Head vs heart, ego vs conscience:
Dealing with intrapersonal conflicts in mediations.

https://www.ready-match.com/wp-content/uploads/2016/01/Head-Versus-Heart-554x260.jpg
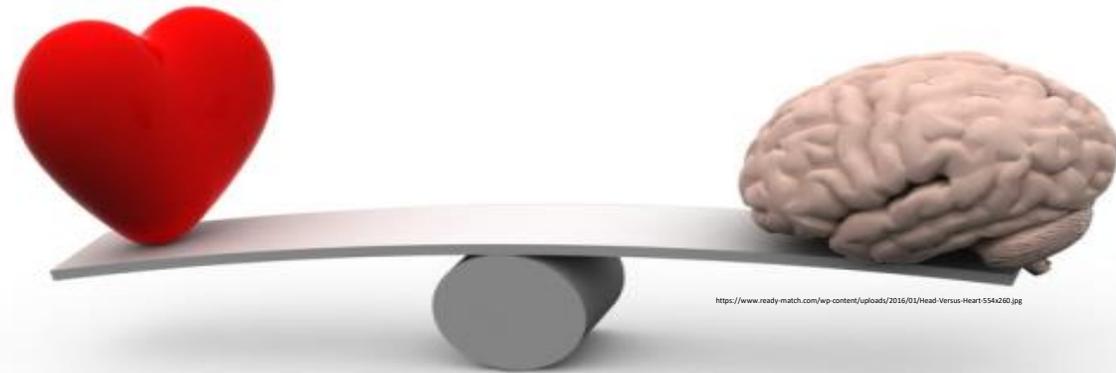
By

David Lim

District Judge / Mediator

Dealing with intrapersonal conflicts in mediations

Interparty Mediation
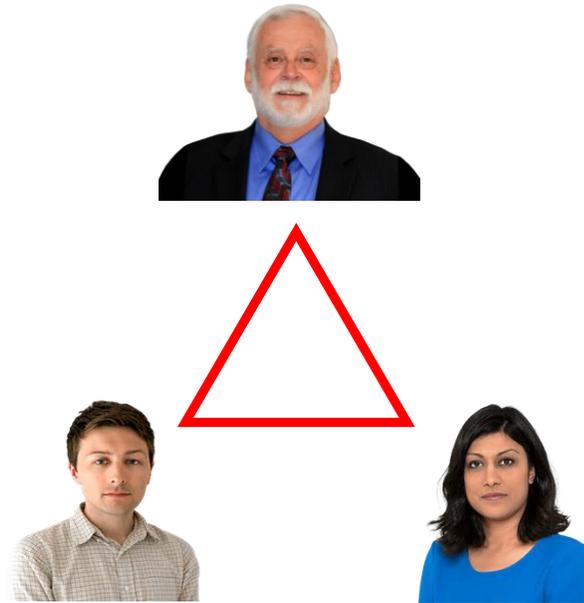
# Dealing with intrapersonal conflicts in mediations

**It is often difficult for a person
to peace with someone else
if that person
is not at peace within him-/herself.**

https://blog.bookbaby.com/2017/07/internal-conflict-and-your-characters/

Dealing with intrapersonal conflicts in mediations

Mediating conflicts:

