

African Ombudsman Research Center

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Facilitators and Inhibitors of Communication

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Former

- Director of AORC
- Ombudsman for Bermuda
- IOI Board Member

Difficult Mediations: A Set of Tools

- 7 Elements of **Interest-Based Mediation**

(Harvard Law School Program on Negotiation; Conflict Management Inc.)

- Partisan Perceptions

- Ladder of Inference

- Active Listening

ALWAYS SEPARATE

SUBSTANCE

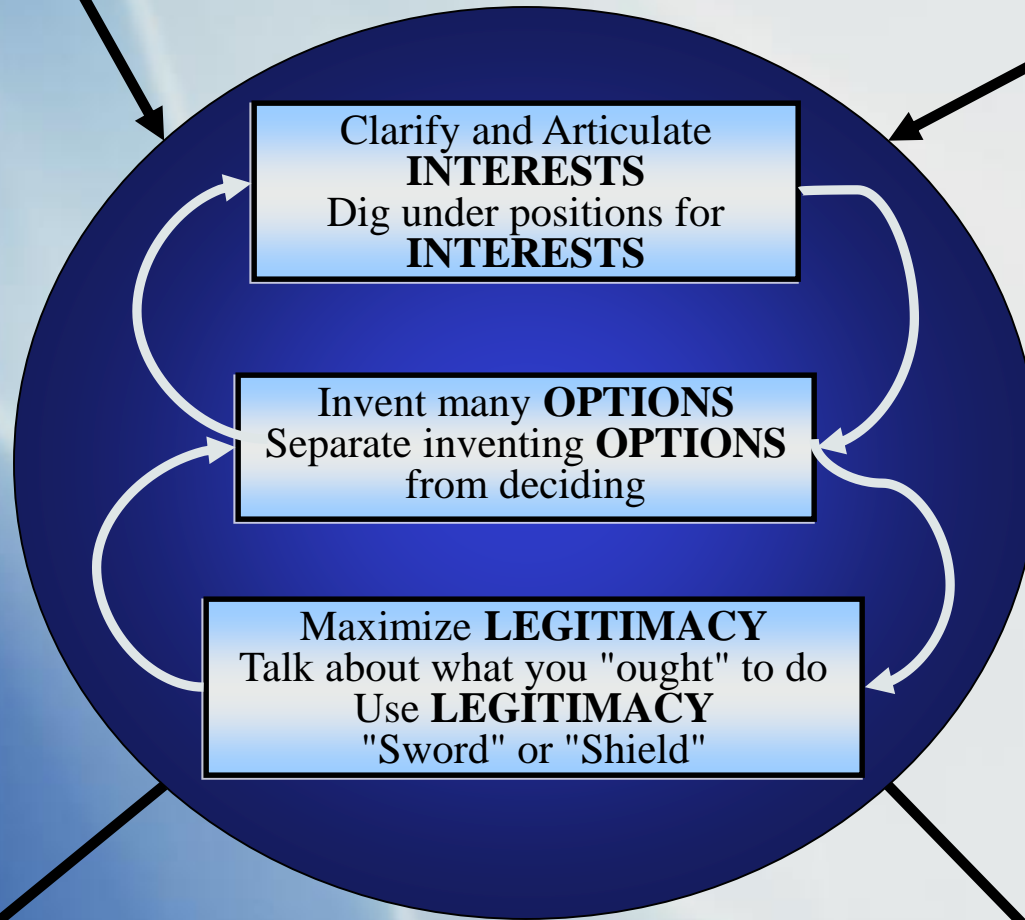
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PROCESS

Core Framework

Promote good two-way **COMMUNICATION**
Listen, and show you have heard and understand

Be unconditionally constructive on
RELATIONSHIP
Separate out **RELATIONSHIP**
from substance, as appropriate



Reality test their **BATNA**, if useful
Discuss your **BATNA**, if useful

For Workshop use only **COMMIT** early, and jointly, on process
COMMIT carefully, only after inventing options, to substance



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“PERCEPTIONS ARE REALITY”

Perceptions



Beliefs



Thoughts



Re/Actions

The Ladder of Inference

A's beliefs and assumptions

A's conclusions,
explanations,
evaluations, etc.

How A
understands the data

The data A selects

B's beliefs and assumptions

B's conclusions,
explanations,
evaluations, etc.

