

10-1-2009

# Redefining supervision from 'the gaze' to 'supportive practice'

Michelle Brenner

---

## Recommended Citation

Brenner, Michelle (2009) "Redefining supervision from 'the gaze' to 'supportive practice,'" *ADR Bulletin*: Vol. 11: No. 5, Article 4.  
Available at: <http://epublications.bond.edu.au/adr/vol11/iss5/4>

This Article is brought to you by [epublications@bond](mailto:epublications@bond). It has been accepted for inclusion in ADR Bulletin by an authorized administrator of [epublications@bond](mailto:epublications@bond). For more information, please contact [Bond University's Repository Coordinator](#).



## Supervision in ADR

# Redefining supervision from 'the gaze' to 'supportive practice'

Michelle Brenner

### Introduction

Have you heard about the man waiting for a heart transplant and the doctor offers him a choice of three. The first is the heart of a 60-year old man who was a practicing lawyer, the second the heart of a woman who was 40, and the third the heart of a 25-year old male student. The man decides on the 60-year old lawyer's heart. The doctor asks, 'Why this one?' The man responds, 'Because it is like new, never been used.'

Why are there so many lawyer jokes, and why do they sound so funny? I think it is because they relieve the stress of distress. One way of transforming bad into good is with a joke. Bar may be a short-hand way of saying Barrister but in my experience of lawyers, going to the bar has been a short-hand way of relieving stress.

Looking at the funny side of something can be a useful tool in dealing with some of life's mishaps. Coming from a family that did not embrace this strategy, I tended as a child to have a nervous laugh that I grew into and this became a form of relieving my discomforts in interactions. As I grew more into my laugh I came to appreciate its benefits and welcomed its impact. It did not come as a surprise to find research that supports this anecdotal evidence, *that intimate relationships work better when humour is introduced*.<sup>1</sup> This can be more complex than simply laughing it off. Which comes first: the relationship that allows humour in as a welcome peace-offering, or the humour that creates space for the peaceful relationship?

While laughter releases endorphins that relieve pain and distress, it is not the purpose of the article to advocate using humour in mediations. Unfortunately humour, like beauty, is in the mind of the beholder. It is a risk to use humour in the workplace or a

mediation context to relieve stress, because intention and perception are major factors in responding to a joke or funny line. The response can be laughter which contributes to connection or feeling at ease, or insult which detracts from trust or liking.<sup>2</sup> Interpreting intention comes with knowing someone well. Given that our work as mediators is often based on not knowing our parties and them not knowing us, there is a risk that what is meant to be funny could be seen as 'making fun of' or being insensitive. Using humour requires a talent for resonance. Judging the timing, judging the audience, and judging the punch line can make the difference. Laughter is a great medicine but conditions are attached.

The experience of laughter alters the chemistry in our bodies. The experience of resentment, love, and resonating with something beyond ourselves also alter the chemistry of our body. This chemistry impacts on the release of hormones that in turn impact on the functioning of organs, muscles, circulation and our nerves. These hormones impact on brain chemistry which chooses pathways in thinking.<sup>3</sup> There are pathways that access narrow thinking and pathways used for broad thinking. Narrow thinking, as the term suggests, is limited to a repertoire of thought-actions for keeping us alive in tough situations — not much imagination or possibilities but quick to respond in ways that keep us alert. Broad thinking is more open and creative, expanding the boundaries of survival to include adventure, fun, interest and contentment.<sup>4</sup>

### Stress>Distress>Burnout, or Stress>Fitness>Generativity

Mediation work is almost entirely about leading people out of the stress and distress that exists within the

reality of conflict. For most of us the processes we use offer enough support and guidance to provide a safe journey for us and the parties. Even if they don't reach agreement, having had the opportunity-space to have meaningful conversation leaves parties less distressed than when they arrived. Alongside lawyers, psychologists, teachers and nurses we belong to a professional group engaged in assisting people to transform distressful life experiences.

This article's purpose is to redefine the setting of professional mediators so that it is seen in a context of modern society that has stress, distress and burnout as a well-known theme for professionals in human service areas. The redefinition of the professional mediator as someone in the midst of stressful situations is a perspective that warrants ways and means of avoiding burnout, or if burnout occurs, ways of transcending it.

Professional human service providers are prone to distress and burnout. It comes with the territory: we work with people, with hopes, dreams and concerns, with pain, disappointment and traumatic upset. What can we as mediators, recent additions to professional human services, do to counter burnout or potential burnout? My quest is two-pronged: one is to pick up the reality of life for professional mediators, the other is to pick up the reality from experiences of parties using a burnt-out mediator's services.

### Physiological mechanisms

The stress movement that Hans Selye began in the 1950s drew on 'laboratory research on the physiological mechanisms of adaptation to the stress of life.'<sup>5</sup> There has since been a growing and broadening of knowledge and insight into what, how and why



stress and distress impact on our physical wellbeing. Being stressed is not just in the mind, as what is in the mind is in the kidneys, the liver, the pancreas and the blood. As Fred Alan Wolf,<sup>6</sup> an author in modern medicine, says, 'According to modern physics, all energy is quantized: Energy moves from one place to another in whole, observable units called quanta'. Energy, Wolf suggests, is feeling.

When a feeling or emotion is happening in us it is having an impact on our bodies. Our thoughts, our internal organs, our blood flow, our feelings and emotions, our skeletons, and muscles, they are not separate. They are one interactive experience of life. What goes on inside of us also impacts on those around us. In the 1960s and 1970s it was popular to talk about vibrations, about walking into a room and noticing the vibrations. Other words such as mood and atmosphere come close to the felt sense of 'knowing' what is going on in a room, hidden from view but felt in sense. The word vibration is now a technical evidence-based research term for existence.<sup>7</sup> Vibrations are feeling states we tap into, they create rhythms when constantly repeated. Life is vibrations, without them there is no life. Life ends when vibrations end.

