

DAY SEVEN

MICRODYNAMICS

Let us try to remember which microdynamics⁶⁹ took place during the first stage of mediation, and let us see which microskills the mediator employed to activate the microdynamics. The first microdynamic that the mediator employed was his way of bidding the parties welcome. He started with small talk to reduce any tensions surrounding the unknown and encountering the opponent, followed by handing over the mediation room and facilities to the parties for use as they saw fit. Then, he also handed over the responsibility of finding a resolution for the conflict to the parties, thus activating a microdynamic leading to empowerment.

Next, the mediator decided which party should have the floor first. If he chose based on who has taken the initiative to begin mediation, he improved existing empowerment while providing options for requesting recognition. If he chose the one who appeared to be the best listener, he provided empowerment to that person, but also recognition in that the speaking party would not need to defend himself. This creates greater opportunities for the speaking party to open up to the other's perspective, thereby giving the other small "gifts" in the form of recognition. This allows the listening party to relax and reflect upon what he has heard without the pressure of preparing a defence or counter-arguments.

The listening party knew that he would be provided with space and time to tell his story without having to make up his mind about or analyse the other party's narrative. He could hear that the speaking party was encouraged to talk freely, and that the mediator empathised with the narrative. If he liked that way of getting the floor, he could look forward to his turn, and that improved his empowerment. He could also see that it was not dangerous to open up, which led to recognition. Finally, the opportunity to just listen provided options to manage strong feelings like anger,

⁶⁹ The term "microdynamics in mediation" was introduced by Bush and Folger in *The Promise of Mediation*, 1994. Erling O. Jorgensen, Janet Kelly Moen, James R. Antes, Donna Turner Hudson and Linda Hendrikson, University of North Dakota, have contributed to making the term more operative in sections ten and eleven in *Designing Mediation*, Joseph P. Folger and Robert A. Baruch Bush (Ed.), Institute for the Study of Conflict Transformation, 2000..

resentment, powerlessness, or anything else that could have otherwise prevented a calm and rational outlook of empowerment that was open to considering all possibilities and alternatives. If a party appearing weak got the floor first, that would lead to the feeling that the narrative was appreciated, making it okay to tell more. This experience would normally lead to empowerment. The mediator's empathetic summarising made the speaker lower his defences so that he could feel safer than before and make him ready to open up, thereby improving his recognition.

In the beginning of the mediator's active listening to the parties' narratives, he makes relatively quick shifts between the parties. He does this in order to adjust his strategy if he accidentally has started by giving the floor to a party who appears to see no major problems and has little to tell. Starting with a party who has a story to tell makes the best beginning. Quick shifts also allow the parties to have the special experience of being listened to actively and empathetically, thereby reducing anxiety, tension and frustration while also leading to empowerment. With the introductory narratives, the mediator lets the parties speak without interruptions. After a few exchanges with the parties, the mediator once again listens to their narratives and presentations, this time with repetition, summarising, paraphrasing and pauses ("..."). There is nothing wrong with having a party express the same thing more than once. The mediator's summarising and repetition of a single word followed by a break ("...") creates clarity for the speaker and for the listening party. Occasionally, it takes repeated narratives about the same topic before the context is clear.

During a party's narrative, the mediator keeps eye contact with the speaker, but always keeps the other party in the corner of his eye. The mediator is always ready to give the other party the floor if increasing frustration about not being able to talk about what is pressing becomes apparent, as well as a decreasing ability to listen. The eye contact that the mediator has had with the speaker should provide the speaker with the impression that there is nothing else in the mediator's world besides the speaking party. You could describe the eye contact shared between the mediator and the speaking party as each one being at the other end of a tunnel. The mediator's eye contact is never staring or glaring, but always empathetic, kind, exploring, interested and genuinely curious. The author

greatly emphasises that it is extremely important to always remember that this is not an inquiry or an investigation – it is free storytelling.

