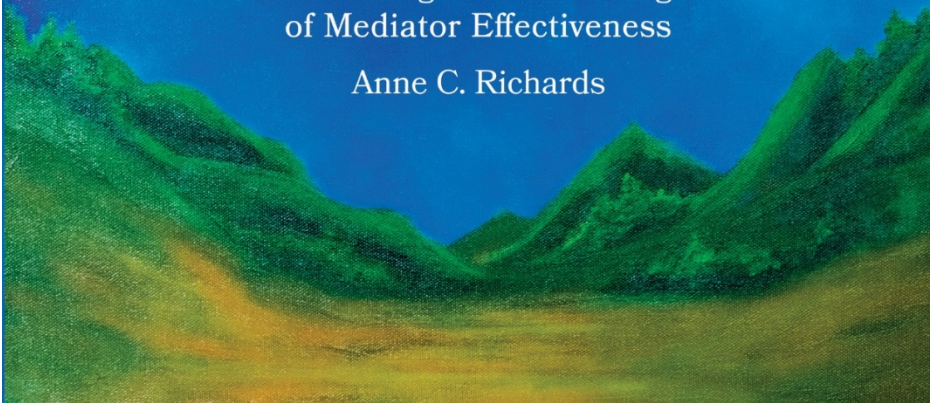




# CONNECTING THE DOTS

Rethinking Understandings  
of Mediator Effectiveness

Anne C. Richards





# **Connecting the Dots**

**Rethinking Understandings  
of Mediator Effectiveness**

**Anne C. Richards, Ed.D.**

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DANCING CROWS  
PRESS

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## **Dedication**

This book is dedicated to

Donald Snygg, Ph.D.

and

Arthur W. Combs, Ph.D.

who understood the significance of  
a psychological theory offering  
meaningful, down-to-earth, and coherent  
guidance for persons seeking to become  
more effective in their applied professional helping roles.



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To Lin Inlow for first introducing me to the mediation process and inspiring my continuing interest in better understanding its promise and potential for the resolution of conflict;

To former Chief Magistrate Court Judge Richard Smith for deciding in 1994 to implement a pilot mediation program in Carroll County, GA, and to the judges elected since then for recognizing its benefits and supporting the continuing existence of a mediation program as a service to all of our county courts;

To Elmira B. Barrow, former Coordinator of the Carroll County Medication Program and the Coweta Judicial Circuit Mediation Program, for serving as educator, mentor, and advocate for so many aspiring mediators and enabling them to make innumerable and invaluable contributions to the resolution of conflicts brought to the Juvenile, Magistrate, Probate, State, and Superior Courts in Carroll County, GA and to the Coweta Judicial Circuit;

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## Preface

In 1995, the Board of Regents of the University System of Georgia (USG) adopted an "Initiative and Policy Direction on Conflict Resolution." One of the stated goals of this initiative was to decrease reliance on adversarial processes such as the filing of formal grievances, appeals, and courtroom litigation. Another was to increase the capacity of higher education personnel in Georgia to manage conflict through alternative means of dispute resolution already found to be useful elsewhere in furthering the aims and purposes of educational institutions. This initiative led to the establishment of a system-wide mediation training program for faculty and staff across the state of Georgia.

As a faculty member in the Department of Psychology at the University of West Georgia (UWG) in 1997, I was fortunate enough to be granted access to this training. Offered through the Consortium on Negotiation and Conflict Resolution, with Lin Inlow as lead educator, it had a significant impact on me in many respects. For one thing, the more I learned about the mediation process, the more I experienced gratitude for the theoretical foundations that informed my undergraduate studies in Psychology and Sociology, and my doctoral studies in Psychological Foundations of Education. This background of education and experience enabled me to readily grasp the significance of dynamics at play in the mediation process and to better understand the potential of mediation for resolving conflicts in personally meaningful and effective ways. Mediation training also led me to give greater emphasis to conflict resolution issues in my teaching of the Personal Relationships course on the UWG campus. It inspired me to become registered as a neutral mediator through the Georgia Office of Dispute Resolution and also enabled me to qualify to serve as a mediator in both the Magistrate Court and Juvenile Court in Carroll County.

In an initial effort to describe my appreciation of the significance of the mediation process, I wrote a paper on the

limitations of the legal system and the promise inherent in alternative methods of dispute resolution (Richards, 2004). I also sought out opportunities in professional meetings to articulate the usefulness of a theory that, in my mind, then and now, has much to offer mediators, researchers of mediation practice, and educators contributing to the education of future mediators. The present publication is my most comprehensive effort to date to communicate my understanding of the value of this theoretical perspective for the practice of mediation.

Over the past 45 years, rapid growth in opportunities for participation in mediation has inspired a search for understandings of mediator effectiveness that is primarily focused on examining strategies, techniques, methods, or **behaviors** of mediators in their practice of mediation. Unfortunately, research along these lines has not produced results distinguishing which practices are reliably associated with mediator effectiveness.

Given these disappointing outcomes, I am writing to encourage persons engaged in mediation practice, mediation research, and in the preparation of the next generation of mediator practitioners to rethink what might have been overlooked in previous efforts to explore and better understand the development of mediator effectiveness. Connecting the dots found in a variety of sources, it seems likely that greater success will be found by grounding future research on mediator effectiveness in theory focusing on exploration of the **perceptions** mediators bring to their work. This includes perceptions about themselves, others, their understanding of the purposes of mediation, and their overall approach to people—variables that have consistently and reliably been identified as indicators of effectiveness in studies of other helping professions.

Foundational to ideas discussed in the following pages is a theory first outlined by Snygg and Combs (1949), which took these perceptual variables as its point of departure and was developed specifically for assisting applied professionals in a variety of helping roles. My hope is that this theoretical frame of reference proves as helpful for others as it has been for me, both personally and professionally.

Anne C. Richards, Ed.D.  
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July, 2021



# **Connecting the Dots**

**Rethinking Understandings of Mediator  
Effectiveness**

**Anne C. Richards, Ed.D**





## CONNECTING THE DOTS:

### Rethinking Understandings of Mediator Effectiveness

#### What We Know to Be the Case

The existence of a significant link between perception and behavior is mentioned repeatedly, either explicitly or implicitly, in the literature on mediation practice, and is acknowledged in virtually all mediation trainings. Problems between or among persons in conflict who participate in mediation are frequently attributed to differences in their perceptions. [See, for example, Burton (1969, p. 55); Deutsch (1973, p. 7); Filley (1975, pp. 12-17); Thomas (1976, pp. 895-896); Wall (1981); Folberg & Taylor (1984, p. 15); Pruitt & Rubin (1986, pp. 4-5); Streufert & Streufert (1986, pp. 147-148); Peachey (1989); Touval & Zartman (1989, p. 127); Benjamin (1990, p. 106); Thomas (1992, p. 653); Fong (1992); Broome (1993, p. 97); Bodine & Crawford (1998, p. 51); Rouhana & Bar-Tal (1998); Bowling & Hoffman (2003, p. 35); Hoskins & Stoltz (2003); Haynes, Haynes, & Fong (2004); McGuigan (2006), Shmueli, Elliott, & Kaufman (2006); McGuigan & Popp (2008); Shmueli & Ben-Gal (2003); Maemura (2013, p. 170); Reilly (2013, p. 461); Tat & Bagshaw (2014); Choi (2017, p. 376); Lang, 2019.] "Ultimately, . . . conflict lies . . . in people's heads" (Fisher & Ury with Patton, 1991, p. 22), or is a function of "the lens" through which they see things (Zehr, 2005, p. 178).

