

Cognitive Mediation Theory



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What shall I do next? This is a frequently asked question in mediation. It is not only asked by beginners, but always when mediation comes to a standstill. If something goes wrong, the question arises. It's good to know where to find the answer. The answer will not pre-emptively be found in the parties or in the person of the mediator. Though it is usually searched for there. Instead, you will find the answer in the mediation itself. Provided that the mediation was set up correctly. The necessary assembly instructions and all the necessary parameters can be derived from the scientific derivation of mediation. It provides a concrete answer to the question of what to do next at every stage of the procedure. The answer is more than just a hunch.

Scientific Foundations of Mediation

Anyone who inquires about the scientific background and even more so about a theory of mediation is quickly referred to the Harvard concept. However, the Harvard concept has little to do with mediation. It is a *study of proper negotiation* par excellence.¹ Although his principles have been incorporated into mediation, the study does not explicitly deal with it. It cannot therefore be used to answer the question posed at the beginning and to justify the individual steps and phenomena of mediation in a comprehensible manner. It does not even explain why, depending on the underlying understanding of mediation, mediation² is more than proper negotiation and why the parties are suddenly, out of the blue, put in a position to find an impressive solution themselves. Nor does it explain what needs to be done to make this possible or what specifically contributes to resolving the conflict and not just ending the dispute.

The open questions give rise to further theories to which mediation refers. For example, the consensus principle, the escalation theory, the conflict theory, the communication theory, the systems theory, the negotiation theory and many others are mentioned.³ However, even these derivations are not attempts to explain mediation, even if the theories are able to explain individual phenomena occurring in mediation in fragments.

In the search for a scientific derivation that not only partially explains the interplay of influences in mediation, but also understands its inner connection comprehensively and holistically, cognitive **mediation theory** is the only approach to date that can be used to describe mediation in its functionality and effect.⁴ The theory is based on the concept of *integrated mediation*.⁵ She understands mediation as an **insight-based process of imparting understanding**.⁶ This process depends on the parties *themselves* finding a solution with which they can resolve the conflict completely and amicably.

Mediation as a Process of Knowledge

The fact that the parties *have to find* a solution is not a defining feature of mediation. The Mediation Act only states that conflict resolution should be achieved.⁷ The requirement that mediation is a matter of finding a solution can be derived from the principle of openness to solutions.⁸ Openness to solutions is both a character trait and a principle that turns mediation into a **search**

¹ See <https://wiki-to-yes.org/Harvard-Konzept>

² See <https://wiki-to-yes.org/Mediationsverständnis>

³ See the list and explanation of the theories here: <https://wiki-to-yes.org/Theorien>

⁴ See in detail: <https://wiki-to-yes.org/Mediationstheorie>

⁵ See <https://wiki-to-yes.org/integrierteMediation> or www.integrierte-mediation.de

⁶ See more <https://wiki-to-yes.org/Verstehensvermittlung>

⁷ See the German law: §1 Mediationsgesetz in <https://wiki-to-yes.org/Mediationsgesetz>

⁸ See <https://wiki-to-yes.org/Prinzip-Offenheit>

process.⁹

The assumption that mediation is about finding a solution is the first axiom of mediation with far-reaching consequences for the design of the process. The logical consequence of the search process leads to the second axiom. It says that the search must consist of a **process of cognition**. It's not about finding an object. What can be found is an idea and ultimately a thought that is clear to both parties as to how the conflict can be resolved or the problem resolved.

Because the parties are supposed to find the solution themselves, they are those who depend on constructive insights. Consequently, the empowering burden of knowledge lies with them. Parties are the main protagonists who'll have to think, not the mediator. The corresponding task of the mediator is merely to help parties with cognition in order to enable them to gain the insights they need in order to find the solution.

At first glance, the possibilities available to the mediator in supporting the parties seem rather homeopathic. He is not allowed to decide. He can only advise to a limited extent and, on top of that, he is not even supposed to prescribe solutions. What can he do concretely to ensure that parties who have no idea how to solve the conflict at the beginning of the mediation suddenly become able to do so in the end?

The answer emerges from a change of perspective. If the mediator is asked about the mode of action of mediation instead of the goal-oriented action, an autopoietic path is revealed that more or less inevitably leads to the solution.¹⁰ Then it becomes clear that it **is not the mediator** who brings about the solution, **but the mediation!** The appropriate question of the mediator is therefore not: "What shall I do next?". Instead, the leading question is: "What's happening here right now?".¹¹ Shifting responsibility to the trial aims the follow-up question: "How does the incident fit into mediation?". The answer to this question includes a professional information management. It is developed from the mediation theory and describes very precisely, from which the next step in action results.¹²

In the specific case, however, an effective decision-making aid can only result from the processual nature if the mediation is composed of a sequence of actions that are as relevant as they are small-step and systemically logical. Unfortunately, these actions are not recognizable, at least at first glance. Also, every mediator will assume that it is not possible to reproduce mediation algorithmically. It is so complex that it behaves more like a chess game, where countless options and decision-making possibilities arise after the first move.¹³ Not every option leads to the goal. Now we have to ask, how a plot of action can emerge from such an obscure diversity?

However, it is possible to provide guidance. Guidance will occur as soon as mediation is understood as a **metaworld**. The metaworld sees and understands everything. It is a world of its own, which is reflected in a matrix that has yet to be imagined. Because the matrix is a dynamic construct that cannot act on its own, it uses the help of a mediator. The human being is the mediation's tool. The tool works accurately as soon as the mediator is familiar with the matrix and helps to merge its processes correctly. Cognitive mediation theory helps him to understand the matrix and to make use of it.

⁹ See <https://wiki-to-yes.org/Suchspiel>

¹⁰ See <https://wiki-to-yes.org/Selbstregulierung>

¹¹ See <https://wiki-to-yes.org/Komplexität> and <https://wiki-to-yes.org/Schwierigkeiten>

¹² See <https://wiki-to-yes.org/Informationsverarbeitung>

¹³ See <https://wiki-to-yes.org/Komplexität>

Cognitive Mediation Theory

Cognitive mediation theory provides detailed evidence of the requirements to be placed on the **metaworld of mediation**. It reveals the plan for how thoughts bring about constructive solutions even in difficult and seemingly unsolvable cases. The theory exploits all scientific findings that deal with the decision-making and information processing processes in organisms. Her scientific approach is transdisciplinary. Through its practical relevance, it forms a hermeneutical circle¹⁴ that not only guides and inspires the mediative decision-making process, but also contributes to sharpening the understanding of mediation.