How B
understands the data

The data B selects



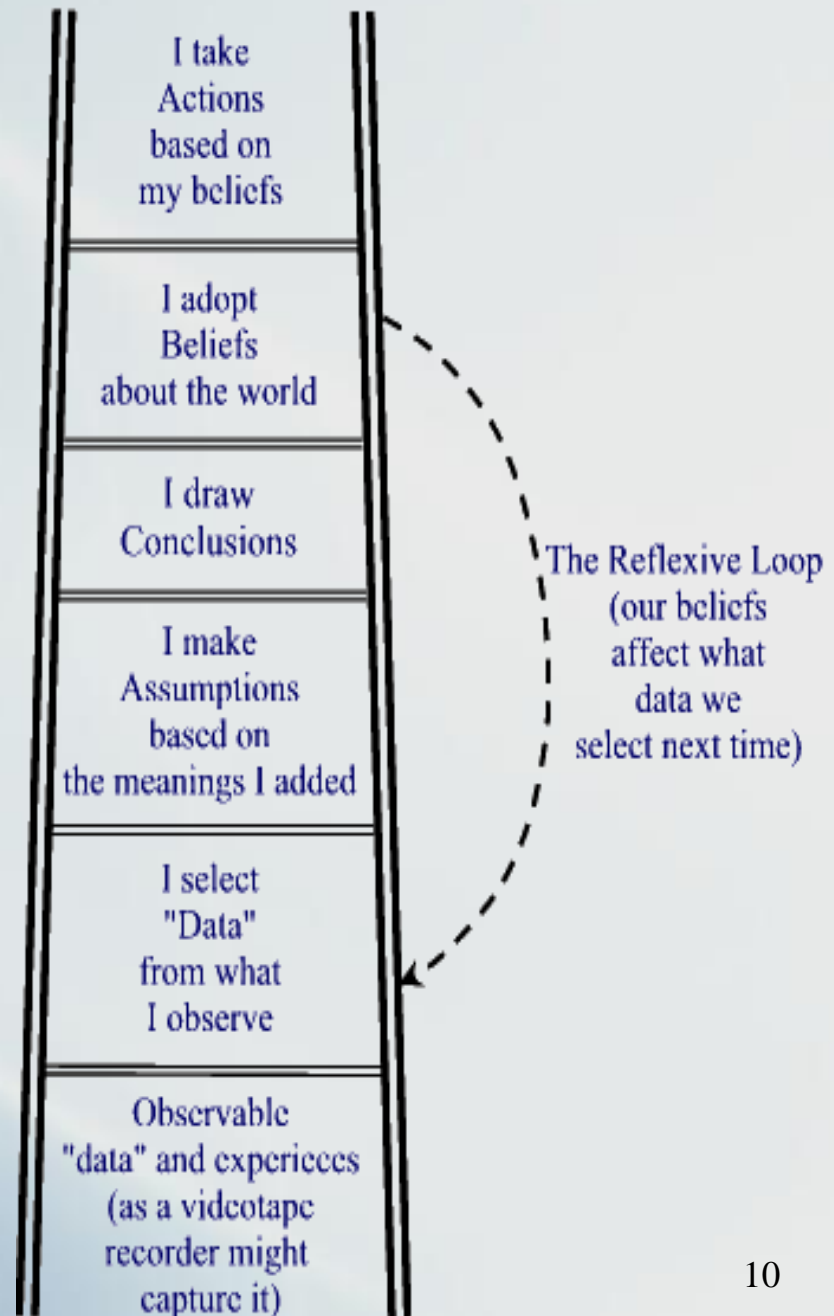
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The Ladder of Inference

Developed by
Chris Argyris

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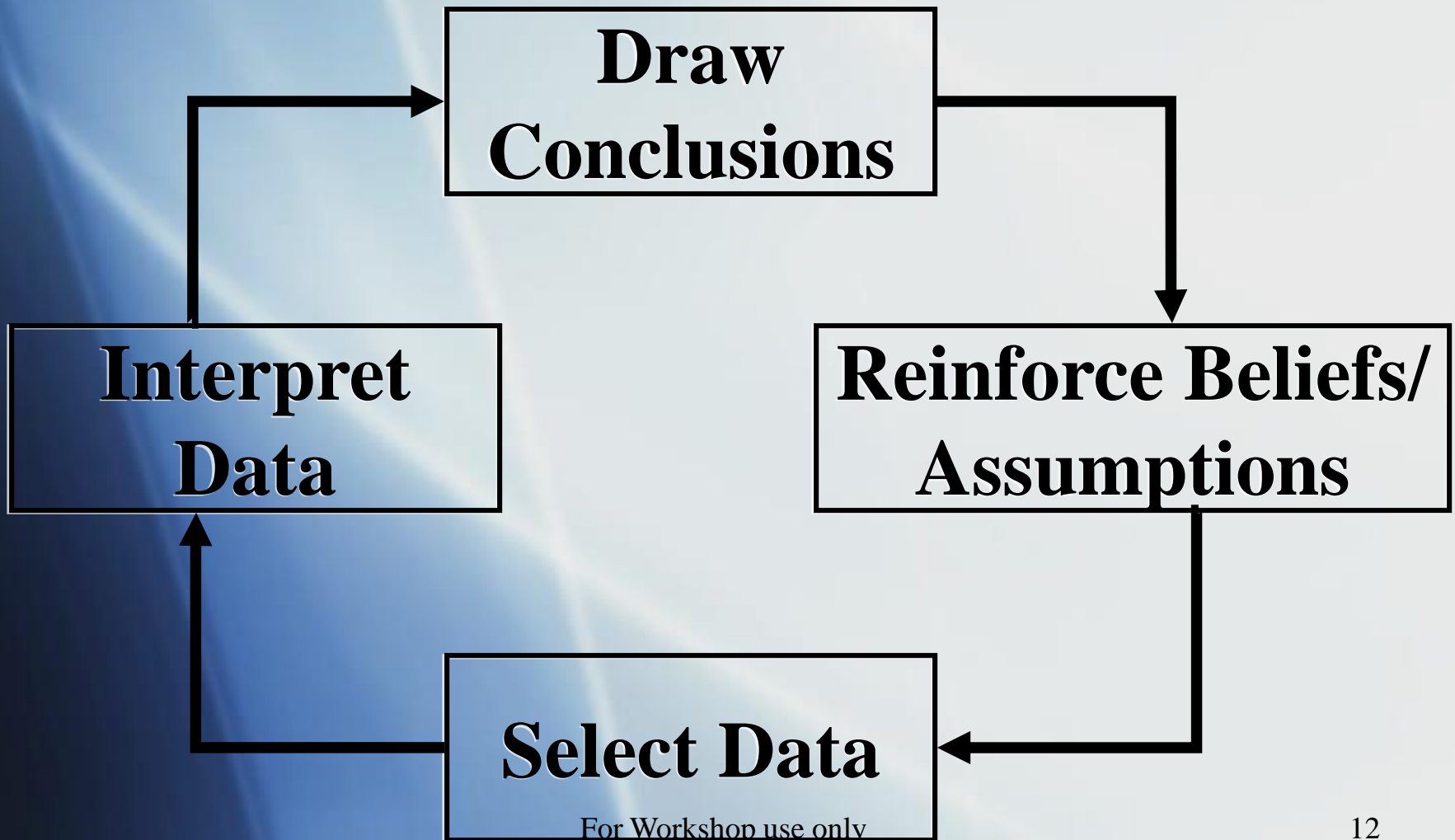