Interparty   Intraparty
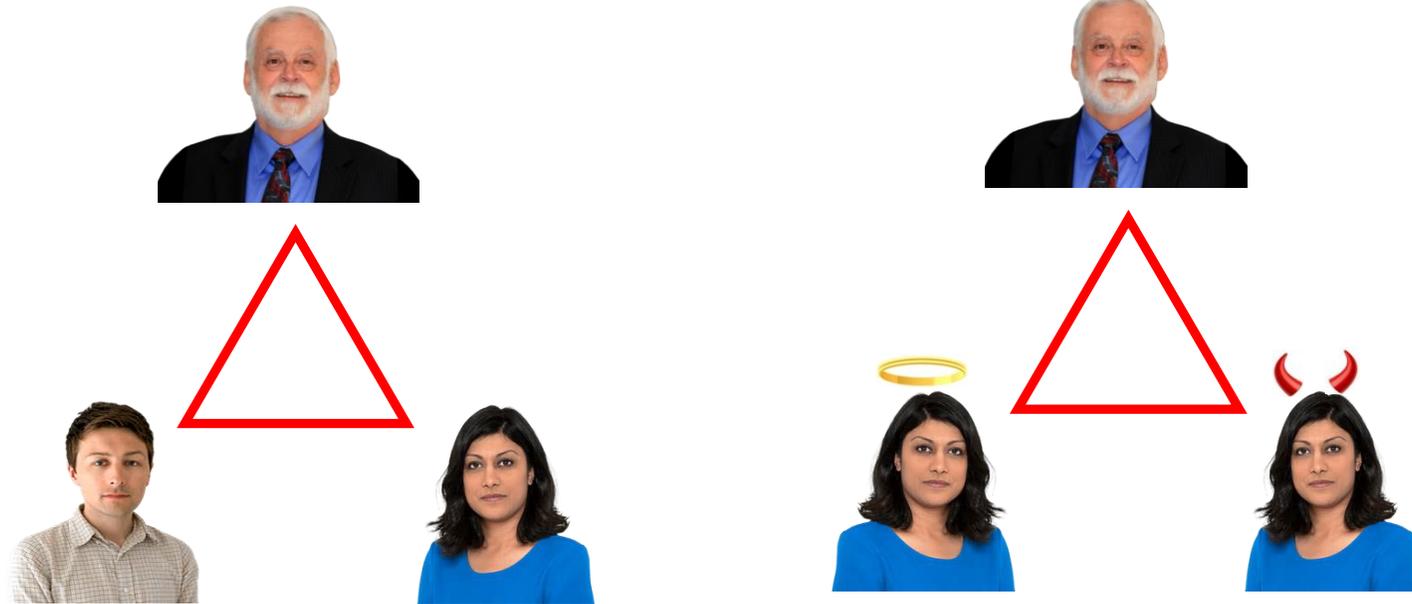
Dealing with intrapersonal conflicts in mediations

Dealing with intrapersonal conflicts in mediations

Mediating between Different Voices
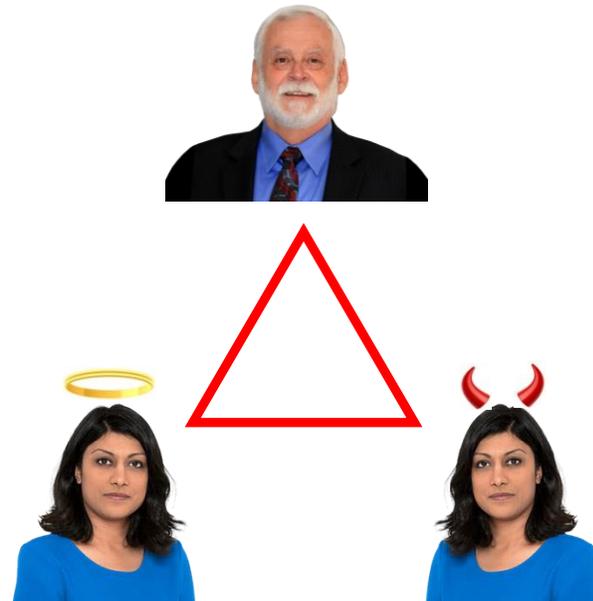
- Heart v Head

- Logic v Emotions

- Ego v Conscience

- Principle v Pragmatism

- Competing considerations:
  - Values
  - Interests & concerns

Dealing with intrapersonal conflicts in mediations

Signs & symptoms:

- Admission

- Contradiction

- Indecision / vacillation

- Constant changing of mind / shifting the goal post

- Fickle-mindedness

- Over-justification / over-explanation

- Unconvincing reasoning

- Entrenchment

- Extreme / unreasonable demands

- Incongruous facial expression / body language

https://www.spengler.fr/18895-thickbox_default/chrome-plated-laubry-stethoscope-red.jpg

Dealing with intrapersonal conflicts in mediations

Interventions:

- Listen for the different "voices" within each party as the party speaking.

- Observe the party for signs & symptoms of internal conflict.

- As questions to tease out the issues grieving the party.

