

## PART II – PRE-CAUCUS

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The process of mediation can help contenders discuss issues, repair past injuries, and develop the tools needed to examine disagreements directly with each other. Preparing for such a conversation takes work. While there are hundreds of factors that can affect the successful resolution of a mediated conflict, in PDM the *pre-caucus* is one of two essential pillars. The mediator meets alone with each party during the pre-caucus.

Until recently, any private conversation between the neutral and one of the disputing parties was perceived as suspect: mediator impartiality was considered compromised. Such fears assume a mediator-directed approach in which the third party wields much power and often acts as a quasi-arbitrator. When the mediation process is understood—from its inception—as one in which the contenders retain control over the outcome, then less importance is given to the mediator’s supposed neutrality.

The pre-caucus affords each party the opportunity to be heard and understood. Through it, contenders can: (1) vent emotions, (2) broaden perspectives, (3) feel the support of a third party, (4) discover blind spots, (5) prepare to negotiate, (6) increase their desire to resolve the conflict, (7) gain hope, and (8) come to see each other as real people.

Finally, the pre-caucus helps answer an important question for the mediator: “Can I safely bring the parties into a joint session in which they will converse directly with each other? Or will a more traditional approach be preferable?”

During the pre-caucus, individuals learn to hear themselves and prepare to listen to each other during the joint session. Pre-caucusing is not about finding concessions, compromises, or solutions to the discord. Mediators have no clear clues as to how the conflict will be solved. There is no need for the neutral to panic and wonder, “What did I get myself into this time?” Eventually, the disputants will find their own answers.

Generally, the pre-caucus: (1) consists of a brief introduction by the mediator, (2) permits the party to speak and be heard through empathic listening, (3) challenges blind spots and prepares the individual for the joint session, and (4) helps harvest transformative comments made by each party in relation to the other.

Before mediators focus on listening, they briefly explain issues of confidentiality and the mechanics of the mediation process, so participants do not feel surprised or lost. Parties may have questions about the process, also.

Each disputant must understand that the role of the mediator is not to decide which of the contenders is in the right. For many people this is a difficult concept to grasp. Yet, little will be achieved as long as the parties are under the impression that they must defend the virtues of their own perspectives before an arbitrator. Participants, then, need to realize that mediation offers a unique opportunity to clarify their objectives and begin to comprehend each other’s needs. Mutual understanding allows for more enduring solutions.

The introductory conversation generally lasts less than five minutes. Let us move on to the empathic listening portion of the pre-caucus.

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### Empathic Listening



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The Panama Canal serves as an adequate analogy for the listening role played by the mediator during the pre-caucus. As a youth, I traversed the canal several times on a freighter from the Port of Valparaíso in Chile to New York. Massive lock gates regulate the water levels in the canal so ships can move along the waterway. The water level behind a set of closed locks can be much higher than that of the next lock chamber through which a ship will sail. Immense pressure builds behind these closed locks. This same pressure—an integral part of the canal design—prevents lock gates from opening and ships from moving through until the water level has evened out. Water is gravity-drained from chambers through culverts of enormous diameter.



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*The Panama Canal uses lock gates that permit adjoining chambers to have greatly different water levels. Only when these waters are leveled (see top right insert) is the water pressure reduced. A mediator helps contenders drain lock chambers of antagonism and open emotional lock gates.*

When water that has been held in disparate levels is released—such as in a dam burst—at first it flows with enormous power and speed, and mostly in one direction. Only after the pressure is greatly diminished, and as the water begins to level, is the flow volume and speed reduced—sometimes to a trickle.

Compare this scene to the state of mind of individuals involved in an intense conflict. Under crushing pressure, individuals cannot see a way out. The role of the mediator is to help disputants empty the large reservoirs of anger, stress,

frustration, and other negative feelings. Only then will the parties be able to see and think more clearly.

The mediator helps contenders drain lock chambers of antagonism and open emotional lock gates. When they do, intense affect pours out. People often begin by speaking very fast, hardly taking a breath. When the parties' emotions have built over enough time, the pressure can overflow and result in tears. As the pressure eases, so does the strength of the emotion and the speed of the speech. Just as water sometimes trickles when it is close to being fully drained, individuals who feel heard may begin to speak so slowly, and with so many pauses, that some listeners feel uncomfortable.

Without a *full discharge*, however, a contender is unlikely to either think clearly about the dispute or be receptive to external input—from the opposing party or the mediator. There are no shortcuts to empathic listening. Only after individuals feel heard can they truly consider their own needs, let alone those of the other party. Perhaps empathic listening can be thought of as *listening first aid*.

At one enterprise, the manager introduced me to one of the conflicting parties. As soon as we were left alone and began the pre-caucus, the individual broke into tears. A similar situation took place at a different organization. One of the managers began to cry, ostensibly because of pressing issues. Had these men entered immediately into joint meetings with the other contenders, their feelings of vulnerability might easily have turned into anger and defensiveness.

I was once informed that the pre-caucus would be quite brief, as the person I was about to listen to was a man of few words. Yet this individual spoke to me for almost two hours. By the time we finished, he felt understood and had gained confidence. During the joint session he was able to speak and even laugh when it was appropriate. I have found the silent type will often open up during a pre-caucus—when there is someone who will truly listen.

As a natural self-defense mechanism, people like to explain their own perspectives first, and this adds to the complexity of the

mediation process. Certainly, both parties cannot speak and be heard at the same time. Although not the same as explaining one's position to an adversary, parties can freely vent to the mediator before having to be receptive to other ideas.

The more entrenched and emotional the conflict, the more vital the listening role. Some rivers seem calm and inviting on the surface but treacherous currents may lie underneath. Likewise, it is impossible to know for certain, before the pre-caucus, exactly how deep emotions are running. If it turns out that the conflict is not deep-seated, it simply means the pre-caucus can be shorter.

