

## CHAPTER EIGHT

# BLOWING OFF STEAM: VENTING AS A CATALYST OR IMPEDIMENT TO RESOLUTION

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Two brothers, Sam and Jack, sold a family business they inherited from their father. After the sale, they became embroiled in a bitter dispute with Bill, the purchaser. The parties executed a standard buy-sell agreement that provided that the brothers remain as consultants to the new owner for a short period of time. It also contained a buyout provision that combined fixed payments plus a percentage of sales for a five-year period. The brothers sued Bill for monies owed, challenging the accounting that was provided. Bill counterclaimed, accusing the brothers of overstating the original sales figures upon which the buyout was based.

Both parties were represented by experienced counsel and all came to the court-ordered mediation to participate “in good faith and with a sense of urgency,” which was the standard required by the court. The venue was ideal for settlement—a bright conference room with adequate nearby caucus space, a large table, lovely views and in a location convenient for everybody. A smorgasbord of food and drink was available in the room for everyone’s comfort. The mediator began with an opening statement, followed by each of the lawyers’ brief assessments of their cases. Emotions in the room were high. Once the clients had an opportunity to speak, the anger surfaced rather quickly. The accusations, subtle digs and name calling began. The air was heavy with animus and the venting was pronounced. Deadlock seemed inevitable. The foundation for ultimate impasse was established.

The focus of this chapter supports the notion that venting, contrary to popular belief, is an impediment and not a catalyst to resolution. This chapter explores the historical context of venting and examines mediation strategies which foster the free flow of information without engaging in uncontrolled venting of anger. Venting is discussed within the context of facilitative and evaluative mediation styles and does not reference transformative mediation. Venting in joint session is distinguished from its use in caucus sessions. Vignettes are utilized to relate psychological anger theory to actual mediation practice. The focus is to present information to the practitioner to avoid pitfalls associated with venting. The goal is the avoidance of premature impasse.

## **[8.0] I. OVERVIEW OF VENTING**

Venting is described as giving expression or utterance to anger. Traditional mediation teachings such as those posited by Ury and Fisher<sup>1</sup> advocate the use of venting. Venting is seen as a way to release emotions. The

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<sup>1</sup> Roger Fisher & William L. Ury, *Getting to YES* 2d ed. (Penguin Books 1991).

utility of venting has maintained its rightful place within the pedagogy of mediation process. However, this theory is not supported in much of the psychological literature. Psychological research has shown little corroboration for the beneficial effects of venting and instead suggests that venting increases the likelihood of anger expression, aggression, hostility and its negative consequences.

The root of the word vent comes from the Anglo-French “aventer” meaning to air. The origins of the term “venting” are traced to the teachings of Freud and his hydraulic model of anger, in which he theorized that expressing hostility was better than repressing it. Freud analogized human anger to a pipe full of hot water; if the steam is not properly “vented” it will explode. The concept of “letting off steam” has gained acceptance both within popular culture and among many conflict resolution theorists. There are numerous venting analogies that have become popularized when focusing on anger and its release. Lohr<sup>2</sup> notes that commonly used expressions for venting anger include “get it off their chest,” “blow off steam,” and “let it all out.” He notes that people can be compared to pressure cookers and their anger is akin to the steam vapor trapped inside the pot.

The historical basis for anger expression comes from the catharsis model, which provides that an individual who acts in a hostile manner will subsequently reduce angry and aggressive feelings. Catharsis is first attributed to the teachings of Aristotle in which he hypothesizes that watching tragic plays allows viewers to have a release from negative emotions. Catharsis theory is harmful because it justifies and perpetuates the myth that anger is good, despite much of the available scientific evidence indicating that venting anger increases aggression and violence. Catharsis is a means of relieving the pressure that anger creates. This theory embraces the concept that it is better to release the anger in increments rather than repressing it. If repressed, the anger will build to the point that a dangerous explosion occurs. The eruption thus described can be detrimental to the mediation process.

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2 J.M. Lohr et al., *The Psychology of Anger Venting and Empirically Supported Alternatives That Do No Harm*, *Sci. Rev. Mental Health Prac.* (2007) pp. 53–64.

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**[8.1] II. “CONTROLLED VENTING”  
AT THE JOINT SESSION**

At the outset of the mediation, it is imperative that the mediator highlight the unique opportunity the participants have before them. Parties can tell their stories in informal and uninterrupted ways, not constrained by rules of evidence and other formalities that may be implemented in arbitration or litigation. If parties are assured that they will be heard without the need to resort to rancor, blaming language or histrionics, the potential for reaching impasse is greatly lessened.

