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# States of Mind in Conflict: Offerings and Translations from the Psychoanalytic and Psychosocial Fields

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## **Abstract**

Drawing on the fields of psychoanalysis and psychosocial studies, this article investigates the states of mind of both the parties in conflict and the mediators. It proposes that, when framed as a relational intersubjective encounter, mediation can have transformative potentials beyond the political goals. The article aims to rebalance the current rationalistic orientation in mediation and argues that valuing and engaging with the affective register in mediation processes and the states of mind of the mediation actors can better equip mediators to understand and deal with the unpredictability, instability, and blockages in mediation processes.

The article discusses the relevance for mediation of selected clinical and psychological concepts and proposes them as potential tools for mediators. It looks at the role of trauma, mentalization, shame, and group identity when considering the state of mind of parties in conflict and proposes countertransference, emotional attunement, and empathic mutual positioning as facilitative skills when reflecting on the role of the mediator. It discusses the need for mediators to reflect on their own story and investment in the process and urges practitioners to consider the toxic impact of mediation on the mediator's well-being. The article concludes with recommendation for training and practice.

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This article stems from the homonymous ongoing research project States of Mind in Conflict, which explores the role of psychology in mediation processes.<sup>1</sup> As the title suggests, the project investigates the states of mind of the actors involved in mediation, primarily the parties in conflict but also the mind of the mediators directly involved in the process. The project, which is wider in scope than this article, focuses on the broader field of the psychology of mediation.

The main thrust of this article is to ask how else we can understand mediation encounters beyond their obvious political remits and to argue that states of mind of all participants, which are traditionally unacknowledged and ignored, should be considered an important and unavoidable aspect of the mediation process. I argue that failure to value and engage with states of mind will increase the unpredictability and intrinsic instability of the process.

The United Nations Guidance for Effective Mediation defines mediation as a “process whereby a third party assists two or more parties, with their consent, to prevent, manage or resolve a conflict by helping them to develop mutually acceptable agreements. The premise of mediation is that, in the right environment, conflict parties can improve their relationships and move towards cooperation.”<sup>2</sup> This definition highlights the “means to an end” function of mediation. For our purposes, however, the key word in the definition is “relationship,” which is the focus of this article and its approach to mediation as a “relational intersubjective encounter.”

Bohleber’s reflections on the psychoanalytic encounter capture why intersubjectivity is of great relevance for mediation processes too. Bohleber argues that “it is not sufficient, as in a two-person psychology, to describe two players having an effect on each other; rather, the interaction itself, which cannot be disaggregated into individual proportions for each of the interaction partners, must be conceptualized. An encounter is always more than the impact it has on those doing the encountering.”<sup>3</sup> Thus, “intersubjectivity takes the nature of an event, giving rise to something new that transcends the contributions of the two actors.”<sup>4</sup> This idea is of huge relevance for mediation because it helps us conceptualize the mediation encounter as having powerful transformative and far-reaching potentials beyond the ones already on the table and agreed on, such as ceasefire and peace agreement.

Given the considerable pressures exercised on the involved actors and intrinsic to the process of mediation—from constituencies, donors, mandates, allies, saboteurs, and so on—and the rationalist underpinnings of mediation theory, it is not surprising that a predominantly instrumental focus has so far dominated any approach to mediation. The intersubjective framing proposed here is not intended to replace the primacy of desired goals and outcomes or to ignore existing pressures and interests. It is a given that material conditions exist and cannot be “psychologized away”—power imbalances and geopolitical interests and constraints as well as the hard distributive bargaining aspects of mediation cannot be properly addressed in this article but are nevertheless considered the crucial backdrop to it. Instead, the proposed reframing aims to rebalance the orientation in mediation processes by offering a holistic appreciation of the processes and a more complex understanding of all actors involved. The aim is to contribute to the success and sustainability of peace mediation processes by providing mediators with new understandings and skills.

Before getting into the substantive content of the article, it is important to clarify its theoretical, epistemological, and strategic orientation. The epistemological framing of both the project and article is psychosocial, which also informs the approach to emotions and affect. The new and emerging field of psychosocial studies is predicated on the indissoluble interrelation of “internal” (psychic processes, unconscious, preconscious/prereflective factors, affects and emotions) and “external” (sociocultural, historical, and political) dynamics that shape who we are and how we relate to ourselves and others.<sup>5</sup>

Thus, the psychosocial subject “is both a centre of agency and action (a language-user, for example) and the subject of (or subjected to) forces operating elsewhere—whether that be the *New England Journal of Public Policy*

‘crown,’ the state, gender, ‘race’ and class, or the unconscious. The important point is that the subject is not a pre-given entity, or something to be found through searching; *it is rather a site, in which there are criss-crossing lines of forces*, and out of which that precious feature of human existence, subjectivity, emerges” (italics added).<sup>6</sup>

The “inside” in people’s interior dynamics can never be fully or properly understood without the “outside” and vice-versa. This framing has important implications for understanding how human beings operate and the interactions between people and, consequently, for understanding mediation processes. The application of a psychosocial frame bypasses traditional dichotomies, for example, the sociocultural and psychological, to propose a new field that is “in-between” and enables new formulations and vistas. This psychosocial “in-between” is both *inter*-subjective—between individuals and groups, parties in conflict, parties in the mediation, including mediators—and *intra*-subjective, which refers to the fluctuations, tensions, and conflict ordinarily happening in people’s minds but also to the specific states of mind of traumatized parties. Through a psychosocial theoretical framework, it is possible to articulate how the structural informs and shapes the “personal” and vice-versa; for example, how unresolved or unacknowledged trauma can lead to a resurgence of conflict. This *psychosocial* formulation is transformative because it complexifies the understanding of the conflicting parties and how their minds operate. It breaks down disciplinary barriers and is able to attend to both social and group dimensions and the individual’s psychic and emotional damage and how it gets transmitted across generations<sup>7</sup> by contextualizing the parties’ responses and behaviors within their sociopolitical-cultural histories. This psychosocial framing translates into an appreciation that what is brought to mediation are minds at war with each other and with themselves and that minds are not monolithic and fixed but conflicted, fluid, and fragmented, and representing different internal and external constituencies.

This psychosocial “in-between” orientation is the thread running through this article and acts as a constant invitation to move away from the individualized understanding of people found in more traditional approaches to psychology, to always approach each topic of consideration—whether it is trauma, specific emotions, or unconscious dynamics—not in isolation but in their interplay and their impact on the relational field. This psychosocial lens also informs my take on the much-debated understanding of emotions and affects.

According to Feldman Barrett, there is widespread confusion about the difference between “affect” and “emotion”; many scientists use the word “affect” when they mean emotion and “emotion” when they mean affect.<sup>8</sup> Feldman Barrett defines “affect” as one’s basic sense of feeling, ranging from unpleasant to pleasant (valence) and from agitated to calm (arousal), while emotion is a much more complex mental construction.

For mainstream psychologists, neuroscientists, and affective scientists, “affects” are a combination of emotional states and the distinctive perturbations they cause in the body and mind. In social sciences, the “turn to affect”<sup>9</sup> has also focused on embodiment “to attempt to understand how people are moved, and what attracts them, to an emphasis on repetitions, pains and pleasures, feelings and memories.”<sup>10</sup>

Following Wetherell, I refer to affects as *embodied meaning-making* and *affective practice* with a focus “on the emotional as it appears in social life.” This approach “finds shifting, flexible and often over-determined figurations rather than simple lines of causation, character types and neat emotional categories.”<sup>11</sup> Thus, in reflecting on the role of emotions in mediation processes, I pay attention to the role of discrete emotions, such as shame or hatred, but I also engage with the affective eruptions of unprocessed contents that constantly disrupt and flood the mind with irrationality and “excess.” Paraphrasing Clough and Halley, I am interested in how social formations “grab” people because “personal history, subjectivity and affective practice develop in social relations . . . [and] the intimate connection between the personal and the social is present in all lived affective trajectories.”<sup>12</sup> *New England Journal of Public Policy*

A psychosocial perspective also involves an engagement with interiority and psychic life, the nature of the self, or why issues of self and identity arise in negotiation and mediation. Developmental psychoanalytic theory does address these questions, but Bader, for example, laments how psychodynamic theory is rarely discussed in the conflict resolution literature. The result is that peacemaking, one of the most profound human activities, is often discussed in a way that does not fully consider its inner dimensions.<sup>13</sup>

This article attempts to integrate psychoanalytic theory into the discussion of mediation but mindful of the epistemological and ethical pitfalls of bringing together such different disciplines and practices. In applying psychoanalytic concepts and ideas to mediation, I am not suggesting exact parallels or analogies. Instead, I am proposing that mediation, as an intersubjective relational encounter, involves psychological processes whose understanding would be enriched by the application of particular psychoanalytic insights.