The process of listening so others will talk is called *empathic listening*. Empathy, according to some dictionary definitions, means to put oneself in a position to understand another. Certainly, this is an aspect of empathy. I prefer to define empathy, however, as it is often used in psychology: the process of attending to another so the person who is speaking feels heard in a nonjudgmental way. Empathic listening requires that we accompany others in their moments of sadness, anguish, self-discovery, challenge—or even great joy!

This approach to listening was championed by Carl Rogers, in his book *Client-Centered Therapy*.<sup>1</sup> Rogers applied the method to therapy as well as human resource management.

Empathic listening skills are critical to the practitioner of PDM. When an individual feels understood, an enormous emotional burden is lifted, stress and defensiveness are reduced, and clarity increases. Furthermore, contenders will greatly improve their own negotiation skills as they master effective listening skills.

### **Listening in Interpersonal Communication**

We spend a large portion of our waking hours conversing and listening. When two friends or colleagues have an engaging dialogue, they often compete to speak and share ideas. Listening plays an important role in such stimulating exchanges. When it comes to empathic listening we do not vie to be heard, nor do we take turns speaking. Rather, we are there to motivate and cheer the other person on.



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*The person who feels truly heard begins to speak more slowly and to pause more often. When individuals sense they will not be interrupted, they are free to engage in analytical thinking.*

Empathic listening requires a subset of proficiencies different from that used in regular conversation, and it is surely an acquired skill—often taking years to master. Many individuals, at first, find the process somewhat uncomfortable. Furthermore, people are often surprised at the exertion required to become a competent listener. Once the skill is attained, there is nothing automatic about it. In order to truly listen, we must recognize when empathic listening is called for and set aside sufficient time to do so.

Making time to listen is perhaps at the root of the challenge. People frequently lose patience when listening to others' problems. Empathic listening is incompatible with being in a hurry or with the fast-paced world around us. Such careful listening requires that we, at least for the moment, slow down and suspend our own thoughts and needs.

Some of the dialogues in this chapter are video transcripts made possible by generous volunteers. It is my goal to give life to these clips so as to illustrate what it means to listen empathically.

I challenge the reader to put aside any preconceived notions about effective listening. After decades of putting on workshops on this topic—to mediators, therapists, managers, and other professionals—I have concluded that empathic listening is very different from other listening techniques, including *active listening* (Chapter 4). In order to more clearly illustrate empathic

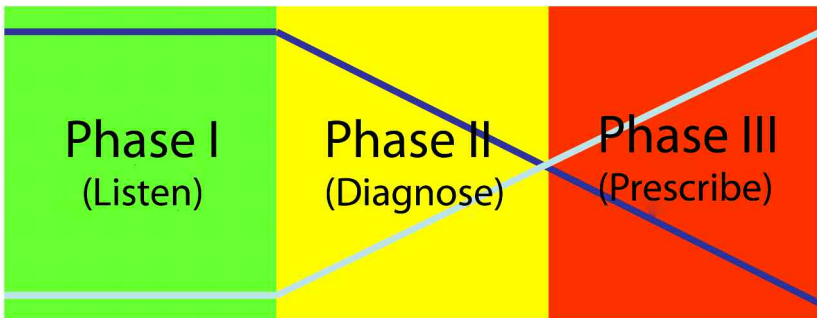


FIGURE 2-1

*The listening process is often divided into three phases. In the first phase, the helper (bottom line) permits the person with the challenge (top line) to do most of the talking. Note that in the diagnostic phase the helper begins to speak more; and by the prescriptive phase, the helper ends up upstaging the speaker and does most of the talking. This is why I like to use green for Phase I (proceed), yellow for Phase II (caution, entering dangerous territory), and red for Phase III (already in dangerous territory).*



listening, I will include both positive and negative listening examples.

Effective listening and attending skills can be applied to all of our interpersonal and business relationships. We will become more effective listeners as we practice at home, in our business dealings, and in other circles. One of the greatest gifts we can give another is that of truly listening.

### **Listening, Diagnosing, and Prescribing**

One helping model involves a three-phase process: (1) listening attentively, (2) asking diagnostic questions, and (3) offering a prescription, or solution. Slowly, or sometimes quite abruptly, people move from the listening to the prescribing phase. It is not uncommon for a helper (e.g., friend, listener, mediator) to focus on the third of these phases—offering advice—even when none is sought. At times, individuals may utilize only the first two phases. Perhaps most uncommon is an emphasis on listening alone.

Specific situations may call for different responses. When there is little time, or in dangerous situations, people may offer advice. For matters of a technical nature, the three-way process of listening, diagnosing, and prescribing is often preferable. After prescribing, it is helpful to take a step back and determine how the receiver feels about the proposed solution. Often people will pretend to go along with the most absurd solutions just to put an end to a conversation.

A related tactic involves going through the first two phases and then involving the disputing party in examining alternative solutions. When the solution is owned by the individuals facing the challenge, as is often the case in deep-seated interpersonal conflict, a purely listening approach is most advantageous. This is where empathic listening fits in.

Let us consider these phases in reverse order, beginning with the least productive yet more common approaches.



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*An individual who has pent-up feelings of discouragement or antagonism needs a release; otherwise, he is unlikely to be receptive to outside input.*

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## PRESCRIPTIVE PHASE

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The majority of individuals may begin with intentions of listening but quickly transition into the diagnostic and prescriptive phases. People accustomed to solving problems often listen with this frame of mind. Others focus on sympathy or sharing a story of how a similar difficulty was faced. Some become quiet so the speaker will hurry up and finish. None of these are helpful responses to venting. Each reflects, among other things, a certain amount of impatience.

