

MANEJANDO LA IRA EN LA MEDIACIÓN: CONCEPTOS Y ESTRATEGIAS

HANDLING ANGER IN MEDIATION: CONCEPTS AND STRATEGIES

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RESUMEN

La ira tiene base en respuesta racional y fisiológica. Por tanto, la ira puede ser afectada y potencialmente controlada por estímulos físicos y cognitivos. El mediador puede usar esta información para crear ambientes que disminuyen el estímulo físico que puede predisponer a una parte a experimentar la ira, y puede facilitar procesos de pensamiento que pueden calmar y disminuir la ira. Lejos de ser una emoción que se puede tratar solamente en terapia, el mediador debe reconocer y manejar la ira y las emociones fuertes para aclarar el camino para la comunicación efectiva en el proceso de negociación.

ABSTRACT

Anger has bases in rational and physiologic response. Anger can therefore be affected, and potentially controlled, by both physical and cognitive stimuli. The mediator can use this information to create settings that decrease the physical stimulus which can predispose a party to experience anger, and facilitate thought processes that can calm and defuse anger. Far from being an emotion to be dealt with only in therapy, the mediator must acknowledge and manage anger and strong emotions in order to clear the way for effective communication in the negotiation process.

PALABRAS CLAVE: Mediación, Negociación, Técnicas y herramientas, Ira, Emoción
KEYWORD: Handling Anger in Mediation, Concepts and Strategies

1. INTRODUCTION

“Anyone can be angry – that is easy, but to be angry with the right person, to the right degree, at the right time, for the right purpose, and in the right way – that is not within everybody’s power and is not easy.” Aristotle

Anger is a frequent component of the interactions in mediation. Mediation is the intervention of a facilitator of communication and negotiation in the resolution of a conflict between parties. It is a negotiation that is assisted by a person that facilitates understanding between the parties (Rubin, 1981). The subject of mediation is often stalemated negotiations and frequently includes situations riddled with intense emotions, unfulfilled

expectations, and unmet needs. As Aristotle's observation notes, expressing anger appropriately is challenging. Angry exchanges can alienate parties and impede progress in negotiations. However, negotiations can also stall when anger is inappropriately withheld and not expressed. Although the mediator's job is not to offer anger management therapy or cognitive behavioral support, recognizing and handling anger is a critical skill she must master to promote the safety and effectiveness of the mediation environment.

This paper proposes a way of conceptualizing anger and intervening in the parties' dialogue when tensions are high, removing barriers to communication, and controlling the escalation of conflict. Section 2 provides an admittedly simplistic working definition of anger, distilling a variety of definitions available in the scientific community to arrive at a practical understanding of anger on which to base strategies for the mediation of conflicts. Section 3 sets out thoughts on why it is important to manage anger in the mediation setting, and Section 4 offers ideas for handling anger, helping the parties express their anger in healthy and effective ways, and preventing destructive ventilation that shuts down communication and damages relations. This presentation is intended to support the work of formal mediators in the field, as well as professionals that find themselves working informally to transform the conflicts in their communities; that is, mediating in a non mediation setting.

2. A WORKING DEFINITION OF ANGER

2.1 THE COMPLEXITY OF ANGER

Anger is a complex package of meanings, behaviors, social practices and norms that coexist and form around primordial emotions. (Lindner, 2006). Definitions and foci for understanding anger vary, depending on who is studying it. The gamut runs from measuring cognitive processes, to meticulously identifying physiological activity in the brain, to examining behavior, to attributing anger to evolutionary defense mechanisms leftover from our early cave-dwelling ancestors. Across time there has been great debate concerning exactly what anger is. Camps of study and understanding have been polemically divided, each asserting their perspective as most probable, for example, the long-lived tension between behaviorists and cognitivists, and the dichotomy that anger is either a reactive emotion or a cognitive process.

Today, even more perspectives and "proofs" have been added to the pot of understanding anger (see for example, Elster 1998, Panskepp 1998, Russell and Feldman Barrett 1992, Eckman 2003, Wang, Trivedi, Treiber, & Sneider, 2005, and van Kleef, De Dreu, & Manstead, 2004). But, although studying anger from fields as diverse as neuroscience, neuropsychology, anthropology, psychology, medicine, sociology, business negotiation, and decision-making, scientists are tending to reject the dichotomous and rigid emotion vs. cognitive definitions of anger. They are considering information from the various fields rather than insisting on separate and polemic paths of understanding. Anger is becoming understood as a multifaceted, interactive process; a psychological mechanism, potentially influenced by many variables. These variables include evolutionary development, genetic factors, individual physical development, physiology, pathology, social and cultural context, cognitive processes, personal motives, and the individual's values among other possible factors. It is evident from the volume of literature and activity in the field that we are still

learning about anger, and that what we “know” continues to change as research broadens our understanding.

At one time, before the dawn of empirical research as we know it today, anger was argued to be controllable, and those able to do so were considered strong and wise. A quick visit to websites that offer famous quotes shows that philosophers like Plato, Aristotle, Seneca and Descartes, writers including Shakespeare and Bierce, and political leaders from Cato to Thomas Jefferson and Booker T. Washington spoke out on the value and necessity of controlling the expression of anger. The words of these men and many others called out for restraint; for the wise, controlled use of anger, for well being of the angry as well as for the good of relationships and community. Although anger challenged man, the belief was that it needed to be controlled.

Then Darwin and Freud pitched an opposing view. They posited that anger is born of deep biological function not dependant on conscious reasoning, and therefore not subject to control. Darwin (1871) argued that man's emotions were similar to those of animals, and as simply one animal more, humans are hardwired for anger as a protective mechanism. He equated anger with rage, drawing similarities in the actions of provoked humans and animals (1872), and viewed anger and rage as an instinctive uncontrollable aggressive response. Later, Freud (1962) proposed that human nature and reactions are in large part biologically determined by unconscious motivations and control rather than rational conscious thoughts and elections. Darwin's and Freud's perspective then, was that anger is a biological human trait, an automatic response to threatening stimulus, and not subject to control. For Darwin and Freud, anger is not rationally born.

