

***Deepening without Drowning:
Accessing Hope, Understanding Threats
and Breathing Fresh Air***

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Reflection:

What kind of conflict behaviours do you observe in collaborative cases?

How comfortable are you when conflict is “simmering”? When it is “boiling over”?

What’s your *default* assumption about what is “going on” when conflict arises?

What strategies do you use to address the conflict behaviours?

Do you experience disagreement within your collaborative team on how to approach bubbling / simmering / boiling-over conflict? How do you handle this disagreement?

FINDING OUT WHAT MATTERS - AND HOW MUCH IT MATTERS

First consider the conflict theory underpinning the Insight Approach to Conflict:
adapted from Cheryl Picard's book, *Practicing Insight Mediation* University of Toronto Press 2016

1. Conflict emerges from responding defensively to experiences of threat.
2. Threats emerge from interpretations that the other's actions will have unwelcome or dire consequences.
3. Conflict escalates and is sustained through the ongoing defend patterns of interaction used to protect against experiences of threat.
4. The insight produced through dialogue allows for the discovery of new and less threatening patterns of interaction that can change the conflict situation for the better.

Cares, Values and Decision-making

We have all heard the negotiation adage "values cannot be negotiated". Yet, many of us have experienced clients who are dissatisfied with outcomes based solely on "entitlement". People act and decide based on what matters to them, and their values matter a lot. The Insight Approach encourages parties to express their values and incorporate them into the conflict conversation. There are three levels of value, listed from lowest to highest in priority:

First Level Values – Individual: These are lowest level values - needs and desires at the individual level - and include many of the things we call "interests" in the interest-based negotiation model. When negotiating over resources, first level values will emerge in the shift from positions to interests.

Second Level Values – Relational: My belief in what it means to be in a "good" relationship, to be a "good mother", "good co-worker", "good team-player", etc. These values really show up in family disputes, and individual values operate within the deeper realm of relational values

Third Level Values – Societal: What is good and just in society, including social relationships, social institutions, human rights, justice, and social practices. People go to war over these values.

The higher the level of value, the more it matters. Example: I will accept less child support in order to gain a positive co-parenting relationship. I will pay more spousal support than I might be required to because I want to honour my promise to you.

SOME PROMINENT INSIGHT SKILLS

NOTICING CONFLICT BEHAVIOURS

Notice the conflict behaviours rather than “diagnosing” what they are about. Behaviours commonly found in conflict conversations are “defensive” or “justifying” and include:

- trying to “persuade”
- interrupting the other party and/or the collaborative professionals
- trying to prove
- trying to reassure (surprisingly, this is often a defensive behavior)
- repeating details, arguments, statements
- rejecting ideas before the idea has been fully presented
- “yeah-but”

In the Insight Approach, we call these “defending behaviours”. These are your clues that someone is “defending” from a threat, and that *what feels threatened* matters a lot. We often reassure parties, or call on a communication guidelines to address defending behaviours, not realizing that this can lead to more defending.

Examples of conflict (defend) behaviours you have noticed:

Examples of my response or my team’s response to defend behaviours:

Thoughts on the effectiveness of responses:

ASKING ABOUT INTERPRETATION AND VERIFYING

Defend behaviours distract us from truly understanding the meaning behind the words or behaviour, so we need to be sure that we (intervenors) have understood what is meant and, even more importantly, that *the parties* have understood what is meant. Many intervenors were trained to act as "interpreters", thinking that a party who cannot hear something from the other party, might hear it from the intervenor. What we have failed to establish as part of this practice is the step of verifying that our interpretation is accurate. Seems strange, but if we are honest with ourselves, we can admit that this happens a lot - and often parties go along with our interpretation!

We need to know that *what the parties interpret* is accurate. This involves asking:

Examples of Interpretive Questions:

1. *Diane, what are you hearing Jack say about his plans for the business?*
2. After Jack complains that Diane "never responds to his texts!" Ask Jack: *When she does not respond, what do you interpret that to mean? Or "What message does that send to you?"*
3. In response to Diane's criticism for calling a meeting: *Jack, how were you hoping a meeting in person would help?*
4. *Jack, you expected a different interaction (bridging). What did you hope would happen?*

And then verifying by asking: *Do I/we Does s/he have this right?*

Examples of Interpretation - Verification Loop – (using examples above):

1. Diane says what she heard Jack say about his plans for the business.
The intervenor asks Jack: *Jack, is that right?* (a verification question) If Jack says she doesn't have it right, ask: *What else do you want Diane to know about your plans?* Then ask an interpretation question to Diane to see how she interpreted Jack's response.
Then verify with Jack.
2. To Diane: *What did you learn about the message Jack gets when you don't respond?*
3. Intervenor verification: *Here is what I am taking from what you're saying: _____. Do I have it right?*
4. After Jack explains what he had been hoping for, the intervenor can ask Diane an interpretation question: *What did you hear Jack say about his hope for the interaction?*
And then verify with Jack: *Did she get that right?*

LISTENING TO UNDERSTAND

Listening to understand (similar to active listening) emphasizes the importance of the intervenor “learning” something from the party, and then “verifying” that what they learned is correct. We start by acknowledging/paraphrasing (*Ensuring there is a reliable structure for the kids to complete home work is clearly an important point for you, and one that you and Jack have not been able to work out*), verifying (*Am I right about that?*), then exploring the point through genuine, curious, open, questions (*What is it that you want Jack to know that you think he is not understanding?*)

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BRIDGING AND QUESTIONING

formerly known as active listening

Bridging combines a paraphrase (a listening response) followed by an open question that expands what is known (*Returning to work and managing the kids’ needs is a big worry for you. You’re finding it difficult to even discuss the parenting proposal. What’s threatening about Jack’s proposa?!*) Learning to succinctly paraphrase what you hear before asking an open curious question helps prevent parties feeling like they are being “interrogated”.