When people are not paying attention we can often see it in their body language, as Michael P. Nichols describes in *The Lost Art of Listening*: “The automatic smile, the hit-and-run question, the restless look in their eyes when we start to talk.”<sup>2</sup>

It seems easy to solve other people’s problems. Individuals habitually say, “If I were in *your* position, I would have . . .” Perhaps. Occasionally we think we would have solved a person’s dilemma had we been given the chance. Instead, when we find ourselves in the same predicament, we often feel just as unsure about how to proceed.

Different personality types approach specific challenges in predictable ways, with foreseeable results. For instance, some people would not dream of confronting their friends, but instead would let irritations fester. In contrast, others have trouble keeping their opinions to themselves.

Have you noticed that some of your acquaintances seem to repeatedly fall into the same types of predicaments, giving the impression they did not learn from experience? Each of us has different personality traits and skill sets that permit us to solve some challenges more easily than others.

We are all too ready to give advice. Years ago, on the way home from a father-daughter date, I asked Cristina, my youngest, if I could give her some *free advice*. “I certainly don’t plan to pay for it,” she quipped.

On another occasion a young woman came to see me. Sofia could not perceive how giving the cold shoulder to Patricia—who had been her best friend at the university—was not only a cause of pain to Patricia but also a way to further escalate the growing divide between the two.

“I no longer speak to Patricia when I see her,” Sofia began. “Her cold attitude hurts. She never greets me and that really upsets me. She used to be very kind. But you know, now, when she tries to come over and speak to me, I pretend I haven’t noticed her and look away.”

“How do you expect your friend to act in a warm way towards you if you give her the cold shoulder when she tries to speak to you?” I inquired, stating the obvious.



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*The role of an empathic listener is to accompany another person and celebrate together the fact that the other can begin to unpack and analyze the difficulties being faced.*

I should have kept the comment to myself. Sofia was upset by my counsel and avoided me for some time. A few weeks later she came to see me again. This time I listened empathically. Rather than stating the obvious, I was attentive while Sofia described, in full detail, the ache she was feeling, the conflict history, her suffering and hopes. Sofia felt heard and was able to take some preliminary steps toward resolving her challenge.

Our effectiveness as listeners is often lost if we solve the problem before the person we are attempting to help does. Some try unsuccessfully to disguise advice-giving tactics through such questions as “Don’t you think that . . . ?” or “Have you tried . . . ?”

Aaliyah is very concerned about her grown daughter and has been openly disclosing her worries to her friend Shanise. Let us listen in on their conversation.

“These are the problems I have with my daughter,” Aaliyah shares, anguish punctuating each word. “I want to seek her out, try and speak with her, try and have her understand, but she doesn’t listen to me. [Pause.] I simply don’t know what to do. I feel incapable of helping her.”

“If you could get her professional help, would she go?” Shanise proposes.

“Uh. As I was telling you, she doesn’t listen to me. When I try and speak to her, give her advice, then she changes topics. That’s the problem I have—that I seek her out but she doesn’t listen to me,” Aaliyah insists.

Aaliyah considers Shanise’s contribution a distraction and momentarily loses track of what she was saying. Aaliyah eventually takes back control of the conversation. Because Shanise has been showing empathy to this point, Aaliyah forgives the interruption.

People such as Aaliyah seem to be asking for a solution when they say “I don’t know what to do.” Perhaps they even ask for advice, imploring, “What should I do?” The listener ought not rush in with a prescription. It is worthwhile offering a long pause, or saying something akin to “You are unsure as to how to proceed.” The latter is given softly as a statement, not a question. In either case it is quite likely that the person will continue to speak about the pain he is feeling. The helper then knows she hit the mark. If, instead, the individual continues to ask for suggestions, the listener can encourage the exploration of options.

In a listening skills workshop, I asked individuals to share challenging situations they had not yet resolved. John, one of the participants, shared some real concerns facing his enterprise. “Our top manager seems unsure as to how to proceed with such a delicate issue,” John explained. “He simply doesn’t know what to do about these two guys who won’t speak to each other.” The class participant who had taken on the role of empathic listener was encountering some difficulties in his role, so I interrupted to

offer some suggestions on how to keep John talking. Interrupting me as well, John explained that he did not want to “play the listening game”—he simply wanted a solution.

This was an ideal opportunity to illustrate some vital points. When workshop participants listen to people with real hardships, everything they have learned so far in the seminar can fly out the window. Rather than analyze the quality of the listening, people are all too eager to *suggest possible solutions*.

Workshop participants were permitted to go around the table suggesting solutions. But not before being warned that they were entering the prescriptive phase, which I have labeled red for danger. Suggestions started flying.

“Obviously, John,” the first participant began, “you must insist on having the supervisor speak with both individuals.”

“What I would do instead . . . ,” another piped in.

It soon became clear that, despite John’s request for a ready-made solution, these suggestions were irritating him. John admitted he would have preferred to continue to think aloud with the support of the class participants.

*Sympathy* is quite different from empathy. It often springs more from our longing for normality than from our desire for helping. One of my favorite illustrations that contrasts sympathy with empathy comes from Alfred Benjamin’s *The Helping Interview*: “When Lucy said, ‘I’ll never get married now that I’m [disabled],’ what did you do? You know you felt terrible; you felt that the whole world had caved in on her. But what did you say? What did you show?”<sup>3</sup>

If Lucy were your seventeen-year-old daughter, niece, or younger sister, I often ask, what would you like to say to her? Some of the most frequent responses include:

- “Your internal beauty is more important than outward appearances.”
- “I still find you beautiful.”
- “If a young man cannot see your beauty, he is not worthy of you.”
- “Modern medicine can work miracles, and perhaps you can recover beyond expectation.”




