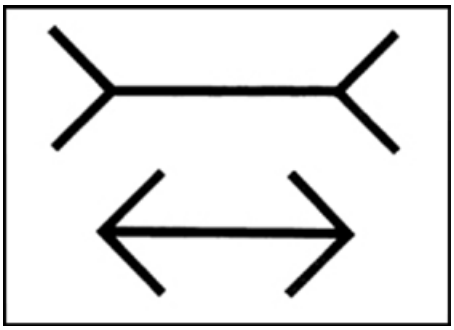
The Master Mediator / Part 1

Looking My Way: Thinking Fast and Slow . . . and Mediator Sense

BY ROBERT A. CREO

The Master Mediator addresses psychological factors that affect decision making in a series of columns. This month's column kicks off an exploration of the work of Professor Daniel Kahneman.



Which Line Is Longer?

THE THEORY AND SCIENCE

Professors Daniel Kahneman and Amos Tvesky collaborated over decades to research how people make decisions. Daniel Kahneman won the Nobel Prize in Economics in 2006 for his work on cognitive biases, particularly "Prospect Theory," which challenged conventional economic theory. His 2011 book, *Thinking, Fast and Slow* (Farrar, Straus and Giroux, 2011), is a detailed exploration of his life's work under a central thesis that humans make decisions as a result of the interplay between two diverse methods of thinking. He theorizes that there is a "System 1," which is fast, instinctive and emotion-laden, in contrast to a "System 2," which is slower, analytical and reflective.

System 1 programs attention and memory from the external stimuli it rapidly processes. System 1 does not turn off, and certain learned associations cannot be prevented from coming to mind, while certain visual misperceptions are unavoidable. Professor Kahneman uses the classic depiction above to explain the concept of "cognitive illusion," in which a spatial representation is quickly—and erroneously—processed by System 1. The two lines are equal in length. We can learn this and retrieve it from recall but our visual senses process them as unequal lengths.

System 1 is reactive and continuously suggests to System 2 its feelings, impressions, intuitions, and impulses. System 2 turns these into beliefs, decisions and actions as it monitors and controls behavior. System 2 can be mobilized to override System 1 defaults or choice, since it is deliberate and orderly, but requires effort and concentration to engage in complex thinking. Humans have a limited budget of mental attention and the brain consumes about 20 to 25% of the total energy produced from our food. Since we are wired for efficiency and to optimize performance, each of these primary modalities is subject to cognitive bias and decision error in its quest to preserve energy. System 1 is automatic while System 2 requires effort. An understanding of the cognitive biases that affect both systems is essential for mediators.

AS WE DECIDE

System 1 is fast. System 1 usually takes over in emergencies and moves us appropriately in response to dangers or perceived threats. Adrenalin flushes through our bodies and other physical changes occur while System 1 determines whether fight or flight is best. System 1 has habitual responses to stimuli or patterns associated with prior experiences.

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When the slower System 2 is operating, there are also physical changes. The pupils dilate. This may be accompanied by an increased heart rate. There are more brain regions active in System 2 than in System 1. System 2 can follow rules to make choices by actively taking into account differences in stimuli or criteria. Optimal performance requires a highly efficient division of labor between systems 1 and 2.

As we become more skilled in a task, especially a motor skill, System 1 takes priority over System 2. The action can feel like there is no sense of voluntary control, as it is accessed without intention and with little effort. We become less self-conscious and responses become more automatic or intuitive. A learned skill can become innate. The classic example is riding a bicycle. Once we learn it our brains create the neural circuits that wire us to be

The author is a Pittsburgh attorney-neutral who has served as an arbitrator or mediator in thousands of cases in the United States and Canada since 1979. He conducts courses on negotiation behavior that focus on neuroscience and the study of decision making, and was recently recognized by *Best Lawyers in America* as 2014 Mediator of the Year for Pittsburgh. He is the author of "Alternative Dispute Resolution: Law, Procedure and Commentary for the Pennsylvania Practitioner" (George T. Bisel Co. 2006). He is a member of this newsletter's editorial board, and the CPR Institute's Panels of Distinguished Neutrals.