

The Master Mediator

Avoiding Isolation, and Creating a Connection, To Help Lonely Parties Settle their Cases

BY ROBERT A. CREO

What loneliness is more lonely than distrust?

— George Eliott (1819-1880)

I tell ya' a guy gets too lonely an' he gets sick.

— John Steinbeck, *Of Mice and Men* (1937)

All the lonely people: Where do they all come from?

— John Lennon–Paul McCartney, “Eleanor Rigby” (1966)

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Humans are social creatures who thrive in communities.

Affiliation and connection are core to physical, mental and social wellness. Historically, in many societies, banishment, exile, or being ostracized was a severe form of punishment.

Animal communities, such as primate troops, act in the same manner to ban errant or anti-social behavior. We form multiple identities and connections based upon being parts

of groups. Social and professional networks provide us context for who we are, and for successful daily functioning.

On the other hand, loneliness is an emotional state—we feel it. We can be conscious of it and take actions to combat what may be a subjective experience of emptiness, isolation, and feeling alienated, resentful, or hostile to other people. Loneliness often involves anxiety about a lack of connection or communication with others.

Loneliness differs from solitude or voluntary isolation where people seek time and space alone from others. Not everyone wants to be in constant contact with other people. This differs in that it is a choice and a decision that promotes your own sense of well-being.

Sometimes creative and artistic people can only produce work and outcomes in isolation. Many people need daily periods of peace and quiet.

Loneliness, isolation, exclusion, and being disconnected do not appear in the vast majority of commercial mediation cases. But loneliness may be an individual aftereffect of whatever caused the conflict in the first place, and could play a part at the bargaining table.

Any decision maker, anywhere, who doesn't have confidence in his or her position, or feels like he and she is operating without support can be operating in mediation with a lonely perspective.

Loneliness is a popular topic for researchers. One study estimated that more than 60 million people in the United States—20% of the population—feel lonely. The General Social Survey (see <http://gss.norc.org>) found that in 1985, the number of people the average American discussed important matters with was three. By 2004, this decreased to two.

Loneliness is linked to a host of mental and physical illnesses including depression, suicide,

THIS SERIES

Master Mediator Columnist Bob Creo is examining emotions in mediation in a series of columns that stretch back to the July/August 2016 issue. Emotions are present in all participants in a mediation session, including the mediator. The dynamics of the overwhelming majority of litigated cases and interpersonal claims involve negative emotions. These columns have focused on both the positive and negative emotions. (You can read these columns with a subscription at <http://bit.ly/1BUALop>.) After examining the positive for seven columns, last month the study of emotions renewed its focus on envy and jealousy. The return to negative emotions continues here with the concepts of belonging and loneliness.

substance abuse, digestive issues, pain, fatigue, cardiac stressors, and sleep disorders.

BOWLING ALONE

In his influential study of U.S. social norms, Harvard Prof. Robert D. Putnam used the activity of bowling to examine the connection of individuals to each other and community.

He developed the concept of Social Capital to encompass the affiliations, connections, group identities, and relationships among people that result in enriched civic engagement and reciprocal obligation. He concluded in 2001 that, at least temporarily, those connections were declining in the U.S. to society's detriment.

Putnam concluded that successful societies have strong social capital and “sturdy norms of reciprocity,” which create mutual trust. When trust is present, people count on others for support, help and promoting the common good

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The author is a Pittsburgh attorney-neutral who has served since 1979 as an arbitrator and mediator in the United States and internationally handling thousands of cases. He conducts negotiation and decision behavior courses that focus on neuroscience and the study of decision-making. He is annually recognized by Best Lawyers in America and was named in both 2017 and 2014 as Pittsburgh Mediator of the Year. In 2018 he was awarded the Sir Francis Bacon Award by the Pennsylvania Bar Association for contributions to the field of ADR. He is the author of numerous publications, including “Alternative Dispute Resolution: Law, Procedure and Commentary for the Pennsylvania Practitioner” (George T. Bisel Co. 2006). He is the principal of Happy! Effective Lawyer, LLC (www.happy.lawyer), an initiative focusing on lawyer contentment, soft skills, and peak performance, which publishes The Effective Lawyer blog. He is a long-time member of Alternatives’ editorial board and of the CPR Institute’s Panels of Distinguished Neutrals. His website is www.robertcreo.com.

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with prosocial behavior. Loneliness, isolation, and exclusion are antithetical to trust.