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*The role of the mediator is to help parties empty the large reservoirs of anger, stress, frustration, and other negative feelings until each is able to think and see more clearly.*

Benjamin continues:

Did you help her to bring it out; to say it, all of it; to hear it and examine it? You almost said: “Don’t be foolish. You’re young and pretty and smart, and who knows, perhaps . . .” But you didn’t. You had said similar things to patients in the hospital until you learned that it closed them off. So this time you simply looked at her and weren’t afraid to feel what you both felt. Then you said, “You feel right now that your whole life has been ruined by this accident.” “That’s just it,” she retorted, crying bitterly. After awhile she continued talking. She was still [disabled], but you hadn’t gotten in the way of her hating it and confronting it.<sup>3</sup>

In my opinion, many of these comments about her beauty and intelligence may possibly be shared, but much later, *after* Lucy feels truly heard and does not have more to say herself.

There are numerous ways we discount the needs of others, even when we think we are being good listeners. For instance, we may attempt to disclose our own stories of loss, disappointment, or success before the individuals we are listening to have had the opportunity to be heard. We may feel that revealing our own narratives proves that we are listening. Instead, the other person feels we have stolen the show.<sup>4</sup> Once again, this is not to say there is no room to communicate our stories with others, but rather, we should hear them out first.

Some people confuse empathic listening with being silent. First attempts to listen empathically are often betrayed by facial and body language that says, “Be quiet so I can give you some good advice.” Have you ever tried to speak to individuals who give no indication of what they are thinking? You do not know if they have lost interest or are judging you.

When people have deep sentiments to disclose, rarely do they expose their vulnerability by getting to the point right away. Ordinarily, the topic is examined through increasingly constricting circles. It can also be compared to an iceberg. Only an eighth protrudes at the surface while the rest remains submerged in the ocean. When someone says, “I am worried because . . . ,” and another responds, “Don’t worry so much,” the anxious person does not cease to be concerned. Rather, it becomes clear that the apprehension cannot be safely shared with this individual. Likewise, when a person proceeds to give a suggestion before understanding the situation, individuals will frequently pretend to go along with the proposal simply to get rid of the problem solver.

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## DIAGNOSTIC PHASE

The diagnostic phase involves asking questions, generally with the intent of coming to a better understanding of what the other individual is feeling. Perhaps the greatest danger with the process of diagnosing is the natural tendency to move from listening, to





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*Empathic listening requires that we accompany individuals in their moments of sadness, anguish, self-discovery, challenge—or even great joy!*

diagnosing, to prescribing. Rather than asking questions that will allow the speaker the opportunity for reflection, we tend to do so with the aim of finding and sharing possible solutions.

Rarely do people reverse the process and return to listening after entering the diagnostic phase. It is much more likely that they will be swept up by the turbulent current that takes them to the prescription mode.

I do not wish to imply that the diagnostic process is valueless. A useful advantage of the diagnostic process is that the listener can, at least on the surface, gain a better idea of what the challenge entails. Indeed, people frequently give too little attention to diagnosis. But in the process of empathic listening, a self-diagnosis needs to be carried out by the troubled person—not by the listener.

Often, individuals listen and ask questions with the idea of confirming their own observations. A much more effective method, according to the authors of *Narrative Mediation*, is to be moved by a *spirit of curiosity*. Such an approach has been called a stance of *deliberate ignorance*. Instead of assuming that a certain experience is the same as another we have gone through or heard of, we listen with interest and curiosity. Inquisitive listeners, according to John Winslade and Gerald Monk, “never assume that they understand the meaning of an action, an event, or a word.”<sup>5</sup>

Let us return to the conversation between Aaliyah and Shanise.

“My husband doesn’t help me resolve my problem with my daughter,” Aaliyah laments.

Shanise asks a couple of investigative questions: “What would he like you to do? Not to have any contact with her?”

“Well, we quarrel a lot because I tell him I’m a mother. [Pause.] And he doesn’t feel what I feel. And he doesn’t want me to seek her out because, after all, she doesn’t listen, and the situation will not improve. But I always seek her out. [Long pause.] And I told her not to be wandering about aimlessly—to come to my home, but she won’t, she says that . . . ,” Aaliyah continues, a narrative born of a mother’s pain.

The questions have helped Shanise understand the situation a bit better. Observe, however, that Aaliyah, after answering, returns to speaking about that which hurts her the most: her inability to help her daughter.

Here is another example of an investigative question. Once again, we pick up in the middle of a conversation:

“So that is the challenge I’ve been facing with one of our engineers. [Pause.]” says Raymond.

“In the morning or afternoon?” inquires Paul.

“I’ve been wondering if there’s a pattern indeed—if this happens on Mondays, or if there’s anything predictable in all of this,” Raymond answers. “The truth is that I haven’t found anything obvious. [Pause.]”



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*We can practice empathic listening both at home and at work.*

“Have you sat down with him and spoken about your concern?” Paul asks.

This conversation follows a pattern. Paul asks a question. Raymond answers and then waits for Paul’s next inquiry. Pauses become an excuse to interrupt. Paul has control over the conversation and his worried tone betrays the massive responsibility he feels for solving Raymond’s challenge. While Raymond may feel heard, such comprehension tends to be somewhat superficial. Raymond is not working as hard as he could to solve his own problem. Instead, he seems to be saying, “Go ahead, Paul. Be my guest. See if *you* can solve this mess. I dare you! I surely haven’t been able to.”

There are other types of questions, such as those that promote talking about feelings. Manuel tells his wife, Magdalena, that despite the international acclaim his work has received in New

York, he is unsure whether they should remain in the United States with their young daughters or return to their native Argentina. While Magdalena has heard her husband in the past, her current focus is to let her husband vent:

“That is the problem: to stay or return to Argentina?” Manuel sighs.

“What is it that you really miss from Argentina?” Magdalena inquires.

“Well, that’s what we were talking about recently . . . One misses the family . . . family relations . . . Sundays with the extended family and the kids . . . but I also miss my friends. I had a huge group of friends . . .,” Manuel continues speaking and sharing his concerns. Magdalena’s question has permitted Manuel to examine his feelings.