An ongoing debate ensued between those that considered anger a purely physiological, innate, instinctive, uncontrollable response to threatening stimulus, and those who argued that to manifest itself, anger needed reason and thought processes that were capable of evaluating and judging a situation. So camps evolved, and some scientists argued that anger is a result of cognitive process and therefore can be controlled, while others followed Darwin and Freud and asserted that anger was more like a reflex or an instinct and cannot be controlled. As time evolves, it seems research has shown that it is likely both camps are right, at least to some extent; anger is both an intense physiological process and a cognitive one.

In the work to define anger, some scientists differentiate emotion, mood, and trait. These distinctions are interesting as the mediator can act to influence each. Anger as an emotion is related to angry mood and propensity for anger, but it is a different mechanism. Traits are stable, moods less so, and emotions least of all. (Zizzo, 2006, citing Goldsmith, 2004, and Eckman, 2004). Emotions are a “relatively transient change in psychological state” and these changes occur in “subjective feelings, neurophysiological activities and possibly cognitive processes, body expressions and behavioral responses” (Zizzo, 2006). Emotions last seconds, minutes and sometimes hours. A mood is a relatively lasting emotional or affective state that goes on for hours or days. Compared to an emotion, a mood is less specific, often less intense, and less likely to be triggered by a particular event or stimulus (Thayer, 1989).

Traits are characteristics and tendencies of personality and are the longest lasting. They are the way an individual usually perceives, feels, believes, and acts, and include the person's temperament. Traits can predispose moods, and moods can facilitate the occur-

rence of a given emotion. Some traits may be inherited. Studies show that genetics can influence anger, predisposing a person to be quick to anger, and facilitating or impeding their ability to cope with anger once inflamed (Wang, Trivedi, Treiber & Sneider, 2005). Antagonistic behavior can be linked to identifiable genes (Manuck, Flory, Ferrell, Dent, Mann & Muldoon, 1999). This means that aggression, irritability and anger-related traits may be more difficult for some people to control than others (Rujescu, Giegling, Bondy, Gietl, Zill and Möller, 2002).

Knowing that anger can be genetically linked helps the mediator understand that the baseline for anger is not the same for everyone. Some people are naturally calmer and less irritable than others, and may respond less to an equal stimulus. Mediators sometimes have difficulty maintaining a positive and impartial perspective as their patience wears thin with an antagonistic party. It can help to consider potential physiological reasons to “excuse” the party’s behavior. In other words, nature rather than choice may be leading the party’s antagonistic style. Additionally, the party may not be aware that he has a choice and can control his behavior. Awareness of potential emotional difficulty for the party can help the mediator empathize, and can keep the mediator’s efforts concentrated on effective intervention to mitigate the effects of the anger on the targets as well as on the party expressing it.

2.2 ANGER AS ILLNESS

Some anger is a symptom of physical or mental pathology. Brain damage from head injury accidents and infectious processes such as viral encephalitis can lower a person’s anger threshold and ability to cope with anger (Denmark & Gemeinhardt, 2002). This is a physical pathology due to the aftermath of a pathogen or physical rather than mental trauma, although there may be a consequent mental component of anger linked to the causative event and frustration the person feels with his new and sometimes extreme condition. In a different type of illness, some parties expressing anger in mediation will fit the descriptions in the DSMIV, a diagnostic manual that sets out personality disorders.

A personality disorder is a lifelong, enduring pattern of behavior, which is rigid and unchanging, has existed from early adulthood, causes significant distress or impairment, and is outside of the person’s cultural norms (Diagnostic and Statistical Manual of Mental Disorders, Fourth Edition, 1994). These personalities are often high conflict personalities that can be challenging for mediators, lawyers, social workers and other professionals. (Eddy, 2003). One of these personality disorders, the *borderline personality*, is anger prone and can be highly problematic for mediators. Borderline personality is a controversial psychiatric diagnosis, with research still being done to understand what some believe may be an adaptive response of post-traumatic stress syndrome.

Although only 2% of the general population according to the American Psychiatric Association, borderlines are often present in high conflict cases, whether in litigation, mediation or family counseling (Eddy, 2003). The DSM IV description of the characteristics of a borderline personality includes “inappropriate, intense anger or difficulty controlling anger (e.g., frequent displays of temper, constant anger, recurrent physical fights)...” This is not the usual angry person in mediation, but a person with a mental illness. Borderlines tend to “split” the world and everyone in it into dichotomies, with the concomitant chal-

lenge for the mediator; such as good/bad, right/wrong, truth/lie, honest/deceitful, saint/devil, etc., with no middle ground.

While some borderline personalities may have inherited anger traits as discussed earlier (Siever, Torgensen, Gunderson, Livesley, & Kendler, 2002), all people with genetically inherited anger traits (or non inherited anger traits) do not have borderline personalities. Additionally, the DSM IV recognizes "borderlines traits" as the characteristics that taken together compose the borderline personality. It is possible for a person to have some of the characteristics of borderline personality without rising to the diagnosis of borderline personality. This person would be said to have borderline traits, some of which could challenge the most patient mediator. The section on anger intervention strategies offers ideas to deal with anger when it is pathological as differentiated from commonplace anger.

2.3 CULTURAL NORMS AND ANGER AS CHOICE

An important component of anger is culture and personal values. These aspects are in the realm of the cognitive processes of anger. The cognitive processes of anger are dependant on a variety factors, including how the individual perceives, processes information, evaluates it, stores it, remembers, learns, problem-solves, and makes decisions. They are also shaped by personal values, cultural preferences and rules, and the social context. Tavris (1989) argues that humans "get angry in the service of their culture." She offers the interesting example of sleeping with the wife of another man. In some contexts, if the proper rules are followed, it is allowed, indeed expected when being courteous, and does not provoke anger. It is broken rules and expectations, and judging the rule breaker (Rosenberg, 2003), that provokes anger, not a given action itself. These norms and expectations are sometimes written, frequently not, but are usually generally known. They can vary greatly across the world, among communities, and even within families in the same neighborhood. They are informed by values and morals, often held in common. More difficult to discern are personal values, although these, too, are usually based on social customs.

