

NVC Mediation: Creating Dynamic Connection

**by Jori and Jim Manske,
certified trainers in Nonviolent Communication**

We had been mediating for seven years when we stumbled into a workshop with Marshall Rosenberg in 2000; attracted by the lure of a free opportunity to learn from an international peacemaker. As Marshall shared the Nonviolent Communication process, his humorous presentation style (and his puppets!) captivated our attention, and his stories of transforming conflict into partnership captured our hearts. When we heard Marshall speak of the relationship between resolution and connecting at the level of universal human needs, it was as if something deep inside clicked like a key unlocking a door. We could see how the focus on needs as the cause of each person's experience could reframe and transform the conflicts that brought people to mediation. And, it could open doors of creativity that could lead to an outcome that was satisfying for everyone.

Our first opportunity to use the Nonviolent Communication process in mediation came within days, with a recently divorced couple who were suing each other over matters related to shared property. Blame and criticism had exacerbated several unresolved issues between them, and their tortuous experience in the courts had not led to a peaceful resolution for either of them. Both came to the mediation expressing distrust and hatred toward each other. This was just the type of mediation that can be the most challenging, as neither party saw any common ground for a future relationship, and therefore neither had a desire to cooperate.

The nascent paradigm shift that emerged in spite of our conscious incompetence with the NVC process included two deep and lasting insights that have revolutionized our mediation practice. First, during the mediation process, we broke the taboo of revealing our own uncomfortable feelings and needs to the disputants. Secondly, rather than acknowledging feelings and thoughts, which had been our previous style, we crafted our reflections of what we heard the disputants share by focusing on their feelings and needs. The outcome of this shift included (1) a shared sense of vulnerability; and (2) a quality of connection based on a shared focus on each person's well-being. This outcome seemed to both astonish and please all of us.

In spite of our lack of skill in identifying needs and our sometimes awkward and formulaic expression in that first mediation, we arrived at a state of understanding and cooperation that enabled the parties to experience some peace within themselves. We were able to support them in decisions that worked for both of them. A few years later, we were shocked to receive a book written by one of the parties about the travails of their legal process and divorce. The book expressed gratitude for the mediation, and included the statement: "[Jim and Jori] were extremely skilled at getting to the crux of the matter."

Excited and hopeful about the results we experienced, we endeavored to learn more, and to apply the Nonviolent Communication process to our practice in a more conscious manner. Some of the basic ways to use



the process in mediation include:

- Focusing on observations, feelings, needs and requests to support people in taking responsibility for their own experience, and being compassionate with themselves;
- “Pulling by the ears” to help people hear the observations, feelings, needs, and requests of the other parties in the dispute, and build compassion for each other;
- Offering “emergency first-aid empathy” when emotions are intense and people do not have the resources to listen to each other;
- Tracking and balancing the process to clarity that everyone’s needs are heard and acknowledged;
- Identifying and using needs as a guideline to craft agreements;
- Using requests to find strategies, and checking to see if they work for everyone.

Recently, we mediated with two parents who were still recovering from the trauma of their acrimonious divorce several years ago. Previous attempts at mediation by other practitioners had shifted to “shuttle diplomacy,” with the mediator moving from one party to the other in separate rooms or at separate times ending with each party having settled for agreements that were not working for them.

Their meetings with us signified the first time they had been able to sit in same the room with one another. They reported that even phone messages to one another had stimulated pain and disconnection. During those first meetings, both people expressed deep anguish. We helped them hear one another by translating their blame and criticism into feelings and needs. We guided them in verbally reflecting back the pain they heard the other express, and helped them to strengthen their common commitment to the well-being of their sons. After many experiences of deep empathy and profound honesty, they were able to craft new agreements centered on mutual respect and their shared concern for their kids, rather than from a space of blame, pain or anger.

Their teenage son had been away from home for a year, in part to escape the pain of the fractured family. During our work with his parents he returned and joined his brother and parents for a session with us. He expressed deep gratitude and utter amazement that his parents were sitting in the same room “without yelling and screaming at each other.” After a couple of hours, the family left to have a meal together for the first time in years.

As we logged mediation hours with a conscious intention to practice the NVC process, the consciousness of nonviolence continued to integrate not only into our mediation work, but also into our experiences of everyday life. Now, the intentional use of the tools often recedes, as an unconscious competence in NVC emerges. For instance, sometimes during a mediation or reconciliation session, we feel surprised at what comes out of our mouths, and the profoundly connecting result that emerges for all of the parties. We believe, however, that the connection comes not directly from the words we use, but rather that the words reflect a compassionate intention. Our words or strategies come from our own intention to connect in the present moment, with ourselves and our “co-mediators” (the people bringing their pain to the table).

The NVC process has also been affective as we’ve facilitated groups of 50 or more people around land use issues between neighborhood organizations and developers. Using empathetic reflection, we are able to ferret out what needs are not met, and then develop new requests that will better meet those needs. We have seen



new ideas emerge through the shared creativity of people who have a sense of being heard and included, and who then are willing to hear and include others they initially did not trust.

We have had the joy of participating in many mediations that have changed lives. Although we enjoy working with people who have ongoing personal relationships where we support healing and reconciliation, we have found the process of Nonviolent Communication effective in mediating a range of issues including conflicts in workplaces, communities, schools, courts, and jail; with disputes concerning politics, the environment, healthcare, property, child custody and educational strategies, and personal rights and justice. Wherever people are in conflict, the process has helped us to be able to support people in seeing each other's humanity and in being resourceful in finding ways to meet everyone's needs.

Jim and Jori Manske have been married for 26 years and are Certified Trainers of Nonviolent Communication and Certified Practitioners of Neuro-Linguistic Programming (NLP). They have been actively studying communication skills as well as intrapersonal and interpersonal awareness since the 70's. Their degrees are in Mass Communications and Social Work. Individually and together they have been presenting workshops, facilitations, mediations and classes to various businesses, community groups, government agencies, NGO's, private groups and individuals since 1971. They can be contacted at peaceworks@nvc-nm.org or 1-505-344-1305.