As a result, it is also commonplace to find discussions in the mediation practice literature of pivotal strategies mediators can employ to bring about the potential resolution of such differences. These strategies are referred to by a variety of names with similar intentions, such as: re-perceiving (Burton, 1969, p. 73); re-examining (Burton, 1972, p. 149); reframing (Folberg & Taylor, 1984, pp. 19-20, 46-47, 153; Shmueli et al. (2006); Herrman, Hollett, Gale, & Foster, 2001, p. 147); redefining

(Blumer, 1986, p. 67); re-evaluating (Touval & Zartman, 1989, pp. 125-126); redirecting (Herrman et al., 2001, p. 149); translating (Bush & Folger, 1994, pp. 125-126, 175, 178) or reinterpreting (Bush & Folger, 1994, pp.125-126, 165-166, 212, 269-270); refocusing (Herrman et al., 2001, p. 149); transforming (Desivilya & Gal, 2003, p. 157); recasting (Goldman, 2008, pp. 35-36); changing cognitions (Druckman, 1993, p. 27; Rouhana & Bar-Tal, 1998, p. 767); altering or changing perceptions (Kaufman & Duncan, 1992, pp. 690-691, 702; Reilly, 2013, p. 461); changing expectations (Carnevale, Lim, & McLaughlin, 1989, pp. 215, 230); or bringing about shifts in consciousness (Nan, 2011, p. 258), in understanding (Picard & Siltanen, 2013, p. 33), in perception (Tallodi, 2015, p. 369), or in perspective (Hoskins & Stoltz, 2003, p. 342). Still other strategies include those aimed at reappraisal (Tallodi, 2015, p. 370) or bringing about internal shifts (Lewis & Umbreit, 2015, p. 3) or attitude shifts (Charkoudian, Eisenberg & Walter, 2017, pp. 38, 42).

Mediation practice literature is thus remarkably consistent and clear, in an almost taken-for-granted way, regarding the primacy of perception for persons in conflict. And it is equally consistent and clear in counting upon mediators to facilitate resolution of conflicts or disputes through a meaningful reorientation or change in the perceptions **others** bring to the table. While it is also the case that several books and articles discuss the significance of perceptions held by mediators and the value of their reflecting upon these (for example, Argyris & Schön, 1974; Schön, 1983; Fargo, 1986; Carnevale et al., 1989; Benjamin, 1990; Kritek, 1994; Kressel, 1997; Lang & Taylor, 2000; Wall, Stark, & Standifer, 2001; Bowling & Hoffman, 2003; Kressel & Gadlin, 2009; Kressel, Henderson, Reich, & Cohen, 2012; Kressel, 2013; Lewis & Umbreit, 2015; Gale, 2017; Wall & Kressel, 2017; Lang, 2019), an emphasis on the significance of perceptions held by mediators themselves is not as prevalent in the literature as is the attention given to the significance of perceptions held by the persons in conflict who participate in mediation.

## Seeking Better Understandings of Mediator Effectiveness

Studies in the field of mediation have been undertaken to discern the significance and value of particular strategies, skills, and behaviors mediators utilize in order to assist persons in resolving disputes. Summarizing earlier studies, Carnevale et al. (1989) wrote that "the same mediator tactics were associated with settlement in some circumstances but not in others" (p. 214). Results of a more recent study, completed June 12, 2017 by the Dispute Resolution section of the American Bar Association, are found in their *Report of the Task Force on Research on Mediator Techniques*. This report was aimed at generating an "empirically-derived understanding of the effects of mediators' actions" on mediation outcomes, in hopes that such knowledge would enhance "mediation quality" (p. 1) by determining empirically "what mediators ought to be doing to accomplish the goals of the participants" (p. 17). Despite an extensive examination of a wide range of mediator actions and styles, this study found that "none consistently has negative effects, positive effects, or no effects—on any of the three sets of mediation outcomes" examined (p. 2). And beyond this, "a substantial portion of studies reported no effects" (p. 4).

And yet, in proposing "next steps" for research, the authors of the report call for additional studies to be conducted on the effects of mediator actions, along with a "more nuanced analysis" of the studies reviewed in their report, in the hopes of uncovering how various objectively determined factors might "alter the effects of mediators' actions and account for different findings" (pp. 4-5). They also maintain that the future steps they propose are "essential for the field of mediation to be able to develop a body of empirically derived knowledge about which mediator actions and approaches enhance mediation outcomes, and to use that knowledge to improve mediation practice" (p. 6). Given that mediation has become "widely practiced" over nearly four decades, and still shows "troubling signs that the field is not

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advancing in its knowledge about what constitutes competent practice at anything like the rate one might wish" (Kressel, 2013, p. 735), it seems more advisable to me to pause before proceeding in the same direction as before.

## Learning from Impasses in Past History

Grant (2021) explains how forms of attachment to a particular idea or approach constitute the equivalent of cognitive "blind spots" (p. 35) that can keep us from recognizing when it is time to rethink what we are doing (p. 62). Kritek (1994, p. 175), a mediator; Lawler (1985, pp. 1-4), an organizational development researcher; Blumer (1986, pp. 196-197), a sociologist; and Platt (1964, p. 351), a biophysicist, all question whether, going forward in their respective fields, reliance on particular techniques associated with a quantitative methodology of observation is well-suited to the study of particular phenomena in those fields. As Blumer (1986) concludes, "One may appropriately ask, ... what are we doing if we are engaged in a vast amount of study and research, commanding many of our best minds, only to discover that all of this vast work yields no knowledge of [what] we are presumably studying" (pp. 92-93). Fortunately, a continuous pattern of disappointing or dismal results eventually leads to productive questioning of the frame of reference guiding such research (Kuhn, 1962; Grant, 2021). And a determination is often made that problems have occurred because the nature of the studies themselves led researchers to look for answers in places that not only didn't lend themselves to definitive answers, but never would, especially if they "may not . . . even be addressing the right problem" (Grant, 2021, p. 47).

Over decades, for example, going back to 1929, extensive research on teacher effectiveness yielded no finding of a specific trait or method exclusively linked to good teaching. This prompted some educators to take into account factors that should have been clues to the source of their difficulties from the start, including the following (cited in Combs, 1965):

\* Methods used by expert teachers might work well for them, but not for persons with less experience in the field.

Persons tend to grow into their ability to achieve positive results with particular methods (p. 5). [See also Rice & Greenberg, 1984b, pp. 10-12.]

\* Effective professional teachers are unique individuals whose "behavior will change from moment to moment, from day to day, adjusting continually and smoothly to the needs of . . . students, the situations [they are] in, the purposes [they seek] to fulfill, and the methods and materials" available to them (p. 9). [See also Gale, 2017, p. 35.]

Acknowledging the influence of such realities in prior research, Combs and his associates concluded that the failure to find traits or methods associated with good teaching was likely a result of the fact that researchers had "been looking for answers in the wrong places" (p. 1). Similarly, Kressel and Pruitt (1989) point out that "[m]ediation is a situation of reciprocal influence" (p. 429) and emphasizing "frequency counts of discrete mediator acts" not only "ignores the organic quality of the mediation process," but overlooks the reality that "*when* a tactic is used may be more important than *how often* it is used" (p. 429).