The facial expression and body language of the mediator should be very inviting to the speaking party, creating the feeling that he should feel very free to correct any detail in the mediator's summarising if the party is not fully satisfied with what is expressed in the summarizing.

When the mediator during the active listening repeats a certain word followed by a pause ("..."), it is to encourage the party to tell more about the associations connected to this word, and the party may appear a little confused and hesitant the first time the mediator uses this technique. It is very important that the mediator's body language communicates to the party that he is completely free to ask any questions about what the mediator is doing. And if the mediator senses in the party's body language that he is confused about what the mediator is doing, the mediator should take the opportunity to clarify this for the party. If the mediator senses that his technique of repeating a single word followed by a break is uncomfortable for the speaker, the mediator can frankly say to the party in a soft and neutral voice, "Go on – can you tell more?" or "Can you say more?"⁷⁰ When a mediator uses the repetition of a word followed by a break instead of asking a direct question ("You said ... What did you mean by that?"), it is entirely in order to maintain the party's feeling of being a free storyteller and not in the role of being interviewed. The speaker is not supposed to make up his mind about anything, rather making his associations flow freely, hopefully getting the party to reflect and deepen his hold on new associations.

The summarising followed by a break (...) has the same encouraging mission in that the mediator wants the party to continue his narrative. The mediator hopes that the party will develop his narrative in his own personal way and in his own direction, with his own determination of what is relevant. The mediator does not need to use energy to find meaning in the narrative. The meaning is created as the narrative unfolds, and the speaker gets clarity by listening to his own narrative. The narrative, therefore, has as great an importance to the speaker as for the listener.

⁷⁰ Please remember the learned skill of being imprecise – that is, not adding any precision to the encouragements like, "Go on – can you tell more about what happened at the building site?" or "Can you say more about your injuries?"

The mediator should not use energy to analyse or organise all of the raw data as the mediator is not supposed to make a decision but rather focus on the source of the data in front of him any time data surfaces. Thus, as no data is wasted or invisible, the mediator can relax, and this will enable him to better listen to the speaker. The only thing necessary for the mediator to memorise is enough of the speaker's narrative in order to be able to summarise from. It is the speaker's narrative and the mediator's summarising that make up the collective or shared memory.

When the mediator wants to shift from one party to the other party, he terminates the speaker's narrative with a short overriding summarising, telling the speaker that he will return to him again soon. When the mediator addresses the other party, he begins with a summarising of what this party has previously spoken about, followed by a pause ("..."). This works as an encouragement to the party who had been listening to continue his narrative from the point he had reached when the floor was given to the other party.

During the storytelling stage, the mediator never uses expressions like, "Now that you have heard ..., do you then have ...?" or "Do you have any comments about X's presentation?" or "Are you beginning to realise ...?" It is really important during the storytelling stage that the parties experience themselves as having the floor as the storyteller, and not as he who is subject to inquiry or interview. In this little difference, there is also a big difference in improving empowerment.

If the narratives bring out strong feelings in the speakers about grief, close catastrophe, love, support, helpfulness or something else that has moved or disturbed the party, the mediator provides room so that the party can gather himself around his experience and regain his composure. Such emotions can surface in connection with any kind of case, and the mediator must be ready, regardless of the context, to give the party room for revisiting his emotions. If the narrative is about a situation that has put a long-lasting strain on the speaker, perhaps causing the demise of a marriage due to all energy and power being spent on the conflict, the party can be overwhelmed by grief, pain and loss of joy by realising the connectedness between loss of family over the matter and the conflict subject to mediation.