This point is particularly important in consideration that, above all, the strategic aim for this article is to be practice oriented. It never loses sight of how, to be useful to the practice of mediation, conceptualizations cannot stay abstract or purely theoretical but must open up new vistas and increase understanding and effectiveness. To this end, the theories and concepts considered here are discussed dialogically as offerings that can potentially translate into useful tools for mediation practitioners.

The article's thrust, therefore, is to create a space in which it might be possible to view mediation processes as something different from an exclusively strategic and instrumental dance of push and pull to achieve a particular aim. However precious the goal of ceasefire, for example, or peace negotiations might be, a psychological approach reconnects us to the basic reality that any mediation is always and primarily a human encounter.

This point has been made compellingly by Lyse Ducet, BBC chief international correspondent. Describing processes of mediation in the June 22, 2020, podcast *The Mediator's Studio*, she argues that mediation is about getting inside the parties' minds, understanding the hurt, and listening to the stories, narratives, and histories lived in the present to find a middle ground both parties can live in.

Because people and their human stories form an integral part, much of what happens in mediation processes is talking and listening, through which both sides come closer to each other. We cannot neglect the hard distributive bargaining part of mediation, particularly in high-level international mediation. Yet, understanding the minds of all actors—including the mediators'—is the first necessary step toward engaging with the unspoken and hidden stories that hide behind claims, positions, posturing, and sudden and inexplicable collapses of the process.

I begin with a brief review of the field and an introduction to key psychoanalytic formulations. I then discuss the minds of the parties in conflict and the mind of the mediator and its function, and conclude with a section on recommendations for practice and training.

### **The Conversation So Far**

Various attempts have been made to apply psychological tools and theories to the field of mediation with particular attention been paid to the role of emotions in mediation processes. Theories of mediation have evolved from the field of international relations (IR), which has taken a strong negative stance toward emotions. Nathan and Ash question the premises of this stance, which they link to IR's reliance on an allegedly dispassionate rational actor model (RAM).<sup>14</sup> This model assumes that the conflict parties' decisions are based on a rational cost-benefit assessment of their options, ignoring the emotions of the parties as a relevant variable. Nathan and Ash consider these premises "far-fetched." They argue that "it is implausible that conflict parties, locked in an epic, violent and traumatic struggle to prevail over a hated enemy *New England Journal of Public Policy*

and avoid being defeated, make decisions on mediation, negotiated settlements and long-term existence in a dispassionate way.” They suggest that a more realistic model of party decision-making with respect to mediation would be holistic, incorporating the parties’ “visceral emotions of hatred, anger, fear and suspicion.”<sup>15</sup> As things stand, when emotions are considered, as in the international mediation literature, they are treated superficially and not theorized adequately. Crawford agrees that, within IR, emotions are generally disavowed because of widely held assumptions that they are primitive and biological.<sup>16</sup> As such, they are perceived to be a hindrance or, at best, a human malfunction that one has to tolerate. Passions are often treated as fleeting, private, reactive, and not amenable to systematic analysis and therefore an obstacle in the path of the alleged rational progress of mediation. Crawford believes that this prejudice can be traced to the epistemological bases of Western philosophy and social sciences that assume and reify dichotomies and discontinuities such as mind/body, brain/mind, thinking/feeling, and rational/irrational. In line with this dichotomized view of human nature, IR assumes a dichotomy between individual agency and group behavior.

Crawford and Nathan and Ash argue that emotions help structure the social world and that emotions and cognition do not exist in dichotomy or discontinuity. Crawford argues that individual and group agencies share many features and that emotions are an essential element of world politics conceived as a system of reflexive and complex adaptive systems.<sup>17</sup>

A good example of the “rationalist” trend that Crawford is critical of is the influential “Getting to yes” by Fisher and Uri, which naively advocates that the key to good negotiation is parking, denying, or siphoning-off emotional responses in order to engage more rationally and therefore effectively.<sup>18</sup> The innovation in this work is its attempt to push past the “positional bargaining” model of haggling, where one party is usually left feeling as though they have lost out. Fisher and Uri do acknowledge that emotions such as fear and anger often structure negotiations, but rather than properly engaging this emotional/affective register, they pursue a more concrete, rationalist model that proposes to separate people from problems, focus on interests not fixed positions (i.e. what are the underlying motives/interests not the headline positions), invent “options for mutual gain,” and insist on using “objective” criteria. In the more recent *Beyond Reason*, by Fisher and Shapiro, the aim shifts to engaging and using emotions effectively, with five strategies proposed for gaining a handle on emotions (of self and other) in negotiations, many of which seem to rest on the principle of introducing mutual recognition, a concept I return to and examine from a psychoanalytic perspective.<sup>19</sup>

An alternative approach to emotions in mediation comes from the field of neuroscience and the exploration of the relationship between emotion and cognition. Through studying people with right-hemisphere brain damage, the part of the brain where emotions and emotional regulation activity appears to take place, Damasio observed that these people experience significant difficulties with decision making.<sup>20</sup> He concludes that they encounter this difficulty because decision making is not a simple question of the rational weighing of pros and cons; it involves emotions, which act as guideposts to tell people what it is they (don’t) want. The role played by emotion regulation in cognition and behavior has been long recognized by psychoanalysis and psychiatry as a key function of mentalization and reflective capacities.

This interdisciplinary literature suggests the need for a shift in focus from the unrealistic wish for sanitizing mediation processes of emotions to facilitating their regulation. This shift is vital when considering how trauma severely damages emotional regulation and taking into account that the parties involved in mediation are likely to have been traumatized. I return to the impact of trauma on people’s capacity for mentalization later in this article.

Complimenting Damasio’s neuroscientific work on the relationship between affect and cognition, Forgas, like Crawford, argues that affect and cognition are indissoluble because they are “integrally linked within an associative network of cognitive representations.”<sup>21</sup> *New England Journal of Public Policy*

In keeping with this finding, research points to a bi-directional link between our affect and cognition; affect influences attention, memory, thinking, association, and judgment. Equally, cognitive processes are integral to elicitation of affective states, as people's appraisal and analysis of situational information activate appropriate emotional responses.<sup>22</sup> This neuroscientific evidence supports the interconnectedness of emotions and cognition that underpins the model of states of mind I discuss here. In turn, the associative network of cognitive representations filters cognition and affect, highlighting the importance of engaging with and understanding the cognitive representations of self and other that are operative in the minds of the parties engaged in mediation.

As Forgas argues, affects and emotions are not simply a symptom of events that happen in the world; they actively shape those events in the first place: "In other words, affect is not an incidental, but an inseparable, part of how we see and represent the world around us; how we select, store, and retrieve information; and how we use stored knowledge structures in the performance of cognitive tasks."<sup>23</sup>

Within political psychology, Kelman has proposed the influential approach of "interactive problem solving," which frames the conflict as a "shared problem—essentially a problem in the relationship," the solution to which relies on reciprocal acknowledgment and activities.<sup>24</sup> Though distinct from the more psychoanalytic idea of "the third," explored later, and the intersubjective field, Kelman's framing of conflict as a problem in the relationship firmly places mediation processes in the relational field "in-between" parties.

Others have engaged more directly with the mediator's or mediators' emotional state. For example, Brooks and Schweitzer, working from a pragmatic business perspective, point out that negotiations, loosely defined, trigger anxiety and that anxiety has a negative impact on negotiator performance.<sup>25</sup> Research carried out by Leary and colleagues supports this claim and provides compelling evidence that mediators experience anxiety.<sup>26</sup> They applied the Zaltman's "ZMET model" to ask experienced negotiators to produce collages about the negotiation process.<sup>27</sup> The artwork, which includes images of "alligators and other predators lying in wait," illustrates the amount of anxiety circulating in mediation processes and experienced by the mediators themselves. The authors postulate three reasons the process of negotiation/mediation is inherently stressful: (1) the experience of lack of control and reliance on other people's behavior cannot be fully anticipated or accounted for in advance and is likely to evoke feelings of vulnerability; (2) the unpredictability and liveness of negotiations create multiple unknowns; and (3) an absence of feedback, by which the authors seem to mean not knowing what the other person or persons are thinking, tends to be compounded in situations where there is a lack of trust and persecutory fantasies are projected onto the opposing negotiators. The authors' observation that lack of feedback generated a lack of self-belief and faith in the competence of negotiators seems pertinent to mediation. How confident do mediators really feel? They intervene in very complex situations with high degrees of failure and under tremendous pressure. How qualified do they feel to be in the position they are in? How do they manage the inevitable doubts and emotional impact of setbacks? How do they deal emotionally with the tremendous pressure to stop hostilities to prevent human casualties? How can we understand the lack of discussion of what appears as a reinforced culture of denial of vulnerability? Several mediators and mediator-support actors we interviewed referred to these questions as the best kept secret and related it to mediation, particularly high-level mediation, being predominantly a male profession, underpinned by gender-related taboos, such as showing vulnerability. A culture like this of denial, emotional repression, and rationalization is likely to provoke unhealthy coping mechanisms in the mediator because these mechanisms seem to be the only ones available.