## **Change Doesn't Always Come Easily**

Despite indications that change is needed, it can often take some time before change actually occurs. For one thing, partly right ideas can cause people to believe that, despite the fact that they are not producing the desired results in the present, they will eventually do so if they put out a little more effort, money or personnel, or refinement in support of them (Kritek, 1994, p. 175). As a result, they "keep on in the same direction when what they need is to change direction" (Snygg cited in Combs, 1975, p. 8). Even in the face of evidence that is clearly inconsistent with their existing beliefs or perceptions, human beings can have great difficulty giving up some of their convictions or point of view (Argyris & Schön, 1974, pp. 32-33).

Findings presented in the book *When Prophecy Fails* (Festinger, Riecken, & Schachter, 1956) illustrate the difficulties people have in changing their views, even in the face of

mounting evidence to the contrary. This study reported on the beliefs of a group of persons in Chicago who were convinced the world would end in a great flood before dawn on December 21, 1956. So certain were they that the end was coming, they left jobs, colleges, and spouses; gave away their possessions and money; and prepared themselves to be rescued by a flying saucer that was purported to be coming at midnight on a particular date to carry true believers off to a safe location.

Equally convinced that the world was not about to end, and that the "true believers" would soon experience considerable "cognitive dissonance," researchers infiltrated the group to learn how persons in it would handle disconfirmation of their beliefs. What they found was that, although nothing group members expected came to pass and their beliefs were clearly refuted, some individuals clung to a variety of explanations that enabled them to sustain at least some remnant of their erroneous beliefs for an extended period of time. So, it isn't hard to imagine how much more difficult it can be for persons to relinquish beliefs that are partly true or have some measure of contact with reality. Clearly, this is a daunting challenge for all of us seeking to find a more promising approach for addressing the issue of mediator effectiveness.

On the other hand, change can also occur in an "aha" moment. Lang (2019), for example, recounts an early experience in a training program for mediators where he came to "the unsettling realization" that [he] had no real sense of how [his] actions had affected the disputing parties" in an effective way (although others praised him for his approach) (p. 2). About the same time, he read Schön's (1983) book, *The Reflective Practitioner*, which provided him with a "startling and welcome revelation" about "the connection between belief and action," and how theory guides a practitioner's "choice of strategies and tactics" (p. 3). Writing thirty years after this incident, he asserts "[t]here is . . . no one model or style of practice that is ideal for all practitioners, in all settings, and for all disputes" (Lang, 2019, p. 3). Yet, persons can learn how to explore and examine the link

between their own experience and behavior, the ideas that influence why mediators do what they do (Lang, 2019, p. 20).

This is an approach Kressel and his colleagues (that is, Kressel, 1997; Kressel & Gadlin, 2009; Kressel, 2013) have taken for over twenty years as they have sought greater clarity about the cognitive structures and processes (or "working mental models") that drive mediator behavior on a "moment-by-moment basis" (Kressel, 2013, p. 710). This work has engaged mediation practitioners in reflective case-based research characterized by thoughtful, constructive, probing, and productive discussions regarding their handling of particular cases. Conducted in an effort to better understand the underlying thinking processes that lead mediators to strategic and tactical interventions during a mediation session (Kressel, 1997; Kressel & Gadlin, 2009; Kressel, 2013, pp. 732-733), these studies have revealed useful information about how mediators approach dynamics confronting them in mediation. While the approaches highlighted in these studies focus primarily on meaningful cognitive considerations affecting a mediator's selection of given intervention strategies, Kressel and Gadlin (2009) themselves acknowledge that a broader perspective would take into account their finding that "the primary explicit accompaniment" of the selection of mediators' scripts or strategies "was not cognitive, but affective" (p. 331). Moreover, as Broome (1993) has noted, a more comprehensive understanding of another's perceptual field "requires the integration of affect and cognition" (p. 100).



## The Usefulness of Theory in Mediation

For a long while, several contributors to the field of mediation and conflict resolution have noted a "disconnect" between theory and practice (Reimers, 2016, p. 437) which leaves the field without "a comprehensive theoretical framework that can undergird practice" (Scimecca, 1993, p. 219). Wall et al. (2001) note that "reports from the past decade of the determinants of the mediator's approaches are somewhat sparse, providing a limited theoretical base" (p. 378). Training programs have been described as "devoid of explicit theories of practice" while emphasizing "skill-building" (Rifkin, 1994, p. 205) or the "idiosyncratic use of various processes" considered "seat-of-the-pants" theory (Scimecca, 1993, p. 212), "implying that the hallmark of good practice is mastery of technique" (Rifkin, 1994, p. 205). [See also Wall, 1981; Fargo, 1986; Harty & Modell, 1991; Wall & Lynn, 1993; McGuigan, 2006.]

Because persons have found their way into mediation from so many different disciplines, many have concluded that the theoretical models mediators bring with them don't lend themselves to the emergence of a readily apparent or coherent set of interdisciplinary premises for the practice of mediation. [See, for example: Fargo, 1986, p. 4; Girdner, 1986; Streufert & Streufert, 1986, p. 143; Benjamin, 1990, p. 91; Folberg & Taylor, 1984, p. 237; Pinzón, 1996.] Kochan & Jick (1978) even suggest that "the lack of systematic theory" for mediation practice is due to beliefs practitioners and researchers hold that "there are no systematic patterns to the mediation process" (pp. 209-210).

Beyond this, theory is not always viewed as adding particular value to professional practice. Macfarlane and Mayer (2005) report that some view theory as "boring, and irrelevant" (p. 263). Trainees can be resistant to it out of a belief that it's "too abstract and prescriptive, and insufficiently practical to help

them to solve their problem" (p. 268). Others are put off by "unfamiliar and complex language and terminology used in some theoretical writing" (p. 271) or complain that the theoretical literature tries "to give us answers to things that we're not asking questions about" (p. 273). As Isaacs (1999) summarized the situation: "many people have a kind of allergic reaction to studying theory—it seems too academic to them" and they just want to be told what to do (p. 71).

Despite this lack of enthusiasm for theory among some practitioners of mediation, the value of theory as an essential tool for human purposes has been recognized repeatedly over the years in many quarters. In a more recent survey of mediators focusing on the "kind of professional development or continuing education they would like to see more of," respondents voiced a clear desire to continue developing their "knowledge and skills as mediators" but also reported they would like to see more "linking theory to practice" (Raines, Pokhrel, & Poitras, 2015, p. 94).

Benjamin (2004) counsels that:

. . . the least professional practitioners ought to do before entering other peoples' conflicts is examine their own feelings and responses to negotiation, biases, prejudices, and preconceived beliefs about the sources of conflict. Reflecting on theory requires that kind of consideration—What is the mediator trying to do and why? Only in that context does the "how" one does mediation become important (p. xii).

Further, in his view "the field cannot develop, and practitioners limit their effectiveness without theoretical reflection" because, at its core, theory is "the process of conceptualizing and organizing our hypotheses about what are effective strategies and techniques and developing a systematic approach to thinking about how we practice. Mindful of the risks of overtheorizing, the failure to engage theory endangers practice competency" (p. xii).