Some vibration states or rhythms relax us, some make us agitated and some put us into states of connectedness. While these may sound like mind states, as mentioned earlier they actually impact on our kidneys, liver, pancreas, hearts and our nervous system. These states crave a response, a reaction, which is why we yearn for chocolate, alcohol or a cup of tea, a walk, a swim or a laugh. Stress is a word used to name the stimulus that provokes the body's response. Stress in itself is not a state to be avoided, without it there is no stimulation, nothing to respond to. While stimulation, interest and challenges are all experiences of stress, the experiences and feelings can be sought after, welcomed and lead to a meaningful life, a sense of connecting to reality that is beyond us and between us.

Some physical effects of stress are:

- heart pumps fast to get blood to muscles;
- blood pressure rises as arteries narrow as heart pumps faster;
- muscles tense up, feeling like cramps, stiffness, spasm, pain, or excitement;
- blood flows less to the thinking part of the head in order to have more blood on the primal side (fight/flight, biologically conditioned side);
- digestion stops so more blood is available to primal side of brain and muscles. This can cause upset stomach, irritable bowel, bloating and stomach pain;
- sweating increases to cool body heat and lighten the body to prepare for physical confrontation (biological conditioning);
- pupils are enlarged and sense of smell and hearing become stronger, the heightened senses are the body's way of being on alert for quick reactions;
- arteries around the heart develop increased inflammation and strain;
- immune system, which prevents bacterial and viral infections, is diminished.<sup>8</sup>

### **Stress and distress**

Stress leads to fitness, a sense of efficacy, adaptation and wellbeing, within the nervous system as well as with human relationships; whereas distress causes pain, anxiety and hopelessness, which in turn impacts negatively on the immune system and internal body mechanisms and narrows the thinking of the mind.<sup>9</sup> 'A study by Dr Ron Z Goetzel, director of research at Medstar, evaluated over 100,000 employees at Citibank and found too much stress was more likely to make people ill and disabled than familiar high-risk behaviors such as smoking, being overweight, and having high blood pressure.'<sup>10</sup>

Stressful experiences in workplaces turn into distress when there is no power or support to arrive at a satisfying result,<sup>11</sup> and prolonged frustration is the only outcome. With ongoing dissatisfaction and no let-up, we experience fatigue, exhaustion and burnout. However this is also the process of giving birth: prolonged agony. In the case of childbirth a beautiful baby is born, love and care take over the memory of pain and, although fatigue is still present,



hormones come into play making it all worthwhile and people do it again knowing the score. Throughout history there have been stories of insights and discoveries that include strengths and attributes not realised before, born out of troubled times.<sup>12</sup> The stories also reveal that not everyone survives distress or troubled times with similar outcomes. Stress and burnout can be the beginning of insight and discovery leading to change and new opportunities or can lead to pain, despair and suffering.

### **Burnout**

Research by Cary Cherniss involved a long-term in-depth study of a group of teachers, social workers, psychologists, nurses and lawyers, from first year out of university into the professional world, over a period of 12 years.<sup>13</sup> It identified common threads that uncover a path leading to, and leading out of, burnout. As mentioned above, stress and distress in themselves are not to be avoided or seen as an enemy, a life without either is a boring and shallow experience. Life by its nature has the light and the dark with many shades in between. What is an enemy is when dark overpowers light, when stress is so constant and overwhelming that exhaustion, disillusionment and disinterest replace enthusiasm, sincerity and compassion. Cherniss's research is useful to academics and mediators because it is based on 'helping professionals' engaged in the service of people.

There is a perception that burnout is connected to human service professionals being too committed and caring.<sup>14</sup> This perspective holds the view that professionals need to have emotional distance from clients for effective performance. I have heard it said from hiring staff in high case load workplaces, that part of the choosing of professional candidates is their emotional distancing, screening out those who appear to be emotionally close. In present society caring, compassion and kindness are not easily experienced in the working world. It appears that a box of tissues has replaced human compassion.<sup>15</sup>

However, research suggests that idealistic professionals are usually more effective

### **Seven important lessons from Cherniss**

1. **Planning for better work environments:** the work environment has a significant impact on professional's caring and commitment, and there are many ways supervisors and administrators can make the environment more stimulating and supportive, particularly by emphasising prevention ...

2. **Providing opportunities to develop special interests:** Many of the professionals in my study made their work more rewarding by developing special interests on the job. Professional burnout could be further reduced if administrators did more to encourage such enterprises ...

3. **Making it easier to work with difficult clients:** Professionals must now deal with situations that they never were trained to handle ... Professionals — even experienced ones - need sensitive supervision and training to help them deal with their reactions to difficult clients. Simple exhortation will not work.

4. **Increasing organizational negotiation skills:** The most successful professionals are those who can discover ways to be both efficient and kind. The most successful professionals usually didn't learn these skills in school ...

5. **Relying more on the quality of previous work experiences in selection for professional training:** The most successful professionals were individuals who had worked successfully in challenging situations in the past ... They seemed to have matured in those situations and learned valuable coping skills ... (A)n applicant's age is less important than what the applicant has done in the past. What seems to be most critical is that the individual has successfully mastered a challenging job ...