More recently, scholars have steered away from attempts to cleanse mediation of emotion and have focused instead on the impact of emotions on the process of mediation. For example, *New England Journal of Public Policy*

Rifkind and Yawanarajah point out that the context in which parties in conflict enter negotiations generates mutual suspicion and negative emotions that are defined by a rigid state of mind, which is rarely in the best interests of any party.<sup>28</sup> To bypass this psychological blockage, the authors advocate the creation of a safe space, where conflict parties can explore their feelings, internal narratives, and personal motives and understand that these intense emotions may not be serving their “best interest.” The aim is to work with the parties to help them abandon their rigid states of mind and emotional attachments to their positions, modify their expectations, and achieve an improved state of “psychological readiness” that allows them to be in a better state of mind to participate around the peace table. A further challenge, as pointed out by some of our interviewees, is determining how to sustain such “readiness” when the parties’ constituencies have not made the same transition.

I take these points further by suggesting that a deeper engagement with the psychology of mediation can turn the mediation itself into a safe or safer space not just for the parties in conflict but for mediators too.

### **The Unconscious Mind in the Intersubjective Field of Mediation**

To fully appreciate the meaning and potential of intersubjectivity for mediation processes, we need to identify some key concepts on which the dynamics of intersubjectivity are predicated. In psychoanalysis, the unconscious mind is understood as being descriptively unconscious—that is, as operating outside of consciousness and therefore not easily accessible through rational cognitive processes—and as the system Unconscious, which operates as a psychic structure—that is, following specific mechanisms and processes. The Conscious mind follows secondary processes—that is, events follow their temporal structure, past and present are clearly demarcated, and a sense of time exists that, for example, enables tolerance of frustration through the knowledge that gratification will come if we wait. In contrast, the Unconscious mind, understood as psychic structure, operates according to primary processes in which only the present exists, frustration is intolerable, and events in the past can be experienced as if they were happening now. The significance of the mind’s different modes of functioning will become clear when we discuss the effects of trauma on the mind and the importance of affect regulation for mentalization in mediation.

The Conscious and Unconscious parts of the minds coexist in a dynamic but conflictual relationship. We learn through development to contain and censor our infantile impulses and regulate our emotions in order to live with others. Under ordinary circumstances, regulation of our emotions comes relatively easily, but under conditions of conflict it becomes harder. The important point here is that we should always consider both external reality and psychic reality and how the dynamic and conflictual interplay between the two can manifest as sudden and unexpected affective eruptions or blockages. Awareness of this conflictual interplay in the parties’ minds is important for mediation because what appears to be irrational resistance to the process might make perfect sense intrapsychically. Though mediators are not therapists, such awareness could give them tools to manage and maneuver around blockages and impasses. The branch of psychology that has most robustly studied and theorized relationality in the intersubjective field is psychoanalysis, in particular the relational school of psychoanalysis.<sup>29</sup> Bohleber compellingly states that “another person is needed to experience our own self” and that “developmental research has shown how, from the outset, the childlike self emerges from reciprocal regulation and recognition processes in the primary relationship.”<sup>30</sup> Thus, a psychoanalytic formulation of intersubjectivity goes beyond a psychological appreciation of individuals’ emotions in isolated silos and their impact on the mediation process. As Stolorow and colleagues point out, “intersubjective systems theory seeks to comprehend psychological phenomena not as products of isolated intrapsychic mechanisms, but as forming at the interface



of reciprocally interacting worlds of experience.” Furthermore, they argue, in a claim that is highly relevant for mediation, the “intersubjective field” is the “contextual precondition for having any experience at all.”<sup>31</sup>

Developmentally speaking, the subject experiences recurring patterns of intersubjective transaction, which give rise to principles (thematic patterns, meaning structures) that unconsciously organize subsequent emotional and relational experiences—that is, emotional templates are developed and called on in future scenarios. Such organizing principles are unconscious, in the sense of being prereflective, thus ordinarily not entering the domain of reflective self-awareness. These intersubjectively derived, prereflective organizing principles are the basic building blocks of personality development, and their totality constitutes a person’s character.

In protracted and intractable conflict, the emotional templates are generated in the context of conflicts persisting over generations, through which perceptions of self and the other have become rigid and polarized and war has become normalized because, often and tragically, for some youth that is all they have known in their lives. By applying these psychoanalytic formulations to the encounter between parties in conflict, mediation can be framed as a dialogical method for bringing this prereflective organizing activity into reflective self-awareness.

Cultivating reflexivity in the mediator’s mind as a source of information on the participants’ states of mind can aid the mediation process.

The co-created intersubjective field in mediation is always contextual, idiosyncratic, and case specific but, at the same time, predictably consistent. For example, the participants are likely to be hurt, angry, and traumatized. Thus, the universal factors are, on one hand, that the minds of the parties in conflict are likely to be rigid, polarized, and governed by largely unconscious organizing templates, as described earlier, while, on the other hand, they will have the innate capacity for empathy and relationality, however much these capacities have been undermined by prolonged hatred and dehumanization of the enemy.

The necessity to be attentive to both the specific and the universal components of each mediation process calls for a psychosocial framing of mediation as an intersubjective encounter that can activate and mobilize participants’ universal potentials for empathy while attending to the psychosocial specificity of the encounter. In this regard, psychology and psychoanalysis provide vital information on the underlying psychological mechanisms and universal human predispositions that the mediators could harness to do their work and achieve their aims more effectively.

The discovery of the mirror neurons as well as research into early imitation, which sets in immediately after birth, have boosted the opinion that intersubjectivity is an innate capability<sup>32</sup> and is facilitated by mentalization, which, in turn, is a component of a more general psychological capacity called reflective functioning. Mentalization is the capacity to distinguish and understand mental states in oneself and others.<sup>33</sup> Reflective functioning is important during interpersonal conflict and, consequently, for mediation because “conflict—or, rather, its adaptive resolution—prototypically calls for the perception of the self and of the other in relation to the self,”<sup>34</sup> “requiring individuals to reconcile their own legitimate claims with concern for the other.”<sup>35</sup>

My key argument is that mediation has the potential to mobilize that innate capability for intersubjectivity and to move the parties in conflict away from their rigid and polarized position toward a new experience of encountering the other, and themselves, anew. In turn, the internalization of the mediator modeling empathic mutual positioning (discussed later) has the potential to support and foster increased mentalization. Through this formulation, we can appreciate the dynamic interaction between specific characteristics of mediation. On one hand, mediation is always situated, sociohistorically contextual, and idiosyncratically co-constructed by the participating parties. On the other hand, mediation is predicated on commonalities across *New England Journal of Public Policy*



different sociocultural context—for example, that conflicted parties are likely to be hateful, angry, and traumatized—and has the potential for mobilizing universal human potential for empathy, mentalization, and relationality.

### **“The Third”—Analytic and Moral**

This transformative potential of approaching mediation as a relational intersubjective encounter is at the heart of Benjamin’s formulation of the “moral third”<sup>36</sup> and her definition of intersubjectivity as a relationship determined by mutual recognition.<sup>37</sup> “Seeking recognition is a human need but it can be met only if we first and concurrently recognize the other, who has to recognize us, as the recognition we receive through him [*sic*] will otherwise not be fully valid or will even be worthless.”<sup>38</sup> Her solution is “the third,” an intersubjective mental space co-created by both subjects, which hinges on the ability to surrender, that is, allow oneself a certain letting-go of the self, adopt the view of the other, and perceive things from his or her perspective.

On similar lines but referring exclusively to the analytic encounter, Ogden calls the product of the unconscious interplay between analyst and patient the “analytic third,” a third subjectivity, which is an independent dynamic unit of the intersubjective event. Like the intersubjective field in mediation, “the third” is not within the control of any one party, including the mediator.<sup>39</sup> For many patients it can be a new experience of a healthy, generative form of object relatedness.

Given the prevalence of insecure forms of attachment and relatedness for parties in conflict, mediation also can offer the potential of a new, generative encounter—even before one gets to the specific trauma-saturated context of most conflict mediation. In mediation, the third might have figurative and literal meanings, as the (figurative) intersubjective field that is more than the sum of the two actors who co-constitute it, and the (literal) figure of the mediator who introduces a third figure and creates a dynamic of triangulation.

Benjamin distinguishes this form of relationship from the complementary relationship in which the subject-object principle prevails: one acts, the other is its object, that is, both partners are located in the “orbit of the other’s escalating reactivity.”<sup>40</sup> I argue that fostering a triangulated relationship like this is key to the creation of a safe space. I am referring to the potential for the mediation process to act as a safe space psychically insofar as the mediation process can become a setting for stepping out of the cyclical and escalating reactivity, to enable fresh thinking, a different emotional experience, and, crucially, a new relationship with the other.