Cognitive mediation theory assumes that mediation **must be a** mediation of understanding.¹⁵ Only if the parties have a common understanding, they will be able to find a common solution. The assumption of a bridged understanding serves the third axiom of mediation. It distinguishes mediation from conciliation, which directs the intellectual focus to the solution. Conciliation is not a **mediation of understanding** but a **mediation of solutions**. The exact delimitation follows a system that is based on the respective procedural character.¹⁶

The systematic recording of mediation certainly recognizes that there may and are other concepts as well.¹⁷ For this reason, cognitive mediation theory is seen as a comprehensive theory of mediation. It still might leave room for other derivations, which is why it deserves its adjective.¹⁸ As a result, the scientific examination of the conflict-laden process of understanding not only affects the quality of mediation and its understanding. It also provides a guide that can be measured against benchmarks, with which the mediation is carried out professionally and objectively.¹⁹

The Inner Logic of Theory

In order to describe the process of understanding in conflict and to find out what mediation can contribute to enable the thoughts of the parties to find solutions, mediation theory must first deal with the question of what prevents them from doing so. Only if the obstacles are removed parties can succeed in finding the solution themselves. The following chapters describe the requirements for mediation resulting from this derivation and how they are to be implemented:

1. The starting point is the *identification of the obstacles to solution in the first chapter*. It specifies the expectations for the performance of mediation.
2. Once the obstacles have been identified, the path that mediation must provide in order to bring about the solution crystallizes. What this path should look like is described in the chapter on the *process of mediation*.
3. If the process depicts a mental path, it follows a logic that determines the sequence of steps that build on each other and their progress. It should therefore be the task of the chapter on the *logics of mediation* to demonstrate its consistency.
4. After all, the secret of successful mediation is the knowledge of how everything fits together. Mediation is a process that is as complex as it is flexible, and it challenges this knowledge in a special way. Therefore, the chapter *Assembly and Flow of Mediation* deals with the question of how the functional elements can be identified as operands of

¹⁴ Siehe <https://wiki-to-yes.org/Hermeneutik>

¹⁵ Siehe <https://wiki-to-yes.org/Vermitteln>

¹⁶ See the list in <https://www.wiki-to-yes.org/Systematik>

¹⁷ Siehe Systematik der Mediation(en): <https://wiki-to-yes.org/Mediation-Systematik>

¹⁸ Egner, Complexity and Emergence in Mediation, <https://wiki-to-yes.org/WR2455>

¹⁹ Siehe dazu näher <https://wiki-to-yes.org/Qualität> und <https://wiki-to-yes.org/Benchmarks>

mediation and processed in a self-running way. Where operands are known, the missing link is the operator. The dimensions serving as operators underpin the formula for coping with the complexity²⁰ and information processing associated with mediation.²¹

5. When the elements and their interplay are understood, mediation unfolds a potential that is addressed in *the chapter Welcome to the New World*. In the last chapter, you will learn more about the possible consequences of the theory, its possible applications and its effects.

Identification of the Obstacles to Solution

The initial question to overcome the obstacles to solution directs to the cognitive requirements. They often stand in the way of factual considerations. Mediation therefore first concentrates on the cognitive prerequisites of the search for a solution before tackling the factual obstacles. In the trial, it will take up the chronology by clarifying the disputed factual issues only towards the end of the fourth phase, after all cognitive obstacles have been overcome. During the fourth phase, a solution channel emerges that condenses the factual questions to the need for clarification.²² A dispute for the sake of arguing will not be possible anymore.²³ All the obstacles which are based on cognition should largely be eliminated by the fourth phase.

Cognitive barriers

Cognitive obstacles always exist when the parties consciously or unconsciously defend themselves against constructive thoughts, if they can recognize the goal-oriented thoughts at all. The inability occurs at the latest with more escalated conflicts. *Glaser* rightly points out that in conflicts of escalation levels 1-3, moderation is quite sufficient.²⁴ In these cases, no significant cognitive mediation is required. Often, empathetic listening is enough to inspire the parties. They are still able to put themselves in the opponent's world without further ado. Role reversal is a suitable technique to check this ability.²⁵ The higher the conflict has escalated, the more significant the obstacles to solution will be. In this situation, the horizontal phase structure of mediation expands the effect of active listening. The addition is enough for simple mediations to still have an effect from the third escalation stage. However, the need for support in **imparting understanding** grows with increasing cognitive impairments. They are triggered by the conflict and go hand in hand with escalation. For example, competence amnesia, which depends on stress, is a biological hurdle,²⁶ while the problem trance is a psychological one.²⁷ There are a number of other impairments that lead to the loss of control over action and justify the irrational conflict behavior. *Glaser* believes that mediation is no longer possible in conflicts from escalation level 7. It is commonly assumed that mediation cannot be carried out in the case of highly escalated conflicts, power imbalances, addiction and violence.²⁸

Whether these restrictions apply or not depends largely on the underlying understanding of mediation.²⁹ There is a scope ranging from negotiation-based mediation according to the Harvard

²⁰ See <https://wiki-to-yes.org/Komplexität>

²¹ See <https://wiki-to-yes.org/Informationsverarbeitung>

²² See <https://wiki-to-yes.org/4.Phase>

²³ See <https://wiki-to-yes.org/Beweiserhebung> und <https://wiki-to-yes.org/4.Phase>

²⁴ See <https://wiki-to-yes.org/Eskalation>

²⁵ See <https://wiki-to-yes.org/Rollentausch>

²⁶ See <https://wiki-to-yes.org/Kompetenz-Amnesie>

²⁷ See <https://wiki-to-yes.org/Problemtrance>

²⁸ On the question of the suitability of mediation: <https://wiki-to-yes.org/Geeignetheit>

²⁹ See <https://wiki-to-yes.org/Mediationsverständnis>

concept to the knowledge-based concept of integrated mediation. Integrated mediation is based on cognitive mediation theory. It can overcome borders.³⁰ It is therefore also used in highly escalated conflicts, power imbalances, addiction and violent backgrounds, in everyday life and other challenges.

In order to recognize how to overcome the boundaries, the mediator must simply understand how mediation channels thinking and feeling. Then he must know what prevents the parties from engaging with the thoughts and feelings. Only if he knows the obstacles he will succeed in clearing the mental path to the solution.