6. **Providing more career counseling and professional development:** The most successful professionals developed career insight earlier in their careers, which gave them a distinct advantage over those who didn't develop it — or did so much later ... Although counseling is usually provided on a one to one basis, group counseling is an interesting alternative ... Group sessions are more economical, and there is some advantage to being able to talk with other professionals who are grappling with the same issues.

7. **Giving professionals greater roles in planning of change;** The professionals in my study became more resistant over time to change imposed by outsiders. Simultaneously they became more willing to experiment on their own.<sup>17</sup>

than those who lack idealism ... Idealism and compassion usually contribute to greater professional effectiveness, not less. When helping professionals become less caring and compassionate, the quality of care declines.<sup>16</sup>

In the summary of Cherniss's research findings, seven important lessons were revealed that can contribute to the difference between burnout and beyond burnout: see box above. Notice the common thread of care that is indicated in each finding and that this care relates to the many layers of contexts that appear within the workplace.

### **Need for meaning**

Although Cherniss identifies the seven recommendations for reducing the incidence of burnout for professionals in human services he notes one more area not mentioned by any of the professionals he studied. To

reveal this critical value apparently hidden in conversations he tells the story of his visit to what he describes as, 'an unusual human service program where there should have been a high incidence of burnout-but there was none.'<sup>18</sup> What was significantly different about this environment was the setting.

The atmosphere exuded a warmth that I had never felt in such facilities before ... The staff ... were unusually lively, enthusiastic, and content with their work ... their pay was minuscule, they worked 7 days a week, they had little autonomy, everyone shared in the most menial task, such as cleaning floors. In short all of the working conditions that are associated with high levels of burnout were present, but no one burned out.<sup>19</sup>

The setting described was unusual because it was not just a workplace, it was a religious community. The high level of caring and devotion was due to their common purpose and their



meaning in life was connected to the practical tasks. Viktor Frankl calls this need for meaning, it is also a transcendent emotion,<sup>20</sup> experiencing a vibration that takes a person beyond themselves and connects to a broader experience of self, of life. Transcendent emotions like beauty, rapture, love and gratitude take us outside ourselves to feel the joy of another. They do more than relax our body, they connect our rhythms to a resonance that creates a biological connection between heartfelt positive emotions, improved health and increased longevity. 'Furthermore, data suggest that this more efficient functional mode also improves the cognitive processing of sensory information.'<sup>21</sup>

I have come across the same experience of workplace care and harmony within otherwise high burnout situations. One is a hospice where people are dying and many are not appreciative or responsive to the care they receive. Here were all the conditions for workplace stress, yet it had an obvious feel of peace and calm. When I interviewed one of the executive staff about the 'taste of difference', she explained the principles guiding their practice. In further interviews and research I concluded that appreciating dignity was a high priority between staff and for patients. Dignity was valued and present, respect for people no matter their status, respect for life and, in this place, the passing of life.

In another workplace I was called into for a conflict analysis, I interviewed the operational staff and noticed a common phrase said by everyone, 'I have never worked with such highly ethical people'. No matter that they were not well paid, they were from a diverse group of cultures and now there was a conflict at the executive level, yet they all recognised this dignity that was so obvious to them all. All except for the new leadership that had no interest in what was the strength of this workplace.

If sincere empathy, compassion and interest are not present in the life of the professional you are putting your trust into as a client, there exists a crisis in professional duty of care.<sup>22</sup> What is your experience of a person who is

'with' you, contrasted to one who is emotionally distant? What is the difference for the professional and for the client? The problem of burnout is not the emotional presence of compassion, care and 'seeing' the extent of a person's pain, the problem of burnout is what one does with that experience.

Burnout is when the creativity, the fire or passion that once was present has gone out or worn out. The energy to work is exhausted. We can see it in relationships that come to mediation. Their frustrations have worn them out. They have relationship fatigue, burnout. It is also possible for mediators to have burnout for a variety of reasons. Without doubt the work involved in mediation practice is a work of emotional labour.<sup>23</sup> Conflict is tense, stressful and often traumatic and the job of the mediator, unlike the firefighter whose role is to put out the fire, is be more like the alchemist, to change destructive conflicting energy into a constructive use of energy, a working together energy. For many people who practice this work it may be invigorating to be in this area of life — the space of healing, of peace-making, of transforming dark into light. For others it may be a recipe for burnout. What are some of the characteristics between a practice that is contributing to a working life and a practice that may be destroying a working life?

In the past wisdom and maturity came with good professional practice. In fact it wasn't university qualifications or money that brought about esteem towards professionals it was the person him/herself. Who the person was mattered as much as the knowledge they possessed. This point is very relevant to the mediation area. It is only in the past 10 or so years that mediators have had professional training though they have been around since society began in one form or another. Mediators successful in creating peaceful relationships were chosen for their human capacity, their maturity and wisdom.

How does one attain wisdom and maturity? A survey in continuing education programs for professionals reveals that most courses and seminars



offered focus on technical skill development.<sup>24</sup> Wisdom, maturity and character development are not technical skills.

### Generativity

A few words about the concept of generativity. In the 1960s Erick Erikson put forward the idea that 'generativity is the adults' concern for and the commitment to promoting the wellbeing of the next generation through parenting, teaching, mentoring, leadership and other activities and involvements in which adults seek to leave a positive legacy for the future.'<sup>25</sup> Erickson was talking about wisdom. He related wisdom to lived experiences and what one did with those and where they ended up in the reflections of a life.

Workplace stress is a group experience. Stress radiates, impacts and has consequences on colleagues and clients. Personal stress management like personal training is recommended as a regime for wellbeing. However the path of supervision is the focus of this endeavour for two reasons. One is that within supervision space and time can be taken to deal with mediators' distress or burnout possibilities, and the second is the reality of full-time work in mediation/complaints handling and investigation roles that now include regulatory factors on debriefing or supervision as part of professional practice.