Often, venting behavior is exhibited early in the joint session, soon after the mediator’s opening statement is concluded. A participant who is prone to invoke the technique of venting is more apt to be the party who has had all his emotions contained and cannot wait to confront the offender. Face-to-face discussions with a moderating force in the room present a significant deterrent to control negative behaviors. However, if information is presented in an angry, contentious, or hostile manner, it is possible that the new information is not fully heard, appreciated, or processed. Because venting has long been advocated as an intervention to be used during the mediation process, it is not uncommon for a lawyer to have advised the client (prior to arriving at the mediation) to “get it off his chest” at this stage. Unfortunately, the process of recounting the grievances may “add fuel to the fire.” This may require the mediator to work harder to undo the damage caused by “reliving the wrong.” Anger is disruptive to the resolution of the dispute.

**[8.2] A. Strategies**

The mediator’s role is often analogized to that of a “circus ringmaster.” However, if an environment can be established in which the venting communication uses less blaming language, the anger will not be reinforced and may produce an opening for dialogue. In order to achieve beneficial exchange of information, the venting must be “controlled.” The mediator is encouraged to adopt anger-control strategies.

A few simple techniques such as encouraging the participants to describe the offending incident in terms of “I,” not “you,” are helpful. For instance, in an employment dispute, a statement such as “I felt like you were ignoring the good work I am doing for the corporation” as opposed to “You never gave me credit for the work I produced” shares the same information yet uses a diametrically different tone. A level of venting can be achieved without creating a situation where the perceived offender is

so alienated that meaningful negotiations could not proceed. This expression of anger communicates that the issue under consideration is very important to the person and he or she is stalwart in that position. It is critical that if the mediator allows the venting to proceed, the mediator must be cognizant of its duration and be vigilant not to allow the expression to linger. If the venting can be channeled and perhaps limited in time and scope, it may not be detrimental to the process.

However, anger is multifaceted. It is a negative feeling associated with subjective as well as physiological characteristics. Classic physiological characteristics include the increase in heart rate and blood pressure. Such physiological manifestations are not conducive to the free exchange of information or productive communication, which are the tenets of a successful mediation. These characteristics create an “internal venting” which also can be harmful to the mediation.

Psychologists study emotions in the context of attribution-appraisal and reappraisal theory. Anger results from attributing a negative event to causes that are internal to, and controllable by, another individual. A person experiences anger by attributing responsibility or blame to an offender in an anger-arousing incident. But that anger can change if one “reappraises” the anger-provoking situation. If appraisals are necessary for generation of emotions, changes in appraisal may be necessary to change emotions. Persons who are willing to reappraise the situation that initially provoked the anger experience less anger than those who are less apt to reappraise. Reappraisal theory and the exchange of new information is critical to a successful mediation.

In the joint session, the goal is to share valuable information to allow the parties to reassess their original position. Controlled venting allows the detailed information exchange, which may not have been readily available or apparent to the participant prior to the mediation. Mediators who can foster an environment in which the parties are encouraged to reappraise the facts as they originally perceived them may avoid laying the seeds of impasse.

Let’s return to the sale of the family business. Sam and Jack approached the mediation assuming that they were being cheated by the purchaser; they expressed anger and exhibited open hostility toward the new owner. Once the mediator was able to diffuse the anger, the brothers heard how the recession negatively impacted the business and learned that Bill was experiencing severe pricing pressures from overseas manufacturing competition. Both of these factors greatly contributed to the diminu-

tion in receipts paid to the brothers, not irregularities in accounting methods as originally claimed.

Application of attribution, reattribution and reappraisal can also be seen in a mediation within the health-care arena. For instance, a medical billing service sued a chiropractor client for failure to pay invoices for collection services rendered. The chiropractor counterclaimed and court-ordered mediation ensued. The doctor assumed that the agency was not giving proper attention to his accounts but, during joint session, after much blaming of and accusations directed toward the female owner of the collection agency, the chiropractor learned that his new office manager lacked a basic expertise in medical computing and coding. The errors were coming from the doctor's office and not attributable to the actions of his billing service.

New information changed the belief in the offender's culpability. These ameliorating factors exhibited in a controlled venting situation provided a satisfactory explanation to the circumstances, prevented impasse at this juncture and allowed the mediation to continue.

### **[8.3] B. Venting and Its Role in Caucus**

The role of the mediator is to assure a safe working environment in which the parties are encouraged to attempt to resolve their disputes. If the venting manifests itself in the form of verbal attacks or threats, the mediator must intervene immediately. Nonverbal sources of venting are equally harmful. Such common displays of anger may include pounding the table, shoving a chair, throwing a book or file, or dramatically ripping up a document. Physical venting tends to escalate the anger rather than dissipate it. One of the most damaging behaviors a mediator may witness is the combination of a pointed animated finger accompanied by loud, yelling speech.

