

MANAGING EMOTIONAL CONFLICTS WITH REFRAMES*

This article hopes to make sense of the chaos that typically ensue during mediation and provide mediators with some useful tips for managing emotional conflicts. The article consists of two main parts: the first part “Emotions” discusses the importance of identifying and familiarising oneself with complex emotions and issues of identity, which are often interlinked with strong emotions; and the second part “Reframes” proposes the employment of reframes as a useful tool in navigating emotional conflicts and suggests two ways in which reframes may prove particularly useful when dealing with emotional parties.

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I. Introduction

1 Let us face it: Once emotions are involved, it is hard for parties to hear each other, much less for a mediator to make any real progress during mediation. It is often said that emotions cloud one’s judgment, but what this really means is that when a party allows his emotions to get the better of him, he often becomes *judgmental*. Ask any mediator how emotions affect mediation, and the answer you are likely to get is that the parties tend to “switch off”, become defensive (in relation to perceived wrongs committed by them), aggressive (in relation to perceived wrongs committed against them) and the entire mediation breaks down.

2 This is hardly surprising. With emotions running high, mediators have to fight a losing battle, navigating through a minefield of accusatory language, judgments, attributions, characterisations and outright insults. Mediators caught in the crossfire often either find themselves to be the proverbial innocent messengers who are “shot” or are asked to take sides in a dispute in which they are merely neutral observers. How, then, does a mediator caught in an emotional conflict steer the mediation back on

* This article is largely based on the slides and materials developed by the author and her fellow mediation trainers at the Singapore Mediation Centre. All positive aspects of this article are credited to the author’s fellow trainers and their individual sources of inspiration, while any errors are purely the author’s own.

track to familiar territory such as focusing on common interests, setting the agenda and exploring options?¹

3 As a preliminary hurdle, the mediator has to be able to detect and identify the particular emotion that is immobilising the party. This is further complicated by the following: first, there is often more than one emotion at play; second, emotions are not just experienced by one party but by both; third, the emotions of one party, when expressed, are likely to trigger off emotions in the other, and the interplay between the parties' emotions only serves to worsen the tense atmosphere of an already emotionally-charged mediation; and finally, one must not overlook the fact that the mediator himself, being only human, is likely to have to battle his own complex emotions in the midst of all this chaos.

II. Emotions

4 The starting point for any mediator dealing with an emotionally-charged conflict is to first identify the actual emotions involved so that these may be addressed and dealt with in turn before moving on to the substantive issues at hand. Given that emotions often pose a major obstacle to conflict resolution and may result in parties taking entrenched and polarised positions in respect of the substantive issues, it is not in the interest of any mediator to simply ignore or deny the presence of strong emotions at play.

5 Rather, while the task of exploring and dealing with emotions may appear tedious and messy, it may well be the only way by which any real progress can be achieved by the mediator. Acknowledging and addressing parties' emotions may also serve to lend credibility to the mediator in the eyes of the parties as the mediator is seen to be concerned not merely with his success rate, but with a proper and real resolution of the conflicts that plague the parties and their relationship.

A. *Identifying complex emotions trapped in simple vocabulary*²

6 In this first step of identifying the emotions at play, one has to remember that the emotions experienced by the parties are often more complex than they are able to articulate. To illustrate this point, the following are examples of complex emotions trapped behind simple labels:

1 The author is of the facilitative, also known as "interest-based", mediation school of thought. As such, reference here is made to the stages and components of such mediations. Nevertheless, the concepts discussed in this article in relation to dealing with emotional conflicts and different methods of reframes are concepts that are of general applicability.

2 Many thanks to Sophia Ang Ting Ting, fellow trainer with the Singapore Mediation Centre, whose slides provided the inspiration for much of the ideas discussed in this section.

- (a) When a party states that he is angry, it could mean that he is feeling frustrated/exasperated/enraged/indignant/resentful.
- (b) When a party states that he is hurt, it could mean that he is feeling let down/betrayed/disappointed/sad.
- (c) When a party states that he is scared, it could mean that he is feeling anxious/terrified/worried/confused.
- (d) When a party states that he is ashamed, it could mean that he is feeling embarrassed/guilty/regretful/humiliated/self-loathing.