### Superstress or supervision?

Supervision is a modern term, not created with Adam and Eve nor part of the biology of nature. It is a constructed concept that serves a human made purpose. Supervision is now taken-for-granted as an accepted practice so that when phoning a large organization providing any product or service it is not uncommon to hear a recorded message say, 'Please let us know if you do not want this call recorded as we listen to phone calls as part of the quality assurance and supervisory servicing.'

So what is the purpose of supervision? In some cultures supervision has served the purpose of maintaining a way of life that supports peaceful societal living as the ultimate

goal and perhaps the following of traditional folklores as guidelines. This short story offers an introduction to supervision:

### Rabbinical supervision

A Rabbi was walking home from the Temple and saw one of his good friends, a pious and learned man who could usually beat the rabbi in religious arguments. The rabbi started walking faster to catch his friend when he was horrified to see him enter a Chinese restaurant (not a kosher one).

Standing at the door, he observed his friend talking to a waiter and gesturing at a menu. A short time later, the waiter appeared carrying a platter of spare ribs, shrimp in lobster sauce, crab rangoon and other treif that the Rabbi could not bear to think about.

As his friend picked up the chopsticks and began to eat this food, the Rabbi burst into the restaurant and reproached his friend.

'Morris, what is this you are doing? I saw you come into this restaurant, order this food and now you are eating it in violation of everything we are taught about the dietary laws and with an apparent enjoyment that does not befit your pious reputation!'

Morris replied, 'Rabbi, did you see me enter this restaurant?'

(Rabbi nods yes).

'Did you see me order this meal?'

(Again nods yes).

'Did you see the waiter bring me this food?'

(Again nods yes).

'And did you see me eat it?... Then, Rabbi, I don't see the problem here. The entire meal was done under Rabbinical supervision!'<sup>26</sup>

Rabbinical supervision is the stamp of approval for Jewish orthodox food laws. The expertise the Rabbi holds in knowing the laws acts as an assurance of kosher quality. But, as the story goes, supervision in and of itself is not what makes something kosher.

In some professions supervision is done by the wider community, an

audience that gives feedback in a prominent way. Politicians have their work witnessed by the society they represent and this no doubt is what lies behind a country that silences voices of dissent. The silencing is to remove the unwanted 'look, perspective or dissent.' An actor is watched by the audience and the play reviewers act as reflective guides, pointing in which direction the audience can be assured of responding. Anyone who follows reviews will know that it is not an exact science, it is an art. Reviewing, supervising, assessing and evaluating, are points of view, perspectives, and not exact truths.

It is common in Australia for supervision to focus on competencies. This can be related to competency-based training and assessment (CBT), a widespread directive from federal government since the 1990s. However CBT means different things to different people. In general terms it can be explained as having a focus on training outcomes (ANTA, 1997). Outcomes are measured against specific standards and the objective standards are directly related to industry. It is reasonable to assume that competency-based approaches have affected individuals in different ways considering the diverse nature of the sector.<sup>27</sup>

There may be some validity in using a competency-based approach to training supervision, evaluation and assessment. It can add to a sense of objectivity and normalising of the industry. However, in the area of conflict resolution built on creativity and flexibility, competency-based supervision adds a standard and normalisation that is counter-intuitive to the field itself.

Besides CBT there are other approaches to supervision that value the uniqueness of the individual and the dignity that can be present or missing in the experience of being supervised and observed. These practices are holistic in nature. A holistic practice values the facts, the felt sense, the entire experience, the feelings and the variety of perspectives are multi-contextual and include 'knowing', not necessarily part of CBT. There are practices that recognise an obligation and ethical responsibility in supervision that include caring for the impact that the supervisory experience



will have or is having on the person being supervised.

These are practices that privilege dignity and autonomy above material exploitation. Industry standards are often not aware of the impact that goals of monetary gain and supervision have on the human spirit. In a book dedicated to the concept of power and resistance James Scott notes, 'Even in the case of contemporary working class, it appears that slights to one's dignity and close supervision and control of one's work loom at least as large in accounts of oppression as do narrower concerns of work and compensation.'<sup>28</sup>

Michael White suggests an antidote to oppressive supervision practices that are soul-destroying, oppressive practices inviting vulnerability, a sense of despair, fatigue and burnout that can be side effects of minimising local experiences. In White's view supervision practices can contribute to professionals' identity when the uniqueness of a person's life and acknowledgment of their multi-storied contexts reveal significances, meanings and values that link their lives, their practice and the purpose of their work.

Many of the significant expressions of life that would pass like a blip across a person's screen of consciousness and disappear off the edge into a vacuum, are pulled down into the story-lines of their life.<sup>29</sup>

The approach John Winslade, well-known narrative mediator, takes to supervision places the position of both supervisor and supervised within a series of reciprocated reflective opportunities:

Being 'observed' can be counterproductive to the counselor's development of confidence and competence, because it invites counselors to view themselves from the outside. Such an external view brings into play the internalised products of the 'gaze' (Foucault, 1977), such as self-doubt or feelings of inadequacy.