- Make a list of all the issues you identify.
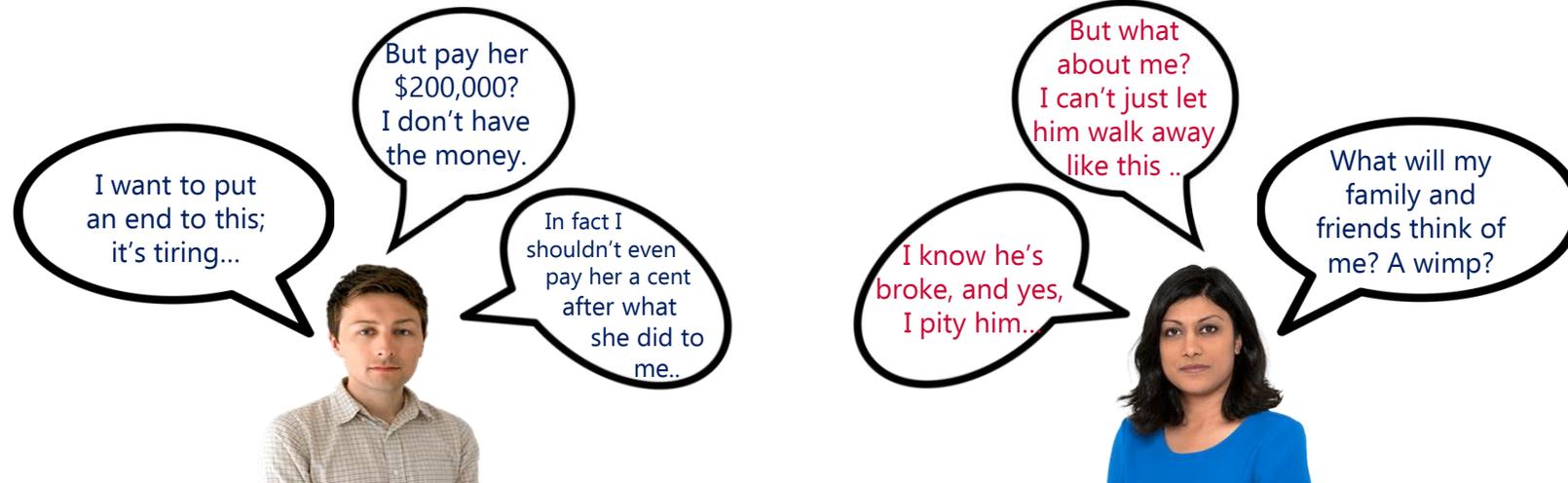
Dealing with intrapersonal conflicts in mediations

Interventions:

- Some useful questions:

  - *"You just said …*
    Could you please elaborate on that?"

  - *"If you were to put everything you've just said in one short sentence,*
    how would you say it?"

  - *"What's stopping you from …?"*

  - *"What's making it so difficult for you to ….?"*

  - *"You seem to be struggling with something... what is it?"*

  - *"I sense from your body language / facial expression that there's*
    something else that's bothering you... would you care to share ?"

Dealing with intrapersonal conflicts in mediations

Interventions:

- In the private session,

    - share with the party the different "voices" you hear;

    - verify the party's differing concerns;

    - ascertain whether there are others & add them the list.

Dealing with intrapersonal conflicts in mediations

Interventions:

- Explore the different underlying concerns of the party one by one.

Self assurance.
(But my lawyer says I have a good case)

Injustice
(He did me wrong; I can't simply let this go)

Indignation
(I've been good to him yet he does this to me.)

Self consolation.
(If I lose, at least I'll expose what a bad person he is)

Reluctance
(Amount seems a bit too little)

Self-help.
(OK, if he wants to fight, I'll fight him all the way")

Fear / worry / anxiety.
(I've lost enough. I can't not recover anything)

Fear / worry / anxiety
(No money to fight)

Fear / worry / anxiety.
(Might lose with worse consequences)

Fear / worry / anxiety.
(He might not be able to pay even if I win)

Privacy / reputation
(Want to salvage reputation)

Pride / self-esteem
(I need to feel I'm standing up for myself)

Quest for peace
(I really want this to be over)

Compromise
(if it's fair, I'm prepared to compromise a little)

Plaintiff's perspective

Dealing with intrapersonal conflicts in mediations

Interventions:

- Explore the different underlying concerns of the party one by one.

Self assurance. (But my lawyer says I have a good case)

Indignation (I've been good to him yet he does this to me.)

Injustice (But he did me wrong to, so what about me?)