How to Overcome the Obstacles

If mediation is conceived as a process of discernment, it must have its own mechanisms with which it overcomes the obstacles that prevent the parties from redeeming knowledge. Whether and to what extent it succeeds in doing so, and when further interventions may be necessary, results from the nature of the obstacles and the nature of the hurdles that stand in its way. It suits the construct of mediation that the obstacles can be specifically named.

Personal obstacles and interactions that go hand in hand with perception and communication errors are obvious. They open the door to misunderstandings. Dealing with these obstacles is familiar to all mediators. No need to expose communication tools here. Of course they are used unchanged in this concept. However, there is contact with mediation theory when and how the known tools are to be included in the train of thoughts of mediation and in the associated information processing.³¹ The tool system creates the prerequisite for its mediation-oriented use.³²

Dealing with Tools in Mediation

If mediation is designed as a process of cognition, the mind is undoubtedly its most important resource. It is not tied to a specific location. It can even free itself from the practical constraints of a procedure. It can perform all the steps needed to gain insights. The object of processing is the information, not the party.

The shift to the world of knowledge enables a virtual application of mediation. Virtual mediation³³ is not only an important orientation in quality management for the generation of benchmarks.³⁴ It also expands the mediation radius³⁵ and, last but not least, the understanding of mediation.³⁶ Suddenly, the focus is no longer on the legally regulated mediation process, but on its competence.³⁷ Container theory allows using this competence almost limitlessly in other processes and on other occasions up to professional and private everyday use.³⁸

With the variety of uses, the points of orientation and the requirements shift. Flexibility in particular requires an additional framework that overlays the horizontal phase structure and goes hand in hand with it. The overlaying vertical structure set up a hierarchy³⁹ in which the procedure represents the highest level of information. It provides the legal framework that defines the scope for

³⁰ See <https://wiki-to-yes.org/article1274-Grenzen-uberwinden-mit-Mediation>

³¹ See <https://wiki-to-yes.org/Informationsverarbeitung>

³² See <https://wiki-to-yes.org/Werkzeugsystematik>

³³ See <https://wiki-to-yes.org/virtuelleMediation>

³⁴ See <https://wiki-to-yes.org/Qualität> and <https://wiki-to-yes.org/Benchmarks>

³⁵ See <https://wiki-to-yes.org/Mediationsradius>

³⁶ See <https://wiki-to-yes.org/Mediationsverständnis>

³⁷ See <https://wiki-to-yes.org/Mediationskompetenz>

³⁸ See <https://wiki-to-yes.org/Containertheorie> and <https://wiki-to-yes.org/Alltag>

³⁹ See <https://wiki-to-yes.org/Informationen> and <https://wiki-to-yes.org/Struktur>

action and movement. On a map, the process would be comparable to the road.

The methods form the next lower structural level. They result in the know-how of how to get around on the road or off-road. The methods are based on the phases with which the stages of the journey coincide. Overall, mediation is made up of a conglomerate of seven precisely coordinated methods. The path through mediation results from their interaction.

The techniques to be distinguished from the methods are the tools in the narrow sense.⁴⁰ In the street metaphor, they correspond to the vehicle and depict the lowest structural level. The systematics of the tools must ensure that the techniques are aligned with the know-how and the know-how with the process. If this condition is met, consistent use of the tools is ensured. The next step is always a medieval one.

The thinking

One of the biggest challenges in mediation is thinking in and of itself. Mediators know that unconscious errors in thinking and perception lead to wrong conclusions.⁴¹ Less well known are fundamental obstacles, some of which result from the complexity of thinking. Thinking is by no means arbitrary. It should be chosen well. Not all thinking is able to resolve the conflict-immanent contradiction. Some ways of thinking even exacerbate it. They lead to a cognitive dissonance⁴² to which the party does not easily find a philosophical approach. Logical thinking in particular often forces inappropriate either-or decisions.⁴³ Any controversial thinking that leads to opposition makes it difficult to reach agreement. The controversy increases when it is distributed among parties that think linearly forward from their positions. The linear thought process exacerbates the problem by leading further into the problem instead of out of it. Cognitive mediation theory offers a different way of thinking. It leads the thoughts behind the problem into a constructive character, without sugarcoating things. On the way there, it brings about a change in thinking that can also be used to overcome highly escalated conflicts. This is the only way to find the way out of the death spiral.⁴⁴

The focus

The parties are often not even aware of the conceptual framework into which linear thinking is leading them. This makes focusing to overcoming the problem all the more important. An incorrectly placed frame can hiddenly stand in the way of the solution without being noticed. This happens especially and always when the solution can be found beyond the framework.⁴⁵

The framework of thinking is created by the context and the focus.⁴⁶ Both influence the search for solutions. *Watzlawick* explained when the focus on the problem makes the problem part of the solution and why it is so difficult to find a constructive solution beyond the problem. The impairment results from the context formed by the objective and the focus. The context narrows the view. The question for example of how to end a war captures the conceptual context into the war instead of moving it out from there. The solution is limited. How can peace be found in the war? In court proceedings, the focus is not on solutions but on the result. The result in turn is attributed to controversial positions. It will be difficult to find a solution that lies beyond the positions. In conciliation,

⁴⁰ Compilation of all techniques and tools of mediation: <https://wiki-to-yes.org/Zusammenstellung>

⁴¹ A list of the errors in thinking can be found here: <https://wiki-to-yes.org/Denkhindernisse>

⁴² See https://wiki-to-yes.org/kognitive_Dissonanz

⁴³ See <https://wiki-to-yes.org/Dilemma> and <https://wiki-to-yes.org/Widerspruch>

⁴⁴ For the phenomenon of the death spiral, see <https://wiki-to-yes.org/Ziel>

⁴⁵ See "The Influence of Thinking on Creativity" on <https://wiki-to-yes.org/Kreativität>

⁴⁶ See <https://wiki-to-yes.org/Kontext> and <https://wiki-to-yes.org/Fokus>

the focus is on the solution. Interests are connected with solutions. If they continue to be shaped by the positions, solutions remain limited to that.

Mediation prevents those restrictions through the openness of results. This feature ensures that the focus has to move away from the result, as well as from the position and even from the solution. Decoupling from the solution is a major challenge. The doctrine of mediation must also face up to it, as long as mediation, beyond mediation theory, is seen as a solution-oriented procedure. Practitioners know that mediation realizes the solution paradox by creating the solution the less the parties focus on it.⁴⁷ Cognitive mediation theory shifts the focus away from position, solution, and outcome to a burden-free world of thought that focuses exclusively on benefit.⁴⁸ Mediation in the sense of cognitive mediation theory is therefore benefit-oriented. Only the conflict-free benefit can achieve the goal. Only the benefit is able to describe the satisfaction to be sought. Only in this context and with a positive focus is a problem-free solution possible.