We interpret Foucault's ideas about gaze to refer to the proliferation of processes of 'normalising measurement' in modern society, against which we are frequently invited to assess ourselves, often because we are in fact being assessed, or at least imagine ourselves being assessed, by others in authority. The

effect is an internalised social control mechanism that renders people docile by undermining their sense of their potency as they defer to normalising measurement. Objectivity can be, in this analysis, an enemy of the expression of personal agency. We seek to avoid this kind of personal undermining by avoiding the use of neutral observers who comment from positions of disembodied objectivity.<sup>30</sup>

Let us return to recommendations for transcending burnout Cherniss identified for professionals in human services. Cherniss suggests that supervisors can make a difference for professionals by stimulating, supporting and encouraging links between professionals' ideals and the workplace. That sensitive supervision that supports difficulties and uncovers supportive links to strength and courage are the remedies for and prevention of burnout, not forgetting an environment that radiates warmth. These are not only present in narrative practices of supervision, they constitute the focus of an attitude of support, discovering links between us, our practice, our profession and society. Links may be of varying degrees of visibility and force but nevertheless allow us to bring into the open what otherwise is hidden or devalued.

Here is a place where laughter can be expected: in this environment of supervision there is scope for seeing the funny side of a situation and sharing it with a group of colleagues in a supervision environment with stories of work contexts and positive intentions. These should be transparent and driven by kindness, support and revealing links. As White says, 'Linking unique experiences to what stands out as important practice in your work ... helps you to embrace that more and to respect this more in yourself.'<sup>31</sup>

The approach to supervision being suggested here emphasises a two-way process:

A re-telling which provides opportunities for persons to experience a multiple contextualization of the events of their lives, for the engagement of rich descriptions of their personal narratives and of the knowledges and skills of living that are associated with these.<sup>32</sup>

From conversations and interactions with narrative practitioners I had come

to appreciate that their approach to knowing included a sense of humility that appreciates the limitations of one's own perspective or experiences, as well as limitations of formal knowledge or confidence in expertise. A conclusion is often the fatigue of thinking. The attitude of humility is part of the territory of wisdom and maturity. I wanted to test my thoughts in real life so as not to fall prey to my imaginative mind that may have stopped at what sounded good but lacked humility of experience and group reflection. I wanted to practice what I thought would be supervision for mediators that was not super stressful.

## An experiment

Taking both the values of narrative practice and the research insights by Cary Cherniss would be worth an experiment, so I gathered people I knew in Sydney who were with me on my voyage of discovery in life, a voyage that had often included foreigners that took us away from our customs to different thoughts and the enchantment of strangeness.

As part of the search for supervision practice that fits Australian mediators' experiences and comfort, a practice-run was set up with narrative trainer and counsellor David Newman. Five mediators were invited to participate; included in the five were a Director of Dispute Resolution from a Sydney university and four practicing registered mediators of varying backgrounds and years in the industry, from recently registered to practicing over 10 years. The mediators had varying understandings of narrative concepts and the trial did not include narrative training or pre-reading. The experiential practice group followed the directions given by David Newman.

The setting was a large comfortable room: A semi-circle of colleagues faced two pivotal chairs, a focus person and facilitator. The focus person would be the one invited to do the telling which would be the focus of the session. Without a focus person it would be easy to diffuse the tellings, to let experiences slip away into openings without deepenings.



There are four stages of conversations within this style of supervision. The following stages are drawn from the experiential supervision session as well as some of the theoretical and practical tools that lie behind the style.

### Setting the context

The facilitator informs the group about the intention of the session: to create a supportive and curious environment so that professional stories can be woven into the fabric of their lives in ways that contribute to work practices, ideals and values.

There are some tools that would be helpful in creating the environment. For the colleagues the practice of 'careful listening', listening with a 'not-knowing stance', a stance of curiosity, is critical for this context to be constructive. Careful listening moves us away from ways that encourage fitting into standards and normalising thoughts which lead to minimising local knowledge and the uniqueness of personal lived experiences. The not-knowing stance invites colleagues to be curious rather than critical.<sup>33</sup>

### Stage 1: Telling

The facilitator invites the focus person to speak.

This stage is an opportunity for the focus person to talk about anything they wish. This was invited by David Newman as facilitator with the question, 'What did you do that you were proud of?' Winslade offers other questions which I have adapted to fit the mediation context.

1. What was the best moment in your job so far?
2. What's the most moving experience you have had in your work this year?
3. What is an experience as a mediator that you would like to perform more often or live more into?
4. When have you found yourself thinking of yourself as 'a mediator'? What enabled such thoughts to develop?
5. In your best mediation work, what do you notice happening inside

yourself and in the relationship? In your most difficult mediations what do you notice?

6. What sorts of feedback have you had about your work in recent months? What meaning have you made of this feedback?

7. What sorts of self-talk have you found yourself getting caught in that might undermine confidence in your work at times?

8. What is the ideal mediator like? How do notions of the ideal mediator influence you to measure yourself in your work? Is this helpful or not?

9. Have you in any way rebelled against any of the ideal specifications for a mediator in ways that you feel pleased with?

10. How does 'the gaze' operate on you as a mediator? What sorts of gaze are you susceptible to? How do you separate yourself from these effects?

11. What ways are you developing as a mediator that particularly please you?

12. Has anything you have been saying or doing or hearing in your mediation sessions surprised you?

13. What particular successes from your work would you like to share with others in the group?

14. When during your work have you surprised yourself, achieved something challenging or described yourself in a new way.

'These questions open a conversation. They are not a schedule.'<sup>34</sup>

### Stage 2: Colleague reflections

The facilitator invites the colleagues into a conversation without the focus person. Some of the questions that David Newman asked were, 'What caught your attention, what did you find surprising? What does this suggest about your own work, your own life? Remember to keep your comments as possibilities and stay away from certainty'.