The mediator has several options when faced with this unproductive hostile behavior. A mediator may call for a break in the proceedings, the suspension of the mediation, or most commonly, a move from joint session into caucus. Research revealed that venting to third parties tends to escalate the anger and is not conducive to a conciliatory tone. In a recent study, Parlamis<sup>3</sup> observed that venting to a third party resulted in greater anger than not venting, whereas venting to the offender directly did not show a significant difference from not venting at all.

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3 See appendix at the end of this chapter.

It is not uncommon to hear in caucus, especially when the complainant is highly suspicious of the offender, an animated discussion of the underlying distrust of the other party's motives. For instance, in a conflict that involves a builder and a homeowner, the homeowner may ascribe negative motives to the behavior of a contractor. Often an angry homeowner accuses the worker of wanting to finish the job quickly, paying no attention to detail, and freely substituting inferior materials for the ones expected. New research suggests that it is more advantageous to the success of the mediation process if the homeowner would express these concerns directly to the builder in joint session rather than repressing these thoughts and waiting to share them with the mediator in caucus.

The dispute involving Sam, Jack and Bill serves to demonstrate this concept. During the joint session, Sam appeared to be angrier than Jack. Once the parties proceeded to caucus, the mediator opted to meet first with Jack and his attorney. The mediator learned that the interests of the brothers were quite divergent. Jack is entrepreneurial, has invested in an overseas business, and is excited about his new venture. He is anxious to receive the remaining monies owed to him from his former business. He seeks closure. Sam has not moved on. He has taken the money from the sale of the business and is relaxing during retirement. Sam has plenty of time to devote to this ongoing conflict. Sam is "married to the dispute" and does not appear to value finality. Armed with that information, the mediator enters the caucus to meet with Sam and his counsel. The mediator anticipates that Sam will want to engage in protracted venting. The neutral also realizes that venting to a third party rather than the offender will tend to be detrimental to the process. Those like Sam who are highly invested in the sustenance of the dispute present a difficult circumstance for the mediator. The mediator must engage in a delicate balance. He wants to encourage Sam to present his side without rehashing his many grievances and eliciting the negative emotion that his venting will produce while at the same time encouraging Sam to share his concerns with Bill when they return to joint session. The mediator may also need to critically examine Sam's position to motivate him to reappraise the situation and attribute a higher value to resolution of the dispute.

However, venting to the offender has its limits. In an Equal Employment Opportunity Commission (EEOC) mediation in which an employee files a charge complaining of sexual harassment against a supervisor, it is not advisable to have the parties in the same room. In lieu of confronting the offender, it is recommended that a knowledgeable representative from



Human Resources or the supervisor's supervisor be present in case any venting is unleashed by the charging party.

Economic disputes have been used to illustrate venting strategies. However, the information presented is applicable in other types of mediations. Many jurisdictions provide for community mediation. In this forum, neighbors are encouraged to meet to settle noise or property disputes such as barking dogs, loud music from aspiring teenage performers, boundaries and unkempt yards. During these mediations, the parties are generally unrepresented. Emotions run high, time is very limited, and the participants are usually unfamiliar with this method of conflict resolution. One can characterize the process as "guerilla mediation." The complainant is given an opportunity to confront the offender, which we know may have beneficial effects such as a reduction in anger. But the mediator must exercise some restraint upon the parties. Controlled venting is paramount because of the ongoing relationship that must endure once the parties leave the mediation.

A similar situation is present in a dispute involving divorced parents with joint custody. They come to the mediation to resolve a parenting issue, such as who gets the children for the Thanksgiving holiday. Representation may not be present, the subject matter is emotionally charged, but, most importantly, the disputants must maintain a continued relationship with each other as they jointly share the responsibility of raising their children. Encouraging the parties to explode with emotion will be counterproductive for this conflict and damaging to resolving their future disputes.

In elder mediations, a different set of concerns exist, yet, again, the utility of venting is questioned. For instance, if Mom is in the nursing home, the family is often faced with difficult end-of-life treatment options. The circumstances tend to be quite stressful. A longstanding relationship is in its final stages where old wounds and petty jealousies often surface. Adult children embroiled in a parent/child dispute are cognizant that angry venting toward the senior can be particularly hurtful and they may not have the opportunity to undo the damage from hostile exchanges. The power difference between the generations is often palpable. Furthermore, adult children who are engaged in a conflict with their siblings concerning the finances or the care of the elder may be prone to unproductive venting, too. Once the elder has passed, they will want to maintain a cordial relationship with their siblings. Therefore, during this difficult period, the mediator may want to encourage moderation in their expression of anger.

**[8.4] C. Venting and Other Considerations**

Thus far, the historical context of venting and its relevant applicable psychological theories have been examined. Despite knowing that each mediation takes on its own character and rhythm, the mediation process is generally viewed as a structured activity which proceeds in distinctive stages often starting in joint session and moving to caucus when appropriate. Mediator behavior must be fluid and respond to the use of venting in each stage. In addition to distinguishing venting strategies from a temporal perspective, there are other factors that may come into play when assessing the impact of venting within a mediation.