When defining anger it is important to note that aggression and anger are not synonymous. Here we return to the question whether anger is controllable, a vital theme for the mediator. It is possible to have anger without aggression and aggression without anger (Averill, 1983). Aggression in response to anger is a choice, not an innate mandate. Additionally, aggression is not cathartic and does not dissipate anger; in the angry person or his target. On the contrary, it escalates anger and hostility (Kriesberg, 2003, Tavris, 1989, citing studies to this effect for adults and children). Humans may not be able to avoid the physiological reflex-like, body altering surge of anger, the state of physical arousal; but they can choose how to respond to it. That is, we cannot control whether we get angry, but we can control how we deal with the anger (Novaco, 1975). As set out in part earlier, it is also important to note that cognitive regulation of anger may be significantly different in different cultures (Johnson-Laird & Oatley, 2000). It seems that the more necessary cohesion is for the survival of the community, the less acceptable is aggression as an expression of anger. For example, although the !Kung San of the Kalahari and the Utku Eskimo experience anger, they have developed customs that avoid aggression for the well being of their small communities (Draper, 1978, Briggs, 2006,) The expression of anger is a choice, and it is controllable.

2.4 CLEARING THE WAY FOR BETTER NEGOTIATIONS: THE LINK BETWEEN THE PHYSIOLOGIC AND COGNITIVE PROCESSES OF ANGER

One of the most important aspects a mediator must understand about anger is the cognitive processes can feed the physical processes and the physical processes can feed the cognitive process, in an associative network that can trigger and escalate anger where previously there was none. (Tavris, 1989). For example, if a party is already in a physical state of arousal, regardless of the reason; say he drank too much coffee just prior to the mediation, was startled by a motorcycle that almost ran him over, he is late because his car broke down on the way, or he just climbed 20 flights of stairs to your office because he values fitness... a slight provocation, one that might pass unnoticed in a calm physical state, can ignite physical anger and angry thoughts. Tavris offers studies that explain this happens because the body recognizes the aroused state as similar (undifferentiated) to the aroused state of anger and the jump is a short and easy one for the mind. Conversely, the physical state can be aroused from calm by the cognitive side of the equation... thinking and ruminating can provoke a state of physical arousal that in turn feeds the angry thoughts (Rusting & Nolen-Hoeksema, 1998, Tavris, 1989). Thoughts of this type include blaming, judging, planning retaliation, thinking about vengeance, and imagining that the other party has purposeful mal intent.

The link between the physiologic components of anger and the thought processes is good news for the mediator, *if she is aware of it*, and bad news if she is not, especially because she may unwittingly provoke or support anger herself. It is good news because there are strategies and techniques she can use to prevent the escalation of anger from both the physiologic and the cognitive processes. These include interventions that the mediator should avoid because they can potentially escalate anger. The purpose of managing anger in a mediation is to clear the path for effective communication and negotiations. Managing anger, in itself, does not automatically lead to resolving the dispute. It merely clears the way to take on negotiations. However, managing anger may be a necessary step, and may frequently be ignored or glossed over. Anger can be a daunting barrier to effective negotiations. The mediator can help to create a conversation that allows the healthy, rather than damaging, expression of anger. In doing this, she facilitates understanding, although not necessarily agreement, between the parties.

When managing anger, the mediator's primary focus is preventing the escalation of anger and conflict, and creating a space for dialogue rather solving a dispute in particular. Indeed, a key principle is that tensions should be reduced *before* returning to the point of the negotiation. For example, Peter is fuming mad at Paulette for breaking up their marriage, and today especially so because she wants to sell the family business in exchange for granting Peter more time with the children. The point, or purpose, of the negotiation (and the mediation) is to determine how to fairly share quality time with the children, and fulfill the needs of each parent and the children. They probably will also need to discuss the alternatives they have for dealing with the future of the family business, as well as consider a plan to deal generally with their future interactions and disputes. However, the mediator must first work to calm Peter and create a setting for an effective dialogue. Based on the working definition of anger, the mediator needs to pay attention to the physiological aspects of Peter's anger as well as the motivations for his angry thoughts. The mediator knows it would be a mistake to ignore the anger and allow Peter to ventilate in a volatile,

uncontrolled manner. In the next section we turn to the reasons why it is important to manage anger in mediation, and in the section following the next, to strategies that help the mediator deal with anger, clearing the road for more productive dialogues.

3. THE IMPORTANCE OF DEALING WITH ANGER IN MEDIATION

3.1 ANGER AS THE CATALYST AND RESULT OF RIGHTS-BASED AND POWER-BASED FIGHTS

Many methods parties use to “resolve conflict” increase conflict rather than eliminate it. They provoke anger rather than dissipate it. Their strategies are frequently adversarial in nature and based on asserting rights or wielding power (Ury, Brett & Goldberg, 1988). For example, a party uses judicial processes to enforce contract clauses or demands based on legislation in rights-based fights. Alternatively, parties strike, dis-employ, de-fund, block, or use other power-based strategies to make life miserable for an opponent, thereby influencing, restricting or forcing the opponent’s hand.

In the case of Peter and Paulette, she is using selling the business as a power play. Paulette knows she has a legal claim to half of the business. She also knows Peter does not have the money to buy her out. Additionally, she knows Peter doesn’t want to sell the business until he has grown it for another 5 years when it will be much more profitable to sell. The well being of the children and her personal independence are more important to Paulette than the increased potential revenue from waiting to sell the business. Peter is frustrated because his rights-based ploy to get allocated more time with the children is failing. He is asking for more time with the kids to punish Paulette for “cheating” on him and authoring the divorce. He plans to have them stay with a babysitter because he really cannot be with them and take care of the business as well. Paulette knows this and it angers her. She suspects that asking for his fair share of time with the kids is a vengeful manipulative device, so she is wielding a manipulative device of her own by demanding he sell the business she knows he enjoys managing and counts on for future financial stability. She is using her power to coerce Peter to force him not to exert his legal rights to take the children.

Although rights and power are important and valid tools that can help resolve many problems, when used as the sole tools for conflict resolution they tend to polemicize issues and set the parties at odds. Rights and power-based strategies can escalate conflicts and emotions, turning negotiation into angry competitive tournaments rather than collaborative endeavors. Alternatively, as with Peter and Paulette, anger can be the catalyst that provokes rights-based and power-based fights. Regardless of whether anger provokes the rights- and power-based fights or vice versa, in Peter and Paulette’s case, and many others, the emotions control the rights- and power-based plays, and these in turn confuse the issues so profoundly that entire useless conversations are created that skirt the central problems. The mediator can interrupt this dynamic by addressing the anger (catalyst or product), and reorienting the conversation.