Kurt Lewin (1943) urged his contemporaries to better appreciate the value of theory, citing a remark by "[a]

businessman" that "there is nothing as practical as a good theory" (p. 118). And Isaacs (1999) asserts that beginning to understand "the theory behind dialogue" can open people up "to the forces that make human endeavors effective or not" [because] "[o]nce you are aware of these forces, you can no longer simply blame people for situations that don't work out. And you can begin to set up conversations that will engender better results" (p. 71).

Argyris and Schön (1974) have long insisted that "professional competence results from our ability to integrate thought and action" (p. 82). Their distinction between "espoused theories" (that describe or justify someone's behavior) and "theories-in-use" (that are actually operational and affect human behavior) (p. viii), recognizes that practitioners may simply be unaware of the theory that guides their behavior (p. viii). Kressel et al. (2012) argue that, while "the empirical literature on mediator behavior has tended to focus on identifying discrete mediator strategies and tactics . . . there is good reason to think that it is the global stylistic scripts, or schema, that mediators hold in their heads that underlie their strategic and tactical behavior" (p. 137).

As a result, it is all the more important that mediation practice be grounded in a theoretical perspective or formal model that offers common sense, coherent, and compelling understandings of mediator perceptions and serves as a more complete "guide to the task of deciding what to do in the hurly-burly of a mediation session" (Kressel et al. (2013, p. 721). In their study of the mediation process, Herrman et al. (2001) agree that "[k]nowledge ideally equips mediators with theoretical frameworks that explain particular behaviors (their own as well as their client's) along with the potential for a behavior to enhance problem solving" (p. 142).

## A Promising Theory for Guiding Mediation Practice

Over 80 years ago, Donald Snygg (1941), expressing his own concerns about the state of theory and research in Psychology, pointed out that psychologists had failed to appreciate that behavior could be studied from two different frames of reference: objectively, from the point of view of an outside observer; or "from the point of view of the behaving organism itself" (p. 406). Looking at people from the outside, as though they were objects, you might come up with particular understandings or conclusions. But, seeking to put yourself in *their* shoes and looking at the world as *they* see it, you were likely to arrive at very different conclusions.

Consider the following story by John Shlien (1963), about a psychologist invited by some long-time acquaintances to spend the weekend with them because they wanted his professional advice about their son who was about to start school. They had concerns that their child was "quiet, sensitive, lonely, nervous, afraid of and highly excited by other children. He stammered in the presence of strangers, and was becoming more shy and withdrawn" (p. 324). The psychologist "asked appropriate questions about history and behavior" and then began observing the child at play in his yard at home to make a psychological appraisal.

He watched, unseen, from a balcony above the garden where the boy played by himself. The boy sat pensively in the sun, listening to neighboring children shout. He frowned, rolled over on his stomach, kicked the toes of his white shoes against the grass, sat up and looked at the stains. Then he saw an earthworm. He stretched it out on the flagstone, found a sharp edged chip, and began to saw the worm in half.

At this point, impressions were forming in the psychologist's mind, and he made some tentative notes to the effect: "Seems isolated and angry, perhaps over-aggressive, or sadistic, should be watched carefully when playing with other children, not have knives or pets."

Then he noticed that the boy was talking to himself. He leaned forward and strained to catch the words. The boy finished the separation of the worm. His frown disappeared and he said, "There. Now you have a friend" (Shlien, 1963, p. 325).

When Snygg (1941) wrote to share his concerns about the literature available to applied professionals, he said he found it a "welter" of "complex, cumbersome, and contradictory principles of causation and description" that provided no helpful guidance for their work (p. 405). Seeking to change the status quo, Snygg outlined the kind of theoretical system he thought would have greater usefulness to practitioners and those with whom they worked. Arthur W. Combs, a recent graduate of a doctoral program in Clinical Psychology, also found the literature in Psychology to be frustrating and unhelpful as a guide for either his personal or professional behavior (Combs, 1969, p. 298). Reading Snygg's paper, he later explained, brought about an "intellectual conversion" experience as issues he had "wrestled with for years" as both a clinician and teacher came into remarkable "clarity and precision" at long last (Combs, 1969, pp. 298-299).

During his graduate work, Combs studied with Carl Rogers. In those days, students associated with Rogers spent long hours listening to phonographic recordings (since tape recorders had not yet been invented) of thousands of sessions of counselor/client interactions (Rogers, 1942). They focused intently on what a client said, how a counselor responded, and examined the impact each response had on the client's capabilities and sense of well-being. They also made transcripts of these therapeutic sessions and went over them, line by line, searching for the keys to effectiveness in therapeutic dialogue (Rogers, 1942, 1957). Similar efforts by Cassell (1985a, 1985b, 1985c, 1997) are found in the field of medicine. Currently referred to as "process research" or "conversation analysis," or a "self-conscious reflective research paradigm," studies in this tradition continue to this day to capture interesting and meaningful patterns in communication in diverse settings (that is,

Rice & Greenberg, 1984a; Donohue, 1989; Gale, 1991; Kressel, 1997; Kressel & Gadlin 2009; Kressel, 2013).

Joining forces in an effort to remedy the situation that concerned them both, Snygg and Combs developed a theory known as Perceptual (Field) Psychology which accounted for the *individual* behavior of each helper and helpee, rather than general, normative behavior. First published in 1949, the theory was very well-received by helping professionals and, as discussed below, continues to have relevance for current understandings of professional effectiveness in education, therapy, the ministry, the medical field, law enforcement, organizational development, and elsewhere. It also holds promise for professionals in the field of mediation. Although updated over the years in subsequent editions (Combs & Snygg, 1959; Combs, Richards & Richards, 1976; Combs, Richards & Richards, 1988; Combs, 1999), its core tenets have remained the same.

Perceptual theory asserts that the behavior of individual persons is lawful and is the direct result of their field of perceptions or awareness at the moment of behaving. As a result, to focus on behavior alone means one is preoccupied with symptoms or expressions of underlying factors rather than causes. In this regard, Perceptual theory seems well-suited to studies of mediator effectiveness that give more attention to the **perceptions** mediators hold—about themselves, the persons in conflict with whom they interact, the purposes of mediation, and their overall perspective or approach to their professional work—than to the behaviors that are an expression of these perceptions. It also provides the "more complex and differentiated notion of the mental model concept" that Kressel and Gadlin (2009) assert is necessary to the development of "a true theory of mediation practice" (p. 338).

As Argyris and Schön (1974) have written: "Theories are vehicles for explanation, prediction, or control" (p. 5). All theories contain assumptions that can lead us astray or orient us in the most effective and advantageous manner in the circumstances in which they are applied. In this sense, they "are

not true or false" but only "useful or not useful" for given purposes (Benjamin, (2004, p. xii). A good theory enables us to determine which facts are important and which are not, gives old data new meaning, and helps us define problems and better evaluate their solutions (Erez, 1994, pp. 600-601). It "confirms common sense, organizes it better, and allows it to be communicated more effectively" (Lawler, 1985, p. 8). It is more probable, more plausible, and more understandable than other possible explanations or theories. It serves human purposes better in practice. It not only answers questions individuals have struggled with in the past but also can raise new and more productive questions for future research. In sum, in assessing the value of theory to best support mediation practice, the primary question we should ask is whether or not it seems more capable of serving as a useful guide or compass for practice than other existing theories or explanations.