7 As can be seen from the illustrations above, behind each simple label may be a variety or combination of complex emotions, with each complex emotion having its own nuances and motivating factors. It is only when a mediator is able to get past the simple labels and get to the true underlying emotions that he is able to ask the right questions to further understand the motivating factor or interest behind that emotion and shed light on a position taken by the party in the substantive dispute.

8 Take, for example, feuding former spouses in a mediation session to decide on the custody of their children. A simplistic analysis by the parties or the mediator may lead one to conclude that the unfaithful ex-husband is feeling ashamed, while his ex-wife is feeling angry. Further probing may reveal, however, that the ex-husband is actually feeling guilty and regretful about the affair, and is worried about how his children may perceive him in its aftermath. The guilt may drive the ex-husband to want to make amends to his children and spend more time with them, while the fear of judgment by his children may lead to paranoia that his ex-wife is sure to poison the minds of his children against him. These complex emotions have, in turn, resulted in the ex-husband insisting on sole custody when his wife has all along been the main caregiver of the children.

9 On the other hand, the ex-wife may actually be feeling betrayed by the affair, which has brought into question her perceived failures as a wife and led to self-loathing on her part. At the same time, having seemingly lost her husband to another woman, the ex-wife is now terrified of losing her children as well, whom she perceives to be the only thing of value she has left. These complex emotions have, unsurprisingly, led the ex-wife to cling tightly to her children and to insist on sole custody, despite her knowledge that her children and ex-husband love each other dearly. Had the mediator simply been content with the parties' description of feeling ashamed and angry, he would not have gotten to the heart of the matter, that is, both parties' concern over the future and welfare of their children and their common anxiety over the roles they would be playing in their children's lives, going forward.

10 To assist the parties at this initial stage of identification of complex emotions, mediators should first develop a broad "feelings" or "emotions" vocabulary. As a mediator's role often requires him to translate what one party is saying in a way that the other party can easily understand or relate

to, knowing the right word to describe the emotion in question goes a long way in preventing misunderstandings between the parties. This is further elaborated upon in the discussion on reframing at Part III.

11 Next, the mediator needs to actively listen in order to find the underlying emotions hidden beneath the various attributions, judgments, accusations and characterisations made by the parties. Active listening requires a mediator to focus not just on what is actually being said, but also on what is not. For example, the body language of the parties, pauses, silences, interruptions, eye-rolling, aversion to eye contact and so on. All these factors give helpful clue-ins as to the particular emotion each party might be experiencing. Active listening thus requires mediators to resist the temptation to jump straight into problem-solving mode, which some mediators are wont to do, but to focus instead on managing the immobilising emotions at play.

B. Identity quakes³

12 A word of caution: It may well be that sometimes emotions are not the only thing at stake. At times, when parties feel strongly about a certain position, it may be that they believe the position they adopt somehow reflects on their identity. For example, a party may believe:

- (a) “If I agree to let him have the house, I am a pushover.”
- (b) “If I agree to sell my father’s business, I am a failure and a disgrace to my family.”

13 In such circumstances, any compromise may be perceived as a sign of weakness or a character flaw, and will be difficult to achieve until and unless the parties are prepared to disentangle their perceived identity from their position.

14 One easy way for a mediator to tell if a party is having an identity quake in relation to an adopted or proposed position is when the mediator has sought to address all identified emotions but the party nonetheless clings tightly to a position and expresses strong feelings against any form of compromise without further explanation. The mediator would then need to make a judgment call as to whether the matter would be best dealt with and explored further in a private caucus.

3 This concept is explored in greater detail in Douglas Stone, Bruce Patton & Sheila Heen, *Difficult Conversations* (Viking Penguin, 1999) at ch 6.

III. Reframes⁴

15 The “art” of reframing can be defined as taking the essence of what one party is saying and translating or repackaging it into a more constructive and palatable form.⁵ Reframing is one of the oldest tricks in a mediator’s book and one of the most useful tools employed by mediators to manage conflict between the parties. Reframing can be said to be the single most effective tool in managing emotions during mediation.

A. *Reframing – A mediator’s most valuable tool*

16 One might ask why it is that reframing is purported to be the most effective tool in mediations and, in particular, emotional conflicts. First, reframing is a highly flexible and multipurpose tool. It can be used to:

- (a) diffuse conflict;
- (b) refocus parties to the substantive issues at hand;
- (c) detoxify toxic language;
- (d) advance the negotiation process;
- (e) enable a party to hear the content, rather than the tone or manner of delivery of the other party; and
- (f) enable a party to respond to that specific content, rather than getting sidetracked by the tone or manner of delivery of the other party.