This provides an opportunity to engage and think about what might be significant for the focus person, and what it is about these reflections and thoughts that might be relevant to them. This conversation between

colleagues and facilitator opens up opportunities for thinking outside of one's own thoughts. This can be tricky as it can pave the way for judgments and condemnation as well as competitive evaluations. It can also be an opportunity for competency-based evaluations. The aim, however, is to avoid this tendency. The role of the colleagues and facilitator is to keep track of the context of curiosity, of uniqueness of lived experiences and the acknowledgment of bringing forth possible hidden links, such as those that respond to what caught their attention, to respond to expressions that join values to experiences.

An example of this stage came out in our trial when one of the colleagues revealed a story that responded to what she heard from the 'telling'.

That makes me think of today. Today was Melbourne Cup day, and there was a horse called ... This horse had never won the cup before and in fact was not seen to be a potential winner. The jockey decided in the morning that although the horse always raced with blinkers, today he would take them off and place it on the inside. Taking the blinkers off seemed to be what we are doing here — removing the limitations of normality and doing it differently with an opening that allows for different visioning. This horse won the Melbourne Cup.

Other comments included, 'I had never thought of M ... in this way, as I heard her speak of her fears and concerns I was surprised. It challenges my perception of being so certain around knowing someone.' The facilitator has the role of inviting colleagues to reflect on their reflections. To further deconstruct their responses, to ensure that comments are 'situated in the history of their personal experiences, interests, intentions imagination etc ... to safeguard against the sort of impositions of "truth" that are the outcome of disembodied speech acts.'<sup>35</sup>

The experience for the focus person was mixed:

I felt as though I was being talked about, I was there in person but they were talking about me as though I was not present. In the beginning I found that unpleasant, I started to get worried they might misinterpret what I had said in my



telling, and I would not be in a position to set them straight. I knew that my role in this stage was to be silent. As the collegial reflections continued I noticed that my fears were calmed because there were four colleagues and the facilitator and if one colleague responded in a way that I inwardly objected to, I noticed that another might reflect on that reflection and with the facilitator's assistance the deconstructions of comments started to reveal widening perspectives: a broadening sense of where my thoughts come from and go to.

'As this stage drew on I started to appreciate the humbleness of expressions, of thoughts, of perspectives. I started to realise that by not being able to respond I was actually finding a new voice within. This voice was full of patience. It waited till the tellings of the tellings had painted a picture, a picture that had been sponsored or started by me but had developed into a much broader and deeper picture than I could ever have constructed myself. This new picture included the artistic flair of others and because we all shared a common professional context, offered me a further insight into my professional identity. The insight didn't remain as a professional identity, because there were two more stages.

### **Stage 3: Retelling of a retelling**

The focus person has round two of telling.

The facilitator invited the focus person to respond to what had just taken place, to add any reflections to the reflections. 'What would you like to say in response? What was it like to hear what you heard? Does any of this add more or take away from what you experienced?' In this stage the colleagues and the facilitator were put in the focus position. Any possible power status that might have accrued from the roles taken thus far is rotated. The opportunity for reclaiming the focus person's tellings is given and this new opportunity invites a deepening round of thinking. Schoen and Argyris call this double loop thinking or learning.<sup>36</sup> This reflection upon reflection is supported with the audience of colleagues.

This opportunity in a context of 'careful listening' takes reflection away from a mirror, which is a metaphor for

seeing one's thoughts through one's own eyes, and takes it to a window, seeing one's thoughts through the eyes of what lies outside one's self. In this stage colleagues' own contributions to the session were being reflected upon and they had the opportunity to see the impact their responses had on the focus person.

### **Stage 4: Deconstruction of process**

Everyone present contributes.

This was the adjourning stage of the group process. Everyone was invited to engage in conversation across the room and across roles. In this stage a question was asked by the facilitator, 'Where does this take you now?' Everyone responded with wanting more such opportunities. They were unanimous that the time was highly valued as such richness in sharing and learning had taken place. Worries and hidden shames were transformed into understandings and acceptances. Strength and courage had been harnessed from hidden dimensions.

As I put these words to print I remember the laughter that had taken place, especially at the early stages and when anything funny was said. The laughter has not been translated in this review but in the context of an article that identifies laughter as a mechanism for reducing stress it cannot be left out. We laughed, belly-laughed at some points, and did not open the wine sitting on the table. The snacks were shared but the bottle went unopened to David for his contribution to this research for the mediation industry.

As a follow-up to this supervision process, a week or so later I spoke to all those present. Some of the comments in response to, 'What did you get out of this experience of supervision?'

- Opportunity to talk to someone who knows what I am doing.
- You don't do 'it' again.
- Worthwhile sitting with someone and going through the issues.
- This experience of supervision includes an experience of professional training because of the wide variety of expertise that comes from the group.
- As focus person, I did feel in the spotlight most of the time and this did disturb me. I felt the role of facilitator is crucial. I

could image this turning into a competition of competency standards that would have been very stressful. Not unlike being interviewed for a job with three interviewers doing a one-way investigation. Fortunately this wasn't the experience. The process and guidelines about taking on the not-knowing stance, and the curiosity approach, gave me confidence in being in a supportive, caring environment.

### **Conclusion**

Many of the significant expressions of life that would pass like a blip across a person's screen of consciousness and disappear off the edge into a vacuum, are pulled down into the story-lines of their life.<sup>37</sup>

This quote says it in a nutshell. So much of life is now mainstreamed and bullet-pointed to make it simpler and quicker. In the professional world this is seen as contributing to standardising for regulatory purposes, for safety and security of clients and professionals. The problem with the normalising regime lies in what it lacks. It does include core ingredients for professional servicing but a diet that does not have laughter, support and care built into its routine, is likely to be one starving of joy, passion, gratitude and appreciation.