Self consolation. (If I lose, at least I'll expose what a bad person he is)

Reluctance (Amount seems a bit too much)

Self-defence. (OK, if he wants to fight, I'll fight him all the way")

Fear / worry / anxiety (No money to pay)

Fear / worry / anxiety (No money to fight)

Fear / worry / anxiety. (Might lose with worse consequences)

Fear / worry / anxiety. (I really don't want to lose more)

Privacy / reputation (Want to avoid bad press)

Pride / self-esteem (I don't want to be seen as a pushover / loser)

Quest for peace (I really want this to be over)

Compromise (if it's fair, I'm prepared to make a sacrifice)

Defendant's perspective

Dealing with intrapersonal conflicts in mediations

Interventions:

- Eliminate concerns that are inconsequential, irrational or invalid.

She's out to destroy me

I'll lose my son if I agree to this

He'll do it again if I settle

I'll lose credibility if I settle

It doesn't seem fair

Dealing with intrapersonal conflicts in mediations

Interventions:

- Rank the remaining ones according to importance.

Plaintiff

Defendant

Save legal costs

Recover losses

Feel a sense of justice

Teach the other party a lesson

Avoid losing face

Be fairly treated

Avoid paying too much to settle

Avoid more legal costs
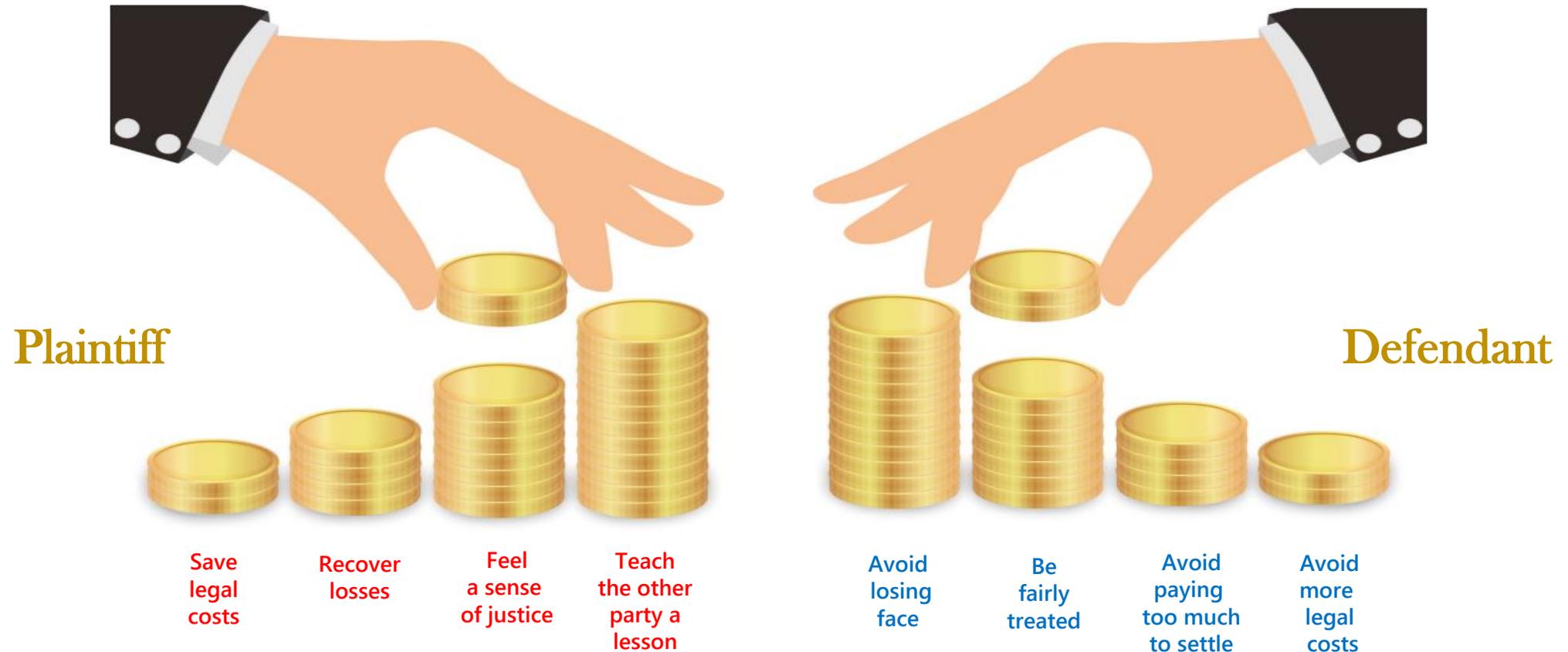
Dealing with intrapersonal conflicts in mediations

Interventions:

- Find options that best address the concerns according to their priority rankings.

https://www.freepik.com/free-vector/teamwork-concept-with-gear-wheels_1818556.htm

Dealing with intrapersonal conflicts in mediations

Interventions:

- Give them time to think and sort themselves out.