When a question is asked to help someone take charge of the conversation, it serves to *prime the pump*. Old-fashioned water pumps functioned through a lever and a vacuum. It took effort to make them start pumping water, but much less once the water started flowing. Prime-the-pump questions are especially useful to help individuals start speaking. Or to give back control of the conversation to the speaker—especially after an interruption (e.g., after the conversation stops when a third person momentarily walks into the room, when the conversation is being renewed after a few days, or when listeners realize they have interrupted or taken an overly directive approach to listening).

There are several types of questions, comments, and gestures that can help prime the pump. These may include, for example:

- Investigative questions
- Analytical comments
- Summaries of what has been heard
- Invitations for the person to say more
- Body language that shows interest
- Empathic comments

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## EMPATHIC LISTENING

Just as there are phases in listening, from *truly listening* (Phase I) to *diagnosing* (Phase II) to *prescribing* (Phase III),




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*I like to think of empathic listening as listening first aid.*

within listening Phase I there are several stages. In Stage I (*sharing*) individuals speak quickly and share with us those things they know well; things they probably have thought quite a bit about. In Stage II (*exploring*), people begin to speak slower and pause more. Some of what they are saying may be new to them. They may explore for meaning and for solutions. By the time they arrive at Stage III (*discovering*), they often speak very slowly, sometimes with extensive pauses. Much of what they are saying may be new to them. They may also be considering next steps. People may move in and out of these stages. Most people find it increasingly difficult to listen and be fully present as others transition into Stage II and Stage III.

A mother tells of an experience with her young child: “Years ago one of our daughters asked me to come outside and play

tetherball with her. She told me to sit down and watch as she hit over and over again a ball on a rope that wound itself around a pole. After watching several windings I asked what my part was in the game, and she said, ‘Oh, Mom, you say, “Good job, good job,” every time the ball goes around the pole.’”<sup>6</sup>

This is, essentially, the role of empathic listening—that of patiently accompanying another while they begin to unpack and analyze the difficulties being faced. In the child’s game, success is measured by the ability to wrap the ball’s tether around the post. In empathic listening, success is measured by the ability to help someone dislodge pain-soaked discourse and let it float to the surface. The speaker guides the direction of the conversation and is often surprised to find where the venting takes her.

I shall attempt to describe, in a more detailed way, how to accompany without interfering. There is a marvelously therapeutic power in the ability to think aloud and share a quandary with someone who will listen.

In contrast to more traditional ways of helping, the empathic mediator:

- Motivates the parties to speak without feeling judged
- Does not use pauses as an excuse to interrupt
- Permits the speaker to direct the conversation

If the mediator earns their confidence through this process, individuals begin to:

- Speak more (easily 97 percent of the conversation)
- Control the direction of the account
- Increase self-understanding (first, by reviewing what is known, and later, by digging deeper)
- Consider options and choose a possible outcome

A warning is in order. Empathic listening is dynamic. It is not sufficient to have an interest in another; the mediator must also *show* it. And it is not sufficient to show an interest; the intermediary must *feel* it. The person being heard immediately notices if the mediator seems bored, distracted, or upset.



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*Empathic listening permits those who own the problem to begin to hear themselves.*



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*Some hand gestures, such as the flat hand with the fingers raised, often mean “Don’t interrupt. I have more to say.”*

In the words of Alfred Benjamin, “Genuine listening is hard work; there is little about it that is mechanical . . . We hear with our ears, but we listen with our eyes and mind and heart and skin and guts as well.”<sup>7</sup>

### **Dangling Questions**

An incomplete question gives the other person control of the conversation. Let us return to the Argentine couple.

“And the children . . . miss . . . ?” Magdalena asks, prolonging the word *miss*.

“And the children miss . . . much, especially the . . . affection of their grandmothers, cousins. Undoubtedly they miss the whole family structure . . . ,” Manuel explains as he continues to uncover the issues that are troubling him.



### Indications That We Want to Know More

There are many ways we can signal an interest in listening and learning more. One of the most typical is simply to say, “Tell me more.” We could also say something like “How interesting!” or simply “Interesting.”

Brief, empathic noises or comments such as “yes,” “aha,” and “m-hm” are also very powerful. Discourse analysis scholars sometimes call these expressions *positive minimal responses*. The key is not getting stuck with one monotonous, irritating technique.

### Repeating a Key Word

Another empathic listening technique is repeating, from time to time, one word or two in the same tone of voice the speaker used—but *softer*. Aaliyah continues to share with Shanise the pain she is feeling because of her daughter:

“She moved and now lives in a nearby town with a friend.”  
Aaliyah gestures with her left hand indicating the direction.

“Friend,” Shanise repeats softly.

“Yes, but she won’t last long. She doesn’t work, and she won’t be able to live there for free,” Aaliyah continues. “She must contribute something, too.”

Empathic repetitions contribute to the process without interrupting. There are times when the conversational flow is briefly paused—usually the first time the technique is used—while the speaker reflects on the repeated words. But normally it happens in a very natural fashion. Speakers have the option of continuing what they are saying or further reflecting on the comment. Let us look at the technique as used by the Argentine couple.

“It’s true that the cost of education in this country is high, but the possibilities are infinite,” Manuel declares.

“Infinite,” Magdalena repeats, using the same tone.

“Infinite . . . Infinite in the sense that if we can provide support for the children and motivate them to study . . .,” Manuel continues, developing his thinking.

Critics have accused Carl Rogers of being directive. They claim empathic responses reward the speaker for concentrating on topics the listener wants them to focus on. My research, however, shows that when a person is interrupted by an empathic listener—with a distracting observation or comment—the speaker makes it clear that it was an interruption. Unless the disruption constitutes a serious breach of trust, however, the party continues to speak and control the conversation.

Mekelle, a young African American professional, is telling Susan that her best friend, Palad, is angry with her because her fiancé is Caucasian. The conversation proceeds normally until Susan asks a question that distracts Mekelle.