When Snygg and Combs (1949) collaborated on the development of perceptual theory, their aim was to provide practitioners with a trustworthy frame of reference which would assist both their students and themselves to achieve more meaningful and more useful understandings of human behavior for work in applied fields (p. vii). And, as Snygg (1941) had first proposed, they were also intent upon producing a theory that accounted for the individual behavior of each helper and helpee, rather than general, normative behavior (pp. 421-422). Subsequently, Combs and his associates began exploring the effectiveness of professional helpers (Combs et al., 1969; Combs, Avila, & Purkey, 1971; Combs & Gonzalez, 1994). They soon recognized that a characteristic of all of the helping professions, despite their differences, is the "instantaneous response" required of the helper when the helpee (such as the student, client, or participant in mediation) is in interaction with them. As Benjamin (1990) put it, "mediators must think on their feet" (p. 108). [See also Lang & Taylor, 2000, pp. 155-156, 191; Kressel & Gadlin, 2009, pp. 308-311, 335.] Such understandings led to the conclusion that the primary tool that helpers work with is themselves.

Described as the **self-as-instrument** concept (Combs & Soper, 1963), this term acknowledged the fact that professional persons find their own unique ways of putting what they know and understand into operation in order to fulfill their own and society's purposes (Combs, 1965, pp. 8-9).

## **The Basics of Perceptual (Field) Theory**

As a young student making my way through various theories in the field of Psychology, I was struck by a finding reported by George Miller (1956): that there are "limitations on the amount of information that we are able to receive, process and remember" (p. 95). Fortunately, in this regard, Perceptual theory calls for professional helpers to attend to only two major considerations:

A. *The behavior of each and every human being is a function of a more or less fluid organization of meanings, perceptions, values, beliefs, attitudes, understandings encompassing the entire universe (including a sense of self) as experienced by an individual from moment to moment.* This organization is referred to as **the field of awareness, the perceptual field**, the field of consciousness, the field of meanings, or the phenomenal field. And because it is operational in all human beings, it is the basis for the behavior of anyone participating in a mediation session, including mediators. It has also been referred to as a person's assumptive world (Ornstein, 1972; Frank, 1974); theory-in-use (Argyris & Schön, 1974); frame (Goffman, 1974); operating system (Lang & Taylor, 2000, pp. 96, 234); constellation of theories (Lang & Taylor, 2000, pp. 69, 76-77), internal map (Covey, 2004); mental model (Senge, 2006), or mindset (Gale, 2017, p. 60).

This field of awareness is more or less fluid because it has some degree of organization or stability, but it is also capable of change. Without some degree of stability or structure in our field of awareness we could easily be overwhelmed by all we are capable of perceiving. Without a degree of fluidity, however, we would be precluded from learning, reasoning, remembering,



forgetting, or the possibility of achieving new or creative insights and behaving differently than we have in the past.

Although the perceptual field includes all the universe of which we are aware at any given moment, **we are not aware of all dimensions of it with the same degree of clarity or intensity**. Some aspects of our awareness seem to stand out or become more salient in relation to the whole of our experience. Psychologists refer to the more salient portion of the field of experience as being "in figure" while McGuigan and Popp (2012) speak of this portion as being on our "radar screen" (p. 228) in contrast to the larger field or "ground" of our awareness. [See also Argyris & Schön (1974, p. 15); Thomas (1976, pp. 897-898); Lang & Taylor (2000, pp. 79, 84-87); Gale (2017, p. 58); Hoskins & Stoltz (2003); Kressel & Gadlin (2009, pp. 311, 334); Kressel (2013); Wall & Kressel (2017); Lang (2019, pp. 72-74).]

We behave in terms of what we value, and what we understand to be the case. But it is often the case that we fail to recognize these dynamics as Argyris and Schön (1974, p. viii), Lang and Taylor (2000, pp. 85-87), Covey (2004, p. 32), Senge (2006, p. 8), and Lang (2019, pp. 72-74) noted. Our "vast collection of beliefs, principles, biases, models, doctrines, philosophies and standards that shape our perceptions of the world around us and influence our decision-making (pp. 71-72) . . . [is] often tacit, running in the background, like the operating system in a computer or smart phone. [Yet it has] a direct and instrumental impact on our actions and [is] fundamental to our sense of ourselves and our world" (Lang, 2019, p. 74).

Packard (1957), Huxley (1963), Hayakawa (1964), Burton (1972), Goffman (1974), Watzlawick (1976), Pinzón (1996), Groopman (2007), Mlodinow (2012), and Gladwell (2019) provide an abundance of examples illustrating what can occur when individuals fail to recognize existing limitations on their perceptions of the situations in which they find themselves. This point is also powerfully illustrated in a "note found on the

windshield of a parked car with a dented fender" which read as follows:

I have just run into your car. People have seen me and are watching me write this. They think I am giving you my name and address. They are wrong (Martin, 1968, p. 18).

B. *Perceptual theory also postulates the existence in all living beings of a universal tendency or need to become ever more adequate to cope with life.* Referred to as the **need for adequacy** (Snygg & Combs, 1949; Combs et al., 1976, pp. 50-66), this dynamic is understood as a primary motivating force inherent in all human beings and is akin to what Argyris and Schön (1974) call a "governing variable" in human behavior (pp. 20-22, 24). Such a conception of motivation "is not directly observable," but "can be inferred" from analysis of a "stream of behavior" (Kanfer, 1990, p. 78). It permeates our field of awareness at every instant of our lives, providing purpose and direction to the network of our perceptions, including those related to a sense of self.

Whatever we believe about others' motives inevitably affects our interactions with them. Inaccurate, multiple, or conflicting concepts of what people are striving for can be an impediment in human interactions. They not only leave practitioners hopelessly confused as they seek to determine how best to work with others, but also result in misconstrued and inconsistent responses in interactions with others. The literature on conflict includes reference to a multiplicity of different "basic" needs. In contrast, Perceptual theory provides a simpler, more fundamental concept of human motivation that has the potential to better serve mediators in understanding both themselves and others.

Some find it hard to grasp how others could possibly experience themselves as more adequate when, for example, they treat others badly, stay in an abusive relationship, engage in what we consider self-destructive or risky behaviors, or act out violently in otherwise peaceful protests. Instead of assuming that such persons are doing the best they can in relation to *their* sense

of what it takes to experience adequacy, we may decide that, unlike ourselves, they are perversely motivated. As Bush and Folger (1994) point out, however, when we judge others' actions as simply unwarranted or worse, we are missing how the situation is perceived through their eyes (p. 47).

Even our own behavior viewed in retrospect may seem to have been crazy, silly, or ineffective, but *at the instant of behaving* our actions seem to us to be the best and most effective ones we can carry out under the circumstances. If, at that instant, we knew how to behave more effectively, we would do so, as Bodine and Crawford (1998) have also noted (p. 99). At the moment they commit crimes, people may feel they are solving their problems in the only way they can under the circumstances. Later, reviewing their actions, they may regret their decisions and doubt the clarity of their past thinking. Similarly, participants in mediation, including mediators themselves, may see a situation one way when a mediation session begins, but, as dialogue unfolds, become more and more aware of other significant factors contributing to a conflict and its potential for resolution.

