

DR. DEBRA DUPREE, PSYD

THE MINDSET DOC

**THE PSYCHOLOGY OF CONFLICT  
AND THE ART OF  
COMPASSION**



How you show up matters

## Foreword

Conflict is inevitable. Yet, many of us are conflict-avoidant while others readily engage. Regardless, conflict is uncomfortable with long-lasting effects on how we live—unless we make conscious choices about what we can do differently.



I grew up in a family of nine (yes, nine children and, because so many ask, no, we're not Catholic). Being on the younger end (7th of 9 with a 4-year gap between the first six and the last three), the three little kids were instructed to be "seen and not heard."

Not only did I grow up in what many would consider typical of a small company or department within a large organization, I was also raised in the midst of a family-owned business. Conflict was abundant!

These experiences inspired me early on to simply observe human behavior and, in my innocence, try to make sense of the chaos I observed in how people did and did not connect, communicate or succeed in relationships.

More importantly, I learned the significance of how we impact and influence people, both, positively and negatively. It took me a long time to find my "voice" and discover how I really showed up. My journey led to a mission of helping people find their identities, their voices, and their futures. Although crazy and chaotic, my upbringing was a gift.

Through experience and insight, I am now able to help people just like you reach resolution and make important life decisions by reducing the emotional umbrella that so often coexists with conflict.

## Leveraging your mindset

Anytime two people come together, there are likely to be differences in their beliefs, expectations, attitudes, concern, hopes and values (or what I call "The BEACH" - more on this later). Although rarely fun, these differences and the conflicts that result are not always a bad thing.

When managed well, navigating through conflict can generate creativity and lead to increased understanding, improved relations (with self and others), and better outcomes (not to mention improved reputations for the ability to solve conflict).

To gain value from conflict, understanding the dynamics behind human behavior goes a long way toward knowing how you as the mediator can help parties navigate through their differences and actually resolve their conflict.

According to British barrister and mediator Paul Randolph, in his book on *The Psychology of Conflict* (2016, foreword by Nobel Laureate Archbishop Desmond Tutu), today's mediator can benefit tremendously from understanding the psychology behind human behavior.

When we as mediators have the skills and knowledge to read the available clues in how people show up and what that means, we are able to facilitate more executive resolution whether it be in the commercial, family, community or employment arenas.

As evidenced in the growing number of workshops and written works like Randolph's, the legal community is starting to recognize how emotional intelligence, i.e. the understanding of the psychology behind human behavior, is an essential tool in the successful resolution of conflicts during litigation.

As a psychologist, this realization is nothing new and something long emphasized in the mediation training programs I've taught throughout North America over the years. However, I know from my years of teaching at California Western School of Law in San Diego as an Adjunct Professor in their Alternative Dispute Resolution (ADR) program, my second- and third-year law students were oftentimes astounded by how much psychology played a role in executive negotiation and mediation.

Many had never taken a psychology course, much less had an awareness of the role emotions play in conflict and how to defuse negatively charged parties.

If this was true in 2008-2012 when I was teaching law students, imagine how many legal professionals practicing today are unfamiliar with the psychology behind human behavior and the simple strategies available to "shift" people's mindsets.



The picture above demonstrates two small children naturally reaching out to share with one another - a give and a take. This act of extension is called the "Law of Reciprocity" coined by Dr. Robert Cialdini (Regents' Professor Emeritus of Psychology and Marketing at Arizona State University).

Many people worldwide connect a sense of happiness with a feeling of warm-heartedness. If you have a pet, particularly a dog or a cat, you know that even animals display behaviors of compassion. When it comes to human beings, we have the ability to add the notion of "intelligence" to compassion.

But just what type of intelligence are we talking about? Is it our intellectual intelligence that makes a difference or is it something newer to our understanding, i.e. emotional intelligence?

Destructive emotions are related to ignorance of human dynamics and tend to fuel the conflict no matter how smart anyone is. Compassion, on the other hand, is a constructive emotion that requires awareness and emotional, rather than intellectual, intelligence. Consequently, both compassion and emotional intelligence (E.I.) can be taught and learned.



The process starts with building our emotional intelligence in four key areas to help us shift our mindset and dive deeper (as mediators) in a way that creates psychological safety for ourselves and our parties in conflict.

To build E.I., Daniel Goleman, the Father of E.I., says it starts with self-awareness and self-management, followed by other awareness and then relationship management. Difficult people throughout the world are often quite well-educated but that doesn't mean they recognize how they show up and impact others, oftentimes quite negatively.

If we don't exercise awareness of self and others to pay attention to the behavioral clues presented by parties in conflict and choose appropriate techniques to facilitate the process, the fear and anxiety experienced by parties in conflict can easily give way to anger and negative behavior.

As mediators, we should know and understand that the opposite of fear is trust. When people trust, they tie into a feeling of "warm-heartedness," boosting confidence in trying to resolve conflict.