17 Second, reframing may be done in a variety of ways, each with its own unique objectives and applicable circumstances. Methods of reframing by a mediator include:

- (a) paraphrasing: restating what has been said in a better way;
- (b) summarising: extracting the crux of what has been said and condensing it to remove all unpleasant bits;
- (c) expanding: elaborating on a limited communication to cast it in a better light and provide context to it; and
- (d) generalising: stating the issue in broader and less provocative terms.

4 The author does not propose to traverse the same ground that has already been very competently explored and developed by other authors. See William Ury, *Getting Past No* (Bantam Books, 1993) at ch 3 for a discussion on reframing in the context of negotiations and Douglas Stone, Bruce Patton & Sheila Heen, *Difficult Conversations* (Viking Penguin, 1999) at pp 202–206 for a discussion on reframing in the context of mediations.

5 Douglas Stone, Bruce Patton & Sheila Heen, *Difficult Conversations* (Viking Penguin, 1999) at p 202.

18 The above list of methods is non-exhaustive and, as aptly suggested by Stone, Patton and Heen, practically anything can be reframed by a mediator.⁶ For example:⁷

- (a) Truth can be reframed as different versions of events.
- (b) Accusations can be reframed as intentions of one party and the resulting impact on the other.
- (c) Blame can be reframed as contributions of either party to a shared problem.
- (d) Judgments or characterisations can be reframed as feelings experienced by the parties.
- (e) Positions can be reframed as interests.
- (f) Demands can be reframed as options.

19 Therefore, as can be seen, reframing is a powerful, valuable tool that mediators can and should call upon in managing conflicts.

20 Reframing should, however, always go hand in hand with active listening, which has already been touched on earlier⁸ in this article. There are several reasons for this. First, a mediator who does not pay close attention to what a party is saying before reframing runs the risk of getting the crux of the message wrong. This may then cause him to lose credibility with that party, which may then lead to that party being unwilling to share or participate further in the mediation, for fear of being misunderstood or misquoted. Second, in the context of emotional conflicts, a mediator who fails to actively listen to what the parties are saying may choose inaccurate words to describe the complex emotions experienced by the parties, and thus a perfect opportunity to bridge the emotional gap between the parties may be needlessly lost.

21 As posited at the beginning of Part III, the employment of reframes is a useful tool in navigating the treacherous terrain of emotional conflicts. In particular, the two ways in which reframes may prove useful when dealing with emotional parties are: (a) where they are employed to diffuse strong emotions of the parties; and (b) where they are employed for the purposes of softening the blow of value-laden language used by the parties.

(1) *Reframing to lower the temperature – Diffusing strong emotions*

22 Let us talk about the first of the two proposed usages of reframes in emotional conflicts. I recall my university mediation professor

6 See Douglas Stone, Bruce Patton & Sheila Heen, *Difficult Conversations* (Viking Penguin, 1999) at p 204.

7 Douglas Stone, Bruce Patton & Sheila Heen, *Difficult Conversations* (Viking Penguin, 1999) at p 204.

8 See para 11.

demonstrating how incremental reframes could diffuse the “ticking time bomb” that was the emotional party in the mediation. Following a tirade by that emotional party, the professor had stated, calmly and matter-of-factly, “I can see that you are *vexed* by what has happened” [emphasis added]. Ten more minutes into the mediation, he stated, “I’m sure this must be very *frustrating* for you” [emphasis added]. Another ten minutes later, he stated, “It’s common to feel *upset* in situations like these” [emphasis added]. Simply through his elegant choice of words, he had lowered the temperature of the emotionally-charged atmosphere by incrementally reframing the party’s emotion from “vexed” down to “frustrated”, then further down to a mere “upset”.

23 The class witnessed how the emotional party gradually calmed down to a point where he was in a much more receptive state to talk about the substantive issues in the dispute. As explained, however, this approach needs to be taken incrementally.

24 Take, for example, bargaining with a street vendor. In a situation like that, a customer would know that asking for a ridiculously low price when the vendor has named his starting price would run the risk of insulting the vendor’s product or intelligence and angering him to a point where he no longer wishes to do business with the customer. Rather, what a customer would do is to name a price that is not entirely unreasonable, in order to establish himself as a serious and credible buyer. Once the negotiation is properly underway, however, the customer would then find other reasons to lower the price further: for instance, the fact that he would be buying more than one item from the vendor or that this is the last piece of the item that the customer wants and it has defects that he would only be willing to overlook for a further discount.