The emotions

It's hard to think of a satisfying future when current emotions get in the way of positive feelings. That's why, at least at first glance, emotions are among the major obstacles when it comes to finding an insight-based solution. Emotions influence thinking, although they cannot think themselves. They still have a lot to say. Therein lies their opportunity. Cognitive mediation theory therefore does not see emotions as an obstacle. However, it does not avoid them. On the contrary! It makes emotions conscious. The cognitive process questions and recognizes the message behind the emotion. If emotions are the guide through life by always orienting ourselves towards good feelings, it is the task of mediation to readjust the signpost in conflict. The hope of a satisfactory solution forms the foundation. Reflection and creativity are key. Mediation must bring all this together.

The conflict

The conflict is certainly the most obvious, if not the only, obstacle that stands in the way of a solution. It almost seems as if the conflict is doing everything it can to sustain itself, to torment the parties and to keep them away from the solution. The conflict leads to escalation to competence amnesia, with which the control of action is also biologically restricted.⁴⁹ There are misjudgments and impulses to act that end in self-destruction. Rational thinking is largely eliminated. Unreflected emotions get free rein. Now it is important to understand the hidden conflict messages correctly and to offer a way that enables an open and confidential discussion of the conflict or conflicts.

Cognitive mediation theory recognizes the conflict message in the Rumpelstiltskin effect. Just as Rumpelstiltskin in the fairy tale not only spreads fear and terror, the conflict also tells us how to get rid of it. Like the demon, he dissolves when his true name is mentioned. As soon as the true name of the conflict is worked out in mediation,⁵⁰ the way out is found. The name can be found in self-reflection. In order to find it, mediation must establish a cautious approach to the conflict. It is helped by the control of the communication axes.⁵¹ With Windows technology, the focus is shifted away from the opponent to the party itself.⁵² Nothing stands in the way of dealing with the conflict.

⁴⁷ See <https://wiki-to-yes.org/Lösungsorientierung>

⁴⁸ See <https://wiki-to-yes.org/Nutzen> und <https://wiki-to-yes.org/Utilitarismus>

⁴⁹ See <https://wiki-to-yes.org/Kompetenz-Amnesie>

⁵⁰ See <https://wiki-to-yes.org/Rumpelstilzcheneffekt>

⁵¹ See <https://wiki-to-yes.org/Kommunikationsachsen>

⁵² See <https://wiki-to-yes.org/Windows-Technik>

The reflection

Every confrontation requires reflection as well as detecting the real conflict's name. It is noticeable that conflict parties are hardly able to do this anymore. A moderator can discipline the conversation. However, in order to bring about the insights that contribute to the resolution of the conflict, more is required than just good conversation. Every reflection requires a meta-level. Mediation must ensure that the meta-level is established. Without it, the parties cannot use their minds. If mediation is a mind-controlled process, it must deal with how the mind can be used to find solutions. This confrontation also requires a meta-level, which is established in mediation.

The strategy

The strategic requirements of the procedure and the conflict strategy of the parties, which is not always compatible, often constitute an obstacle that massively stands in the way of a constructive solution.⁵³ Mediation must attune strategic thinking to cooperation. Where there is no strategic rethinking, mediation cannot be considered as an exit strategy. According to Schwarz's theory of conflict evolution, a change from confrontation to cooperation always takes place only when the practiced strategy proves to be unsuccessful. Anyone who thinks in confrontation therefore only escapes it at the moment when he sees his defeat in front of his eyes.

Mediation does not think in terms of defeats. It serves a different way of thinking. Without getting involved, strategic considerations represent a major obstacle both in the selection of the procedure and in the search for solutions. Mediation must therefore also address strategic issues and meet strategic requirements so that the conflict strategy does not collide with the procedural strategy. It is possible to compensate for a strategic incompatibility through a formal change of procedure or with the help of the informal migration strategy.⁵⁴

The complexity

Complexity is probably the biggest obstacle standing in the way of the solution. If only because people tend to deny it. You can't really face it, which leads to incomplete information processing. The attempt to cope with complexity, which is not to be confused with complicity,⁵⁵ often leads to black-and-white paintings (simplifications) in which the decision-making processes are reduced to supposedly simple either-or formulas. As long as simplification is taken into account, the choice of procedure also includes a decision on the degree to which complexity can be overcome. The depth of processing required and provided can be seen from the continuum of disputes.⁵⁶ There, the extent of the dispute is determined on the basis of the dimensions of facts, emotions, positions, interests and, if necessary, time.

No procedure, except mediation, covers all its dimensions. The legal procedure perfects the reduction with the help of subsumption. It cannot bring about the solution from the ideas of the parties, but only from the comparison of a real with a standardised state of affairs.⁵⁷ Mediation can better engage with the ideas of the parties. It can not only move into all dimensions of the dispute continuum. With the technique of dimensioning integrated into the train of thought,⁵⁸ it can also include other variables of complexity in information processing. Mediation is thus able to cope

⁵³ See <https://wiki-to-yes.org/Strategie>

⁵⁴ See <https://wiki-to-yes.org/Migrationsstrategie>

⁵⁵ See <https://wiki-to-yes.org/Komplexität>

⁵⁶ See <https://wiki-to-yes.org/Kontinuum>

⁵⁷ See <https://wiki-to-yes.org/Subsumtion>

⁵⁸ See below chapter *Assembly and Flow of Mediation*

with the complexity as far as possible. The ability comes in handy in dealing with doubts, initiating emergencies and shaping the future.

The other influences

For the sake of completeness, it should be mentioned that the obstacles cannot be exhaustively listed here.⁵⁹ The thinking of the parties is subject to other influences, which can be both intrinsic and extrinsic. These include cultural and social circumstances and the influence of the helper system.⁶⁰ In addition to the groundbreaking obstacles, there can⁶¹ be other, even the smallest influences, similar to the butterfly effect, that influence conflict management. The experienced mediator should also keep an eye on these. The process of mediation helps him with this.