When we shift our mindset around compassion, we actually redirect what happens inside of us physiologically. When we show warm-heartedness (or compassion), we reduce blood pressure, stress, anxiety and improve health. When we're in that calmer state, we can reasonably process and engage executively, radically improving our relationships with self and others.



When the stakes are high and conflicting opinions prevail, trying to remain cool and logical can feel like a losing proposition. Understanding the cognitions, behaviors, and reactions (aka the psychology) behind the conflict is vital to working at the mediation table.

The mediator's ability to connect and build trust quickly is strengthened when we show up with empathy, creating a sense of well-being. A lack of compassion and social connectedness leads to isolation and fear, a sense of abandonment, feelings of exclusion, as well as negative self-worth.

Each of these elements are core tenets behind the psychology of people in conflict and can trigger the basic drive to survive, i.e. the fight, flight and freeze responses.

**A show of compassion reduces fear as it reflects a concern for others' well-being and builds trust. Influence is not about money or power; it's about building trust. And, trust is the foundation of any relationship, particularly in mediation when trying to reach resolution among parties in conflict.**

When we're under the influence of anger or some other negative emotion, we're limited in our ability to use our cognitive brain to take a realistic view of the situation. When the mind is compassionate, it is calm and we're able to use our sense of reason practically, realistically, and with determination.

Another valuable contributor to understanding conflict is Amy C. Edmondson in her book *Teaming: How Organizations Learn, Innovate, and Compete in the Knowledge*.

Engaging in conflict productively cannot be accomplished by avoiding emotions and personal differences. A state of openness is required.

These are skills that start with a mindset and a willingness to explore, rather than shy away from, different beliefs and values. It means acknowledging emotional reactions openly and exploring what led to them, rather than pretending they don't exist. Otherwise, emotions are the driving force that overwhelms reason in dispute situations and explains the 'irrational' behavior that can result from those caught up in conflict.

Edmonson looked at the research by two cognitive psychologists, Janet Metcalfe and Walter Mischel, who demonstrated that we have two distinct cognitive systems through which we process events.

Trying to understand the mechanisms that allow people to delay gratification, a crucial ability for everything from goal achievement to weight control, Metcalfe and Mischel uncovered two types of human cognition which they called “hot” and “cool.”

The hot system, when engaged, triggers people to respond emotionally and quickly. In this case, they are often said to speak or act in the “heat of the moment.” The cool system, in contrast, is deliberate and careful. When using our cool system, we can slow down and gather our thoughts. The cool system is the basis for self-regulation and self-control. Consequently, it is a necessary tool to use when conflict occurs.

You probably have asked yourself “Why do sensible, intelligent, rational people appear to act so irrationally? Why do commercial business people behave so unprofessionally and in such a childlike manner when in conflict? What is it that so quickly drives people into intense and bitter disputes?”

These very questions, as Randolph put forth in his book, were the very questions that led to my doctoral dissertation in 2014 when I studied the psychology of good bosses vs. bad bosses.

As a workplace mediator with over 25 years of experience, I was intrigued to dive deeper to understand why and how some really intelligent people could be such poor stewards of others, particularly as leaders. Those research findings now serve as the foundation of my book in progress.

“Winning” the argument does not usually produce the best solution, yet this is often the tack in litigated cases. The task of the mediator is instead focused on navigating parties to a place and mindset where they recognize that the best solutions usually involve some integration and synthesis of differences, not one person prevailing over the other.

When people put their heads together, truly intent on learning from one another, they can almost always come up with a solution that is better than anyone could have come up with alone.

Why is this so important? Drawing again on Randolph's work, those involved in disputes or any argument fervently believe their position (perspective) to be the one and only objective and universal truth. They are driven by a belief that a judge, arbitrator, mediator or other conflict resolver will eventually agree with their objective truth.

Without a shift in mindset or a change in attitude, the parties in conflict are likely to remain in the same entrenched positions they had when entering mediation, creating little prospect of settling their dispute.

When confronted with such resistance to change, I gently challenge such parties in caucus by first clarifying my role by stating "as your mediator, my role is not to take sides or determine whether your position is right or wrong. Instead, it is to help the parties reach mutual resolution."

So, I ask two questions, "How's that (position) working for you? Is it getting you what you want?"

The shift in their brains becomes evident through their subtle shifts in behavior. I often share Rumi's quote (the 13th century poet, jurist, and philosopher):

**"Out beyond ideas of wrong-doing and right-doing, there is a field. I'll meet you there."**

American psychologist Wayne Dyer, author of *A New Way of Thinking, a New Way of Being: Experiencing the Tao Te Ching* (2009) brings to light the ancient Tao observation: 'If we change the way we look at things, the things we look at change' (a quote also attributed to Max Planck, the twentieth-century German physicist).

This is where "The BEACH" comes in when we use the [\*360 Perspective\*](#) and dive deeper through active listening. When we structure our listening using "The Beach" metaphor, we can more easily focus on and strategically listen for the following:

- **BELIEFS** people are trying to express,
- their **EXPECTATIONS**,
- What **ASSUMPTIONS** or **ATTITUDES**,
- their **CONCERNS** as well as
- their **HOPES**.