A better negotiation strategy and one that is likely to lead to more productive conversation and resolution of problems is interest-based dialogue (Ury, Brett, and Goldberg, 1988). This is because the strategy focuses on what the parties really want. Basic human interests include, among other possibilities, well-being, stability, recognition, dignity, respect, security (physical, emotional, and economic), tranquility, self-esteem, health, happiness, and justice. But interest-based negotiation does not come naturally or easily when there is

volatile anger. Through her power play, Paulette may be defending her underlying interests of personal independence and the well being of the children. Through his angry rights-based pseudo claims for the children, Peter is expressing his pain and frustration, and his underlying human interests of dignity, respect, relationship, well being, and tranquility. In anger, parties do not talk about their underlying interests... they talk about their weapons. They demand “x” and “y,” but “x” and “y” are their *positions*, not their *interests*. Their interests are the underlying reasons they ask for “x” and “y.”

Communication is difficult enough (Krauss & Morsella, 2006) and anger makes it even harder for parties to talk about underlying interests and what they really need. The parties are flying around in the realm of offensive initiatives and defensive reactions, not thinking about how to best clarify and express their own needs and understand the needs of the other party. Anger makes parties think about protecting themselves, which is acceptable, but often this is accompanied by thoughts or plans to hurt the other; not a good mindset for mediation. Peter's angry attacks in turn provoke indignant anger in Paulette. In mediation, anger must be managed to avoid the escalation of conflict through ineffective negotiation strategy, and clear the way for interest-based dialogue.

Anger is commonplace for the mediator because when parties reach mediation they usually bring their adversarial “problem-solving” techniques with them, the anger-provoking ones likely responsible for having crashed their negotiation. The mediator can influence the conversation and negotiation strategies of angry parties, and in fact, help them calm their anger and communicate more effectively. Although the mediator's interventions can be therapeutic, her focus is the communication and negotiation between the parties as they work to agree on conditions to resolve their situation. This is different from therapy offered by counselors that focus on helping parties understand and manage their anger, and find a way to heal their pain. It is possible and commonplace to mediate cases with strong components of anger, pain, and frustration. However, some cases should be referred to counseling, and mediation resumed at a later date. Referral to another process, such as therapy, is one of the ways a mediator can manage anger.

3.2 THE EFFECT AND COST OF EXPRESSING UNCONTROLLED ANGER IN MEDIATION

Anger is a normal presence in the traditional adversarial methods of conflict resolution. From feigned anger used to intimidate another party to real anger explosively expressed and truly felt in frustration, injustice, deception, unfairness, powerlessness, weakness, fear, pain, irritability, vengeance, and just plain “who does he think he is!!!?” exasperation. Unfortunately, mediation is not usually a first recourse for most parties. Parties are often battle-worn like many divorcing couples, or their case has navigated the system until being turfed to mediation by a judge, statute, court policy, or even the police in some cases. The lucky ones (because their dispute might be fresher and less polemicized), might arrive on the short route through a contract clause. Even though mediation is supposed to be a collaborative process, it does not usually begin that way. Normally, the feud has been stewing a while and the parties have been unable to clear the situation themselves. The parties arrive toting their adversarial styles of negotiation, their rights, their demands, whatever power they may have, and their anger; more or less contained. But in mediation, the game is different. The parties need new strategies for their dialogue to be effective, and the mediator needs to create a new environment for their negotiation.

In an adversarial process angry displays might be a good idea to a certain extent... they can scare the other party and let him know the matter is serious. Additionally, angry negotiators, if they don't completely alienate their opponent, may gain concessions because they express anger and disappointment rather than happiness, regret, or guilt (van Kleef, De Dreu, & Manstead, 2004, 2006). But these potential gains should be measured against their potential costs. Angry displays may be more acceptable or tolerable in an adversarial process because there is little concern that the anger will create distance or difficult communications between the parties. After all, the very nature of the adversarial system is to juxtapose the parties, and the "communication" between the parties has already been forfeited in return for the possibility of being declared "right" by the judge or arbitrator. In contrast, in mediation the mediator works to decrease the distance between the parties and return to them their ability to communicate. This does not mean there is no place for anger in mediation, only that the way anger is expressed should be measured to avoid harm to the party expressing the anger as well as to the target. Concomitantly, there will be less damage to the mediation process and the parties' ability to communicate.

Uncontrolled ventilation of anger commands a high toll. When there is hostile ventilation of anger several things occur that are counterproductive for mediation. First, the language and activities of the parties can take on an abrasive, negative tone that is adversarial in nature. Although many of these activities may happen without the presence of anger, they are more frequent and fast flying in the face of anger. Parties don't usually negotiate or express themselves well when raging. These can include accusations, rigid demands, "this or nothing" offers, ultimatums, insults, threats, ridicule, disrespect, harsh or cold tone of voice, yelling, demeaning, interrupting aggressively, and physical aggression.

Second, the parties will experience a state of physical arousal which, as set out previously, can provoke an escalation of anger through the associative network of physiologic response and cognitive response. The state of physical arousal includes increased heart rate, increased respirations, tensing of the muscles, dilation of the pupils, increased blood pressure, irritability, redness of the skin, sweating and other such sympathetic nervous system "fight or flight" response indicators. This aroused state predisposes the parties to irritation and anger.

Third, as he expresses anger in an uncontrolled way, the attacking hostile party is likely to feel in a way that is also counterproductive. This is not in reference to what made him mad or why he is mad, rather *how he feels when he expresses anger in a hostile manner*. Expressing anger in an uncontrolled volatile manner may make the angry person feel tense, hot and altered, on the offensive, belligerent, bad, aggressive, destructive, disrespectful, increasingly irritated, out of control, not caring about the feelings of the other party, focused on attacking the other party or demanding his point of view rather than solving the problem, having difficulty being creative about alternatives, without patience, hysterical, embarrassed, raging, a loss of objective and focus, and not able to think clearly.¹

¹ This list reflects some of the most frequent responses given by thousands of students over 10 years of seminar classes and workshops in handling anger in mediation and negotiation. The participants were predominantly graduate level university students of psychology, law, and social work; and lawyers and labor relations negotiators. The responses are to the questions "How do you feel when you express your anger in an uncontrolled, volatile way?" and "How does a person feel when he or she expresses his or her anger in an uncontrolled, volatile way?", asked while the students are participating in class discussion. Additionally, when students in supervised role plays who take on an angry role (and are venting against another role player) are asked to stop and tell how they

Fourth, the hostile ventilation of anger also has a counterproductive effect on the party that receives the brunt of the anger. He may feel scared, insulted, irritated, provoked, swelling with physical emotion, angry, indignant, intimidated, disrespected, not valued, mentally shutdown, victimized, aggressive in response, defensive, confused, physically irritated, like he wants to retaliate, and finding it hard to listen to the angry person.² Feeling like this, it is easy to understand that the target of the attack will probably not want to relax and negotiate collaboratively.