This article started with a man waiting for a heart transplant. Distress and burnout also leave hearts broken and worn out. If we, the caretakers of mediation, who are practicing and teaching are not checking the health of our industry then who will? If the warmth of the heart is not central to peace-making, we are not contributing to a peaceful society. It is not uncommon that professions begin with heart and through time and bureaucracy the heart is replaced with a machine. Let us not alienate our warm hearts that led us into the industry with cold rationalisations. We need hearts and heads to be connected.

Within the realm of bird-watching we can gleam some insight into the nature of observation. Bird watchers are commonly put into categories, the birder and the twitcher. The birder observes all with concentration, passion and curiosity. The birder has an appreciation of the whole



experience. There is more to the satisfaction of the activity than the identification of the bird, which may include the wonder of nature, the stillness of life, the joy of outdoors, the relationship between those in the experience and a discovery that may eventuate. The naming and sighting of the bird is part of the experience that is appreciated. This creates a richness of experience that reveals itself in the birder's physiological reaction to the activity. The stress of anticipation and concentration is alongside joy, appreciation and rapture. Transcendent emotions that connect us to something bigger than ourselves come into the experience of the birder.

The twitcher observes all with the intent of ticking a box. There is a list of possible birds in the area, those rarer are highlighted and those more common are less impressive. The twitcher waits in preparation for the pen to tick the box. 'Ah,' the twitcher exclaims, 'got it. Now for the next.' The success of the event is calculated and measured exactly by the number of ticks, the highlighted ticks leading to more satisfaction. Success or failure is the outcome, how many and what sorts the guidelines of conversation and sense of achievement. Twitchers are notably competitive as ticking of boxes creates a checklist of haves and have-nots.

Although there are more than two ways of observing, we have in mediation our birders and twitchers. Twitchers do not find relevance in thoughts outside of ticking the box in supervision or in mediation sessions. It is my guess that stress and burnout is more common for twitchers than birders. The word itself relates to nervous twitches that come with stress. Perhaps it is time to put industry attention on appreciating birder practices.

I would hope that if the man waiting for the heart transplant was offered the heart of a 50 year old practicing mediator, he would choose that one. And his reasoning would be, 'Because it was the fittest'. ●

Michelle Brenner is a Sydney mediator and trainer and can be contacted at <[brennermichelle@hotmail.com](mailto:brennermichelle@hotmail.com)>.

## Endnotes

1. Janet Alberts, 'The use of humor in managing couples conflict interactions', D Cahn (ed) *Intimates in Conflict: Theory, Research and Application*, 105–120.

2. J Alberts and J Drzewiecka, 'Understanding the Communication and Relational Dynamics of Humor' (In press/April 2008) in M Motley (ed) *Addressing Communicators' Dilemmas: Studies in Applied Interpersonal Communication* (forthcoming).

3. Guy Clayton, *Hare Brain Tortoise Mind* (2000) 76, 131 and Barbara Fredrickson 'Cultivating positive emotions to optimize health and well-being in prevention and treatment' (2000) 3 *American Psychological Association*, Article 0001a. See also, Fred Luskin, *Forgive For Good* (2003). See also the contributions made by the edited book, Robert Emmons and Michael McCullough *The Psychology of Gratitude* (2004).

4. According to this model, the form and function of positive and negative emotions are distinct and complementary. Negative emotions (eg, fear, anger, and sadness) narrow an individual's momentary thought–action repertoire toward specific actions that served the ancestral function of promoting survival. By contrast, positive emotions (eg, joy, interest, and contentment) broaden an individual's momentary thought–action repertoire, which in turn can build that individual's enduring personal resources, resources that also served the ancestral function of promoting survival. One implication of the broaden–and–build model is that positive emotions have an undoing effect on negative emotions. By broadening the momentary thought–action repertoire, positive emotions loosen the hold that negative emotions gain on an individual's mind and body by undoing the narrowed psychological and physiological preparation for specific action. Indeed, empirical studies have shown that contentment and joy speed recovery from the cardiovascular aftereffects of negative emotions (Fredrickson & Levenson, 1998). Barbara L Fredrickson, 'Cultivating positive

emotions to optimize health and well-being' (2000) 3 *Journal for Prevention & Treatment*, Article 0001a.

5. Seyle Hans, *Stress without Distress* (1974) 5.

6. Fred Alan Wolf, *The Body Quantum: The New Physics of the Human Body* (1987).

7. Masaru Emoto, *The Hidden Messages in Water* (2004).

8. Dr Fred Luskin and Dr Kenneth Pelletier *Stress Free For Good* (2005) 43.

9. See above note 2.

10. Above note 8 at 79.

11. Cary Cherniss, *Beyond Burnout: Helping Teachers, nurses, therapists and lawyers recover from Stress and Disillusionment* (1995).

12. Viktor Frankl, *Man's Search for Meaning* (1959).

13. See above note 6.

14. Savicki and Cooley, 'The relationship of work environment and client contact to burnout in mental health professionals' (1987) 65 *Journal of Counseling and Development* 249–252.

15. I have heard many stories from various contexts that support this notion that the professionals are told to 'not show feeling or encouragement of expressions of feelings to upset clients', but to offer them a box of tissues instead.

16. See above note 11, 197; Jerome Frank and Julia Frank, *Persuasion and Healing* (1973); Dan Lortie, *Schoolteacher* (1975); SJ Motowidlo, 'Does Job Satisfaction Lead to Consideration and Personal Sensitivity?' (1984) 27 *Academy of Management Journal* 910–915.