The Process of Mediation

The obstacles described above leave an impression. The impression may shift the conventional idea of a procedure, showing off that mediation is different.⁶² Right now it should be enough to clarify that there is hardly an obstacle that can be overcome with a single intervention. Even if a targeted measure is being considered, it must fit into the moment, the situation and the framework to achieve the desired effect.⁶³ The decisive factor is the interplay of the forces hidden in mediation.

A concept should help to recognize what needs to come together. The mediation procedure, which is only sparsely regulated in the law, offers only a form. It is of strategic importance as soon as mediation needs to be created as an exclave for confrontation.⁶⁴ Otherwise, the form says little about the nature of mediation and how it is to be realized conceptually in the process. The character of mediation will have the expressiveness.

In order to emphasize the character of mediation, cognitive mediation theory sees mediation less as a procedure determined by the sequence of procedural acts. Rather, it can be seen as a dynamic process characterized by actions related to each other and interacting with each other. The process is about the effect, not the order of actions. A process based on knowledge is particularly dependent on these effects. It must adapt to the needs of the parties, not their needs to the procedure.

Since mediation is an insight-based process, it is understood the best way, when it is seen as a train of thought. On the one hand, the mental path indicates the needs that help to walk it. On the other hand, it covers the distance, where one thought leads to the next one. The path is following a concept that aims to circumvent or overcome the obstacles that stand in the way of knowledge in order to gain the goal-oriented insights. The starting point is the objective.

The common goal

Mediation only leads to a constructive outcome if the parties are willing and able to walk the mental path together. This becomes possible as soon as they set a common goal that they can agree on. It results from the structure of the underlying decision-making process where the common goal is to be found. A court case would put the goal in the decision. Unfortunately the decision

⁵⁹ Overview of obstacles of all kinds in mediation: <https://wiki-to-yes.org/ZusammenstellungSchwierigkeiten>

⁶⁰ See <https://wiki-to-yes.org/Helfersystem>

⁶¹ See <https://wiki-to-yes.org/Schmetterlingseffekt>

⁶² Mediation is different! See <https://wiki-to-yes.org/Wesen>

⁶³ See <https://wiki-to-yes.org/OpportunityWindow>

⁶⁴ See <https://wiki-to-yes.org/Strategie>

cannot constitute a common goal as long as the idea of the outcome of the process diverges. Until then, the parties are pursuing different goals, which entail controversial thinking and argumentation.

This does not change if, as in conciliation, the objective is shifted from the decision to the solution. The solution answers the question of how to implement the decision. In this respect, too, different objectives are pursued. The exception is the case of the orange example in the Harvard concept, where the divergent ideas of solutions were able to avert a distribution conflict. However, the pursuit of solution-related interests is also controversial in the orange example if both parties want the same thing. In all cases, the goal of incompatible decisions or solutions leads to controversial thinking that suggests a zero-sum game. The parties cannot follow the common path. This can only succeed if they align their thinking in parallel. Uniformly aligned, parallel thinking becomes possible when mediation defines a goal that all participants can agree to. One goal that everyone can agree on is far in the future, where the benefits are to be found. The benefit is addressed when a solution will be found with which everyone is satisfied. The common goal indicates a search process that automatically leads the thoughts to a cooperation.

The reverse gear

In the mediation landscape, there are different ideas about the goal of mediation. Mediation theory assumes that its goal is achieved once a satisfactory solution has been found. The goal is therefore directed towards the solution, not the final agreement.⁶⁵ The final agreement is one possible outcome. It's a result. It already represents the first step in the implementation of the solution, so it definitely is behind the goal. The final agreement simply is intended to manifest and secure the solution.

Even if the goal is directed towards the solution, mediation is not a solution-oriented procedure. The goal is only achieved when the solution is satisfactory for everyone. Whether it meets this requirement or not is decided by the benefit highlighted above. Chronologically speaking, the incoming benefit lies behind the solution. It is even behind the decision. Only because it determines the solution, it is pulled forward in the decision-making process where the expected benefit will be questioned before the solution is found.⁶⁶ With this logical order, mediation handles the process of decision-making backwards. The benefit is dealt with in the form of the expectations in phase three, the resulting solutions fall into the fourth phase, so that the decision with which the solution leading to the benefit is manifested is brought about in the fifth phase.

The inverted logic of a decision-making process is undoubtedly unfamiliar. However, it is a crucial and decisive step in the rethinking of mediation.

Journey through multiple worlds of thought

Even if the parties have agreed on a common goal, there are plenty of opportunities to fall back into an argument along the way. This danger must be averted if mediation is to lead to the planned dispute without dispute. However, as long as the parties have the unwanted solution in mind, they will fall back into problem-centered thinking. The way out takes up the idea of rethinking by directing thoughts in a different direction. Albert *Einstein* already knew that the way of thinking that leads into a problem cannot get you out of the problem. With other words: A line of thought can hardly move away from a problem if it is oriented towards the problem. The mental

⁶⁵ See <https://wiki-to-yes.org/Abschlussvereinbarung>

⁶⁶ See <https://wiki-to-yes.org/Entscheidungsprozesse>

path leading to the solution must therefore be a detour. It takes place in several stages, which are based on the phases and lead through different worlds of thought.⁶⁷

The first world of thought that the parties go through in the second phase leads through the broken world. The second world of thought, which the parties go through in the third phase, leads into the ideal world, free of problems. The fourth phase leads back to the real world, where problems still need to be resolved. The designations prove the important steps of the phases:

2. phase: Arguments that support the positions are admitted in the second phase. They are merely juxtaposed and not discussed. The parties have the opportunity to describe the broken world. It's just a matter of pointing out what's wrong. The train of thought is then broken off. This is one of the reasons why many beginners find the transition from phase two to phase three so difficult.

3. phase: A new train of thought is opened up that does not address the problem, but assumes that the problem has been solved or does not exist at all. In this thought step of the third phase, the thoughts are directed into an imaginary state, which the integrated mediation describes as the ideal world.

4. phase: Only when an image has been created that can be used to describe the ideal state are the thoughts transferred back to the real world in the next phase. The parties should now consider how they can actually bring about the ideal state from the current state. For the mental setting, it is crucial that the solution is developed from a positive idea of the future and not from an offensive and defensive thinking that corresponds to the dispute.