Highlighting the similarities between the role of the analyst and the role of the mediator, Benjamin argues that the ability of analysts to co-create a “third” relies on their accepting the necessity “of becoming involved in a process that is often outside our control and understanding.”<sup>41</sup> In our preliminary interviews with mediators, this lack of control was identified as one of the key pressures on mediators. For Benjamin, effective therapeutic action rests on specific values—humility, compassion, and tolerance for one’s own uncertainty. In the conflict arena, she seems to imply that mediators, the ones who are nominally meant to be in control of the process, for the benefit of all parties, must accept that to a significant degree they are not in control—however much preparation is done and however effective they deem themselves to be. Mediators need support and, potentially, training in tolerating and learning to manage uncertainty, for the health of the process and their own mental health.

Additionally, mutual recognition is also not some once-and-for-all acquired capacity or achievement but an intersubjectively brokered dynamic process that needs to be returned to over and over again. Mediation’s potential to be transformative lies in the quality of intersubjectivity predicated here as a mode of being, perceiving, and feeling that is likely to be experienced for the first time by the parties in conflict. The function of the mediator is key in *New England Journal of Public Policy*

establishing and embodying this modality; mediators will need to embody this principle and act on it before the parties can adopt it themselves. This dynamic is captured by Benjamin's concept of a "moral third" and its role in offering a place to look away from the other in order to find a means of living with that other.

As a consequence, the "moral third" is predicated on the ability of the individual to identify, focus on, and invest in something other than the lost object. It draws the protagonists' gaze by its empathic participation, which in turn makes it possible for these protagonists to move into a triangulated space. That is, the third's involvement in the triangular scenario allows the other participants to turn away from the intense presence of one another, giving each of them space to breathe.

We will see an applied illustration of this process in a later discussion of the empathic mutual positioning model. Translated back into the terms being deployed here, the turning-toward-reality of the witness/mediator is necessary to allow a space for retreat from the violent abjection of otherness that feels necessary when one is too close, when the only way of dealing with the "occupying" presence of the other in the space that one wants to claim as one's own is to destroy that other.

Bader sees the significance of the intersubjective perspective in how it emphasizes the importance of understanding the self not in isolation but within the context of human interaction.<sup>42</sup> As a result, it yields interesting insights about conflict and its resolution. For example, intersubjective theorists point out that during a therapeutic impasse the therapist may be required or may wish to make a frank admission to the client of the therapist's inability to resolve the impasse for the client. This confession of powerlessness helpfully returns the responsibility to the client to decide whether to commit to moving forward with the process. A similar principle is applicable to impasse in mediation and resonates with comments made by mediators. Often an admission of powerlessness is exactly what is needed to move to resolution.<sup>43</sup>

"Safe spaces" within mediation, as advocated by Rifkind and Yawanarajah, and mediation processes as safe space, as argued here, play a crucial role in facilitating the creation of "the third," by enabling conflict parties to explore their feelings, internal narratives, and personal motives. These ideas resonate with a recent article in the *Economist* that argues that the increasing prominence and popularity of track 2 mediation in part reflects the desire by parties in mediation for "safe spaces" that provide deniability from engaging with mediation in the first place—it is off the record, which is a significant advantage over official track 1 mediation.<sup>44</sup> I suggest that turning mediation processes into safe spaces requires the mediator to actively and continuously establish the safety for both parties by manifesting neutrality and a lack of judgment and employing active listening, paraphrasing, and ongoing acknowledgment. Mediators already practice some of these clinically derived techniques intuitively, but systematic research and empirically based knowledge are needed to understand better what psychological mechanisms contribute to making mediation spaces safe. The safety of the mediation space can also help establish and maintain consent from the parties involved.

In addition to positioning the mediator as the "moral third," we can begin to see the importance of the mediator's capacity to be mindful of and to navigate the troubled waters of minds at war with themselves and with others in the intersubjective field. I suggest that mediators be trained, and supported in their efforts, to develop sensitivity to sudden shifts in the affective register in the room and approach them not as obstacles but as vital information about the parties' inner struggles. The role of the moral third is to withstand the ambivalence—the need for and simultaneous resistance to a new encounter—to foster the encounter as a safe space, and to reflect back the hope for, if not the possibility of, a different way of being and coexisting with others.

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## The Minds of Parties in Conflict

### Understanding Trauma

Elsewhere in this issue, Eugen Koh presents a comprehensive discussion of the psychology and psychodynamics of trauma. Here, I briefly consider the impact of a traumatized mind on the relational field.

Trauma is the noun of the Greek verb *titrosko*: to pierce, to wound. Literally, trauma is the mark left by a piercing, but the term has evolved from having an exclusively medical connotation to being synonymous with any form of wound. In psychological language, trauma refers to the metaphorical piercing of the psychological protective membrane of a person.<sup>45</sup> Severe trauma leaves the mind in a state of great vulnerability even though the psychological wounds leave no physical mark.

Scholars widely agree that psychological trauma has a marked effect on the mind's relation to time.<sup>46</sup> Trauma interferes with the ordinary temporal functioning of the mind, and when the traumatic event is reactivated, for the traumatized subject, the past breaks through the present as if it had just happened. Thus, Koh defines trauma as a "crisis of temporality" and a "distortion of time." In other words, trauma is "a system's experience of being incapable of processing or making sense."<sup>47</sup> Flashbacks, a key symptom in post-traumatic stress disorder, are understood psychodynamically as a repeated attempt to revisit an event to try to make sense of an experience so profoundly upsetting that the mind cannot "digest."

To deal with the powerful impingement of trauma, the mind reverts to primitive modes of functioning that are intolerant of ambiguity and ambivalence. The capacity for symbolic thinking is often lost following trauma and replaced by concrete and polarized thinking; the world becomes split into good and bad, populated by friends and enemies, with none of the mental flexibility needed for complexity.

The polarized and starkly divided world that is inhabited by the traumatized mind feeds distrust and suspicion, and with the added loss of capacity for emotional regulation, traumatized individuals tend to be in a state of hyper alert and anxiety. This is likely to be the affective state of mind of parties participating in mediation processes. To protect their vulnerability, they are likely to want to hide their fragile, vulnerable, and volatile state of mind through posturing and overcompensating with shows of strength and aggression. Attending only to the manifest behavior runs the risk of missing out on what often drives and underpins it. The important point here that the mediator needs to be mindful of and differentiate between the manifest content and the function of the parties' behavior. The mediator would need to be aware of the anger and hatred resulting from each party's facing their enemy and the role of hostility and rage in psychically holding each party together. Put differently, resistance and intransigence might not simply be manifestations of stubbornness and hatred, they might also signal the operation of rigid defense mechanisms employed to protect deep psychological fragility, vulnerability, and anxiety. Resistance can have a stabilizing function for a traumatized mind.

Thus, resistance should be recognized and addressed first to enable the parties to move to more sophisticated mental functioning. This is part of what some mediators refer to as getting the parties to a state of "preparedness" for negotiations.<sup>48</sup> Readiness for mediation is a long, difficult, and multi-layered process. Here I am referring to the complex psychological shift in the minds of the parties necessary for a successful mediation and lasting agreements.

It is important to remember that trauma heightens and distorts the perception of risk and danger, engenders reactive responses such as fight or flight, and plunges the person to the affective state of intense fear and anxiety. Thinking becomes very difficult and symbolic capacities, which require distance from terror, are lost when trauma brings the threat so close that only fight or flight responses are possible. In prolonged conflict, new trauma brings back *New England*

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and piles on the previous trauma, building a mounting storage of unprocessed affective contents that eventually becomes normalized. This is the most dangerous state of mind and the least conducive to mediation because it becomes increasingly harder to remember that there is a different way to live.

In this context, the mediation process and the mediator can function as a “container.” The psychodynamic concept of container was applied most potently by Bion in his work with traumatized war veterans and was based on the observation of the psychological work of the primary caretaker with a small infant who is in the grips of overwhelming anxiety.<sup>49</sup> The container takes in the experience, digests it, and gives it back to the infant in a form that is manageable. The process helps infants, and traumatized individuals, to deal with overwhelming emotions slowly through thinking and symbolic processing. The container must be safe, thus reiterating the key role of the mediator in making the process safe. To some extent, breaking down processes into manageable parts is reflected in how agreements and transitional arrangements are often broken down into manageable elements.

Additionally, recognizing these primitive states of mind and acknowledging how they might be hidden under the surface can give some insight into the sudden and ostensibly irrational blockages and resistance in the process.