**[8.5] 1. Status**

Parlami found that offender status is also a contributing factor in the assessment of the impact of venting in its expression of anger. Higher status individuals have greater freedom to express anger, whereas individuals dependent upon higher status offenders for rewards (e.g., job, bonus, and good assignments) might be inhibited to engage in venting of anger for fear of reprisal. An individual engaged in an expression of anger at a higher status offender would tend to do so in a tempered way, using less blaming language and fewer responsibility attributions. In a workplace dispute where an employee denied a promotion is claiming employment discrimination, one would anticipate inhibited expressions of anger if the employee is currently employed by this company.

Status also played a role in our chiropractor dispute. The older well-established doctor was hostile to the process, resentful of wasting his time, and angry that he was being sued by the seemingly less educated owner of the agency. He engaged in arrogant posturing, which was escalated by the behavior of his attorney. The young owner of the billing service exhibited tremendous poise and responded to the physician's venting by the constant introduction of technical information that clearly contradicted the doctor's assertions. She never resorted to emotion in her responses. She and her lawyer ignored the physician's anger and used each outburst as an opportunity to further present her position, thereby capitalizing on the chiropractor's venting and turning it to their advantage.

**[8.6] 2. Balance of Power**

A corollary to the impact of status on the mediation is seen in Friedman's<sup>4</sup> study of electronically mediated disputes involving eBay in which researchers observed that the expression of anger led to a higher rate of resolution when the recipient of anger is in a weaker position. They noted that, generally, anger reduces the likelihood of settlement because such expression causes people to focus less on their own interests and more on retaliating against the other party. However, the recipients of anger will respond in a more conciliatory manner only if they have more to lose in the event of impasse. This study highlights the role that power imbalance may play in assessing the value of venting.

**[8.7] 3. Gender**

Gender may also play a role in the impact of venting in the mediation process. According to Domagalski,<sup>5</sup> earlier studies of gender and anger revealed that females, not surprisingly, tend to cry when angry and enlist the use of avoidance and suppression techniques. She noted that females are more comfortable with the use of calm discussion than their male counterparts. Conversely, males tend to exhibit aggressive displays of anger and make external attributions of blame when angry. Sex differences in anger expression are attributable to gender-specific socialization and cultural norms and should not be ignored in the assessment of venting strategies in conflict resolution.

**[8.8] 4. Ethnicity**

Anecdotally, many seasoned mediators noted that participants' responses to the use of venting during mediation often varied depending on the country or region of origin of the parties. Although research evidence on this point appears to be lacking, they noticed a different attitude toward the use of and the response of venting based primarily on cultural background. Members of cultures originating in the Mideast or Asia, in which negotiation is a significant part of daily life, will tend to transfer those routine behaviors into a U.S. mediation. In these cultures, one may go to the market and routinely negotiate for food and household basics. Such participants are therefore comfortable with exaggeration and hyperbole. Dramatic expressions of anger are all part of the sport and merely answered with more of the same. Such displays are commonplace; how-

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4 See appendix at the end of this chapter.

5 See appendix at the end of this chapter.

ever, they present a dilemma to the mediator if the participants do not all share the same set of behavioral norms. The cultural aspect of venting in conflict resolution requires significantly more research in order to produce meaningful paradigms applicable to mediation.

### **[8.9] 5. Ripeness**

A discussion of venting would not be complete without mention of the concept of “ripeness.” As discussed by Coleman,<sup>6</sup> ripeness has several definitions. It is described as a readiness to negotiate or the motivation to escape conflict. Others characterize it as a motivation to reach agreement or the commitment to change the direction of a conflict toward de-escalation. However according to Parlamis, venting with less attribution of responsibility may not be sufficient to reduce anger but may create a condition of ripeness. This observation from her study involving several hundred graduate students is consistent with the behavior that is often observed in the context of mediations. Venting, which incorporates a *de minimus* use of angry language, will allow the parties to potentially hear the information being shared and respond to the facts with changed perspectives rather than reacting with negative emotions.

### **[8.10] III. CONCLUSION**

There remains an apparent disconnect between traditional mediation training techniques and the psychological studies dealing with uncontrolled expression of anger. Expressing one’s anger had been perceived as beneficial to the resolution of the conflict. Upon closer examination, however, it appears that venting one’s anger in an attempt to resolve a dispute is detrimental. Anger acts as a barrier to settlement in mediation. Uncontrolled venting is counterproductive to the mediation process and provides the initial seeds of impasse. Caution should be exercised during the mediation when parties want to vent. The mediator should be wary and discourage the tactic of “blowing off steam.”

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<sup>6</sup> See appendix at the end of this chapter.

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