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BUT DON’T PARAPHRASE THE DEFEND STORY!

When we paraphrase the “defend story”, more defending behaviour emerges! For example, you might get the content absolutely right:

So you are worried because Jack has never been involved in the kids’ schooling and you think it is unrealistic for him to take on more responsibilities as a parent. (Defend story)

But in this perfect summary, you are re-stating the defend story which will typically lead to more defending (justifying, persuading, etc.) from the speaker and from the other party!

Instead deepen on the threat that is causing the resistance. Ask about it. (see next page)

FOCUSING ON THE THREAT

Task: Genuinely and without assumptions wonder about what is behind the strong emotion and defend behaviours, and use curious questions (along with bridging, interpretation & verification questions) to discover what it is that matters and feels at risk.

ASKING THREAT-BASED QUESTIONS

When you notice defend stories and strong emotions, explore them rather than suppressing or going around them. These conflict behaviours tell us something of importance is being threatened. Threat-based questions are important tools in collaborative work. Use Bridging to prevent the sense of “interrogation”.

Examples of Threat-Based Questions:

- *What concerns you most?*
- *What is threatening about this plan?*
- *What are the dangers of doing this now?*
- *What is making you so uneasy?*
- *What’s blocking you from moving forward?*
- *What worries you about the draft plan?*
- *If you can’t agree, what are you worried will happen / or not happen?*
- *You seem hesitant about her suggestion, talk about your doubts so we can better understand your reluctance. (example of bridging)*
- *Your frustration in looking at this latest proposal is evident, what’s holding you back from even being able to discuss it? (example of bridging)*
- *After noticing an eye-roll of exasperation you say: Her suggestion is clearly a “non-starter”, what’s your worry if that were to happen?*

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ASKING ABOUT HOPES

In the Insight Approach, at the beginning of the process, the intervenor asks the HOPE question. Instead of asking parties to talk about the conflict itself, we ask them to begin by talking about how they imagine a successful conversation will change their lives for the better tomorrow. It is a “hope” question that purposely avoids asking for details about issues and what it is each party wants, and instead asks parties to imagine how being able to engage in dialogue today will improve their situation tomorrow. This is not a question about individual interests but about interpersonal relations. It is a question that aims to surface parties’ higher-level values and underlying motivation for choosing collaborative practice.

The Hope Question:

What do you hope will be better in your life if you are able to work this out?

What do you hope will be better tomorrow if you are able to have a productive conversation together today?

In collaborative practice, we are accustomed to asking clients about their hopes, though many of us shy away from using the word “hope”. We are typically seeking a response that expresses what motivated the client(s) to choose collaborative practice. We often accept the statement if it is meaningful, record it as an “anchor statement” or “process goal” and then come back to it when the going gets tough.

In a live collaborative session. Sometimes the question leads to people listing their demands, albeit in a nicer form (a “wish-list”). Other times, clients respond with something “nice”, as they are expected to do, but the response seems forced or insincere. The structure and content of the question makes a difference. We need to orient the client to the question about how Diane thinks her very life will be better tomorrow if she has a chance to talk things out with Jack.

When to Ask the Hope Question

At the beginning of the process: In collaborative practice, the professionals sometimes start with congratulating the parties for making such a wise choice, based on assumptions as to why they chose it. We lose an important opportunity to understand our clients better, and to allow the parties to hear each other, when we jump to conclusions. Better to just ask. The structure of the Insight “Hope Question” is more likely to result in reflection and response that is about relational (second level) values. Getting to those second level values early helps set the stage for further discovery of what matters, rather than what I “must have”.

Opportunity for Deepening with the Hope Question Throughout the Process:

Communication Flare-ups:

As the parties’ conversation goes on to other topics, you may find an opportunity to ask the Hope question again. For example, if you need to revisit communication guidelines around interrupting, you could simply call the rule and tell the “offender” to stop, or you could go deeper by asking:

If Diane allows you to express yourself without interrupting, what do you hope will be better as a result?

As Jack responds, ask again about what he hopes will be better if he gets off track. Then notice how Diane is reacting as she listens to what Jack hopes will be better. (This could be a good time for an interpretation and verification loop.)

At Impasse:

In so many cases, we feel hopeless at impasse, and we can well imagine how our clients are feeling! Pause, Breathe, and Ask what will be better in Jack’s and/or Diane’s life if they are able to get past the impasse. This should surface new relational values, or allow them to reflect and remember their original hopes – without us “telling” them, or demanding that they care about things we think they should care about.

In the Midst of Conflict:

The Hope Question needs to be used appropriately so as not to sound like “hopes and dreams”. The Insight skills of noticing, bridging and asking threat-based questions will allow you to go deeper into the threats behind the conflict behaviour (as described above). A focus on what parties hope will be better if they can work through the conflict can call them to reflect and act on their higher level (usually second level) values. But we need to ask, not assume.

PRACTICE:

What do you hope will be better tomorrow if _____

What do you hope will be better in your life if _____