“My friend Palad . . . It bothers me—as bright and perceptive as he is—he cannot see that in reality, if one were to educate more people . . .,” Mekelle explains, expressing her frustration.

“Yes,” Susan adds, following the conversation.

“Then, he wouldn’t feel the way he feels. You understand?”

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*During the process of empathic listening in the pre-caucus, it will often happen that people who feel listened to will begin to see how they may have contributed to the conflict.*

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Mekelle asks a question that actually means “Are you listening to me? Are you following my logic?”

“Where is Palad from?” Susan interrupts. The question has no relationship to the anguish Mekelle is feeling.

“Palad is from Florida. He has lived several years in California. He’s now living in Oregon,” Mekelle answers.

“But . . .” Having lost track of what she was saying, Mekelle waves her hand, as if to say, “Let’s get back to the topic.” She then continues, “But . . . and it is only about Caucasian people. He only has problems with Caucasian people.” Mekelle smiles. “If the person were of any other race it wouldn’t matter, but when it’s a matter of a Caucasian person . . .”

Mekelle has taken back control of the conversation, despite the interruption. People often regain control by using the word *but*. It is also common for individuals to gesture, or show a flat hand with the fingers raised, meaning “As I was saying,” or “Do not interrupt.”

### **Crying with Those Who Cry**

People sometimes wonder if it is appropriate to cry with those who cry—or laugh with those who laugh. Both of these reactions, when they grow out of a natural and sincere reflection of the speaker’s mood, may be beautiful ways of showing interest and empathy. I am not suggesting that listeners need artificially to make it a point to join in with speakers who are crying—only if it happens naturally.

It is similar to the concept of *repeating a key word* with the same tone of voice, but softer, which we have already seen. That is, to cry or laugh, but less intensely. If we weep with more force than the speaker, this is yet another way of stealing the spotlight. When we listen, then, we can permit ourselves to feel empathy for the speaker.

What about crying when the speaker has *not* cried? By definition, this means that the listener is focusing attention on himself. A friend who went to marriage counseling greatly resented when the therapist cried—when he, as the client, had not.

### Empathic Sayings

An empathic saying is a longer comment, of a reflective type, offered to let individuals know we are following them. We might say something like “At this moment you feel terrible,” or “I can see you’re suffering.” When used sparingly, these expressions can be very potent.



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*When we respect pauses by not interrupting, we are in essence offering the person a psychological chair to sit on; it is a way of saying “We are not going away.”*

A troubled youth approached me one day. “I hate life,” he said. The loud, bitter comment filled the room. How badly I wanted to moralize and tell him that his own actions had placed him in the present predicament. Instead, I calmly stated, *à la* Rogers, “Right now, you are hating life.” I was trying to truly comprehend and letting him know that I was listening.

“Oh, yes,” he continued, but the anger lessened enormously. “Life, right now, is terrible!” As he continued to speak, the tension and volume of his voice subsided. This same youth soon recognized that he was not walking down the right path—without my having to say it.

In contrast, I observed a speaker—a therapist by training—who freely used the line “I can see you’re hurting.” As the conference’s Spanish-language interpreter, I was in a unique position to observe the audience. An older man stood up and told his heartbreaking story, and the therapist used his line at what seemed the perfect moment. The participant stopped talking and leaned back. I could see in his eyes and body posture that the old man had felt empathy from the therapist. The man had been touched and now felt understood. I was impressed. It seemed to me, however, that with each subsequent use of “I can see you’re hurting,” the catchy phrase became increasingly artificial. The magic was gone. Fewer people were convinced of its sincerity, and the expression soon meant “Be quiet. I want to move on with my talk.” The process had become mechanical and empty.

How do we know if the listening approach is empathic? Gerard Egan says, “If the helper’s empathic response is accurate, the client often tends to confirm its accuracy by a nod or some other nonverbal cue or by a phrase such as ‘that’s right’ or ‘exactly.’ This is usually followed by a further, usually more specific, elaboration of the problem situation.”<sup>8</sup> And when we are off the mark, sometimes the speaker will say so. Just as likely, the person will be quiet and avoid eye contact.

### **Empathic Questions**

In contrast to diagnostic questions, especially those analytical in nature, empathic queries go to the source of what the person is

*feeling*. These questions regarding affect are very powerful, yet less dangerous. They promote talking rather than silence. In effect they are prime-the-pump questions. An example is “What are you feeling at this moment?” Or without completing the phrase, the listener may stretch out the word *feeling*: “You are *feeling* . . . ?”

The strength of empathic questions is that they help expose and dissipate feelings and emotions.

### Body Language

One of the best steps we can take when preparing to listen is to invite the speaker to take a seat. By so doing, we let people know we are willing to listen—that we are not going to ration out time.

When seated, we may also show interest by occasionally leaning forward toward the speaker. Interest is reflected in facial expressions, head movement, gestures, and tone of voice. As with all of the techniques we have discussed, variety is critical. Otherwise, if we keep mechanically nodding our heads, we will soon look like bobbleheads.

If we are truly interested in listening, our body language shows it. Our nonverbal communication also betrays us when we get distracted or bored. During an NPA, I had been listening attentively for quite some time. I had not yet said anything but must have shown intentions of interrupting. Before I could utter a word, the person who had been speaking said, “Excuse me for



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FIGURE 2-2

*People who are interested in what others are saying will show it through their body language.*



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*We can let others know we are listening in a nonjudgmental way by occasionally repeating one word, or a few, in the same tone of voice used by the speaker, but softer.*

interrupting you, but . . . ,” and she continued relating her account. This happened several times, proving what communication experts have told us all along: individuals signal their intent to interrupt before doing so.