MEDIATION EXPERIENCE

As noted, loneliness, along with isolation, exclusion, and being disconnected aren't common commercial mediation case characteristics. Conflict, however, often involves termination or transition of professional and social relationships.

Loneliness, or a sense of exclusion and isolation, can be common as a consequence of a breakup, discharge, divorce, or loss of any significant long-term relationship.

Many disputes involve intense emotions and interpersonal relationships arising in a commercial context. A mediator who has grappled with conflict within a family business understands the emotional overlays and entanglements with control and economic issues.

This author doesn't do matrimonial cases, but I know that there are often deep wounds related to betrayal, trust, and other factors that may lead to a perception of isolation and loneliness.

Employment cases are another area ripe with sub-surface loneliness dynamics. I am often struck by the language a terminated employee uses when discussing the workplace and former colleagues. It is common for them to use "we" when describing prior actions and "us" when including current employees.

This happens even if it has been many months or years away from active employment without any prospect of reinstatement or return to the organization.

In most cases, I explore if it makes sense to reframe the feelings and beliefs of the aggrieved participant in terms of exclusion, disconnectedness, disaffiliation, and "loneliness" from being separated involuntarily from expectations of a long-term role in the workplace or business.

If a person lives alone, or seems to have little apparent evidence of a support network, I ask the party how he or she now spends time. I ask how it differs from when the party was active in the prior relationship or organization. We talk about new activities, groups or affiliations that the party has explored since the dispute arose.

I try to learn if they are going it alone or if indeed they have a support network beyond their lawyers in the case. In short, do they feel alone or not?

The key question and dialogue usually resolves around closure and letting go of the past so the parties can focus on, among other things,

Not Only The Lonely

The subject: How isolation, exclusion, and feeling disconnected come into play in mediation.

What's the relevance? Loneliness is pervasive, and it affects the way people think. This isn't about divorce cases. Commercial negotiators may be affected, and mediators and adversaries need to recognize it. And act accordingly.

The mediation tactic: It's about trying to relate. Address the question of whether the affected party has a support network. Is the party really going it alone? Ask about the need to let go of the matter. A new-ish approach is mediator storytelling.

important issues of identity and pro-social connections. I sometimes ask directly if the lawsuit itself is a way to keep connected, to maintain a relationship with the past and to seek psychological validation of self and prior actions.

My goal isn't to "cure" loneliness, nor provide therapy to vulnerable participants. That is not mediation's purpose. The goal is to overcome this emotional barrier when it is present, and to create awareness in the participant that it should be addressed in a positive manner.

There are times when I find that storytelling—sharing my own experiences or those of others—can provide a lesson and a potential roadmap for disputants. I have recounted how I never lived alone until I was 55 years old, and how the transition to a life alone was at times uncertain and difficult.

Fortunately, this happened in the age of


the Internet, and immediate accessibility to information and opportunities. I became active in Meetup.com, and started to attend all sorts of events, most of which involved cultural or educational activities.

Except for eating pizza. The pizza group usually met twice per week at a different small pizzeria and was attended by a diverse group of singles. Within a few years, I was hosting my own pizza Meetup group, which now has more than 2000 members. The new friendships and exposure to diverse people enriches me greatly.

There are times when a natural and easy bond, and rapport, builds between the mediator and the participant. I am no longer startled by the level of personal details or feelings a participant just meeting me that day will share with me. I suspect this correlates to the research noted above that the average person has fewer confidants and trusted advisers than in the past.

Obviously, the mediator's role and the power of confidentiality encourages sharing a depth of feelings and thoughts. Remember, it's not about the mediator; it's about the parties. But when I am engaged in these deep dialogues, which are really one-on-one despite the presence of others in the room, I know that trust has fueled the mediation engine.

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Loneliness is out there and sometimes is present in the bargaining room. Mediators should explore and acknowledge it when it is a barrier to resolution. Mediators can help raise awareness or provide some gentle direction to potentially productive paths for the disputant to explore on his or her own. 

SOURCES AND ADDITIONAL READING

- Nicholas A. Christakis and James H. Fowler, "Connected: The Surprising Power of Our Social Networks and How They Shape Our Lives" (Little, Brown & Co. 2009)
- Robert D. Putnam, "Bowling Alone: The Collapse and Revival of American Community" (Simon & Schuster 2001).
- Clause S. Fischer, "The 2004 GSS Finding of Shrunken Social Networks: An Artifact?" *Am. Sociological Review* (Aug. 1, 2009)(available at <https://bit.ly/2HCb28k>). 