Fifth, hostile ventilation escalates conflict and makes it difficult or impossible to conduct the mediation. The mediation setting strives to decrease the distance between the parties, and improve their communication, quite the opposite from the separation caused by the juxtaposing of the parties in the adversarial judicial system. If the process in mediation is allowed to be highly contentious as it is in the adversarial processes, a great benefit of mediation is lost. But some practitioners contest this point. Accompanying the great debate along time over the nature and definition of anger there is another great debate over what to do about it. Therapies and tendencies have developed that promote the volatile and open ventilation of anger as beneficial and cathartic. However, experience and studies show that instead of being beneficial, hostile ventilation is destructive and harmful in a range of impact, from the interpersonal, to the societal, to the personal mental state, down to the very physical well being and health of the individual (Siegman & Snow, 1997, Tavris, 1989).

The work of Siegman and Snow (1997), an empirical medical study, supports the argument that the mediator should curtail volatile ventilation and promote calm discussion of anger provoking issues. The study looks at the personal physical effects of different ways of expressing anger. The researchers studied three ways of dealing with anger including (1) *anger-out*, in which previously experienced anger-arousing events were described loudly and quickly; (2) *anger-in*, in which anger-arousing events were relived inwardly, in subject's imagination; and (3) *mood-incongruent speech*, in which anger-arousing events were described softly and slowly, as might be encouraged by a mediator. Siegman and Snow found that only the *anger-out* condition was associated with high cardiovascular reactivity levels. The *anger-in* and the *mood-incongruent* conditions were associated with near-zero and very low reactivity levels, respectively. Subjective anger ratings were highest in the *anger-out* condition, moderate in the *anger-in* condition, and lowest (not angry) in the *mood-incongruent* condition. The researchers found that "the full-blown expression of anger, in all of its paraverbal intensity, is pathogenic and that the mere inner experience of anger is not." Contrary to the mistaken idea that keeping anger inside is "bad for you," it appears that volatile ventilation of anger is "bad for you," and keeping it in is not. Additionally, this research supports that talking in a non volatile, (*mood incongruent*) manner about an anger provoking subject can actually decrease the anger the party feels.

feel, they usually offer the same list of feelings. Responses often received from the role players but not usually received from the class are "frustrated" and "wanting to hurt him/her."

² This list is a companion to the one explained in footnote 1. The responses are to the questions "How do you feel when someone expresses anger at you in an uncontrolled, volatile way?" and "How does a person feel when someone expresses his or her anger at them in an uncontrolled, volatile way?, also asked while the students are participating in class discussion.

When anger is ventilated in an uncontrolled and hostile manner it has detrimental effects on the angry person, the person that is the target of the anger, and on the mediation process. The debate over what to do with anger in mediation may be answered in the following way: The mediator should allow and indeed facilitate the expression of anger with care that its expression not give rise to the detrimental effects listed in the five points set out above, and that it not lead to setting aside interest-based dialogue in favor of rights-or power-based fights. If the way a party is expressing his anger will lead to one or more of the conditions set out above, the mediator should intervene to facilitate the expression of the anger in a way that avoids the harm. In summary, the expression of anger should focus on claiming interests and setting protective limits or boundaries, not lend a hostile tone to the negotiation, should not trigger a physical arousal defense mechanism response in any party, should not make the party that expresses the anger or the target feel mentally blocked and unable to negotiate, and should not escalate the conflict. The following section sets out suggestions to handle anger in mediation in a way that achieves these goals.

4. STRATEGIES TO FACILITATE THE EXPRESSION OF ANGER IN THE MEDIATION CONTEXT

4.1 HANDLING ANGER IN GENERAL

Nothing works all the time, some things work often, and sometimes nothing works. In spite of occasional prayers, there is no magic wand or hole to swallow anyone up, mediator or party, when the going gets tough. Instead, there is a collection of attitudes, strategies and techniques that can have a calming effect on anger. It is not the goal to quash anger altogether. Anger is a mechanism that signals an unsatisfied need, impending danger, or some other event that requires attention. It can be an efficient tool in negotiation. Demonstrating anger may get more concessions for a party (van Kleef, De Dreu, & Manstead, 2004), and sets limits warning the opposing party not to trespass. The mediator should respect the use of anger, be it a protective mechanism or a negotiating strategy, as long as it is not manifested in its abrasive, damaging variety.

Two fundamental principles of dealing with anger are that 1) the underlying stimulus or source of the anger should be addressed, and 2) attention must be paid to the physiologic components of anger as well as the cognitive aspects since they feed each other. The underlying stimulus or source is the reason the party feels anger, for example, he is frustrated, he feels unfairly treated, or he is judging the actions of another as inappropriate; usually because of his own unmet interests and needs (Rosenberg, 2003). The physiologic components include the level of tension the party feels and his state of excitement or physical arousal. The cognitive aspects are the party's thought processes and include information processing, perception, judgments, desires, awareness of his feelings, and other components including social values and preferences.

Anger is a stress reaction in which the physiological, cognitive and behavioral responses are each important (Novaco, 1975). *How a person behaves* when angry is a result of the individual's particular blend of physiologic and cognitive responses. Behavior in turn feeds both the physiological and cognitive processes potentiating a cycle. For example, acting belligerently will pump up the physical arousal system, and the cognitive system gears up as well to rationalize and support the activity, thereby avoiding cognitive dissonance. Additionally, being in an angry mood may make a party more likely to appraise other people as worthy objects of anger, thereby making anger episodes more likely (Zizzo). So in general,

the mediator should address the physiologic components that can provoke, maintain or escalate anger, the thought processes that can do the same, and the behaviors that can be at once the result of anger as well as the source that provokes and perpetuates it. The suggestions to handle anger set out below are divided into the physiologic, cognitive and behavioral aspects of anger, with a later section on anger as pathology. It is not an exhaustive list for effective strategies depend on the case and may be as varied as the creativity of the mediator. Many of the suggestions offered for one aspect of anger also have a beneficial effect on other aspects, a point that speaks to the interconnectedness of anger as a multifaceted process, at once a challenge and a guiding principle for the mediator.