And another 'world

If you look closely, you will see that mediation is a nested process that, like the universe, encompasses several worlds and dimensions. Therefore, there is a further world in addition to the worlds of thought. It might be compared with a matrix laying over the worlds of thought. What is meant is the metaworld.⁶⁸ Mediation has several meta-levels and depicts a meta-level itself.⁶⁹

The metaworld is juxtaposed with the real world, in which the parties physically move. It is important to distinguish between the different worlds. This is the only way they can set themselves apart, monitor and learn from each other. Now systems theory comes into play. The theory, which originates from sociology, attempts to understand sociological structures in all their complexity. It differentiates between systems, elements and their environment so that the interactions between the entities are revealed.

With regard to mediation, the system that needs to be identified first is the dispute system. It is the real, operational world of the parties, in which they live out their dispute. Because they are within the system, they are, similar to Plato's allegory of *the cave*, attached to their sensually perceptible world, which in case of doubt is only able to direct the gaze to the opponent and not even to themselves and let alone to the entire system of conflict.

Strikingly, the mediator is not part of the dispute system. This is because, unlike the judge, he is not involved in the outcome as a decision-maker and, unlike the conciliator, not as an opinion leader. The systemic assignment has nothing to do with the principle of independence.⁷⁰ It results

⁶⁷ See <https://wiki-to-yes.org/Gedankenwelten>

⁶⁸ See <https://wiki-to-yes.org/Systemik>

⁶⁹ See <https://wiki-to-yes.org/Metaebene>

⁷⁰ See <https://wiki-to-yes.org/Unabhängigkeit>

in a specific communication behavior that corresponds to the principle of indetermination.⁷¹ It enforces the self-responsibility of the parties and keeps the mediator away from the operational level.

The mediator is part of the mediation system, which is all around. As an independent system, it is able to observe the dispute system from the outside without any involvement in the matter. Only the systemic construct allows to establish a meta-level reflecting the dispute, the contentious behavior and later also the behavior of all participants in the mediation.

With the reflection level, mediation creates an essential condition for the process of imparting understanding. It is the level that makes the question "What is happening here right now?" possible in the first place. The meta-layer is already set up in the first phase and remains established throughout the whole process. Because mediation can only provide structures and does not act itself, the mediator is to be seen as the personified meta-level. His attitude is determined by this role in the game.

Procedural impact

The mediative process is not only designed to gain insights, but also to convey understanding. It forms a hermeneutical circle where knowledge is oriented towards understanding and understanding towards knowledge. A mediative train of thought corrects the focus, the context, the way of thinking and the direction of thought. It compensates for all reflection deficits. At the very least, it sets conditions for the obstacles not to unfold. The process forms the mental path. It is the point of orientation that makes mediation a process-oriented approach. Process orientation expects every tool to be used in a way that it supports the train of thought and the path of knowledge hidden in it. When the parties engage in the path, the solution is created by following the path. Nothing more is needed. It arises from the thought process.

The Confucian wisdom: "The journey is the goal" is nowhere better expressed than in mediation. Because the process is a mental path, attitude plays an important role. The attitude of the mediator must correspond to that of a meta-level, so that the mediator represents the personified meta-level.

Procedural principles

The path that the thoughts have to travel is invisible and not easily recognizable. In order to prevent the parties from straying from the path, it is identified and secured by principles. The principles act like landmarks giving orientation. They result from the key data of an insight-based transfer of understanding.

If the solution is to be generated from knowledge and understanding, pressure, deception, stress and everything that runs counter to free will and trust-building is counterproductive. The parties must be able to negotiate on an equal footing. Voluntariness is a self-regulating principle for this. It enshrines a right to demolition at any time. Contrary to practice, it does not serve to question the motivation to negotiate. Rather, it is important to introduce voluntariness as an indirect warning to the other participants to behave in such a way that no one has to make use of the right of termination. Personal responsibility is another principle that ensures the construct of mediation. In order for the parties to exercise their own responsibility, the mediator must reduce his responsibility as much as possible. The principle of indetermination secures the resulting role, which is

⁷¹ See <https://wiki-to-yes.org/Prinzip-Indetermination>

limited to the personification of the meta-level.

All principles are used as intended if they are seen as conditions whose task is to realize the unspecified characteristics of mediation. The characteristics express the essence of mediation. In this logic, the principles adapt to the characteristics. If the characteristics are realized, confidentiality, neutrality, independence and lack of decision-making power can be considered disposable.

The logic behind mediation

Mediation is characterized by an impressive adaptability. The necessary flexibility expects the mediator to recognize the functional units of the process and to put them together effectively. He has to know how everything fits together and what belongs where so that the process can be understood. Nothing comes by chance. The approaches with which mediation overcomes the cognitive obstacles are neither random nor arbitrary. Rather, they are subject to a logic that brings thoughts together. The consolidating system of logic is called the **logic of mediation**. Mediation logic summarizes the phase logic, the logic of the levels, the topic logic and the conflict logic. All sub-processes are aligned towards the common goal coordinated by the logic of mediation.

The logic of the phases

Phase logic is an essential condition for the realization of mediative thinking.⁷² It replicates the train of thought.⁷³ The phases correspond to the successive milestones in the cognitive process. Cognitive mediation theory assumes a five-phase model because it fully maps the train of thought. It is questionable whether one can still speak of mediation if one of the phases is omitted. The milestones marked by the phases and the knowledge gains to be achieved in each case are as follows:

1. Phase: The initial insight makes it clear that there is no good or easy to achieve, implementable solution. The insight is that a solution has to be sought and that there is a way to carry out the search. Thus, in the first phase, the goal is agreed, the path to it is determined and the meta-level is established.
2. Phase: The initial insight is the need to search. The question of what to look for is open. The gain in knowledge consists of the thematic limitation and the uncovering of the contradiction. This results in a precise dispute investigation. The cognitive dissonance is accepted. The conflict-oriented themes are transferred into a dialectic.
3. Phase: The initial insight is the need to define the benefit. The gain in knowledge is the comprehensibility of the different views, commonalities, and the ideas of the benefits that can actually be achieved. The focus is on clarifying the meaning and developing the solution criteria.
4. Phase: The initial insight is the idea of how the benefit feels. The gain in knowledge is the way in which the benefits are realized. The solution options to be collected and evaluated are led step by step into a solution channel.
5. Phase: The initial insight is the idea of what the solution should be. The gain in knowledge is the assurance that it will also come to this. The solution found is manifested. The solution is reviewed for its sustainability and feasibility and determined accordingly.