Assuming the existence of a need for adequacy in all human beings implies that mediators have an opportunity to form alliances with this powerful force within people that has been shown to affect behavior in significant ways (Rogers, 1952). It also makes it understandable why mediation practice literature so frequently mentions issues such as the following:

\*Disputants experience threats to self-adequacy (Zehr, 2005; Tomlinson & Lewicki, 2006; Beausoleil & LeBaron, 2013); can become "focused on self-protection . . . defensive, suspicious, and hostile" (Bush & Folger, 1994, p. 89); and use language which blames, evaluates, judges, or condemns one another (Shmueli et al., 2006, p. 211; Tomlinson & Lewicki, 2006, pp. 219-220; Beausoleil & LeBaron, 2013, p. 137; Picard & Siltanen, 2013, p. 33; Eddy, 2016).

\* A mediator's own emotions and experience of adequacy can affect mediation dynamics (Lang & Taylor, 2000, p. 85; Picard & Siltanen, 2013, p. 52).

\*A "best alternative to a negotiated agreement" [BATNA] serves a self-protective function (Folberg & Taylor, 1984, p. 79; Fisher et al., 1991, pp. 97-106).

\*"Face-saving" or face management efforts are important in the conflict resolution process (Streufert & Streufert, 1986, p. 146; Volkema, 1988; Carnevale et al., 1989, pp. 228, 235, 237-239); Fisher et al., 1991, p. 28; Choi, 2017) and any agreement drafted should reflect suggestions or concerns of both sides (Fisher et al., 1991, pp. 27-28).

Incorporating an inferred need for adequacy as a plausible "governing variable" in a mediator's theory-of-use or perceptual field also makes it possible to better appreciate how mediators may be misled by statements made in caucus that are self-enhancing, inaccurate, and dwell on critical-of-others information which cannot be heard or refuted by others involved in the conflict (Pruitt, McGillicuddy, Welton, & Fry, 1989, pp. 386-387). It also encourages mediators to remember that persons in conflict situations are "beings-in-the-process-of-becoming" (DeCarvalho, 1991, pp. 5-6, 41, 68) who have the potential within themselves to resolve their conflicts in mediation (Lang & Taylor, 2000, p. 211) if mediators can avoid actions that are intimidating and put people on the defensive (Rogers, 1952; Taylor & Combs, 1952; Combs et al., 1971, pp. 222-223; Combs et al., 1976, pp. 246-247; Kegan, 1994; Sherman & Cohen, 2002; Nan, 2011, p. 258; Lang, 2019, p. 160).

In addition, such a theoretical concept readily supports recommendations found in mediation practice literature that mediators make it possible for participants to:

\* "start thinking about each other in different and less threatening ways" (Picard & Siltanen, 2013, p. 51);

\*"see themselves as working side by side, attacking the problem, not each other" by focusing on interests rather than positions (Fisher et al., 1991, pp. 11, 40-55);

\* "sense safety" in order to experience a state of "open receptiveness" to new ways of thinking or feeling in a mediation session (Lang & Taylor, 2000, pp. 178, 185; Beausoleil & LeBaron, 2013, p. 137).

Because of the individual nature of a person's perceptual field, it is not often possible to know or predict which statements made in the course of a mediation may trigger a sense of threat to a participant's personal sense of adequacy (Brothers, 2014). Any participant, including the mediator, could potentially experience such a threat. Yet when a person's need for adequacy is strongly threatened, the field of awareness narrows, a phenomenon known as "tunnel vision" (Taylor & Combs, 1952; Shlien, 1963, pp. 320-321; Combs et al., 1976, pp. 242-245; Lang & Taylor, 2000, pp. 27-29). This can make it more difficult for someone to experience whatever is at issue from a broader perspective.

In such circumstances, some perceptions are very vivid, while others are unavailable or blocked from awareness in that moment, even if they could be more readily acknowledged by or available to an individual at another time. [See also Thomas, 1976, pp. 898-899.] Fortunately, all involved in a mediation process have the potential to shift the focus of their experience, work collaboratively toward understanding one another, find common ground, and resolve conflicts that might initially seem inevitable and intransigent (Haynes et al., 2004, p. 9). This, in turn, can lead to an even more satisfying sense of adequacy or well-being arising from what is referred to as a "win-win" resolution in mediation literature.

The task for a mediator, then, becomes one of creating the conditions that help persons in conflict access the broadest spectrum of their fields of awareness (McGuigan, 2006, pp. 234-235; Nan, 2011, p. 258). This better enables participants to consider ways in which their experience of adequacy could be

further enhanced or diminished by a particular outcome with regard to the conflict, freeing them to explore and examine alternative routes to a reorganized or re-conceptualized experience of adequacy (Rouhana & Bar-Tal, 1998, p. 767). Both the Perceptual model (Combs, Richards, & Richards, 1976, pp. 246-247) and the Reflective Practitioner model (Lang, 2019, p. 160) are mindful of Kegan's (1994) counsel to provide "a blend of support and challenge" (p. 42) and to avoid actions in mediation that lead people to feel under threat. Perceptual theory further distinguishes between challenge and threat as related to such efforts (Combs, Avila, & Purkey, 1971, pp. 222-223). [See also Nan, 2011, p. 258.] How an optimal helping presence is accomplished, however, is dependent upon the nature of perceptions a mediator is capable of recognizing, bringing into, or inviting during a mediation session. [See also Kressel & Gadlin, 2009, p. 337; Gale, 2017.]

### **The Perceptual Approach to Research**

If, as Perceptual theory states, behavior is a function of the perceptual field at the instant of behaving, the key to learning more about what contributes to professional effectiveness—our own, or that of other people—requires us to develop "new skills in the exploration and understanding of the nature of people's perceptions" (Combs et al., 1976, p. 395).

**The unreliability of self report.** Some might believe that the most straightforward approach to understanding what persons are experiencing is simply to ask them. Yet Kressel (2013) acknowledges that "much of mediator decisionmaking inevitably occurs at an implicit, non-conscious level" (p. 721). In addition, as Argyris and Schön (1974) have noted: "We cannot learn what someone's theory-in-use is simply by asking" them as it is likely we would only hear about their "espoused" theoretical constructs (p. 7). Furthermore, Kressel et al. (2012) discovered that mediators' self reports are "highly unreliable guides to mediator behavior" (p. 139) while Wall and Kressel (2017) assert they "are often inaccurate" (p. 332). Lieberman, Foux-Levy, & Segal (2005) found that mediators were "unable to make a realistic examination of their own weaknesses and strengths" (p. 238),

while Carnevale et al. (1989) determined they cannot be counted on to provide objective accounts of the reality of what actually happened in mediation (p. 239). Harmon-Darrow & Charkoudian (2021) learned that "what mediators do and what they say they do are . . . divergent" (p. 383). Other research indicates that people have been known to lie to those seeking to determine their views if they feel vulnerable in the presence of the person seeking such information from them (see, for example, Jourard, 1968, pp. 9-12; Richards, 1970).

Perceptual theorists concur that the perceptual field cannot be examined directly because the self-report, like any other behavior, is a product of a person's total phenomenal field which includes perceptions of self and the situation in which an individual is involved. Moreover, the accuracy of descriptions of the phenomenal self found in self reports is dependent on the clarity of individuals' awareness, the access they have to adequate words to convey their experience, concerns about potential approval or disapproval, freedom from threat, and their existing degree of personal adequacy, among other factors. Thus, an understanding of their theory-in-use or pertinent factors in their perceptual field of awareness must be constructed from observations of their behavior (Argryis & Schön, 1974, p. 7).