4.2 PAYING ATTENTION TO THE PHYSICAL EFFECTS

There are a variety of factors that can affect the physiological aspects of anger, some within the manipulation of the mediator. The mediator tries to increase factors that calm anger and decrease factors that can irritate and provoke it. It is useful to remember that a state of physical arousal takes about twenty minutes to clear as the body returns to homeostasis. This is generally true regardless of the cause of the spontaneous physical arousal. However, if anger provoking thought processes continue, they can maintain or exacerbate the arousal state and it can take longer to clear. Additionally, some substance-induced arousal is longer lasting as the body works to clear the stimulant from the body.

The cause of physical arousal may occur before the mediation and be relatively unrelated to the issues at hand, for example, physical exertion (climbing stairs, arriving on bike, briskly walking to the session to avoid being late), ingesting stimulants (caffeine, smoking, diet pills, pseudoephedrine decongestants), preoccupation (worrying about the well being of a loved one), fear (possibly being fired tomorrow or the bank foreclosing on the mortgage), frustration (receiving a speeding ticket, being unable to find a parking spot) and feeling unjustly treated (finally finding a parking and having someone else unfairly take it). It can be difficult to know of this type of preexisting condition. Some external clues may be visible, such as labored breathing, flushed skin, talking in an irritated way, or complaining about an event such as missing the bus that was to bring the party to the session on time. The mediator can hope to get some information by genuinely asking how the person feels when she greets him, and listening for potential problems. It is a good idea generally to set a calm, non threatening environment for the mediation, and the first twenty minutes or so can be especially important to set the stage for the comfort and potential anger levels of the parties. Added to any pre-session arousal will be the natural apprehension the party will feel as he arrives at the mediation, a stressor in itself. The party may not be familiar with the mediation process, and probably is anxious about the upcoming encounter with the other party.

Stress and being tired and edgy can also predispose a party to anger. If these factors are significant (a surgeon in a malpractice case has been awake and on call for two straight days, a mother of a fitful newborn who thinks two days is nothing), it may be well to reschedule the mediation for a better day. It can also help to keep the session short, and take breaks. Additionally, the mediator can offer snacks and caffeine-free beverages that are refreshing and comforting. The physical space and environment should be comfortable and conducive to relaxing. Air conditioning that isn't working on a sweltering day or sun shining in a party's eyes can cause physical discomfort and predispose a party to

anger. Noise, including an irritating voice, may have a similar nerve-grating effect, as can irritating smells.

The demeanor of the mediator is a contributing factor in the overall setting, and as such should be serene, patient, warm and positive. Establishing rapport with the mediator can have a calming effect and help put a party at ease, at least with regard to the process if not with the situation. A mediator may separate the parties and meet with them in a private session, or *caucus*. A caucus offers the opportunity for a party to relax away from the other and talk confidentially with the mediator. Time spent in caucus can serve to rest and clear a state of physical arousal, and the physical distancing it affords can help some parties keep their anger in check. Additionally, a caucus offers privacy helpful for delving into underlying issues that provoke anger that a party may be reticent to discuss in joint session.

Another fundamental principle in handling anger is not to let the physical component of anger escalate before intervening. The mediator should attend irritation as soon as she notices it, and not wait for a major display. The trick to handling anger lies in many small interventions exercised from the very beginning to “positivize” the mediation. From creating a non-threatening environment, to establishing respectful rapport with the parties, to showing concern and interest in them, to expressing hope for them, to modeling respect and understanding of each party, to reformulating angry remarks to extract the underlying interests and concerns. Active listening is among the most useful of these mediator tools, but it must be done correctly to decrease rather than increase tension.

Summarizing a party’s rigid position rather than his underlying interests traps him into his declaration or demand and polemicizes the conversation. Nugent and Halvorson (1995) underscore the ability of the person doing the active listening and paraphrasing to influence the affect and thoughts of the speaker through the way the original thoughts are returned. The mediator can decrease a party’s tension and improve communication when summaries are empathic, based on interests rather than positions, and reflect the intensity of the party’s feelings as well as the facts. Effective active listening helps a party feel understood by the mediator thereby decreasing his tension. At the same time, effective summaries transform potentially abrasive comments into acceptable remarks. An effective empathic summary retains and clarifies the content of the information expressed by the party, while holding in check the swelling of physical arousal and the escalation of conflict. The following example is illustrative.

PETER: (heatedly, to Paulette) “I’m sick of this! It’s all about you, isn’t it?! Always! You’re always thinking about yourself! I can’t sell the business now, it’s not time! You know that’s not the plan!” I would have to give it away!

MEDIATOR: “I see what Paulette said really irritated you. I think I’m understanding you would rather sell the business later when it would mean more income and well-being for the family as a whole, but especially because that is what you’ve been planning and counting on...it means stability for you?”

PETER: “Yeah! She’s only thinking about herself again...She had her affair, broke up the family, now she wants to trash my

- dream and break me...she's manipulating me because she doesn't want me to take the kids my share of the time! She's holding selling the business over my head!"
- MEDIATOR: "You're mad at how things have played out and you're feeling trapped right now..."
- PETER: "Yeah... (voice and posture calming)."
- MEDIATOR: "It sounds like you really would like to feel that things are fair and you don't feel that way at all right now, right?"
- PETER: "Yeah...this is all a mess... (calming more)."
- MEDIATOR: "You've been through hard times with all of this and it looks like it still feels hard...(looking at Peter for confirmation)."
- PETER: "(Nodding and relaxing further) Yeah...and it's not a good idea to sell the business right now..."

4.3 INFLUENCING THE COGNITIVE PROCESSES

As discussed earlier, there is evidence that the "hardwiring" of physiologic components of anger is not the same for all. Some of us may feel anger more intensely or have fewer resources with which to respond (Wang, et al., 2005, Manuck et al., 1999, and Rujescu et al., 2002). The cognitive components probably differ even more. These depend on how a party perceives and judges a situation, depending in part on personal preferences and values, and contextual or cultural norms and traditions. They also depend on the quantity and quality of the information available to the party. It is difficult for a mediator to know what and how a person is thinking unless she asks. Many mediator interventions are questions, whether soliciting information or asking a party to confirm an observation the mediator has made in the form of a summary.