⁷² See <https://wiki-to-yes.org/Phasenlogik> und <https://wiki-to-yes.org/mediativesDenken>

⁷³ See <https://wiki-to-yes.org/Gedankengang>

The phase logic is self-explanatory. The path cannot be taken if the goal is not clear. The solution cannot be found if the criteria have not been worked out. The solution cannot be manifested until it has been found. Mediation is only successful if the solution found meets the previously developed benefit criteria. Because of this inner connection, the quality of mediation can only be judged on its own merits.⁷⁴

Phase dynamics

A schematic representation of the phases reveals the tension built up by the process sections.⁷⁵ The tension contributes significantly to the dynamics of the mediation. It promotes the progress of the process. Each phase establishes a stage on the mediative train of thought. Each phase gives the mediator and the parties its own work assignment. The work orders differ from each other.⁷⁶

Each work assignment requires independent know-how, which is why mediation is divided into several methods. The mediator must always know where he is in the process and what the respective phase expects of him. This is the only way he can implement the phases methodologically correct. The mediation map helps him to find his way around.⁷⁷

With the help of the division of phases, mediation is able to include everything that is necessary to promote understanding. Mediation confronts multidimensionality. It can capture and merge even incompatible ways of thinking. The different ways of thinking are processed sequentially in isolation in order to later reassemble them into an overall picture. For example, logical thinking, from which the contradiction arises in phase 2, is transferred into a dialectic in phases 3 and 4, and finally ends up in logic again. Legal thinking distinguishes itself from psychological thinking, which dominates phase 3. Analytical thinking finds just as much space as intuitive, heuristic, hermeneutic or lateral thinking, to name just a few examples. Each way of thinking is identified so that it can be classified on the mental path. At the end, their results are brought together in an overall picture.⁷⁸

The logic of the issues

The topics determine the subject of mediation. The topics are coordinated with the conflicts, so that they also determine the object of the conflict. The recording of topics requires a **conflict analysis**. It is important that each topic represents a conflict. So there are only as many topics as the case gives rise to conflicts. The topics are introduced in such a way that the thoughts are directed towards a common goal. This is a crucial first step in resolving the controversial thinking of the parties. Mediation does not find the solution in dispute. Mediation finds it in togetherness.

Unlike in court proceedings, the thoughts are not led from the commonality, i.e. the undisputed, into the dispute, but vice versa. Thoughts are led into the commonality. The dispute is initially only recorded in order to delimit it and to work out the questions to be clarified. The jointly developed question is intended to neutralize the opposing positions. It forms the starting point for leading the thoughts away from concurring views, which are concretely worked out and approximated in the third phase.

The topic logic focuses on the question with which the problem can be overcome. It helps the parties to accept the cognitive dissonance resulting from the contradictory positions and to face

⁷⁴ See <https://wiki-to-yes.org/Qualität>

⁷⁵ See <https://wiki-to-yes.org/Phasenposter>

⁷⁶ See <https://wiki-to-yes.org/MethodenPhasenAbgleich>

⁷⁷ See <https://wiki-to-yes.org/Mediationslandkarte>

⁷⁸ See <https://wiki-to-yes.org/Denken>

the questions that need to be clarified.

The logic of levels and depth

Mediation knows that common ground can hardly be found at the level where positions collide. As long as both sides claim the same thing for themselves, there will always be a distribution conflict if the distribution cannot be increased.⁷⁹ In order to avoid the clash, mediation is therefore looking for a level of negotiation in which the most common ground can be established. In the orange example of the Harvard concept, interests were sufficient to avoid the clash. If both children want the same, if both want to drink orange juice, the interests are not enough to find a common basis for negotiation anymore. Then the mediator needs to go one level deeper, for example to the relationship level or even deeper to the level of the needs, the values or the identity. He dives so deeply into the levels until he has found the level that provides a common basis for the search for solutions. The process is described as plane diving.⁸⁰

The common level needs to be found, determined and established in the third phase. It results in the depth of processing to be measured against the dispute continuum and therefore influences the choice of mediation model.⁸¹ If mediation meets different views and needs the transformative mediation will be the choice.⁸² If it needs a mix of different approaches, the integrated model is the way to bring everything together.⁸³

The logic of conflict

The handling of conflicts also fits seamlessly into mediation, when conflicts are differentiated not by type but by dimension. The dimensions of the conflict distinguish the content of the conflict.⁸⁴ They not only establish a direct reference to one of the three human intelligence centers. They also allow a direct link to the topics to be worked out in the second phase. Conflict dimensions are factual conflicts, relationship conflicts, value conflicts, structural and system conflicts.

The conflicts are determined in the conflict analysis and divided according to the conflict dimensions.⁸⁵ The assignment to the topics of mediation establishes a correspondence between the mediation and the conflicts. The reference to factual conflicts, relationships or value conflicts automatically reproduces the distinction between problem and conflict. It realizes the separation of "man and problem" elaborated by the Harvard concept. The human being occurs in the relationship and value conflicts, the problem lies in the factual conflict.

The assignment to conflict dimensions indicates the necessary depth of processing and thus the choice of mediation model.⁸⁶ Factual conflicts are assigned to rational intelligence, relationship conflicts to emotional intelligence and value-based conflicts of identity. In one case, rational intelligence is addressed, in the other emotional and finally instinctiveness. Consequently, the classification according to conflict dimensions also determines the level of processing and the selection of the mediation model.

The conflict work indicated by the combination of conflict logic and phase logic corresponds to the approach of solution-oriented brief therapy. The proximity to therapy proves that, despite all

⁷⁹ See <https://wiki-to-yes.org/Verteilungskonflikt>

⁸⁰ See <https://wiki-to-yes.org/Ebenentauchen>

⁸¹ See <https://wiki-to-yes.org/Mediationsmodelle> und <https://wiki-to-yes.org/Bearbeitungstiefe>

⁸² See <https://wiki-to-yes.org/Mediationsmodelle> and https://wiki-to-yes.org/transformative_Mediation

⁸³ See <https://wiki-to-yes.org/Mediationsmodelle> and <https://wiki-to-yes.org/integrierteMediationModell>

⁸⁴ See <https://wiki-to-yes.org/Konfliktdimensionen>

⁸⁵ See <https://wiki-to-yes.org/Konfliktanalyse>

⁸⁶ See <https://wiki-to-yes.org/Bearbeitungstiefe>

the differences, mediation is also possible for traumatized parties. Like mediation, the solution-oriented brief therapy does not require a diagnosis.⁸⁷ It directs the patient's thoughts into a world of thoughts that overcomes the problem or trauma. Solution-oriented brief therapy mainly works with the miracle question.⁸⁸ A technique that also serves well in the third phase of mediation in order to uncover the path to knowledge.