**The reliability of inference.** A more productive and advantageous means of exploring another person's phenomenal field is through the disciplined and systematic use of **inference**, a process of arriving at reasonable conclusions or productive hypotheses based on observations. This is a process widely used in everyday life and throughout the scientific community. When we see someone behaving in a way that is puzzling to or problematic for us, for example, we often ask ourselves: What has led to this behavior? What has "gotten into" someone to bring about such behavior? Inferences, of course, can be "carelessly or carefully made" (Hayakawa, 1964, p. 41), but they "can, indeed, provide reliable data" if approached "with the same discipline, care, and rigor demanded of science in any other field of exploration" (Combs et al., 1969, p. 70). The work of Kressel and colleagues demonstrates the value of this approach.

Argyris and Schön (1974) point out that medical students learn through a series of inferences, observations, and tests to diagnose disease (p. 13). Hayakawa (1964) reminds us that a good auto mechanic often makes accurate inferences about what's wrong with a car's motor, simply by listening to it discerningly (p. 41). Lewin (1943) likens the process of inference to that of a physician reading an x-ray picture and reminds us that, once trained, professional observers are able to give more reliable observations than an untrained person (p. 122). Other examples of successfully discerning and disciplined observations and inferences are found in the work of professionals in varied walks of life. For example, horse whisperer Monty Roberts (1997, 2001), is internationally known for the non-violent method of communication with horses he calls "Join-Up." In explaining the process he uses, Roberts (2001) has said: "I watch closely what is happening with the horse and try to understand what the horse is experiencing" (p. 189). He is particularly attentive to what triggers "fight" or "flight" reactions in the horses with whom he works.

Temple Grandin, a professor of animal sciences who is autistic, has spent a lifetime of thoughtful observation and disciplined inference seeking to better understand and relate to cattle, "neurotypicals" (non-autistic folks), and persons with autism. Early in her life, she became absorbed in figuring out why an animal balked or refused to walk forward through an alley or out of a pen in facilities housing livestock. It's important "to find out why it is scared and refuses to move," she wrote in 1995. "Unfortunately, people often try to correct these problems with force instead of by understanding the animal's behavior . . . seeing the world from their point of view" (Grandin, 1995, p. 142), a process Grandin later referred to as a form of social "detective" work (Grandin & Barron, 2005, p. xiii).

In Perceptual theory, this form of inference is termed "**reading behavior backwards**" and, when mindfully used, is a useful tool for understanding our own behavior as well as the behavior of others. Introductory training materials for conducting inferential research along these lines are available in the form of self-instructional materials developed by M. Mark Wasicsko



during his dissertation research in collaboration with Arthur W. Combs. Entitled *Assessing Educator Dispositions - A Perceptual Psychological Approach*, it offers prospects for more productive research on mediator effectiveness and is accessible as one of the resources provided by the National Network for the Study of Educator Dispositions at Northern Kentucky University at the following link:

<https://www.nku.edu/content/dam/coehs/old/docs/dispositions/resources/Manual103.pdf>

The research process explicated in this manual for assessing educator dispositions has already been utilized in assessing the dispositions of other helping professionals. Examples can be found in Combs et al. (1969); Willis (2015); and dissertations that are a part of the Field Psych Trust collection housed in the Ingram Library on the campus of the University of West Georgia:

[https://aspace-uwg.galileo.usg.edu/repositories/2/resources/260/collection\\_organization](https://aspace-uwg.galileo.usg.edu/repositories/2/resources/260/collection_organization)

Although some argue this form of inference should be avoided for the sake of quality or reputable work, Argyris and Schön (1974) maintain that doing so contradicts what we know is important in human lives (pp. 10-11) while Blumer (1986) suggests that rejecting opportunities for the use of inference eliminates a viable means of getting descriptions of human behavior that are of significance to human experience and offer us "any hope of handling the problems" related to that experience (p. 180). In a paper that continues to inspire young scientists to this day, Platt (1964) argues that when inference is used in a systematic manner he refers to as "strong inference," new ways of thinking emerge that enable ground-breaking exploration of the unknown to be speeded up in several fields of study (pp. 348-349). Further, he considers it a failure in a discipline if students are not taught "how to sharpen up their inductive inferences" (p. 348).

Inferences can help us better understand another's behavior and figure out "what's behind their actions" (Lang, 2019, p. 157) or reflect on our own behavior. According to Argyris and Schön (1974) "Theories-in-use . . . all include assumptions about self, others, the situation, and the connections among action, consequence and situation" (p.7). These can be explored in the manner Schön (1987) terms "reflection-on-action" (p. 303), Kressel & Gadlin (2009) call "self-reflection" (p. 309) or the "reflective case study method" (p. 313) or Lang (2019) describes as a process of "reflective debriefing" with a mentor (p. 161)—exercises by which we "learn from our experiences, . . . sharpen our skills, deepen our knowledge, or alter our thinking (our assumptions or governing values) about our strategies and tactics" (p. 135). And they can also be used as tools "for understanding" why interventions we might choose to use either succeed or fail (Lang, 2019, p. 155).

Guided by Perceptual theory, Combs et al. (1969) devised hypotheses about the nature of professional effectiveness, conducted crucial experiments designed to test those hypotheses, carried out their research, and recycled the procedure to refine their understandings. In doing so, they found remarkable success in inferring perceptual differences between good and poor helpers in a variety of roles. They discovered that the nature of both good teaching and good helping relationships in general can not be defined on the basis of specific things helpers **do**, but can be discerned on the basis of "their **perceptions**, especially those we call values, beliefs, and purposes" (Combs et al., 1971, p. 6).

Studies using the Perceptual model, from the 1950s to the 2000s, have continued to demonstrate the value of this approach by addressing such perceptual variables or dispositions as the following:

**Perceptions of Self** as **identified** or deeply and meaningfully-related to persons of every description rather than as **unidentified** or apart from others.

**Perceptions of Others** as **able** or having the capacities to deal with their problems and make their own decisions rather than as **unable** to do so.

**Perceptions of Purpose** in terms of **larger** implications and concerns rather than **smaller**, narrower, or more specific goals.

**Perceptions in an overall Frame of Reference** reflecting primary concern for the personal experiences of **people** and their welfare as human beings rather than impersonal matters or **things**, such as order, management details, and mechanics (Wasiesko, Wirtz, & Resor, 2009, p. 26).

Combs (1970) often shared the story of a young woman teaching first grade who wore her hair "in a pony-tail down to the middle of her back" the first three days of a school year but put it in a bun on the top of her head the fourth day. As a result, a little boy in her class didn't recognize his teacher when he arrived at what he thought was his classroom that day, and stood out in the hall, confused. A supervisor came along, offered to help him find his teacher, and, together, they went down the hall opening doors to several rooms before coming to the room where this child belonged.

As they opened the door the young teacher turned, saw the supervisor with the little boy . . . and said, "Why Joey, it is so good to see you, son. We were wondering where you were. Do come in. We've missed you so." The little boy . . . threw himself into the teacher's arms . . . and he trotted to his seat.