A party's thoughts are based in part on the information he has. Information can be an important factor in anger arising from cognitive processes. This information may be incomplete, erroneous, totally lacking, or interpreted from a skewed point of view. The information available to a party is judged, couched in other factors such as norms and values. Judging a situation as unfair is a common source of anger. Power & Dalgleish write of anger as a cognitive or "moral" emotion about injustice..."a deliberate, purposeful, negligent or at least avoidable wrong" (1997). When the information that leads to the evaluation is incorrect, lacking, or missing, the mediator can ask questions to facilitate the exchange of information to clear up misunderstandings, or facilitate that the party explain the underlying motivation for the anger-provoking activity. Even if the information is correct, and the party is rightfully angry, studies show that knowing the reason a person acted in the way that provoked anger helps the angry person forgive the transgression and the anger dissipate (Tavris, 1989). It is possible the party may find it easier to forgive a transgression if he can see it was not avoidable (Power & Dalgleish, 1997), if the party might have acted the same in similar circumstances, or the party judges the actions acceptable given the circumstances.

On a similar note, perceptions of deservedness mitigate anger (Zizzo, 2006). The mediator may be able to check thought processes that blame by creating a conversation to address the issues of motivation and deservedness. Sometimes the judgment of deservedness is based on faulty information, or erroneous interpretations. Culture and personal

values can sometimes skew cognitive processes and result in erroneous interpretations or evaluations of wrongdoing. The mediator can act as an interpreter asking questions to identify issues important to the parties and clarify their expectations. It may also be helpful to create opportunities for recognition between the parties, that is, to see the other party as a human being worthy of respect, with priorities that at the moment may differ from those of the angry party (Baruch Bush & Folger, 1994).

As in managing the physiological components, the active listening techniques of empathic summaries and reformulation of angry remarks serve to check anger surging from thought processes. Fear, frustration, concern and unsatisfied needs are often expressed as anger or angry attacks on another party. Paraphrasing and reformulating helps clarify the source of the anger and the unmet need, rerouting the energy into understanding and problem-solving rather than aggression. It models for the angry party a better way to express the anger. The mediator's paraphrasing should restate the angry remarks, all the while basing the conversation on interests instead of positions. The mediator tries to choose words, or get the party to use words, that most closely reflect how he really feels and what he really needs. For example, the party may be sad, afraid, or frustrated rather than angry, and want recognition or respect rather than a given token concession. This reframing, at times necessarily done after every comment until a party feels understood and starts to relax, controls the escalation of conflict and transforms the aggressive dynamics of the dialogue. The following example is illustrative:

- MEDIATOR: "Let's talk about Joey and Jimmy..."
- PAULETTE: "He can't have them. I already told him. He's an ass...if he were going to keep them, that would be different, but he's going to leave them with a babysitter...I know it."
- MEDIATOR: "You're concerned about their well-being..."
- PAULETTE: "But he's not, he's just using them to get at me. Look at the smirk on his face...he's just trying to get me back for leaving. (To Peter) You can't control me and smother me anymore, I won't let you."
- PETER: "You know the judge will give them to me half the time, it's my right..."
- PAULETTE: "See? He's the manipulator! O.K., and the judge will make you sell the business if I say I want half right now."
- MEDIATOR: "Paulette, your preference is that Joey and Jimmy stay with you rather than a baby sitter because you want them to be with family if possible?"
- PAULETTE: "Yes, the divorce is already terribly hard on them. I don't want them to think we don't want them or love them."
- MEDIATOR: "You're very worried about them, and you want them to be as happy and well as possible..." (Looking at Paulette for confirmation)
- PAULETTE: "Right."

- MEDIATOR: "I think I also hear you saying that you know Peter is hurting from the divorce but that independence and personal space are important to you, too, is this right?"
- PAULETTE: "Yes... (thinks quietly for a moment). Peter, you know I didn't want to hurt you." (Long pause)
- MEDIATOR: "You are saying that it wasn't your plan for things to work out this way..." (Looking at Paulette for confirmation)
- PAULETTE: "Right." (Pause, then to Peter) Maybe they could stay with your Mom?"
- PETER: "Yeah."

Other strategies for handling anger arising from cognitive processes include normalizing anger, telling stories, talking about cultural differences, explaining expectations, distracting the party's attention to another issue, focusing on a universal good (for example, the well-being of the children in a divorce dispute, or the well-being of the company in a labor dispute), focusing on the future, creating opportunities for empathy, modeling respect and understanding, and changing places to gain understanding of the other party's perspective. The goal when managing anger is not to stifle its expression, rather to help the parties control the way it is expressed so that it does not harm any party or their ability to communicate.

4.4 CHANGING BEHAVIOR

Hundreds of books about changing angry behavior fill bookstore shelves from the more scientific to the self-help variety. The internet has a similar store of offerings. Therapies also abound that promise to make life less problematic for people for whom antagonism comes easily. Naturally, some are more fruitful than others. Studies have shown people can learn to manage their anger in different situations, with specific persons or types of persons, including anger-related physiologic activity, and learn new habits to overcome traits. (Deffenbacher, Storey, Brandon, Hogg & Hazaleus, 1988). But sometimes people with anger problems are ambivalent about therapy and will not attend, although those that do attend show a significant reduction in measures of their anger traits, and they report a reduction in the frequency and intensity of angry outbursts (Siddle, Jones, & Awenat, 2003). Novaco (1975), and many who followed in his footsteps, have shown that it is possible to control and change angry behavior. Using an inventory instrument developed by Novaco, professionals in a variety of fields from counseling to criminology to special education identify and evaluate anger traits and propensity, then through *stress inoculation therapy* or *cognitive behavioral therapy* train the person to effectively manage his angry behavior, traits and moods (Beck & Fernandez, 1998).