It is a microskill to be able to contain a party's emotions while still providing a balanced space for them. The party is not in therapy, and the

mediator is not a therapist. But anyone can learn how to listen empathetically to his neighbour and recognize the pause (“...”) of silence (“...”) that is almost required to revisit emotionally important moments without worrying about interruption or without concentrating on being present. A mediator handing a box of Kleenex or a handkerchief to an emotional party must not be understood as signalling the party to stop crying and dry their eyes so the process can move forward, but rather acknowledging the experience with the feeling of, “Here I am as your neighbour, seeing that you are going through something very important, and it is you who can decide when we will resume from where we left off.” Certainly, the humanistic mediator especially has developed empathetic ways of relating to others experiencing emotional pain, and as you cannot get a true sense from this textbook of what it is really like, the author encourages the reader to observe humanistic mediators at work. They have learned how to appreciate the silence (“...”) as promoting the process, and they know how big a quantum leap and how heavy an internal activity is that takes place in the shelter of silence.

It is a microskill of the mediator to provide the parties with the feeling of unlimited attention, patience and time. It is the parties’ conflict, and what the parties do not reach today, the mediator can assure them that it will be reached another day.

It is a microknowledge of the mediator to know that metaphors are important, and it is a microskill to stay with the metaphor so that the party can be encouraged to tell more within the frame’s chosen metaphor. Hunters, scouts and soldiers share a certain code of trust and behaviour that could be applied to the parties in the conflict, and, provided they share experiences, this metaphor could be used to create an inclusive common ground between both parties, as the metaphor suggests.

It is a microknowledge of the mediator to identify a party’s preferred channel of communication, whether auditory, visual, tactile or kinaesthetic. It is a microskill of the mediator to remain within the preferred channel of communication. The mediator notices the communicative meaning of how each party expresses himself:

“That doesn’t sound right...”

And he answers in the same channel of communication:

“So, you would like for the others to hear it as you hear it?” (auditory)

A statement from a party such as,

“I almost can’t see the end of this,”

could be followed with a response from the mediator like,

“So, you would like to have a larger overview?” (visual)

If a party states,

“His attitude feels unusually cold to me,”

the mediator could respond with,

“So, you would be happy to have a change in temperature?” (tactile)

If a party says,

“It is like we have stopped moving and are just stagnating,”

the mediator could reply,

“So, you would like to see some progress and movement here?” (kinaesthetic)

Exercise

1. Please some differences between macrofocus (macroperspective) and microfocus (microperspective).
2. Try to write ten examples of microskills.
3. Try to write ten examples of microdynamics.

ANALYSIS OF EMPOWERMENT, RECOGNITION AND INFLUENCE

ROLES, POWER AND DISCOURSE ANALYSIS

The annotations to the transcription below show the author's analysis of empowerment or recognition. The purpose is that the reader can learn how to recognise the cues as signs for situations containing opportunities for empowerment or recognition via examples. Next, you will find an analysis on who has influence in the mediation of a conflict between Jacob and Awwad. The experienced mediator makes his analysis simultaneously with the mediation, and he reacts to his discoveries here and now. The road to simultaneous analysis is practice, practice and practice. None of us will ever stop learning.

Jacob and Awwad have had a fight in the schoolyard. They are in their last year before high school. The conflict has arisen during a basketball match at a point where some basic rules were understood differently, which resulted in a collision between the two boys. The parties have agreed to try mediation. Neither of the parties knows beforehand anything about mediation. The transcript focuses on the last twenty minutes of the dialogue.

For the mediation, the generic style is adopted. The mediator puts a frame over the discourse (here, the dialogue) at the beginning of the process to define the rule of not interrupting. The structure of the dialogue is thus set. (The example demonstrates how important it is to limit the ground rules to relevant sequences). The rule of not interrupting is only relevant for the stage of storytelling.

In a discourse (here, dialogue) the parties take different social roles. No participant has equal influence all the time. Discourse analysis of the participant's exchanges may tell who has influence in the individual exchanges. Most of dialogues consist of two-part question-response exchanges, or three-part question-response-feedback exchanges, or of variations of these.

