A communication skills approach
2. Brigg, M., & Bleiker, R. (2011). Mediating across difference: Oceanic and Asian approaches to conflict resolution
3. Bush, R. A. B., & Folger, J. P. (2004). The promise of mediation: The transformative approach to conflict
4. Cloke, K. (2002). Mediating dangerously: The frontiers of conflict resolution
5. Cobb, S. (2013). Speaking of violence: The politics and poetics of narrative in conflict resolution
6. Crocker, C. A., Hampson, F. O., & Aall, P. R. (2004). Taming intractable conflicts:

Mediation in the hardest cases

7. Deutsch, M. (1973). The resolution of conflict
8. Domenici, K., & Littlejohn, S. W. (2001). Mediation: Empowerment in conflict management (2nd edition)
9. Donohus, W. A., Rogan, R. G., & Kaufman, S. (2011), Framing matters
10. Egan, G. (1986). The skilled helper: A systematic approach to effective helping (3rd edition)
11. Folger, J., & Jones, T. (1994), New Directions in Mediation: Communication research and perspectives
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13. Haynes, J. M., Haynes, G. L., & Fong, L. S. (2012). Mediation: Positive conflict management
14. Herman, M. (2005). Mediation from beginning to end
15. Hocker, J. L., & Wilmot, W. W. (2001). Interpersonal conflict (6th edition)
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18. Kolb, D. M., (1994). When talk works: Profiles of mediators
19. LeBaron, M. (2002). Bridging troubled waters: Conflict resolution from the heart
20. McCorkle, S. & Reese, M. J. (2019). Mediation Theory and Practice (3rd edition)
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22. Pruitt, D. G., & Rubin, J. Z. (1986). Social conflict: Escalation, stalemate, and settlement
23. Rogers, C. R., & Farson, R. E. (1957). Active listening
24. Schellenberg, J. (1996). Conflict resolution: Theory, research, and practice.
25. Simmel, G. (1955). Conflict
26. Stewart, K. A., & Maxwell, M. M. (2010). Storied conflict talk: Narrative construction in mediation
27. Tate, J. S., & Dunklee, D. R. (2005). Strategic listening for school leaders
28. Turner, L. H. & West, R. L. (2006), The family communication sourcebook
29. Winslade, J., & Monk, G. (2001). A new approach to conflict resolution

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1. Beer, J. E. & Packard, C. C. (2012). The mediator's handbook (4th edition)
2. Bercovitch, J. (1999). Coding manual for mediation data
3. Fisher, R., Kopelman, E., & Schneider, A. K. (1996). Beyond Machiavelli: Tools for coping with conflict

<ol style="list-style-type: none"> 4. Fisher, R., & Shapiro, D. (2005). Beyond reason: Using emotions as you negotiate 5. Gilman, J. E. (2017). How to resolve conflict: A practical mediation manual 6. Krivis, J. & Lucks, N. (2006). How to make money as a mediator (and create value for everyone): 30 top mediators share secrets to building a successful practice 7. Lax, D. & Sebenius, J. K. (2006). 3D negotiation: Powerful tools to change the game in your most important deals 8. Mayer, B. (2000). The dynamics of conflict resolution: A practitioner's guide 9. Moore, C. (2003). The mediation process: Practical strategies for resolving conflict (3rd edition) 10. Mosten, F. S. (2001). Mediation career guide: A strategic approach to building a successful practice 11. Poitras, J., & Raines, S. (2013). Expert mediators: Overcoming mediation challenges in workplace, family, and community conflict 12. Shapiro, D. (2004). Conflict and communication: A guide through the labyrinth of conflict management 13. Stone, D., Heen, S., & Patton, B. (2010). Difficult conversations: How to discuss what matters most 14. Tillett, G. (1999). Resolving conflict: A practical approach (2nd edition) 15. Ury, W. (1999). Getting to peace: Transforming conflict at home, at work, and in the world 16. Ury, W. (2007). Getting past no: Negotiating in difficult situations
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