25 In the same way, telling a visibly irate party that he is merely upset at the start of his emotional outburst may run the risk of alienating him. He may then view the mediator as an insensitive person who is deliberately disregarding his strong emotions in the matter. Feeling maligned, the party may then decide to withdraw his co-operation and participation in a process that he no longer has faith in and with a mediator he no longer trusts.

(2) *Reframing to remove the sting – Softening the blow of value-laden language*

26 We now move on to the second of the two proposed usages of reframes in emotional conflicts. The choice of words used in the midst of a heated argument with one’s partner may either lead to a breakthrough or a prolonging or worsening of the fight. A fight that ideally could have been resolved within a matter of minutes may, as a result of something silly said by either party, last for weeks instead.

27 Returning to the example of the feuding former spouses in a mediation session to decide on the custody of their children, a mediator

facilitating the resolution of such a dispute would do well to steer clear of any language that would cast aspersions on the past conduct of either party, given the already emotionally-charged atmosphere of the dispute. In the midst of all the judgments, accusations, characterisations and blame flying around between the parties, the mediator should bear the following handy tips in mind:

- (a) Identify the value that is the basis for a party's statement. This would often involve reversing the negative valuation and turning it into a positive or neutral valuation. For example, if the ex-wife calls the ex-husband a "good-for-nothing adulterer", the mediator may choose to remove the sting by focusing instead on the ex-wife's feelings, that is, "I see that *you are grappling with some strong emotions*, would you like to share a little of what you are feeling [that is, rather than name calling]?"
- (b) Reframe a party's allegation of the truth as different versions of events. This would often involve acknowledging without agreeing. For example, if the ex-wife accuses the ex-husband of never being there for the family, the mediator may choose to remove the sting by focusing instead on the reasons for the ex-wife's feelings, that is, "Could you share with us why *you feel* that your ex-husband could have done a little more?"
- (c) Reframe accusations or characterisations in terms of an action–reaction sequence. This would involve explaining or getting the party to explain how the other party's actions may have led to him thinking or feeling a certain way, but steering clear of attributing any blame as a result. For example, if the ex-husband accuses the ex-wife of poisoning their children's minds against him, the mediator may choose to remove the sting by focusing instead on how the sequence of events has led to the ex-husband's presumption, that is, "Could you tell us what would make you think that way?"

28 The tips above are an illustration of the many ways that a mediator can use reframes to remove the sting in value-laden language. There are many other ways of removing the sting from various accusations, blame, judgments, characterisations and so on. The best way to develop one's skill of reframing is to do it constantly, so much so that it becomes a habit.

29 In the context of mediation, the parties are aided by a neutral third party who, having no stake in the dispute, would be able to calmly craft the right words and phrases in order to assist the parties in removing the sting and steering the mediation back on track. Parties in an emotional conflict, no matter how level-headed under normal circumstances, cannot be expected to carefully watch their choice of words – and that is where the mediator comes in.

IV. Conclusion

30 Needless to say, the constraints of this article allow only a snapshot of how emotional conflicts may be managed by employing a mediator's handy tool of reframing. Much more can be said – and has, in fact, been explored by several other authors – about the nature and dynamics of emotional conflicts and the various methods by which mediators may manage and facilitate their resolution.

31 It is hoped that this article would be a launching pad for further and more creative methods of managing emotional conflicts, given the repertoire of skills available to mediators. Perhaps the single takeaway point from this article is that emotions are not something to be feared or avoided. More often than not, emotions – whether expressed or unexpressed – provide much needed clues to the true motivations and interests of the parties. Therefore, no matter how skilled the mediator is in dealing with substantive issues, a real resolution of the dispute is unlikely to be attained without exploring the parties' complex emotions.

32 What this article has sought to achieve is to get mediators and budding mediators to start thinking about disputes they are about to manage, as well as disputes they have managed in the past, and to analyse the role that the parties' – or even the mediator's – emotions play in the way that the mediation unfolds. It is also hoped that, in so doing, mediators and budding mediators will be able to formulate further improved ways of managing emotional conflicts.