The two-part question-response exchange⁷¹ implies a question from one individual and a response from another. The three-part question-response-feedback exchange⁷² implies an initiative (I) from one individual generating response (R) from another getting feedback (F). The initiative may consist of a preface often referring to an earlier exchange. The participants take different roles in the exchanges (the dialogue). Michael Stubbs⁷³ mentions the following examples of initiative and response:

1. Yes/no questions
2. X-questions

Yes/no questions limit the option for response. (See about closed questions page ...). The response, however, also limits how the response is understood by the questioner. The questioner will, according to his expectation, understand all responses as variations of either yes or no. An unclear response will, according to the expectation, be understood as a yes or a no. For example, the response: "I actually don't think so ..." due to a lack of clarity, is understood as a no response. The questioner (I) takes the initiative and sets up a frame that he doesn't fill in with a value. It is up to the responder (R) to fill in the empty value field.

X-questions are understood as investigating. They begin with W-words such as where, when, why, etc. Regardless the W-word may subsequently be put in the sentence or is implied to still be an X-question. Normally the X-question is built up, like the where is followed by a place and the when is followed by a time. The following example is an exemption: (I) "When will John return?" – (R) "He is at Simon's." The parties have here a common language convention, taking it for granted that when John is near Simon there is no doubt about his time of return.

In the analysis you may also look for unconscious strategies. A speaker may repeat certain nouns. The more reiterations, the more signs that the speaker is trying to get a certain discourse (here, opinion) through⁷⁴. The

⁷¹ Two-part question-response exchanges is the starting point in the generic style's first stage – storytelling.

⁷² Three-part question-response-feed-back exchange is the starting point in the remains of the generic mediation but necessarily with the mediator as initiator.

⁷³ *Discourse Analysis*, Blackwell, 1998. Karen Korning Zethsen: Michael Stubbs: *Words and Phrases: Corpus Studies of Lexical Semantics*, Hermes - Journal of Linguistics, pp s. 285-290, 2002.

⁷⁴ If the mediator finds that the parties are too reluctant to deduce needs, concerns and interests, his repeated prompts like, "What do you need if you have that or that feeling?" are perhaps being understood

listeners (F) lexical repetitions as feedback may imply a coherence in the exchange and the listeners acceptance of the speaker's statement.

"Lexical repetition formally marks discourse cohesion and provides a conversational mechanism by which a polite surface consensus may be maintained."⁷⁵

To provide a better survey over the dialogue's "language game,"⁷⁶ in the transcript below, the dialogue is subdivided into minor parts with same main theme. The number of the exchange is marked with tp⁷⁷.

1.	First language-game about rules ⁷⁸	tp. 1-16
2.	First language-game about communication ⁷⁹	tp. 16-23
3.	First language-game about solemnity ⁸⁰	tp. 24-43
4.	First language-game about referee ⁸¹	tp. 45-55

as a more or less duress. Correspondingly, if the mediator finds the parties too reluctant to generate options, he may repeat, "What could theoretically be an interest if you needed ..., if you were concerned about ... or if you wanted to meet an interest in ...?"

⁷⁵ Michael Stubbs, *ibid.*

⁷⁶ A language-game is a philosophical concept developed by Ludwig Wittgenstein, referring to simple examples of language use and the actions into which the language is woven. Wittgenstein used the term "language-game" (*Language-game*) to designate simple forms of language, "consisting of language and the actions into which it is woven", and unified by family resemblance. The concept was intended "to bring into prominence the fact that the speaking of language is part of an activity, or a form of life." The term 'language game' is used to refer to: 1) Fictional examples of language use that are simpler than our own everyday language. 2) Simple uses of language with which children are first taught language (training in language). 3) Specific regions of our language with their own grammars and relations to other language-games. 4) All of a natural language composed of a family of language-games. These meanings are not separated from each other by sharp boundaries, but blend into one another. The concept is based on the following analogy: The rules of language (grammar) are analogous to the rules of games; meaning something in language is thus analogous to making a move in a game. The analogy between a language and a game brings out the fact that only in the various and multiform activities of human life do words have meaning. (The concept is not meant to suggest that there is anything trivial about language, or that language is just a game.)