### **Respecting Pauses**

Silence makes people uncomfortable. Yet, one of the most important empathic listening skills is refraining from interrupting periods of silence. When people pause, they continue to think



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*One of the greatest gifts we can give another is that of truly listening.*

about their troubles. By not interrupting, we are in essence offering the person a *psychological chair* to sit on; it is a way of saying “I am not going to abandon you.”

The person who feels truly heard begins to speak more slowly and to pause more often. When individuals sense they will not be interrupted, they embark on an internal trajectory, every time deeper, wherein they commence to intensify the process of self-understanding and analytical thinking. Individuals who are truly heard often are surprised at the direction their comments take. It is not uncommon for them to say, “This is something I had not shared with anyone before” or “I am surprised that I raised this issue.”

Many listeners, who find it difficult enough to be patient when the other person was speaking at a normal speed, consider this slower pace torturous. Yet, this is a vital part of the gift of empathic listening.



How long can you endure a pause without getting impatient? Four seconds? Eleven seconds? One minute? Ten minutes? Often, the individual coming out of a lengthy pause will have undergone some serious reflective thinking.

Some individuals half jokingly ask if they can read or do something else while the speaker pauses. Of course not! To accompany someone requires that we are fully present and do not abandon the person. Even though it may not appear critical, these moments of paused speaking provide time for vital personal reflection to those who feel heard.

As we mentioned earlier, as time elapses and water is close to leveling, the flow slows down. In like fashion, when we observe individuals transitioning into slower and more paused speech, we can be pretty sure they feel empathically heard. They are draining pent-up pressure.

A young professional reported that she had put this advice to work. After a mediation and listening skills seminar she phoned her boyfriend, who had been experiencing some tribulations. “I had to bite my lips several times,” she reported. “But I managed not to interrupt him. After a long pause he asked me, ‘Are you there?’”

The disadvantage of engaging in empathic listening by phone is that fewer empathic responses are available to the listener. The young woman’s boyfriend could not see the interest with which she had been listening. She responded, “Of course! I’m very interested.” Once she had offered the verbal reassurance, he continued talking, this time with even more enthusiasm and penetration.

Let us review two more clips from our friend, Mekelle. In the first one, she speaks of her desire to make a decision and resolve her difficulty. This comment comes after she has been heard for a long time.

“I know I must call Palad again and have another conversation with him,” Mekelle resolves. “I haven’t decided . . . yet . . . when I will call him. [Long pause.] Yeah . . . that’s where I find myself at the moment . . . I’ll probably find a moment to call him next

week. I always like to plan this type of thing.” And laughing, she adds, “I am not ready to speak with him at this moment.”

Susan is accompanying Mekelle, and laughs when she laughs. “Not at this moment . . .”

“Right. Perhaps I should call him some day when I’m mad.” Mekelle laughs again. “But, hmm . . . it’s beginning to weigh on me . . . This lets me know I ought to call now.”

In the second clip, Mekelle speaks about the gratitude she is feeling for having been heard. “The really interesting thing to me is that I generally am not one to share my feelings. I tend to keep them buried and let other people tell me how they feel.”

“Hmm,” Susan listens.

After several false starts, Mekelle finally says, “This whole process . . . of realizing I’m still mad at him—because I didn’t know I was still mad at him—is very interesting . . . to me, that is.” Mekelle once again attempts to speak between her own pauses. Finally, asserting herself, and drawing out the word *mad* each time she uses it, she says: “I ask myself, ‘Why, exactly, are you mad? You know? Should you be mad? You could be disappointed. But mad? Especially since he didn’t do anything to you.’ By that I mean he didn’t use offensive language. He didn’t hit me.” After another pause, she continues, “I feel he disappointed me. I want to ask him, ‘How can you be so intelligent and think like that?’”

As we conclude this sub-section, at the risk of sounding self-serving, I want to share a debriefing that took place after a long empathic listening session. Paulina was sharing some painful workplace experiences while Gloria, who was attempting empathic listening for the first time and was trying to be fully present. Gloria had left when I conducted this brief interview with Paulina. It points out how we must be fully engaged and how much work that involves. While some people may not notice when we give out signals that we are done listening, others are very perceptive.

GREGORIO: What did it feel like to be listened to?

PAULINA: It was very strange at first, as it seemed very one-sided. I almost felt I was talking to a tape recorder.




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*Empathic listening is incompatible with being in a hurry or with the fast-paced world around us.*

With a friend, there usually is a greater back and forth. Like a brainstorm. Developing a subject by telling each other how we had both had similar experiences . . . My conflict was over here [Paulina indicates it with her hand close to the table.] but there were a whole bunch of layers underneath [She moves her hand higher, further away from the table.] so it was kind of . . . releasing. To be able to explore, and not have someone interject their opinion. But it was still weird. But that's only because I'm not used to that. But overall, it was very therapeutic, very freeing, very releasing, very comforting . . . to just be able to talk and be heard. Even though you were

behind the camera—you're a really good listener, obviously, you have a lot of facial expressions. You reflected in your expressions what I was feeling. You smiled when I was trying to be comical. I try and be funny a lot, it's kind of a defense mechanism. When someone isn't responding to that, I almost want to shut down. You don't have to drop on the floor in hysterics but at least respond to the fact that I made a joke. It's easy to talk to you. [Paulina then explains that she felt, at one point, that Gloria became emotionally absent.]

GREGORIO: Tell me more. What happened?

PAULINA: Oh, I can answer that question very easily! When Gloria leaned forward and really seem interested [Now she leans forward, smiling.], genuinely interested, I could tell she was not just pretending. I could see her reaction as: "Oh, wow! Where is this going to go?" That sort of thing is very helpful, very encouraging. She would nod, like nodding faster . . . I felt encouraged by her genuine interest. But at one point Gloria seemed as if she were internally yawning. [Paulina tries to show this with her facial expression but ends up laughing.]

GREGORIO: [Laughs.]

