**Active Listening in the World of a Mediator**

**Background reading for the workshop “Active Listening for Active Learning”**

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Mediators and others who work in conflict resolution enter as neutrals in other people’s conflicts. The mediator and the disputants usually meet in person. The situation is often emotionally charged and probably communication between or among the disputants has broken down. Yet the ultimate goal of mediation is to have the parties fashion their own resolution to the conflict. Fostering productive communication is vital to reaching this goal. One of the first things mediators learn and something they practice in training and throughout their work is active listening.

Active listening is sometimes described as “involving simple responses which open a door for further communication.”1 This is an early characterization of active listening and is still a true description of part of active listening, but the concept has grown. In a mediator’s world, for example, active listening involves a preparedness to listen, a mind-set to listen, and a repertoire of queries, prompts, and other responses that foster communication.

Before the mediation, a mediator will prepare the physical space so that it is conducive to listening and discussion. Is the meeting room free from noise that could distract people or make it hard to hear? Can everyone in the mediation see each other? Are there accessibility issues that need to be addressed? Sometimes the mediator may bring something to the environment to add beauty or create a focus point. (One time, for example, I brought a single yellow rose in a vase and placed it in the center of the table. As people appreciated it, the rose lessened the hostility in the room.)

Before the mediation, mediators will prepare themselves by “quieting the ego.” Because it is difficult to listen well to someone else while one is thinking one’s own thoughts or worrying about something, mediators turn off, or at least quiet, their own inner voice. They become calm as they engage in a mindfulness to be here now and attend to the parties.

And from the very beginning of the mediation, mediators must create a conversational space in which everyone is respected and in which the parties feel safe to talk about themselves and trust they will be heard. Creating this space is helped by formal aspects of mediation such as the confidentiality agreement and the setting of ground-rules, but the mediators foster this space through many attributes such as being respectful, non-judgmental, open-minded, curious (but not prying), trustworthy and supportive. Through the way they listen and respond, mediators provide an environment that is conducive to honest discussion.

At the outset of a mediation it is likely that the mediator has very little information about the conflict. Each party takes a turn explaining the conflict and others in the conflict have a chance to respond. For the mediator, active listening at this stage focuses on clarifying the issues and the emotions involved, and making sure each disputant feels heard and has the opportunity to respond. One common active listening technique is to paraphrase something that the disputant said and ask the speaker if the mediator understands correctly. This gives the speaker a chance to say “yes” if the mediator’s paraphrase is accurate or to say “no” and elaborate more fully if the mediator’s paraphrase is inaccurate or incomplete. Another typical active listening prompt is to help the disputants identify their feelings and say more about them. Since one person speaks at a time, it is also a chance for the other disputant(s) to hear the conflict-story –usually for the first time - from the speaker’s point of view.

While clarification is ongoing throughout a mediation, as the mediation progresses other active listening responses come into play as well. Active listening may reveal hidden assumptions or uncover implicit expectations, help people recognize, own or re-evaluate their emotions and those of others, surface additional aspects of the conflict, test claims, identify shared values and possible common ground, provide a way to “try on” possible solutions and consider their consequences, and so on. Thus mediators rely on a robust repertoire of queries, prompts and other responses to develop the communication, first between each disputant and the mediator and then ultimately between the parties themselves. Since mediations are very situational, skilled mediators are flexible in using this repertoire as the context develops. Please see the accompanying document, A Sampler of Active Listening Queries, Prompts and Responses, for some active listening responses and examples of how they might be used in a mediation.

Mediators and other conflict resolution professions are usually trained by means of scaffolded exercises, activities, role-plays, experiences, debriefings, and trainer guidance. The developmental line tends to follow the general time-line of the mediation process itself (learning about one’s own prejudices, quieting the ego, the welcoming the parties, clarifying of the conflict, surfacing hidden aspects of the conflict, caucusing if need be, writing an agreement, the closing, and debriefing.) Throughout their training and their mediation career, mediators use debriefings, feedback and personal reflection to evaluate their work and improve their skills. Here is a typical training scaffold:

Individual exercises (e.g., quieting the ego); reflection (e.g., identifying biases, developing emotional awareness).

Pair & share Practice in pairs using various prompts in situational settings; personal reflection.

Role-Plays that involve four or more people - mediators, parties in

 conflict, and at least one observer

 that lengthen by stages to practice more of the mediation process

 that increase in the difficulty of scenarios

 note: debriefing and reflection is usually part of each role-play

Observation real-time observation of a mediation; debriefing; reflection.

Apprenticeship practice in real mediations with a more senior mediator;

 debriefing; reflection.

Co-mediating experience working with another mediator in a real mediation;

 debriefing; reflection.

Thus, in the mediator’s world, active listening is more complex than merely simple responses to further communication. It involves the intentional arranging of the physical space to foster discussion, a commitment to really listen, and the attitudes and skills that will create a safe conversational space where communication can restart and conflicts can be resolved.

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1 This description of active learning may have been made originally by Paul W. Swets, but I have been unable to track down the actual quotation yet.