Dealing with intrapersonal conflicts in mediations

Relevance of pain

- Often parties rank their concerns according to the pain they want to avoid.
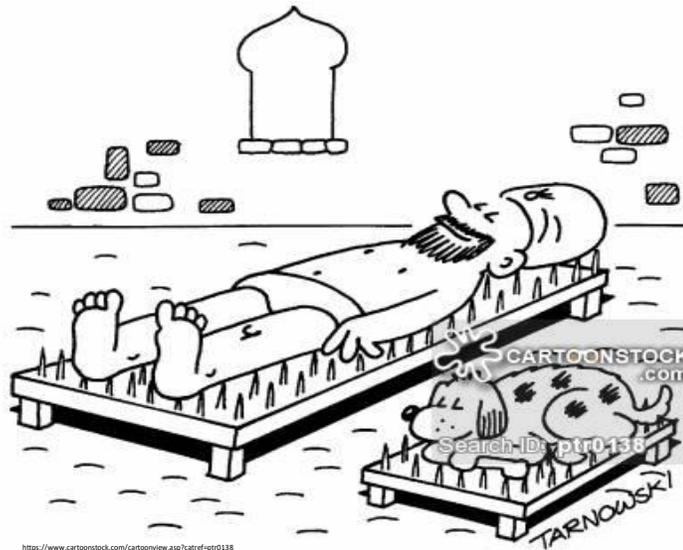
Dealing with intrapersonal conflicts in mediations

Basic Human Desires:

Maximise Pleasure

- Gains / compensation
- Right / entitlement
- Sense of justice
- Vindication / revenge
- Face / respect
- Power
- Dignity
- Comfort
- Convenience
- Certainty
- Peace of mind / relief

Minimise / Avoid Pain

- Losses / expenses
- Responsibility / liability
- Sense of injustice
- Blame / punishment
- Embarrassment / disgrace
- Weakness
- Indignity
- Discomfort
- Inconvenience
- Uncertainty
- Stress / anxiety / worry

https://i1.wp.com/truthliesdecision.com/wp-content/uploads/2018/06/theater-masks.jpg?fit=379%2C317&ssl=1

Dealing with intrapersonal conflicts in mediations

## Pleasure & Pain:

- **Pain avoided is also a pleasure**

- **Pleasure foregone is also a pain**

- Action is more often motivated by
the desire to <u>avoid pain</u>
than by
the desire to obtain pleasure.

Dealing with intrapersonal conflicts in mediations

The ultimate goal:

