

Empathy in Mediation

I have referred to the Mediate.com American website in another article and I want to refer to an article that appeared in the edition of 21/05/09. The article was called "The Journey to Empathy" and was written by a British mediator, Martin Golder. It is an amusing article but one that does carry a message that should resonate with all mediators. He defines empathy as "... an intellectual and emotional awareness and understanding of another person's thoughts and feelings." In trying to achieve the empathy that he suggests all mediators should have Golder proposes that the mediator should "Just listen .Shut up and listen. Keep your opinions to yourself and just listen".

He then discusses some triggers that have the potential to transform a mediation from deadlock to resolution principally apologies, silence, humour and tears. I think any mediator would recognise the power such actions can have in the mediation meeting. In our training we refer to similar instances in the mediation meeting as being points that if recognised and acknowledged can produce agreements very quickly. They are "turning points".

These "turning points " occur when one or other party does or says something which if acknowledged by the mediator ,or the other party, have the capacity to move the parties forward. In a mediation I was involved with between a single man and a couple who were non English speakers the turning point came when they, through an interpreter, accepted and acknowledged the gist of the complaints he was making. After that agreement was reached very quickly as all he had wanted was an acknowledgement or recognition of his problems by them. Nothing much was going to change but for him their recognition and acceptance of his issues was sufficient. He felt heard. He felt validated. I am sure most of you reading this could quote similar experiences. What is vitally important in these sorts of circumstances is to listen and acknowledge. That to me shows empathy to both parties and is the mark of a mediator who to use Golder's words is projecting "focused goodwill." It is an article worth reading even if you may not agree with where he goes at the end. To access this article go to:

<http://www.mediate.com/articles/golderM.cfm>