### **Understanding Resistance in the Mediation Process**

Benjamin notes that while resolution of conflict is supposedly desired, it is also deeply feared because of the vulnerability that it brings to the fore and the intimate dependency on the other that it requires to make it work, and because of what might have to be given up if it were to succeed.<sup>50</sup> Thus, there is a great deal of ambivalence, not least tied to what is to be given up by coming out of conflict—the subject’s investment in their conflicted state of being, in their enemy, in their own righteousness are all experienced as profound losses, even if none of them works in the subject’s “best interests.”<sup>51</sup> Conversely, violence is intensely invested in as a symbolic as well as a material structure of “security”; yet it is precisely in the manufacture of violence that security is undermined, both politically and psychologically, and suffering and vulnerability are made most apparent. We cannot think, it seems, about the damage that this position produces (the mind at war with itself); and this failure to think blocks the path to our freedom.

In this section I discuss two psychological dynamics that often underpin resistance in mediation. I use Volkan’s concept of “chosen traumas” as a group dynamic and the ego-threats from shame, humiliation, and loss of face to illustrate how a psychodynamic framing of the mediation process as an intersubjective encounter enables insights into blockages and resistance.

Volkan’s work on group psychology offers a compelling articulation of the fluid relationship between individual and group identity, of the dynamic interaction between the interior psychic life of the individual and the sociohistoric context in which the individual developed, and how they are indivisible in their mutual co-formation. Volkan refers to the “chosen trauma” as the shared mental representation of a massive trauma that a large group’s ancestors suffered at the hand of an enemy.<sup>52</sup> The chosen trauma can be reactivated to support the large group’s threatened identity, which ordinarily refers to religion, nationality, or ethnicity.

Volkan is interested in how, when members of a large group experience the threat of losing an idealized leader who is imagined to be able to repair all narcissistic damages, they might become violent in an attempt to destroy external reality that is perceived as interfering with this shared illusion.<sup>53</sup> In such a situation, Volkan observed that the emerging personal stories tended to reflect what “others did to us” and additional aspects of large-group conflict and large-group identity difficulties. Individual identity and large-group identity both provide *New England Journal of Public Policy*

security and protection, and the individual hardly notices either one under normal circumstances. But during times of collective stress, such as economic crisis, drastic political change, social upheaval, or war, the large-group identity “takes on greater importance, and individuals may collectively seek the protection of, and also help defend, their large-group tent.”<sup>54</sup>

The important point for us is the fluidity of the self in moving between different kinds of identity, in this instance, individual and large-group identity, depending on circumstances and level of threat. The fluidity between group and individual identity goes beyond the shifts in self-positioning and is relevant to mediation in terms of transgenerational transmissions of trauma. Ample clinical evidence exists of the fluidity between mother’s and child’s psychic borders and that the mother’s anxieties and her perceptions and expectations of the external world can pass into the child’s developing sense of self. For example, it is now widely accepted that traumatic experiences during the Holocaust were passed down to Jewish children.<sup>55</sup> According to Volkan, “such traumatic events affect all those under the ethnic or national tent, and often initiate unconscious societal or political processes.”<sup>56</sup> Virtually every large group has suffered loss and experienced shame and humiliation in a conflict with another large group, which have formed a shared mental representation of the event. If the large group has not managed to acknowledge and mourn these losses and humiliations, its mental representation will be passed down the generations and injured self-images are “deposited” into the developing self-representation of children in the next generation. Volkan calls such historical events, passed down over generations, “chosen traumas.”

Crucially, with time, the function of the chosen trauma changes. The historical truth about the event is no longer important for the large group, while the function of the chosen trauma becomes to link together members of the group. Thus, the chosen trauma becomes a key component in individuals’ identity that also binds them to their group. This characteristic of group and individual identity is not always visible or active. It can lie dormant for a long time but also suddenly be reactivated and exert a powerful psychological force. Throughout history, leaders have reactivated a chosen trauma for their strategic purposes, for example, Serbs’ chosen trauma concerning the mental representation of the battle of Kosovo that played a major role in the atrocities in Bosnia-Herzegovina.

For our purposes, we need to consider that chosen traumas are likely to form the psychological backlog of mediation, and, when those traumas are reactivated in the mediation process, the individuals involved might appear to shift, suddenly and unpredictably, between their present identity committed to the mediation to that of the injured large-group identity seeking revenge for their past suffering.

Here lies the potential of a psychosocial approach for mediation in the ability to appreciate that individual identity is never separate from social identity, and social identity is always charged with powerful affects infused with the emotional remnants of individual histories. Such an approach bypasses the society-individual binary, enabling a deeper understanding of the complexity of human subjectivity and the psychological shifts and turns in the mediation process. Conflict produces what social psychologists call “ego-threats,” which greatly complicate conflict resolution.<sup>57</sup> When a party’s pride is wounded during negotiation, even acceptable offers may be rejected out of spite.<sup>58</sup> In the psychoanalytic literature, ego-threats may be referred to as “narcissistic issues,”<sup>59</sup> while in the conflict resolution literature, there is a tendency to speak of them as a party’s need to “save face” or of a person’s “ego” or “egocentric” perspective clouding his thinking.<sup>60</sup> Loss of face, humiliation, and shame and its counterpart, pride, are intimately linked to these “ego threats” and “narcissistic wounds,” and they can play a key role in blocking conciliation and peace. A brief exploration of *New England Journal of Public Policy*

psychoanalytic and developmental psychology research on shame can explain why and how this happens.

Because of the perpetration of violence and human rights violations that often precede mediation and because guilt is connected to culpability and blame, it is a more visible emotion than shame. The effects of shame, however, the “Cinderella of the unpleasant emotions,”<sup>61</sup> as Helen Block Lewis points out, can be far more damaging than the effects of guilt, because shame involves a whole-pervasive negative evaluation of the self.<sup>62</sup>

Thus, the experience of guilt has a much more contained impact on individuals because it is restricted to what they have done not who they are. Conversely, shame is felt as a pervasive and global experience whereby the whole self is perceived as inferior, humiliated, and lacking.

Emotionally and metaphorically, shame does not leave the individual any place to hide.

Among what Lewis refers to as the “shame family of emotions,” the most relevant to mediation processes are those feelings that involve the self in a loss of dignity and status. Shame appears earlier than guilt, in Erik Erikson’s second phase of human development, in which the muscular maturation in the child enables him or her to experiment with two simultaneous sets of social modalities: holding back and letting go.<sup>63</sup> Though holding back might not be helpful, it allows the individual a sense of control and mastery, while letting go often is associated with exposure, inadequacy, and deep shame. In conflict and peace negotiation, people fiercely defend against such exposure, particularly when they feel threatened and they want to appear strong.

If, as Benjamin argues, parties in conflict need to “let go” in order to repair, understanding shame gives us insight into why such a letting go is often deeply resisted. Shame as a social feeling<sup>64</sup> is so feared that it becomes a means of social control and, with pride, serves as intense and automatic bodily signs of the state of one’s bond to others. Pride is the sign of an intact bond; shame, of a severed or threatened one. Because they are powerful embodied experiences, the instinctive bodily manifestations of shame and pride make the two emotions easy to identify—holding one’s head high in pride, lowering one’s eyes in shame—thus signaling to the mediator the experienced vulnerability of the parties. If not sensitively attended to, shame can be followed by resistance and a defensive hardening of positions.

Shame is one of the twelve “innate affects” that, according to Tomkins, are the primary biological motivating mechanisms, more urgent than drive deprivation, pleasure, or physical pain, and are universal and in operation from birth.<sup>65</sup> Shame/humiliation is one of the negative innate affects and is accompanied by specific bodily manifestations—lowered eyes, lowered head, possibly with the face covered—that make shame and humiliation recognizable across cultures.

Related to shame and humiliation is Sandler and colleagues’ formulation of the “ideal shape of the self.”<sup>66</sup> When we embody the self we wish to be or ought to be, we feel pride. But when our actual self is found lacking in comparison to our ideal self, we experience shame, feelings of inferiority, and decreased self-esteem.<sup>67</sup> The presence of an audience is critical in this experience because of the centrality of the self-other interaction, the effect on the self of seeing oneself “in the eyes of the other.”<sup>68</sup> The consequent impulse to hide, to protect one’s vulnerability, makes shame difficult to handle.