Moods can cause emotion and emotion can cause moods and traits predispose moods. People with an emotion trait are more likely to be in the corresponding emotion mood and to feel the corresponding emotion (Zizzo, 2006). But moods and perceptions can be controlled and managed, as can traits or habits. Some people require medication to achieve this control but most do not. Cognitive behavioral therapy successfully uses the cognitive pathways and physiological signals to help people avoid destructive angry behavior, and be in control of how they express their anger. Perceptions and habits are

important factors in behavior modification. For example, brooding and ruminating can create angry mood, breeds anger and can be stopped if willed. Rusting et al., (1998) find that distraction can decrease angry mood. Finding an alternative and acceptable reason for anger-provoking behavior can help an angry party forgive or excuse, and get past his irritation without acting on it. Such thoughts can be adopted into habit and include "He must have done it accidentally," "I'll ignore him because I'll waste my time if I fight this one and I'm stronger than that," and "He must be really needy / hurting / insecure / stupid / powerless / worried." The trick for the angry party is to notice the swelling of arousal, choose not to respond angrily, work to decrease the physical state, and reward the cognitive processes for choosing to control rather than explode.

Although it is best if the nucleus of control is internal to the party, the mediator can also help control the party's behavior. Many mediators talk about or impose rules that can help create a safe space for the dialogue, and impose limits as to behavior that is acceptable in the mediation. The mediator can control the parties' turns to speak and control the rhythm of the interchanges. Here again active listening and restating skills are important as they model a better way to express information, control the escalation of conflict, and control the rhythm or speaking turns by interspersing them with the mediator's encouraging commentary. Another of the mediator's tools to curb undesirable behavior is separating the parties into caucus.

Demystifying anger and giving parties information about anger and how to control it can be helpful. The mediator can offer informative pamphlets or talk with the parties to help them prepare for the mediation. It is useful to have parties consider their anger "hot buttons" and plan how to respond if they find they are becoming irritated. Sometimes practicing calming responses to potentially provoking situations or remarks is helpful. Parties should also know they can ask the mediator for a break or caucus session. Other activities that can decrease angry behavior and angry mood include not arguing while irritated, waiting before responding, not planning retaliation, removing oneself from the source of the irritation, not yelling, insulting, or ventilating hostility, and speaking in a *mood incongruent* tone (Siegman and Snow, 1997).

4.5 STRATEGIES FOR ANGER AS PATHOLOGY

Not all parties are appropriate candidates for mediation, or can be helped to communicate better and resolve their conflict in the length of a mediation. It can be difficult to know when anger is part of a mental illness. Factors to consider include history, comments from other parties or professionals, appropriateness of the anger, intensity of the angry display, ability to control the anger, and at whom the anger is directed. Threats to injure others and the physical expression of the anger can also be signals. A real land-use dispute mediation serves as an example that encompassed many of these factors, sufficient to quickly terminate the mediation:

The case had been referred by the court, and the referring clerk had jotted a note for the mediation case coordinator that one of the parties was "pretty hostile." The mediation was difficult to schedule. As the angry party waited to enter the mediation room, the mediator saw that a staff member had to edge around him in the hall because he did not move out of the way to let her pass.

Unhappy that he had to curtail his activities of 20 years because of his new neighbors, the angry party grumbled from the beginning of the session, complaining of everything from being there, to the quality of the seats, and the hour the mediation was scheduled, although it had been scheduled according to his preference. Every now and then, barely audible, he turned to his associate and made comments under his breath with vulgar explicatives. Out loud he made remarks in a hostile tone about the new roads being built and the new stop signs that now required him to stop instead of allowing him to continue accessing his rural business site as usual. He said, "I'm used to barreling down the road at 60 to 80 miles an hour." (The road was "a bumpy one-lane dirt road.")

At one point, he looked over to the other party, and calmly and deliberately said, "O.K. sure, that's a good idea you just proposed..." Surprised, the other party then happily asked, "Oh, good, then you're saying it's o.k. if I just come over next time and knock on the door when there is a problem?" The angry party then rose to his feet and snarled in the faces of the other party: "Yeah, and when I open the door and see you standing there I'm going to have my shotgun in my hand and I'm going to f----- fill you full of bullets, I'm gonna kill you, you mother f----- bastards, you c---s, you better pray I don't ever catch you on my land..." The mediator stood up as soon as the angry words started spilling out and said "Let's take a break" escorting the angry party out of the room. As he left the room ahead of the mediator she signaled to the other party that the mediation was over but that she would be back. They nodded and understood. The mediator ended the mediation, talking first in private with the angry party to defuse his anger.

If the case details had been different, the mediator may not have ended the mediation. Intense anger, exasperation, even threats can be a normal component of "fights" in mediation. However, in the land-use case the party was overly hostile, inappropriate, and threatening. There was a history of anger and hostility as recounted by the other parties and evidenced by the note from the court clerk that the party was "pretty hostile." His anger seemed general, targeting even the staff member that tried to get by him in the hall. Especially determinative was the threat (even if he did not intend to carry it out), and the level of hostility. The mediator considers the whole scenario when determining if mediation is an appropriate process given the presence of the angry party.

It is not useful to ponder whether a person has a borderline or other personality disorder. These are complex and difficult diagnoses even for professionals to make. It is well enough to use strategies that might work with them, such as firm limits, clear rules, and non confrontational interaction. The mediator evaluates the quality and quantity of anger and determines whether to continue the mediation. Helpful strategies include not opposing the party or entering into an argument with him. The mediator should acknowledge what he says, as with any other party, reformulating to make evident the party's underlying interests and concerns. She should set rules for behavior and stick to them, setting limits and consequences. If the party is volatile the mediator should terminate the mediation, removing herself and the other parties from harm. The mediator can delay the angry party while the other parties leave the site first.

The mediator should incorporate into her understanding of anger the expression of anger as a symptom of mental illness. The immediate interventions and actions of the mediator may be the same as for anger not couched in mental illness, and then some. However, the mediator should take steps to protect herself and the other parties in the

mediation by setting firm boundaries as to acceptable behavior. Some cases and some parties do not belong in mediation.

CONCLUSION

Anger is an emotive process still not completely understood. However, we know it is both physiologic and cognitive in nature, and can also be affected by behavior. The mediator can use a variety of strategies and techniques to address the components of anger, preventing its escalation and facilitating its expression. These interventions have a calming or prophylactic effect on the physiologic aspects of anger, and facilitate information and understanding to address the parties' thought processes. Some parties may benefit from training that helps them change their behavior to manage their anger or anger traits. Some anger is pathological in nature and should be referred to other processes, or at least not be hosted in mediation.

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