PAULINA: Kind of, "I don't want her to think that I'm yawning, but I'm yawning." She took off her glasses to clean them. She began to look away . . .

GREGORIO: M-hm.

PAULINA: . . . no longer looking at me. It's as if Gloria was disengaged. The funny thing is that at the times she looked most bored . . . and I was ready to stop talking, I looked at you behind the camera, and you looked really interested, so I continued.

GREGORIO: That's very important, what you're saying. Because you really have to be interested to listen to others, you cannot pretend. Every part of you has to be interested. The moment you start thinking about

something else [Changes expression to a blank stare.], it's just that transparent . . .

PAULINA: Oh, yeah! I saw the switch go off. It's as if it clicked. It was almost like an audible click. But when Gloria was there, she was *very* there. And what was particularly appreciated: she didn't make it about her, even though she had experienced similar difficulties in her life. She permitted the focus to stay on me! Gloria was most interested in those things that she had had a shared experience in, but not so much . . . We as people are selfish little things, aren't we? It's all got to be about us.

A person who uses the purely empathic listening approach will have to dedicate large blocks of time to it. Empathic listening, as used in PDM, can easily last an hour or two. A single pre-caucus may not provide sufficient time to listen empathically when a person has been involved in a prolonged hurtful conflict. In the most positive sense of the word, helpful, constructive feelings *ferment* between one empathic listening episode and the next. I call this *positive fermentation*.

#### RECONCILING EMPATHIC LISTENING WITH OUR BELIEF SYSTEMS

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Throughout the years, I have read numerous books about empathic listening. Some of its distinguished proponents suggest there is no such thing as *absolute truth*. My challenge, however, was the need to reconcile such a stance with the incredibly positive results obtained by the methodology. You see, I am a strong proponent of the existence of absolute truth, of right and wrong, of good and evil.

For instance, Rogers did not moralize, no matter how disturbing his clients' comments were. Instead he offered *unconditional positive regard*. Nor, to his defense, did he patronize troubled people by telling them it was normal to feel a certain way. When a client said she really hated her mother and would be glad to see her dead, Rogers listened. Soon, his client

would say, “Well, actually I don’t hate her totally. I also really love her, and I wouldn’t want her to be dead.” Through several transcripts of Rogers’ sessions with clients, this pattern is repeated. Each time, the client seems to make good decisions, backing away from hurtful, destructive approaches.<sup>9</sup> From my experience, observing how poorly people tend to listen, I suspect most would benefit from studying and internalizing Rogers’ methods.

But returning to my dilemma, how could I reconcile my belief structure with being a good listener? Or how about situations involving people who are blind to the most basic common sense? For instance, how should I respond to individuals who say they are starving for the affection of family members or former friends yet are doing everything in their power to reject those persons?

On reflection, I arrived at these conclusions: (1) When people are truly heard, they will often come to their own correct insights, but if their assumptions are still faulty, then (2) by the very process of listening intensely, the helper will earn the right to *challenge blind spots*. There will be moments when listeners are justified—or, should I say, compelled—to speak their truth.

During the process of empathic listening, people who feel heard begin to see how they have contributed to the conflict. For this mediation model to work it is necessary to have confidence in people’s desire for good. We must believe that individuals, when given the opportunity to reflect and reconsider, will find the path that is necessary to leave the darkness behind. PDM does not function unless the parties are essentially seeking to do good. If this is not the case, other mediation models will be more effective.

*Goodwill deposits* (a concept suggesting that people are more apt to accept proposals for change from those who have also celebrated their successes and are not overly focused on their failures) are earned, in part, through the empathic listening process. These deposits are required before the mediator earns the right to challenge an individual. After listening, concerns may be raised gently if it becomes necessary.

Despite all that has been said in this chapter, there will be times when the mediator’s values are incompatible with those of

one or more of the parties. Mediators should not suggest that people violate their own principles or belief systems, nor should anyone expect a third-party neutral to be amoral. Likewise, such a quandary may occur with empathic listening in general. If a friend tells me he is thinking of being unfaithful to his wife, and if he does not reconsider during the process of being heard, I think it would be a great fault on my part to keep silent.

There may be times, then, when empathic listeners may need to share their value systems. Often, people will seek the mediator's opinion out of respect for that person's values. One of the leading experts on empathic listening and challenging, Gerard Egan, suggests that living by a value system may well be a prerequisite to properly challenging others,<sup>10</sup> a topic I will pick up in the next chapter.

## SUMMARY

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Through the process of being heard empathically, each party in a conflict will control the direction, pace, and final destiny of the exploratory expedition. The parties involved in the discord will have to do most of the hard work. Yet, these individuals will not be left alone during their difficult voyages. Empathic listening permits those who own the problem to begin to hear themselves. And as they hear themselves, they become better equipped to hear others and solve their own disputes. The empathic listening approach permits disputants to sufficiently distance themselves from the challenge so as to see it with more clarity.

There is great therapeutic value in being able to think aloud and share a problem with someone who will listen. Good listeners have enough self-confidence to hear others explain their difficulties despite the absence of any apparent solutions. Furthermore, such a listener is not overly concerned with discovering solutions, as these will likely be discerned by the speaker.

Part of being a good listener may require consciously fighting to keep an open mind and avoid preconceived conclusions. Mediators may want to continually assess their listening style, making sure that they show interest, avoid being judgmental, and

permit the person with the problem to do most of the talking. They should welcome long pauses—these are signs that the person who is venting is studying the matter deeply and feels accompanied in this difficult effort.

Ultimately, the key is to have confidence in the process, knowing that the listener does not have to come up with a solution, but rather, only needs to be present.

In Chapter 14 we include a long transcription of an NPA pre-caucus where empathic listening takes most of the time. There, we are able to see Phase I (listening) divided into Stage I (*sharing*), Stage II (*exploring*), and Stage III (*discovering*).

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