Through the finding of mirror neurons, we now know that our selves are fundamentally social selves, wired for human interconnection from the earliest days,<sup>69</sup> and that we are subtly reconfiguring each other on a neurological level as we communicate.<sup>70</sup> Neurological mirroring in conditions of shame and humiliation becomes excruciating and can threaten the mediation. In the field of mediation, “face issues” have been considered so important that, because they generally are hidden under the surface, the experience has been likened to doing mediation in a minefield.<sup>71</sup> Eriksson interviewed mediators in Ethiopia to investigate psychological factors in mediation processes.<sup>72</sup> The mediators she interviewed identified self-esteem, the ability to let go, losing *New England Journal of Public Policy*



face, and mirroring as psychological factors of great importance in mediation. Self-esteem and the threat to it and pride through losing face seemed to play the most important roles. Eriksson links self-esteem, shame, and pride to reflective functioning<sup>73</sup> and mutual recognition in the intersubjective encounter.<sup>74</sup> Losing face is an ego-threat, because it is accompanied by humiliation, shame, and loss of self-esteem, and a threat to the social bond. Losing face in relation to the group one represents implies potential humiliation and loss of status and respect but can result in material losses, too, such as loss of a position or a job. Thus, individually and interpersonally, fear of losing face could reorient negotiating parties away from cooperation and toward renewed competition and entrenchment.<sup>75</sup>

Psychology offers mediators new means of understanding what might be perceived as stubborn, destructive, or “irrational” behavior by the parties in conflict. In this framing, resistance stems from an unwillingness or inability to grieve and let go of traumas and related experiences of the other that have configured the self to such an extent that their loss feels like a threat to one’s identity. As such, resistance stems from the anxiety evoked by a perceived threat to the very foundations of the self. Frosh captures this key dynamic:

To become emancipatory, resistance has to involve an opening as well as a refusal. The refusal is of the structures of power as they are naturalized in their self-presentation (“it has to be like this; you are called on to assent and comply”); the opening is the turn towards the reality of the other and of the situation, however alarming and threatening it may be.<sup>76</sup>

The outside figure or “third party” is enabling in preventing the subject from being engulfed by the lost object. However potentially liberating, the encounter of parties in conflict with the “moral third” is extremely fragile. In psychoanalysis, the intersubjective field has been described as oscillating between mobilization and stagnation, integration and splitting.<sup>77</sup>

I expect this back-and-forth movement between progress and regression or simply “stuckness” is familiar to mediators and cannot be negated or bypassed. Instead, I suggest that its acceptance as an integral part of the mediation process might offer mediators a different understanding of what could otherwise be experienced as “going backwards.”

### **The Mind of the Mediator and Its Functions**

Despite the historic neglect of emotions and of psychology in general in the field of mediation, interest in the subject is growing. This interest, however, applies primarily to the parties in conflict, while little consideration seems to have been given to the mind of the mediator or the impact of mediation on the mediator.<sup>78</sup> Bader, a mediator herself, appears to be the exception, though her focus is not peace mediation. Nevertheless, her reflections are worth considering.<sup>79</sup> According to Bader, the mediators’ ability to deal with issues of self and identity is a key ingredient of a successful mediation, and a psychoanalytic understanding can help mediators move through these issues in a way that social psychology cannot, by enabling mediators to reflect and work through their own contributions to the parties’ dynamic and the process of resolution on a deeper level.<sup>80</sup> For example, self-observation may reveal that the process evokes and reactivates the mediator’s own patterns of relating to key figures in their past—parents, siblings, and so on. There are countless possible permutations, and projections travel in both directions, with other actors in the process also having emotional responses to the mediator. The crucial point is that understanding these projections and their seductiveness will help mediators unpack their own reactions and return to neutrality when parties become difficult or challenging. Bader compellingly concludes, “In many ways, this commitment to inner neutrality is an essential prerequisite to a truly well-functioning outward neutrality.”<sup>81</sup>

She reflects that, psychologically, the process of mediation demands strength of self on a basic, simple, healthy level, especially at the outset. During impasse and other “critical *New England Journal of Public Policy*

moments,” if the parties wish to reach resolution, they may have to release their psychological investments in the outcome of the negotiation. Thus, as Benjamin also argues, the capacity to let go is a critical aspect of the psychology of mediation. But, Bader points out, the mediator’s own issues of self and identity will also arise during mediation.<sup>82</sup> During critical moments, the mediator, too, may have to release the sense of narcissistic self-investment in the outcome. This point was expressed in our preliminary interviews with mediators as “knowing when to walk away” and resist the urge to agree to a patently unsustainable peace or negotiate beyond one’s remit. Hence, Bader argues, mediators’ usefulness will often depend on the extent to which they have learned to deal with issues of self and identity in themselves as well as in others. Drawing on the psychoanalytic literature on group therapy leadership, Bader considers the “grandiose professional ego ideal” to be one of the key narcissistic dangers for the group leader.<sup>83</sup> This grandiose self may desire to be seen as a “selfless helper,”<sup>84</sup> and it may wish to be all powerful, all knowing, and all loving as a defense to vulnerability.<sup>85</sup>

It would be interesting to research what motivates mediators to embark on the ostensibly thankless, Sisyphean task of reconciling parties that want to kill each other. Are they motivated by an unconscious wish to repair something damaged in their own lives? Are they driven by a “savior complex”? Are they harboring unconscious heroic fantasies or are they driven by a deep wish to help and make a difference? In short, are mediators aware of what is driving them and how their “story” has brought them to mediation? This need for mediator reflexivity was raised repeatedly in our interviews. Though much could be learned from studying mediators’ psychology and though mediators do play a crucial role in the process, peace mediation is not about the mediator as an individual but about the mediator’s enabling function in the mediation process. Thus, my approach to the states of mind of the mediator takes a different direction and develops along three strands.

The first strand looks at how the mediator’s state of mind can be used to gauge the affective register of the relational field at any given time and gain insights into the state of mind of the participants. Here the metaphor of the mediator as an “affective sponge” refers to the mediator’s functioning as an “affective barometer.” Were mediators intuitively, or following training, able to reflect on their own state of mind, the resulting “attunement” could be a powerful tool in the mediation encounter.

The second strand looks at the facilitative role of the mediator in embodying and performing positions alternative to the rigid and antagonistic state of mind of the parties, and, in doing so, offering them a new experience and new ways of relating to the other. This is what was referred to earlier as the mediator’s acting as the “moral third.” Here, the mediator’s mind is intersubjectively facilitating the process by holding, processing, and reformulating painful contents and experiences and modeling alternative positions to bolster the mediation process. In this function, clinical tools and techniques as well as an ethical stance of nonjudgment (however difficult that is likely to be) could be particularly effective.

The third strand returns to the mediator as an individual and centers on the damaging impact of the mediation on the mediator. Here the metaphor of mediator as an “emotions sponge” is used to acknowledge the toxic effect on the mediator of prolonged exposure to rage, angst, anxiety, deep hurt, hostility, aggression, disassociation, and near psychotic states of mind. Put simply, the mediator is likely to absorb a large amount of the emotional disturbance activated around the negotiation table. While I have argued for the creative potential of mediators emotionally tuning into the parties’ states of mind, it is also urgent to ask, What impact does absorbing all this emotional disturbance have on the mediator’s well-being and, consequently, the process of mediation? Our interviews with mediators and mediation support teams has made clear that the psychological attunement described earlier is, to some extent, already intuitively and instinctively practiced. But there seems to be an essentialist reading of these skills as “natural” capacities that make some mediators better at being emotionally *New England Journal of Public Policy*

attuned and emotionally intelligent than others because of their intrinsic qualities, life experiences, and personality traits. If this deterministic view is accurate, then mediation is dependent on few “gifted” individuals. Besides my own skepticism about stable personality traits, and because of basis of my experience as a clinical practitioner, trainer, and supervisor, I believe these skills can be taught and learned.

### **Mediator’s Mind as Affective Barometer**

The understanding of the mediator’s mind as an instrument to decode the affective register of the mediation process hinges on the mediators’ capacity to reflect on their own states of mind and contextual emotional “disturbance” not as a hindrance to the process or as simply an uncomfortable or unwelcome experience but as information.

Psychoanalysis has coined two highly relevant concepts to capture the patient’s emotionally intense attachment to their analyst: transference and countertransference —the nonverbal communication of the patient’s unprocessed and therefore unconscious psychic contents to the analyst. Transference, strictly speaking, refers to the transfer of feelings from a key relationship in childhood onto the therapist, but, in a looser sense, transference is a common dynamic in everyday life that has inspired such expressions as “a father figure.” Listening to Betty Bigombe talk about her experience negotiating with Joseph Kony, the leader of the Lord’s Resistance Army in northern Uganda, I was struck to hear Kony call her Mama. This maternal transference enabled her to access a male-dominated setting in which it was culturally insulting and demeaning to be negotiating with a woman. I suspect that transference is very present in mediation and that it could be intuitively or more strategically recognized and used toward the establishment or strengthening of connections in the relational field.

