

## **The Continuum of Power Series**

### **Part 1: Mediators still learning about power**

by John Crawley

Having recently witnessed two political leaders taking an interest based approach to coalition forming, in which the common ground was the desire for power, I have had my interest re-awakened in the way mediators use their power. There is some interesting theory around about this, but I'm taking a very practical approach<sup>12</sup>. This is first in a series of articles about how mediators learn about power; whether some conventional forms of leadership power are available to them; and then explore my new concept the 'slider controls of mediator power – a way to map and understand the continuum of mediator power.

### **What influences our learning about power?**

#### **Exemplars**

We often learn about power from people in the public eye currently or from history or fiction. There are many highly experienced capable mediators, but they rarely meet their parties more than once, and are seldom showcased on TV, in newspapers, movies or literature. The general public does not know how mediators should behave, as it has few public and prominent examples of who mediators are and what they do. We are also a relatively young profession, so although we have exemplars within our own sphere, mentors, models, peers we may admire and follow, there are few mediators who have 'star' status because their work is often carried out in private.

#### **Socialisation and experience**

Mediators' application of power is of course associated with their values and experience, modified and fine tuned through the values and principles of mediation. We all need to respond to the mediator's perennial dilemma of intervening in the power relationships of the disputants while remaining a neutral third party facilitator throughout the negotiation process. As society

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<sup>1</sup> [http://www.law.qut.edu.au/ljj/editions/v9n1/pdf/Neutral\\_Mediator\\_BOGDANOSKI\\_PUBLISH.pdf](http://www.law.qut.edu.au/ljj/editions/v9n1/pdf/Neutral_Mediator_BOGDANOSKI_PUBLISH.pdf)

<sup>2</sup> [2] [http://www.gevim.co.il/image/users/89301/ftp/my\\_files/pdf/The%20Limits.pdf](http://www.gevim.co.il/image/users/89301/ftp/my_files/pdf/The%20Limits.pdf)

becomes ever more complex and communities become more diverse, we need to find a range of **universal** responses that will be useful and valid with all parties. We also need to devise

**particular** approaches which meet the needs of the parties, and are tailored to their cultural needs and expectations. We also need a more complex model of neutrality which is not limited by the simple dualism of neutral interventions on the one hand and non-neutral on the other.

### Rules and structures

The rules and structures in our societies and workplaces have a major impact on how parties and mediators express their own power and influence and respond to power as it is exercised upon us. The rules and structures of mediation are not well known, and many organisations promote more rights based approaches to dispute resolution such as formal investigation and adjudication. These processes are more adversarial emphasising argument over dialogue, winning and blaming over collaborating and building understanding. We need to re-set the rules and structures so that it is mediate first and litigate only when necessary. In these circumstances mediators need to be versatile and persuasive about how they present mediation and get people to engage with it without sacrificing voluntarism.

### Reflex responses

Sometimes when working in a stressful situation with upset and angry people reflex responses can still take over in the face of pressure or high levels of complexity. We learn and store these reflex responses and they often serve us and other animals well when we are under threat or facing a situation seemingly too complex to have an impact on. Reflex responses can be difficult to shake off and will mask our true intentions. If you typically smile as trouble approaches, and smooth things over so people back off from hard negotiation, then you need to be aware of this and build in other behaviours to dilute the reflex response. Don't abandon reflex responses, as these responses can work well. Just develop mediator reflex responses

that are attuned to the process, the people and the situation.

This article is 1 of 5 in this series.



**John Crawley is the Founder and Chair of CMP Resolutions.**

CMP Resolutions work to Close, Manage and Prevent disputes at work through skills development, mediation and investigation services.

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