Focus

Better choices

Mental & emotional composure

Effective negotiation

Clarity of mind

Decisiveness

http://iam.upforit.co.za/2016/12/02/i-know-what-to-do-but-dont-do-it/
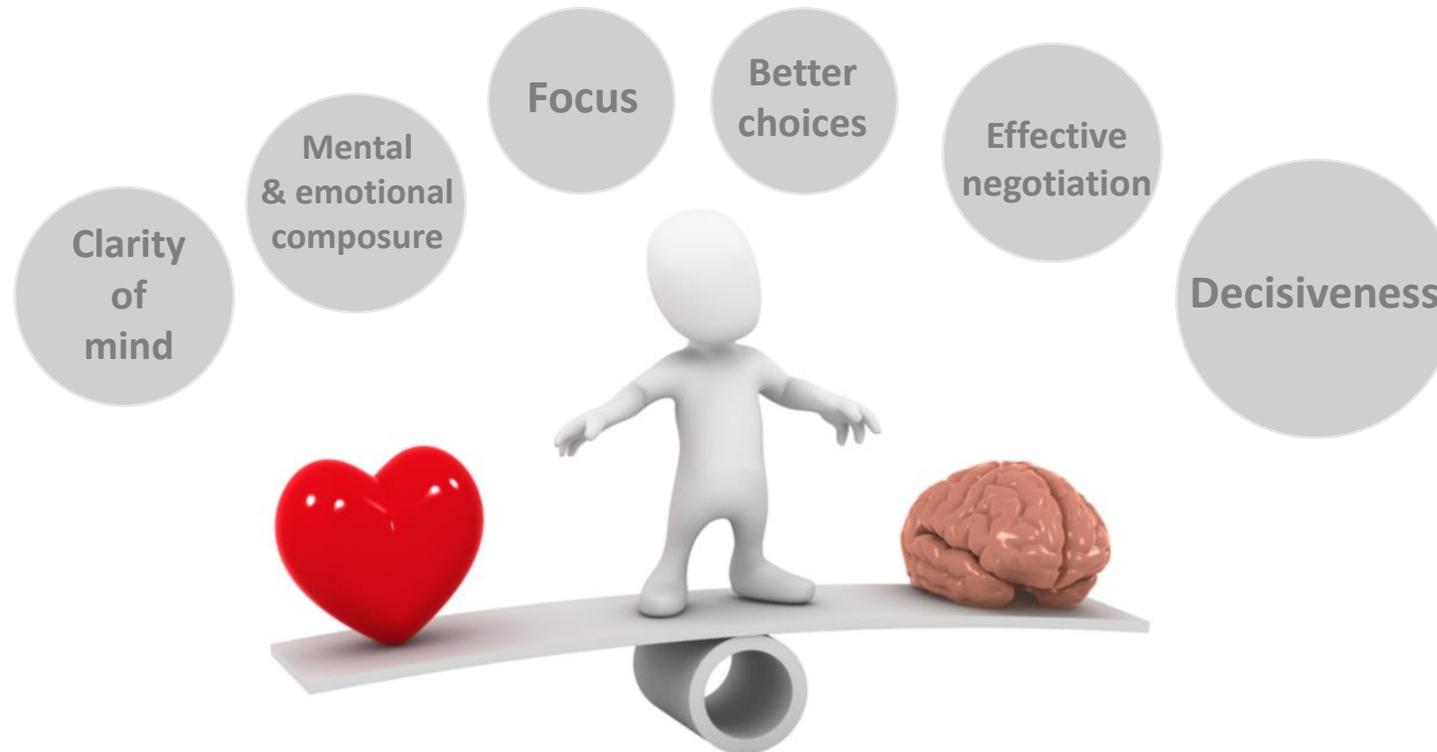
Dealing with intrapersonal conflicts in mediations

The ultimate goal:
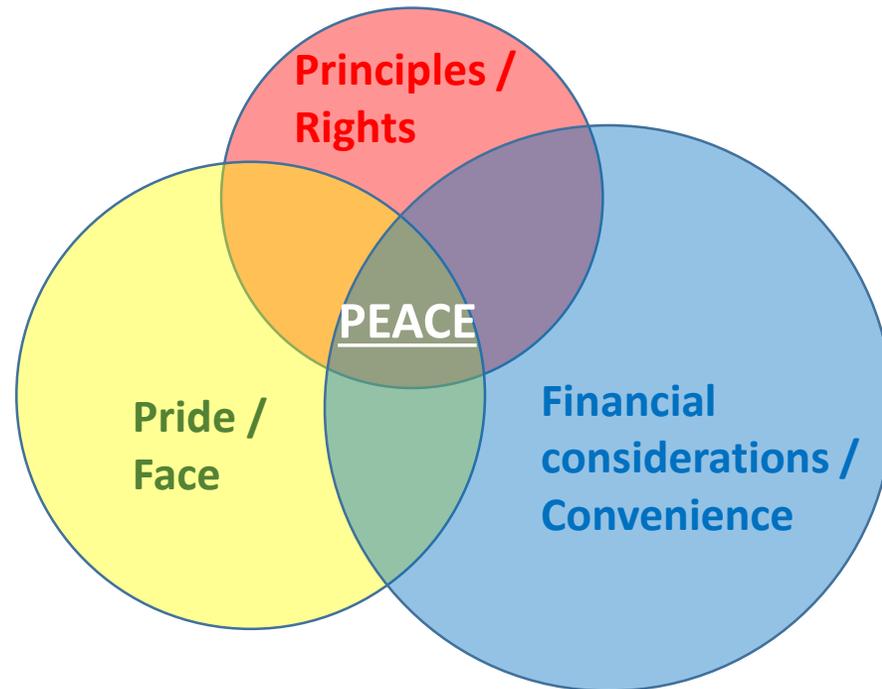
Dealing with intrapersonal conflicts in mediations

End of Presentation

http://nickterrone.com/heart-brain-powerful-head-brain/

Questions?
Comments?