Contributions to Partisan Perceptions

- Experience and observe different data
- Interested in different things
- Collect evidence to support prior views
- Ignore / dismiss non-conforming data
- Selectively filter incoming data
- Selectively remember what we want to do
- Selectively recall
- We revise our memories

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Cycle of Inference



Cognitive Blindspots

- Are inevitable
- Hamper our effectiveness
- Are caused by:
 - False assumptions
 - Unconscious perceptions
 - Limits on our awareness

Predominant Defensive Routines

Avoiding

- despair
- denial
- tacit decision-making/rules of the game
- Mixed Messages/ Covering up (e.g. feeling mistreated/playing along)
- Covering up the cover-up

Debating

- State one's views as fact, a form that can't be tested
- Seek only to persuade / not to understand
- No inquiry into other's views
- Little listening
- Premises, inferences left implicit, untestable
- Views, feelings portrayed as unambiguous/unconflicted

Partisan Perceptions – Guidelines

Adopt a frame of mind for understanding

- Assume partisan perceptions exist – ours as well as theirs
- Seek to understand, and show understanding, before seeking to be understood

Make “understanding” a collaborative effort

- Consider discussing partisan perceptions early and explicitly
- Make mutual understanding the goal, consider carefully whether agreement is necessary

Partisan Perceptions – Guidelines

Dig for the data, reveal the reasoning

- Be explicit about the data you see;
ask what data are important to them
- Discuss how each of you interprets the
data and reaches conclusions

Create new perceptions, rather than battle over old ones

- Seek nonconforming data,
for both their view and yours
- Avoid conforming data

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understands the data

The data A selects

B's beliefs and assumptions

B's conclusions,
explanations,
evaluations, etc.

How B
understands the data

The data B selects

Communication Trap =

**Assuming that Because
We Have Talked,**

We Have Communicated

COMMUNICATION =

$\frac{1}{2}$ TALKING

+

$\frac{1}{2}$ LISTENING

**The most important half is
LISTENING**

Triggers for Active Listening

- Emotional situations
- Where communication is difficult
- When you're not sure you understand,
When you're sure you **do** understand
 - as a test
 - to demonstrate empathy
- **When they seem defensive**
- **When they aren't listening to you**

Listening Techniques- General Strategies

1. Seek to understand before trying to be understood.
2. Show them they have been heard by:
 - writing it down where they can see it,
 - paraphrasing back, and
 - checking for understanding,
[“So what you're saying is... Is that correct?”]
3. Use precise questions to clarify your understanding.
4. Assume they are “rational”
and you just do not understand them.

Listening Techniques- General Strategies

5. Avoid filtering all their messages through your own excessive filters.
6. Avoid “Yes, but ...”
7. Ask them to put their rationale out, not just their conclusion.
8. Do not listen to what people say; listen for what they care about.

ACTIVE LISTENING

- Know there are gaps in your understanding
 - Balance Inquiry with Advocacy
 - Be aware of personal “hooks”
- Listen for what the other side brings to the table
 - Withhold judgement until empathetically understanding the other side
 - Be **open to data** and views that might alter your own evaluation
- Distinguish between
 - Conclusions and Data
 - Blame and Responsibility
 - **Intent and Impact**

Impact

does not mean that the intent existed

Intent

does not sanitize impact