17. See above note 11, 170–179.

18. See above note 11, 188.

19. See above note 11, 189.

20. Jack Barbelet, 'Theory and research on human emotions' (2004) 21 *Advances in Group Processes* 266, 245–272.

21. Rollin McCraty and Doc Childre, 'The grateful heart the physiology of appreciation' in Robert Emmons and Michael McCullough (eds) *The Psychology of Gratitude* (2004) 238.

22. See above note 11, 198.

23. Arlie Hochschild, *The Managed Heart* (2003).



24. See above note 11, 175.

25. Dan McAdams and Jack Bauer 'Gratitude in modern life its manifestations and development' in Robert Emmons and Michael McCullough (eds) *The Psychology of Gratitude* (2004) 92.

26. Keyrine Hewitt, Tampa, Florida, USA.

27. Tom Lowrie, 'Policy innovations in the vet sector: the role of instructors in a competency-based environment school of education', Charles Sturt University accessed at <[www.aare.edu.au/99pap/low99164.htm](http://www.aare.edu.au/99pap/low99164.htm)>.

28. James Sott, *Domination and the Arts of Resistance* (1990) 23.

29. Michael White, 'Narratives of therapists lives' (1997) 94.

30. John Winslade et al, 'Storying of Professional Development' in Garrett McAuliffe and Karen Eriksen (Eds) *Constructing Counselor Education* (in press).

31. Michael White, *Narratives of Therapists Lives* (1997) 86-87.

32. Above note 31, 173.

33. Yishai Shalif, Irit Liviatan and Rachel Paran, 'Creating "care-full listening and conversations" between members of conflicting multi-cultural groups', *Psychological & Counseling Services. Division of Programs for Development and Prevention* (2006) <[www.education.gov.il/shefi/](http://www.education.gov.il/shefi/)>.

34. See above note 29.

35. See above note 29, 99.

36. Chris Argyris, 'Theories of action, double-loop learning and organizational learning' <[www.infed.org/thinkers/argyris.htm](http://www.infed.org/thinkers/argyris.htm)>.

37. See above note 29, 94.

## ADR Diary • ADR Diary

■ **ADRA** has a number of seminars coming up this year in Sydney including **Restorative Justice** on 9 November. For bookings and further information please contact <[contact@adra.net.au](mailto:contact@adra.net.au)> or 0418965875 during business hours. All seminars and workshops provide opportunities for you to fulfil professional development requirements for ongoing accreditation.

■ **The VII International Conference, World Mediation Forum (WMF)** 'Mediation, Justice and Governance: An Opportunity for Peace' is being held in Margarita, Venezuela, 27-29 November 2009. For further information go to <[www.worldmediationforum.org/newsletter\\_visualizacion.php?newsID=9](http://www.worldmediationforum.org/newsletter_visualizacion.php?newsID=9)>.

■ **LEADR** is holding **Mediation Workshops** in Sydney on 9-13 November and 14-18 December. They will also be running **CINERGY Conflict Coaching Workshops** in Sydney on 22-25 February and in Melbourne on 2-5 March 2010. For further information go to <[www.leadr.com.au/training.htm](http://www.leadr.com.au/training.htm)>.

■ **ACDC** is offering **Advanced Mediation Training** on 18, 19 and 20 November. They will also be

offering **Conflict Resolution/ Dispute Avoidance** training on 2 December in Sydney and **Complaint Handling** training in Sydney on 9 December. For further information, visit <[www.acdcltd.com.au](http://www.acdcltd.com.au)>.

■ **The 5th Asia-Pacific Mediation Forum Conference** will be held in India from 21-27 November 2010. For further information go to <[www.apmec.unisa.edu.au/apmf](http://www.apmec.unisa.edu.au/apmf)>.

■ **National Mediation Conference** will be held in Adelaide on 7-9 September 2010. For further information go to <[www.mediationconference.com.au](http://www.mediationconference.com.au)>.

■ **The Bond University Dispute Resolution Centre** has upcoming courses including **Basic Mediation** on 26-29 November and 18-21 March on the Gold Coast; **Family Mediation Specialisation** 30 November on the Gold Coast; **Family Dispute Resolution (Legislation and Skills)** on Gold Coast from 5-9 December and in Sydney from 20-24 April; **Mediator Assessment** course on Gold Coast 12-13 February; **Global Negotiation Course** in Lyon, France on 30 August to 4 September. For more information email <[drc@bond.edu.au](mailto:drc@bond.edu.au)> or visit <[www.bond.edu.au/law/centres](http://www.bond.edu.au/law/centres)>.

**PUBLISHER: Bond University PUBLISHING EDITOR: Carolyn Schmidt PRODUCTION: Alexandra Berthold SUBSCRIPTIONS: \$330.00 per year including GST, handling and postage within Australia FREQUENCY: 8 issues per annum OFFICE: Dispute Resolution Centre Bond University Qld 4229 Australia TELEPHONE: (07) 5595 2039 FAX: (07) 5595 2036 [adrbulletin@bond.edu.au](mailto:adrbulletin@bond.edu.au)**

**ISSN 1440-4540 Print Cite as (2009) 11(5) ADR**

This newsletter is intended to keep readers abreast of current developments in alternative dispute resolution. It is not, however, to be used or relied upon as a substitute for professional advice. Before acting on any matter in the area, readers should discuss matters with their own professional advisers. The publication is copyright. Other than for purposes and subject to the conditions prescribed under the Copyright Act, no part of it may be reproduced, stored in a retrieval system or transmitted without prior written permission.

Inquiries should be addressed to [adrbulletin@bond.edu.au](mailto:adrbulletin@bond.edu.au)

Printed in Australia © 2009 Bond University Dispute Resolution Centre ABN: 88 010 694 121