Countertransference is more complicated and trickier to recognize but invaluable in other ways. Countertransference loosely refers to the analyst’s emotional entanglement with the patient and is broadly understood as the therapist’s emotional-cognitive and behavioral responses to clients in therapy or at least those responses that are potentially problematic.<sup>86</sup> Freud and most psychoanalysts considered countertransference an interference and a sign of the analyst’s needing more analysis, until Paula Heimann’s seminal paper, in which she proposes that, provided the analyst is able to recognize and differentiate his or her own emotional reactions from the patient’s, countertransference should be considered an unconscious communication of unprocessed and therefore unknown contents of the patient’s mind that could not be communicated otherwise.<sup>87</sup> The relevance of this proposal for mediation is far-reaching because it could give a skilled mediator vital information about what the parties are experiencing, thus signaling sensitive topics, eruptions of irrationality, and so on. It could also help mediators identify personal resonance between what is happening around the negotiating table and their personal life, thus helping them to regain neutrality, control, and a deeper understanding of the interaction. I would argue that this kind of deep attunement is inescapable in intense and prolonged interactions, particularly when they are highly emotionally charged. Rather than attempting to suppress the affective charge and sanitize the process of emotions, a reframing of the mediator’s countertransference would translate into being able to “take the pulse” of the interaction, and the mediator’s mind could act as a decoder. For example, attunement would prevent the mediator from being taken aback by an unexpected expression of resistance and destructiveness. *New England Journal of Public Policy*

### **Mediator's Facilitative Functions: Mirroring and Modeling**

In this discussion of the key role the mediator could play in the intersubjective field in mirroring and modeling new relational functions for the participants, I concentrate on the empathic mutual positioning model,<sup>88</sup> its role in holding and containing fraught stages in the mediation process, and how its internalization can pave the way to new forms of intersubjective interaction.

The model of empathic mutual positioning refers to the “expansive,” “embracing,” and “reflexive” functions. It is a key, distinctive, and essential component in reconciliation processes and is related to the positioning-interests-needs model (see Figure 1) widely used in mediated practical work in conflict resolution/transformation. As an intentional commitment to conciliation, it operates as a force, but it is also a dynamic psychic process in that, while it is unfolding, it changes the people involved. The application of empathic mutual positioning as a strategic approach to conciliation by mediators engaged in reconciliation practice has potential benefits. Mediators can encourage, support, or exploit empathic mutual positioning to scaffold the process and support participants at difficult points in the conciliation.

Through the *expansive* function of empathic mutual positioning, participants allow expanded positions for themselves and the other. This function counteracts the potential re-entrenchment into old and oppositional positions and returns humanity to the individuals involved in the conciliation process by allowing them complexity. It enables a shift from the polarized, rigid position of being either the perpetrator or the victim to being both, in addition to other aspects of identity as a human being—a parent, a sibling, a neighbor, a faith practitioner, a child, a son or daughter, a cousin, a friend, and so on—which introduce a recognition of commonality erased by conflict.

The *embracing* function of empathic mutual positioning fosters acceptance of difference in many manifestations but primarily in terms of the different needs—within the same person and between the actors involved in the process. This idea hinges on a view of human beings as conflicted, as psychological (e.g., conscious and unconscious parts of their minds wanting different things) and as social and relational subjects. Through the embracing function of empathic mutual positioning, a person's needs can be preserved as asymmetric, thus enabling mutual recognition and respect.

The *reflexive* function of empathic mutual positioning refers to participants' awareness and mindfulness of how the other is or might be affected by one's own words and actions. This crucial function allows participants to tell their own story while mitigating its impact.

The cumulative effect of these three functions is to scaffold the process of reconciliation, enable gestures of empathy,<sup>89</sup> and facilitate conflict transformation. Additionally, empathic mutual positioning is not simply facilitative; it is crucially formative in the dialogical process of identity formation, which is, by nature, always relational. *New England Journal of Public Policy*

Figure 1. Iceberg representation of PIN model of conflict resolution

Source: Simon Fisher et al., *Working with Conflict: Skills and Strategies for Action* (London: Zed Books, 2007).

### **Toxic Mediation**

In a consideration of the emotional impact of mediation on the mediator, the American Counseling Association concept of “emotional residue of exposure” in secondary trauma is consistent with the metaphor I propose in this article of the mediator as an “affective sponge.” Connected to this are ideas of secondary trauma and secondary exposure to trauma. According to the literature, those affected by secondary trauma cover a wide span that includes teachers, mental health and health workers, those working in child protection, NGO personnel on the ground, and journalists. The absence of mediators in this list is striking and, in my view, in need of urgent consideration. “Secondary trauma refers to the impact of indirect exposure to traumatic experiences; effects which can be ‘disruptive and painful’ and can ‘persist for months or years.’”<sup>90</sup> More specifically and fitting to mediators’ experience: “*Secondary exposure to trauma* refers to the widespread phenomenon of indirect exposure to different types of traumatic material, such as contacts with people who have experienced traumatic events, exposure to graphic trauma content (e.g., reported by the survivor), exposure to people’s cruelty to one another, and observation of and participation in traumatic re-enactments.”<sup>91</sup> The authors of this description note that secondary exposure to trauma has been linked to “higher levels of distress,” and “secondary traumatic stress.” The secondary trauma concept is often used interchangeably with related (similarly ill-defined) concepts such as “burn out,” “compassion fatigue” (a highly disputed and confusing term), and “vicarious trauma.”

In addition to these secondary factors, and unlike other professionals dealing with trauma, the mediator is also affected by a crisscrossing of further stressors: pressures from their superiors or those the mediator is accountable to, from donors, and from the mediation parties themselves, and attacks from or active resistance by spoilers. Furthermore, all mediators I interviewed reported difficult working conditions: punishing schedules, sleep deprivation, little downtime, tensions within teams, and unrealistic or impossible deadlines. With no specialist support and no opportunity for debriefing, many resort to excessive use of alcohol or

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prescription drugs to deal with the unrelenting pace and to get some respite while recognizing the deep and often lasting damage to their mental health and private lives. Some openly stated and others implied that they felt alone and unsupported.

It is intriguing and worrying, therefore, that the mediator's well-being is not discussed widely and urgently. But taking into account the resistance in IR and in mediation studies to engaging with emotions beyond considering them a nuisance, the clear denial and disregard of the mediator's emotional well-being is not surprising. What beliefs and narratives about the figure of the mediator sustain such neglect of mediators' welfare? We must consider ways to support mediators emotionally so they can operate effectively without paying a high personal cost.

### **From Theory to the Applied: Recommendations for Practice and Further Training**

In summary, psychosocial psychology can help peace mediation in three ways:<sup>92</sup>

1. By increasing mediator's psychological knowledge and understanding of the process
2. By enhancing and expanding mediators' psychological skills
3. By providing psychological support for the mediator and the mediation process

The proposed framing of the mediation process as an intersubjective relational encounter is not meant to replace or reduce the importance of existing strategic and goal-oriented approaches. Instead, the reframing is intended to facilitate the attainment of the set goals by enriching the understanding and appreciation of the parties as complex, psychosocially conflicted, and traumatized individuals. Such a complex understanding could help in managing blockages and impasses, while optimizing the potential for the process to foster more sustainable agreements and peace.

A psychosocial understanding and psychological tools can assist mediation processes by getting people "unstuck." Mediators appreciate that in any form of conflict people become entrenched in repetition, which needs to be disrupted not just because conflict is historical and longstanding but also because a rigid and polarized mindset often results from trauma and repetition. A psychosocial approach can help to understand repetition and its relationship with patterns of attachment and safety, internally and socially. The role of the unconscious is key, and all mediation actors should be aware that not everything is spelled out and not everything has to be pinned down. All mediation actors also should have the capacity to reflect on what they bring to the process that is emotional and personal.

Temporality is another significant dimension. Though it cannot properly be discussed in this article, it needs to be flagged at this point. What has been offered is a general framing that will acquire different meaning and significance at different points of the mediation process. Data suggest that the more loosely constructed track 2 and 3 processes might be more conducive to the application of the intersubjective framing proposed here than the more formalized track 1 mediation. More creativity may be required in incorporating such framing into the more structured track 1 processes, but this does not make the framing less relevant. On the contrary, it could be argued that because parties are likely to feel there is so much more at stake when they reach track 1, the psychosocial pressures also increase. Because politically imposed timelines can prevent success, it is important to distinguish between general and specific timelines to achieve different goals. Thus, the reframing proposed here cannot be prescriptive or formulaic. It needs to be nimble, flexible, and adapted to dovetail with the structure of the process and its psychosocial context.

Timing matters also because all discussions and interactions have a certain rhythm. Psychologists could assist in targeting interventions by listening and understanding the *New England Journal of Public Policy*

choreography of a discussion. For example, there is a moment when a discussion passes a threshold after which there is no going back. A mediator could identify this “tipping point” more easily with psychological support or advice. There is also the level of “preparedness” for mediation that, I suggest, should go beyond working with constituencies and beyond working on the specificity of claims and positions and that requires also working with the psychology of the parties involved.

Trying to understand people’s identities is an important part of working with the psychology of the parties involved in mediation. What are they “invested in” and what is their “bigger system”? What puts pressure on this system? The success of mediation processes lies in how well the individual can be “moved,” how the mind-set of an individual or a group can be changed.

Psychologists and psychotherapists can assist in finding points of commonality and provide a different perspective on perceptions of reality but also support individuals in managing the painful and arduous transition from patterns of understanding and relating that they know and are attached to, to a mental state in which they can encounter a rehumanized opponent.