⁷⁷ Tape.

⁷⁸ Category.

⁷⁹ Category.

⁸⁰ Category.

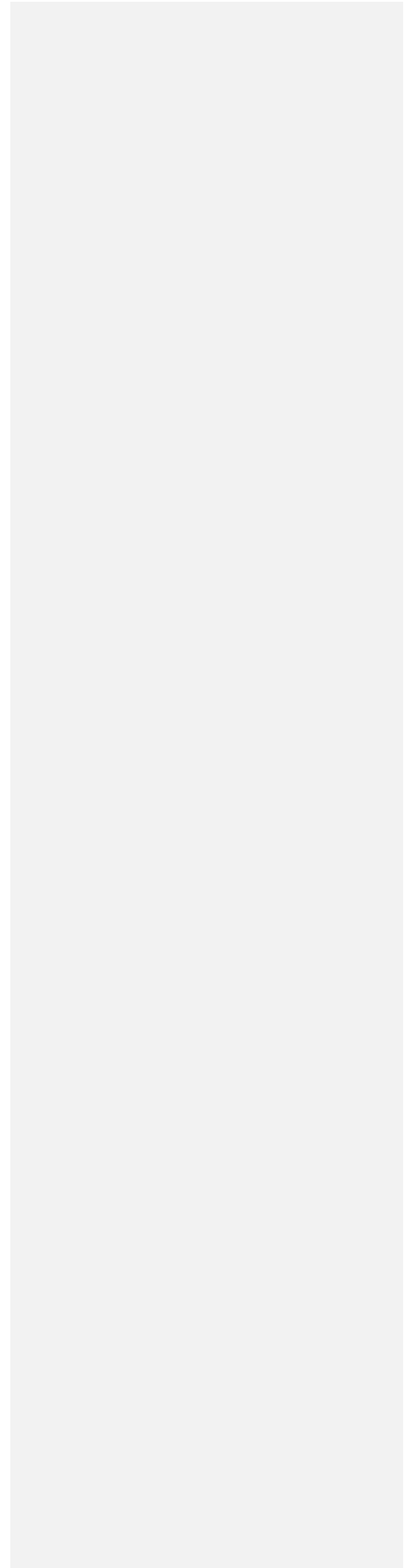
⁸¹ Category.

<i>Analysing Empowerment, Recognition and Influence</i>	200
5. First language-game about teachers ⁸²	tp. 55-81
6. Second language-game about communication	tp. 82-94
7. Second language-game about referee	tp. 94-95
8. Second language-game about rules	tp. 96-120
9. Second language-game about solemnity	tp. 124-133
10. Second language-game about teachers	tp. 133-157
11. Language-game about the solution	tp. 158-168

MARK SYSTEM

- ... = Short break
- ◊ = External ways of communication (gesticulations, stop, mumbling, pauses)
- . = Common period (stop in a sentence)
- , = Common comma (breathing pause)
- X.X = Longer pauses' duration
- () = Author's comments (to clarify individual parts)
- italics* = Stress on the word(s)
- " " = Indicates that the speaker utters a hypothetical sentence

⁸² Category.



TRANSCRIPT

1⁸³ Mediator Any ideas how to ... how to solve them? <PAUSE> please⁸⁴
shoot from *the hip*!

Kommentar [HB2]: To the print shop:
All the marks employed should be printed
in petit.

This open preface is especially suitable as encouragement to the parties in determining the content of the dialogue. The open preface provides almost unlimited freedom of expression. The statement demonstrates that the mediator gives up his influence.

2 Awwad Well⁸⁵, ... but if it is about the basketball ... then we could ...
find a notebook about those basketball rules, ... and then go
thoroughly through them and post a note on ...
<LAUGHING>

<JACOB LAUGHS>

3 Mediator So, you should have some⁸⁶ ...

4 Awwad ... agreement⁸⁷ on the rules right from the start.

The use of flip-over charts makes earlier cues from the parties constantly visible. The constant positive feedback to the parties is an encouragement for the parties to continue talking. The strategy proves effective as a recogniser of and inspiration to the parties.

