

Mediator Insights:
Bursting Bubbles by Challenging Mediation Truisms (Part 2)

By: Sylvia Mayer

Knowledge is Power.

Always be Empathic.

Continuing my exploration of the negotiation myths challenged by Dan Oblinger and Allan Tsang in *Negotiation Mythbusters*, here I explore the validity of the above two truisms in the context of mediation and negotiation.

Is Knowledge Really Power?

The authors challenge three myths related to knowledge: Knowledge is Power, Whoever Knows the Most About the Other Side Wins, and Just Ask All the Right Questions. Why are these negotiation myths? Because intentions matter. Knowledge acquisition sought for dominance causes more harm than good. In contrast, knowledge sought for connection, understanding, clarification, or problem solving, can pave the path to an agreement.

Discovery and understanding of the underlying issues and concerns of each party may be critical to negotiation or mediation, but the act of acquiring knowledge, in and of itself, is not. Interrogations to gather information may be perceived as aggressive or controlling and chill the process. Too much information can lead to analysis paralysis. A misunderstanding of information can lead to increased conflict or distrust. Irrelevant information can lead to confusion and distraction.

Regardless of the questions asked, listening and observation are critically important aspects of information sharing. According to author Dan Oblinger (a former FBI hostage negotiator), when the FBI trains hostage negotiators, they focus more on listening and observation than on asking questions.

When combined with listening and observation, the give and take of sharing information can build connections, open up new avenues of resolution, change viewpoints, and provide clarity.

Is Empathy Always Necessary?

Empathy is often a bridge to resolution. Parties may need to feel seen and heard before they can turn to closure and resolution. Parties may seek validation before they can accept compromise. Empathy is fundamental to human connection and often a linchpin to reaching an agreement. But empathy is not always necessary or effective.

Some parties simply do not need empathy to move forward. Some disputes are simple economic value propositions. Some people are uncomfortable receiving empathy, while others are uncomfortable being empathic.

There is no magic formula to negotiation or mediation. It is not one-size-fits-all. Accordingly, while sometimes empathy is essential, other times it is unnecessary or even detrimental.

Knowledge and empathy are two sides of a coin. On the positive side, each can be used for human connection and to support problem-solving and resolution. On the negative side, if used improperly, each may be manipulative or controlling. While knowledge and empathy may be critical to a successful mediation or negotiation, intentions matter too.

Author's Note: As a mediator, I am a "forever student" always seeking new ways to help people find a path to resolution in mediation. "Negotiation Mythbusters" by Dan Oblinger and Allan Tsang inspired this post. Reading their book challenged my view of many oft-touted truisms about mediation and negotiation. If you aren't a reader, but still interested in what they have to say, then you may enjoy this podcast in which they talk about their book: Negotiations Ninja Podcast, Busting Negotiation Myths with Dan Oblinger and Allan Tsang (July 27, 2020), <https://www.negotiations.ninja/podcast/busting-negotiation-myths-with-dan-oblinger-and-allan-tsang-ep-146/>.