To achieve this goal, it is necessary to enhance and expand mediators’ intuitive and practice-based knowledge through the following psychosocial skills and tools:

**1. Increasing mediators’ psychosocial knowledge and understanding of the process.** Training is needed to integrate the psychosocial tools—that is, a culturally sensitive, historically contextualized, psychologically complexified take on the parties in conflict, as well as the mediator’s enhanced capacity for self-reflection and awareness of personal investment—into existing mediation tools. Training is needed also to increase sensitivity to the psychology of “meaning making” and meaningfulness to inform the mediator about what is psychologically non-negotiable and essential for the parties involved. A focus on language, narratives, and metaphors and their emotional and psychological significance would be beneficial. The orientation proposed here would provide mediators with a better understanding of the “irrational” and unconscious mind as defended, conflicted, and, often, damaged by trauma and history.<sup>93</sup> An understanding of parties’ resistance as self-protection, rather than pure obstructiveness, would enhance the mediator’s ability to deal with blockages and otherwise inexplicable setbacks.<sup>94</sup>

**2. Enhancing and expanding mediators’ psychological skills.** These skills include the capacity to use oneself as a psychological instrument in the mediation process, rather than only a broker. Coaching, training, and supervision are needed to develop and sustain emotional intelligence in mediators in a way that equips them to understand and manage better their own emotional states in the service of the process. Training would involve the integration of techniques originating from the clinic—such as active listening, paraphrasing, suspending judgment, holding and emotional containment, as well as modeling and practicing empathic mutual positioning—alongside existing mediation tools. Many of these skills are already intuitively practiced, particularly in tracks 2 and 3, but they need to be systematized and linked to a deeper psychosocial understanding of the parties.

**3. Providing psychological support for the mediator and the mediation process.** This recommendation is based on the understanding that, regardless of their level of experience and seniority, mediators are vulnerable to the corrosive and damaging impact of being immersed for protracted periods in conflictual situations. Thus, the aim of this use of psychological tools is to create psychological support for mediators. Creating this support might require training in resilience and self-care—that is, training

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- 1 For further information on the project, go to <https://www.bbk.ac.uk/research/centres/embedding-human-rights/projects>.
- 2 United Nations, *Guidance for Effective Mediation* (2012), 4. The *Guidance* was issued as an annex to the report of the Secretary-General, *Strengthening the Role of Mediation in the Peaceful Settlement of Disputes, Conflict Prevention, and Resolution* (A/66/811, June 25, 2012), available at <https://dppa.un.org/en/united-nations-guidance-effective-mediation>.
- 3 Werner Bohleber, "The Concept of Intersubjectivity in Psychoanalysis: Taking Critical Stock," *International Journal of Psychoanalysis* 94, no. 4 (2013): 800.
- 4 *Ibid.*, 801.
- 5 See works by Stephen Frosh, including "Psychosocial Studies and Psychology: Is a Critical Approach Emerging?" *Human Relations* 56 (2003): 1545–1567; "Beyond Recognition," *Psychoanalysis, Culture and Society* 20, no. 4 (2015): 379–394; and his edited volume, *Psychosocial Imaginaries: Perspectives on Temporality, Subjectivities and Activism* (London: Palgrave, 2015).
- 6 Frosh, "Psychosocial Studies and Psychology," 1549.
- 7 G. Schwab, *Haunting Legacies: Violent Histories and Transgenerational Trauma* (New York: Columbia University Press, 2010).
- 8 Lisa Feldman Barrett, *How Emotions Are Made: The Secret Life of the Brain* (New York: Houghton Mifflin Harcourt, 2017).
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- 10 Margaret Whetherell, *Affect and Emotion; A New Social Science Understanding* (London: Sage, 2015), 2.
- 11 *Ibid.*, 4.
- 12 *Ibid.*, 122.
- 13 E. E. Bader, "Self, Identity, and the IDR Cycle: Understanding the Deeper Meaning of 'Face' in Mediation," *International Journal of Applied Psychoanalytic Studies* 8, no. 4 (2011): 303.
- 14 See, e.g., Reid 2017 and Duursma 2014:84–85, cited in L. Nathan and Ash, *The Dispassionate Rational Actor: A Sound Model for International Mediation Research?* Concept note, August 26, 2020.
- 15 *Ibid.*, 1, 2.
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- 17 *Ibid.*, 537.
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- 22 *Ibid.*, 6.
- 23 *Ibid.*, 11.
- 24 H. C. Kelman, "The Development of Interactive Problem Solving: In John Burton's Footsteps," *Political Psychology* 36, no. 2 (2015): 242–262.
- 25 A. W. Brooks and M. Schweitzer, "Can Nervous Nelly Negotiate? How Anxiety Causes Negotiators to Make Low First Offers, Exit Early, and Earn Less Profit," *Organizational Behavior and Human Decision Processes* 115, no. 1 (2011): 43–54.
- 26 Kimberlyn Leary, Julianna Pillemer, and Michael Wheeler, "Negotiating with Emotion," *Harvard Business Review*, January–February 2013.

to develop psychological techniques to manage the multifaceted psychological aspects of their job. These would range from stress management techniques to techniques to manage the multisourced power dynamics involved in the constellation of constituencies to which the mediator needs to account. Additionally, mediators' comments in interviews suggest that mediators would benefit from being able to access regular psychological debriefing and a support system that would accompany the mediator and the mediation support teams. The suggested psychological support could take the form of one-on-one sessions with a clinician or with a "reflective partner" with whom to discuss confidentially psychological aspects of the mediation process outside the mediation process.



- 27 The ZMET model is a consumer/market research model built on the psychoanalytic concept that people think in signs/ and images as well as language.
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- 29 For an overview of "interpersonal psychoanalysis," see E. A. Levenson, "Harry Stack Sullivan," *Contemporary Psychoanalysis*, 28, no. 3 (1992): 450–466.
- 30 Bohleber, "Concept of Intersubjectivity," 800.
- 31 Robert D. Stolorow, George E. Atwood, and Donna M. Orange, *Worlds of Experience: Interweaving Philosophical and Clinical Dimensions in Psychoanalysis* (New York: Basic Books, 2002), 330.
- 32 Bohleber, "Concept of Intersubjectivity," 819.
- 33 Peter Fonagy, Gyorgy Gergely, Elliott L. Jurist, and Mary Target, *Affect Regulation, Mentalization, and the Development of the Self* (London: Karnac, 2004), 3–23.
- 34 Bader, "Self, Identity, and the IDR Cycle."
- 35 Fonagy et al., *Affect Regulation*, 62.
- 36 Jessica Benjamin, "Beyond Doer and Done To: An Intersubjective View of Thirdness," *Psychoanalytic Quarterly* 74, no. 1 (2004): 5–46.
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- 38 Benjamin, quoted in Bohleber, "Concept of Intersubjectivity," 800.
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- 40 Benjamin, "Beyond Doer and Done To," 9.
- 41 *Ibid.*, 41.
- 42 Bader, "Self, Identity, and the IDR Cycle."
- 43 Benjamin, "Beyond Doer and Done To."
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- 47 See Koh, "The Impact of Trauma on Peace Processes," elsewhere in this issue.
- 48 Rifkind and Yawanarajah, "Preparing the Psychological Space for Peacemaking."
- 49 Wilfred R. Bion, *Learning from Experience* (London: Heinemann, 1962).
- 50 Benjamin, "Beyond Doer and Done To."
- 51 As stated at the beginning, I am strategically bracketing off, rather than denying, the existence of active investments in the continuation of conflict, such as war economy or its by-products, such as status or wealth.
- 52 V. D. Volkan, "Transgenerational Transmissions and Chosen Traumas: An Aspect of Large Group Identity," *Group Analysis* 34 (2001): 79.
- 53 *Ibid.*, 82. On an idealized leader imagined to be able to repair all narcissistic damages, Volkan cites Anzieu 1971, 1984, and Chasseguet-Smirgel 1984.
- 54 Volkan, "Transgenerational Transmissions," 83–84.
- 55 See, e.g., Kestenberg and Brenner, 1996, cited in *ibid.*
- 56 *Ibid.*, 87.
- 57 Carsten K. W. De Dreu and Daan van Knippenberg, "The Possessive Self as a Barrier to Conflict Resolution: Effects of Mere Ownership, Process Accountability, and Self-Concept Clarity on Competitive Cognitions and Behavior," *Journal of Personality & Social Psychology* 89, no. 3 (2005): 345–357.
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- 74 Benjamin 2004 and Mitchell 2000, cited in Eriksson, "Psychology of Mediation," 7.
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- 92 These are preliminary recommendations based on a psychological examination of issues raised by mediators and mediation support in our preliminary interviews. As such, it is likely that more recommendations will emerge as the research proceeds.
- 93 I am using the term "defended" to refer to unconscious defense mechanisms, e.g., projection, avoidance, denial, and rationalization, employed by the mind to preserve mental functioning.
- 94 "Pure obstructiveness" does not refer to conscious and deliberate obstruction and sabotage by "spoilors."