5 Jacob Yes.

<MEDIATOR WRITES>

6 Mediator Basketball... rules ... *should* be clear⁸⁸. They should be used
in the schoolyard (referrers to what he is writing on the

⁸³ The transcription is made by Niels Dahl Christensen.

⁸⁴ Encouraging to unlimited options for response improves empowerment.

⁸⁵ This "*well-but*" is not lip-service (and by that sign of lack of ability to recognition) as it is used as a prefacing fill word.

⁸⁶ Summarising with an open unfinished end works like an encouragement to continue talking (empowering).

⁸⁷ Clarify the proposals ambiguity.

flipchart).

Mediator's repeated use of the word "rule" contributes to the parties unconsciously accepting rules as something to be observed.

- | | | |
|----|----------|--|
| 7 | Awwad | Yes. |
| 8 | Mediator | Ummm ... so you are saying something about posting them in the schoolyard, perhaps ⁸⁹ ?? |
| 9 | Awwad | <TITTER> Well ... (nervous ⁹⁰)

<MEDIATOR WRITES> |
| 10 | Mediator | Yes. ⁹¹ (as conclusion on his writing) |
| 11 | Jacob | Well ... that is making some basic rules where we ... perhaps exclude 3-seconds-rules or step or something ... |

After initiation of a language-game the mediator changes his questioning strategy from using X-questions to using yes/no questions in order to tune into the parties' opinions.

- | | | |
|----|----------|-------------------------------------|
| 12 | Mediator | Simple basic rules ⁹² ?? |
| 13 | Jacob | Well, making some simpler rules ... |

⁸⁸ The mediator interprets the word "agree" as clear.

⁸⁹ Regardless whether the proposal is meant seriously the mediator treat it seriously due to his microskills about microdynamics knowing that on the back of the wildest proposal may sit the decisive proposal. The mediator does what he always does at ambiguity: He encourage to clarification.

⁹⁰ Request for empowerment.

⁹¹ The fact that the proposal is written on the flipchart signals that the mediator in brainstorming has the role of secretary and that the parties are responsible for providing what is written down (empowering). During brainstorming the mediator may also function as a whip.

⁹² In the capacity of being a secretary, the mediator asks for simple cues as he cannot reach to write down longer sentences. Condensing into cues also has the effect that the proposer realises the core of his proposal.

- 14 Mediator <INTERRUPTS> Simple basic rules??
- 15 Jacob ... like we don't end up arguing or something like ...

The wide X-questions are only employed in language-game 1 and 3. As the parties are not as enterprising as the mediator wants them to be, he feels it necessary to guide them a little by narrowing the X-questions more and more.

Language-game 2 separates from the remains.

- 16 Mediator Yes ...
- <WRITING>
- Yes ... Just trying to put it ... so we can see who⁹³ is saying what (self reference)
- But ... just go on ... think about what we can do⁹⁴??
- <PAUSE 5.0>
- Moreover ... we have heard that the rules can ensure that⁹⁵ ... um ...
- <INTERRUPTING> ... better communication ...
- 17 Awwad ... better communication
- <WRITES>
- 18 Mediator Du you have something special in mind⁹⁶?

Awwad is very quick with a proposal for the word that the mediator apparently does not remember. Awwad therefore apparently takes control over the language-game as we don't know if this was what the mediator was thinking of. The mediator regains control over the language-game by asking

⁹³ A microdynamic which the mediator chooses to create clarity. Other mediators would prioritise in their own way.

⁹⁴ The mediator encourages action-oriented language.

⁹⁵ The mediator makes no proposals but tries to reactivate a proposal previously heard from the parties.

⁹⁶ Clarifying question. This is not formulated as a summarising followed by a pause (...) as a quick pace is wanted throughout the brainstorming.