As mediators, or active listeners in any conversation, the ability to pull these nuggets, their underlying interests, out from what people are saying is magical and people truly feel that you "get" what they're saying. And, I note, "acknowledging" what someone says is NOT the same as "agreeing" with his/her position. So "acknowledging others" helps people feel heard.

The psychologically-informed mediator realizes that the application of logic or reason alone does not achieve this shift in perception. In fact, such an approach has little or no effect in conflict situations and may even be counter-productive.

When in conflict, parties are rarely in a frame of mind to listen to reason and neither think nor behave rationally or logically. Their perceptions are likely to be polar opposites, believing their own perception as the only real truth.

I share this excerpt from Randolph's book as it can't be said any better. "The variety of perceptions that can exist in any one given situation was aptly epitomized by the American comic George Carlin when he said: Have you ever noticed when you are driving on the freeway that anyone who is driving slower than you is an idiot, and anyone driving faster than you is a maniac?' In this scenario, the three drivers each perceive the other to be either an idiot or a maniac, while at the same time perceiving themselves to be entirely normal."

To penetrate such resistance and shift perspectives, the mediator must first dive deeper to disarm the anger, acknowledge the emotions and help the parties feel heard so that passions can subside. Doing so, helps move the parties to a place where they are more amenable to reason and are ready to listen.

This is the point where the mediator's own emotional intelligence and communication skills are essential. Active listening and the capacity to build a trusting relationship by creating a strong rapport with those in dispute (so that parties feel truly heard) is key.

We can then draw upon the four tenets of emotional intelligence as defined by Daniel Goleman:

- Self-awareness
- Self-management
- Other-awareness and
- Relationship-management.

As Rumi so eloquently quoted, "Yesterday I was clever, so I wanted to change the world. Today I am wise, so I am changing myself."

The ability and capacity to create trust and rapport does not necessarily come intuitively or naturally. Instead, just like compassion, it can be learned. As Stephen Covey says in 1989 book, *Seven Habits of Highly Effective People*, "the biggest problem about communication is that we do not listen to understand, but instead listen to reply."

We want to shift from seeking to be understood to seeking first to understand. To listen, we must first be silent! This is where "The BEACH" comes in as a powerful tool in structuring our listening for understanding and demonstrating the compassion needed for trust.

All conflict is emotional and all emotions are both thoughts and sensations. The magical power of mediation lies in the ability of the mediator to read the behavioral clues and facilitate the process using skills and techniques that allow the parties to feel truly heard.

Your presence matters.

Are YOU ready to leverage your legal mindset for an Agile Lawyer life?

Your presence matters in how you connect with others!

Your presence matters in how you listen!

Your presence matters in how you engage!

YES, your presence matters!

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*"We've long built on what we technically know or focused on ourselves as the product of our upbringing. We seldom dive deeper into who we are, what we represent, and how we show up with others. It's time to make a difference!*

*Develop new frameworks for life and work."*

- Dr. Debra Dupree, The Mindset Doc -

## Written by Dr. Debra Dupree

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Dr. Debra Dupree is a Workplace Mediator, Conflict Coach, Trainer and Keynote Speaker. She provides workforce development consultation to emerging leaders and advancing professionals on disability and reasonable accommodation practices, employee-management relations, and communication/conflict management strategies.

Debra has an extensive training and conflict management background, training professionals throughout the United States and Canada in workplace mediation, the interactive process, and leadership strategies for challenging and difficult employee behaviors. She currently provides mediation and conflict management consultation to the San Diego and Imperial County Offices of Education serving nearly 100 different school districts.

Debra served as the President of the California Association of Rehabilitation Professionals (CARP) when the Americans with Disabilities Act (ADA) was passed and on the Board of Directors when major changes to the California Workers' Compensation were enacted by Legislature in 1994.

Since then, she was featured in *Newsweek* as one of San Diego's top psychotherapists, recognized by the Los Angeles Federal Executive Board for her workplace mediation expertise, and distinguished as a leader in dispute resolution by the Southern California Mediation Association (SCMA) and the Association for Conflict Resolution (ACR).

She served nationally as the Workplace Co-Chair and Newsletter Editor for the Workplace Section of ACR. She was also President of ADR-San Diego. In 2016, she was recognized as one of the top ten trainers globally by training participants through training programs sponsored by SkillPath Corporate Strategies.

She served as an Adjunct Professor at Cal Western School of Law in ADR and National University in Conflict Management Systems, as well as for Ryokan College in the field of psychology. She is slated to teach on the Psychology of Conflict for USC's Gould School of Law in 2021.

Today, Debra is the founder and president of Relationships at Work, Inc., a consulting practice founded in 2011 serving organizations and the professional community on the psychology of human dynamics. She recently launched "The Agile Lawyer Life Series: Leveraging Your Legal Mindset" to support the legal community in transitioning to the new world of working virtually.



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