Later, when telling this story to Combs, the supervisor complimented the teacher for considering her student important and demonstrating this through her actions. The two of them then began speculating on the behavior this same teacher might have demonstrated if her experience of her students and her professional role had been different. For example,

... suppose she thought supervisors were important. In that case, she would have said, "Why good morning, Miss Keebler, we've been hoping you would come and see us, haven't we, boys and girls?" And the little boy would have been ignored. Or, she might have thought that the lesson was important. In that case she would have said, "Well, Joey, for heavens sakes, where have you been? Come in here and get to work." Or, she might have thought that . . . discipline was important. In that case she would have said, "Joey, you know very well when you are late you must go to the office and get a permit. Now run right down there and get it." But she didn't. She behaved in terms of what she believed was important, [and] so it is for each of us (p. 10).

During the past two decades, Perceptual theory has been used extensively as a basis for exploring helping professionals' *dispositions* (attitudes and beliefs) as well as for selecting candidates for admission to licensure and advanced degree programs in education (Wasicsko, 2005, 2007; Wasicsko et al., 2009; Allen, Wasicsko, & Chirichello (2014). And the content of this work seems readily applicable to a better understanding of the perceptions mediators bring to the table. [See also Lewis & Umbreit, 2015, p. 14.] In addition, the National Council for Accreditation of Teacher Education (NCATE) officially recognizes the importance of such dispositions in shaping the behavior of teachers by setting a standard (related to "Knowledge, Skills, and Professional Dispositions") calling for teacher candidates and existing teaching professionals to demonstrate that they have the professional dispositions necessary to help all students learn (NCATE, 2008, p. 12). Professional organizations in the dispute resolution field might wish to consider setting a similar standard.

## **Training and Continuing Education Fostering Mediator Effectiveness**

Currently, the vast majority of opportunities for professional development offered by local, state, and national organizations feature presentations focused on "skills development," "case studies," and "novel intervention strategies" in a passive learning/lecture format (Lang. 2019, p. 178). And, while "professional development programs generally deal with the acquisition of new techniques and strategies, . . . filling one's tool box is not the same thing as being adept at knowing when, how, and why those tools can be most effectively used" by a given individual in a particular context (p. 190). As Kressel and Pruitt (1989) put it, "...while any fool can separate the parties, only a skillful mediator knows when to do so and what to say to the parties once they are separated" (p. 430). Bodine and Crawford (1998) make a similar point (p. 19).

If, as the above-mentioned Perceptual research has found, key factors in mediator effectiveness lie in the perceptual fields of mediators-to-be or practicing mediators, programs designed to prepare effective mediators should not focus so much on teaching methods others have found useful, but should instead emphasize helping students or trainees to discover the methods that are best suited to who they are as persons and to the personhood of those with whom they will interact in doing their jobs. Learning opportunities should also give them considerable opportunities to reflect on the values, perceptions, and beliefs they bring to the practice of mediation. As McGuigan (2006) argues, "the conflict resolution field must wake up to the fact that . . . at its very heart . . . conflict highlights" not just the skills of disputants and interveners, "but also their self-awareness and self-development" (p. 246). Or, as Gale (2017) has stated:

. . . much of the literature has missed that mediators themselves are social beings . . . with their own held

beliefs, values and narratives about the concerns being addressed in mediation. Even when the mediator assumes the role of a 'neutral party' she or he comes to the table as an *embodied being*, not an empty signifier (p. 55).

This is a reality that Reflective Practitioners have been calling attention to since the 1970s. As they see it: "[a]ll human beings—not only professional practitioners—need to become competent in taking action and simultaneously reflecting on this action to learn from it" (Argyris & Schön, 1974, p. 4) and be able to act according to their theory-in-use "clearly and decisively, especially under stress," while, paradoxically, also treating it "as both a psychological certainty and an intellectual hypothesis" (Argyris & Schön, 1974, p. 27). Numerous clear and meaningful examples of how to go about this are found in Argyris and Schön (1974, pp. 38-51); Schön (1987); Kressel (1997); Lang and Taylor (2000); Kressel and Gadlin (2009); Kressel (2013); Allen et al. (2014); Romano, Hirsch, and Paczynska (2017); and Lang (2019).

Lang and Taylor (2000) assert that:

To be effective, teachers must be aware of their own constellation of theories; they must be able to identify what they believe (their theories and principles) and how those beliefs shape their practice decisions . . . at the same time teachers must also help students explore their own beliefs and understand how their unique constellation of theories will affect their decisions as practitioners (p. 234).

Lang (2019) further encourages persons responsible for training courses and seminars as well as curricula in university programs to approach the practice of mediation in ways that enable persons to learn that "(1) every practice decision is based on the mediator's explanation (hypothesis) for the parties' behavior and (2) the explanation is based on the mediator's beliefs (theories)" (p. 187). He suggests trainers involve practitioners in exercises that make them more aware of the "unseen, subtle, but significant ways theory guides how [they] view the world, the

meaning [they] give to events and behaviors, the choices [they] make and the actions that follow" (Lang, 2019, p. 29).

As Covey (2004) has explained:

The more we are aware of our basic paradigms, maps, or assumptions, and the extent to which we have been influenced by our experience, the more we can take responsibility for those paradigms, examine them, test them against reality, listen to others and be open to their perceptions, thereby getting a larger picture and a far more objective view (p. 37).

Bowling and Hoffman (2003) speak of the various phases mediators go through, from the study of technique, to "working toward a deeper understanding of how and why mediation works," for example, "what we were doing, why we were doing it, and the meaning of the process for our clients" (p. 16). A third stage they discuss "begins with the mediator's growing awareness of how his or her personal qualities influence (for better or worse) the mediation process.... It is about **being** a mediator rather than simply **doing** certain prescribed steps dictated by a particular mediation school or theory" (emphasis in original, p. 6). [See also Kressel, 2013, p. 711; Lewis & Umbreit 2015, p. 5.]





## Conclusion

Sometimes researchers in given disciplines find themselves "working along the wrong direction" because a "conceptual framework which will orientate [their] activities into productive channels" (Blumer, 1986, p. 165) has not yet emerged. Sometimes "[t]he phenomena had just been waiting, so to speak, for the explicit formulation of . . . alternative hypotheses" (Platt, 1964, p. 349).

If, as Perceptual theory asserts, the behavior of persons is the direct result of their field of perceptions at the moment of behaving, to focus on behavior alone is to deal with symptoms or expressions of underlying factors rather than causes. Instead, it suggests researchers would benefit from giving more attention to the **perceptions** (or dispositions) mediators and those training to become mediators hold—about themselves, the parties with whom they interact, the purposes of mediation, and whether they take a people-oriented or things-oriented approach in their professional work—than to the behaviors that are an expression of these perceptions.

Connecting the dots from research and theory in a variety of disciplines and from research in the field of mediation itself, sufficient evidence exists to consider rethinking the meaning of mediator effectiveness in the practice of mediation, along with future research and training related to its development. Perceptual psychological theory, with its accompanying inferential methodology for research purposes, appears to show greater promise for determining the effectiveness of mediators than past studies have yet achieved or may be capable of achieving in the future.

When they first introduced Perceptual theory to the public, Snygg and Combs (1949) wrote that "as fallible human beings," they were presenting a frame of reference they believed had served them well, and certainly better than others available to them at the time, in the hope that "it [might] prove equally useful to others" (p. vii). In my judgment the frame of reference they developed has remained relevant and efficacious across the decades. It has served me well, in both my personal life and in my own work as a mediator. It is my hope that rekindling interest in it here can provide a viable path forward for those seeking to rethink understandings of what makes mediator effectiveness possible.

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