The logic of information

Another sub-process that needs to be integrated into the thought process of mediation is information processing. Information is the smallest component of mediation. In order for it to be installed correctly, every piece of information must be qualified and evaluated. If mediation is a communication of understanding, it is important to grasp the core of the information. It requires a high level of information literacy and a precise handling of information from the mediator.⁸⁹

The logic of dimensions

It has already been pointed out that the depth of processing to be determined with the help of the dispute continuum defines the extent of conflict resolution. The mediation model can be derived from the desired depth of processing. The mediation model describes the way mediation is carried out. It determines the focus of the work, which is based on the dimensions of the dispute continuum.⁹⁰ The number of dimensions on which the proceedings are based determines the extent of conflict management. Mediation, and in particular the mediation model of integrated mediation, which is based on cognitive mediation theory, basically takes all dimensions into account. It is thus the most comprehensive concept that, analogous to blended mediation, supports a change and a needs-based expansion of the mediative approach. It includes evaluative, facilitative and transformative mediation and can even integrate processes that are not part of the process, so that mediation always provides the appropriate way of dealing with the conflict.

Assembly and flow of mediation

At least in more complicated cases, it is not enough to know the basics and the one-dimensional process of mediation, as the law suggests. In order to exploit the competence of mediation, it is also not enough to know the logics with which thoughts are transferred to the rhythm of mediation. The decisive factor is the knowledge of how everything comes together. With this knowledge, mediation adapts to even the most complicated cases. In order to uncover the connections and to unfold the effect of mediation, the following building blocks must be brought together precisely:

1. The construction: The construct describes the structure of the structures and the systems. It expresses the different levels of processing and their relationship to each other.
2. The procedures: The procedures describe the procedures and sub-processes to be handled and coordinated in mediation. They must be able to be found in the structure of mediation.
3. The operands: The operands are the functional units with which mediative information

⁸⁷ See https://wiki-to-yes.org/Lösungsorientierte_Kurztherapie

⁸⁸ See <https://wiki-to-yes.org/Wunderfrage>

⁸⁹ See <https://wiki-to-yes.org/Informationsverarbeitung>

⁹⁰ See <https://wiki-to-yes.org/Mediationsmodelle>

processing is realized.

4. The operators: The operators are the functions that help to read or modify the operands. They ensure that the functional units are correctly integrated into the process and the case.

Mediation as a puzzle game

In order to explain mediation clearly, the orange example of the Harvard concept is often used.⁹¹ This overlooks the fact that the orange example only depicts one aspect of mediation and not the much more complex process behind it. The comprehensive process is better represented with the following analogy of a puzzle game:

The grandchild is visiting grandma. Grandma wants to make the visit attractive. She therefore suggests a game. Unfortunately, she doesn't have a large stock of games. In the basement she finds an old puzzle. On the box is a train as a picture template. It is the puzzle picture to be laid. The puzzle consists of 5,000 pieces. Unfortunately, the children had poured another puzzle with 15,000 pieces into the same box. There is no longer a template for this. Grandma and grandchild still decide to put the puzzle together. So you have no choice but to throw all the puzzle pieces on the table to match them to the respective puzzle. Only then can they insert the stones in one or the other picture. The puzzle piece symbolizes information.

The information can be put together like puzzle pieces to form a picture. Information also has characteristics. Just as the puzzle pieces can be identified by shape and color, the information is identified by the meta information. The meta-information reveals the so-called information dimension, which can be used to qualify the information and classify it in the process or case.⁹² The information dimension tells you what type of information it is. Is the information a fact, an opinion, an argument or even a solution? Cognitive mediation theory describes how to deal with the different pieces of information, so that, as in a puzzle game, the only thing that matters is to put the information in the right place so that it sums up. Together with the other information it creates the picture from which the parties can develop the solution.

Cognitive features of the puzzle game

The metaphor of the puzzle game can not only be used to explain how information can be put together in mediation. It also becomes clear that the player does not need to know the picture at all. It is only a matter of placing the individual stone correctly with the other stones in combination. Applied to mediation, mediation could be described as an information puzzle that helps the parties manage the complexity without having to see the connections.⁹³ The metaphor of the puzzle also explains the procedural strategy of mediation. In a puzzle, it is not the winner that matters, but only the profit. The profit is the finished picture, i.e. the solution found in mediation. It doesn't matter who brings in the crucial information and how, so that the solution comes about. The main thing is that it comes into play and makes it possible to complete the picture. The fact that the solution, i.e. the image, must represent a win-win result is not relevant to the game.

It is relevant that the picture to be placed, thus the solution, pleases all players. Otherwise, the principle of voluntariness allows them to reject the image.⁹⁴ Via this detour, it may be assumed

⁹¹ See <https://wiki-to-yes.org/Orangenbeispiel>

⁹² See <https://wiki-to-yes.org/Metainformation>

⁹³ See <https://wiki-to-yes.org/Komplexität>

⁹⁴ See <https://wiki-to-yes.org/Prinzip-Freiwilligkeit>

that the players only agree with images that produce a win-win result.

It is important to note that mediation is made up of more than just a single puzzle picture. One of the information illustrations to be placed concerns the trial, the other the case. Another could concern the application of the law. The images of the parties may also differ from each other. Only when all the images are put together will enough information have come together to bring together and show the solution in a common picture.

The idiosyncratic information management

What sounds so complicated is quite simple in practice. The only thing that matters is that enough information has been placed in the right position so that it interlocks and their networking comes into effect. This is exactly what happens in mediation, when the information is entered into the process sorted by its dimension. The process distinguishes between three steps:

1. The information is received and examined for its relevance to mediation
2. The information is assigned to the processing level, the case level, and if applicable, the legal level, and so on.
3. The information is linked to the dimension that matches the editing level.

It goes without saying that the dimensioning must be carried out separately for each party. The comparison allows the information to be compared. Information of the same dimension belongs together. In addition to the proof of togetherness, the information framework created by the dimensions reveals where the information belongs and where it is still missing. This knowledge fulfills the principle of being informed and the mediator's duty to check information.⁹⁵ He must therefore know what information is needed to handle the mediative information processing correctly.⁹⁶ Sizing not only helps to identify which information contributes to complete information. At the same time, it reveals the missing information. The ability to locate information like puzzle pieces in an image not only reveals what information makes up the image. It also shows where which information is missing to complete the picture. A good mediator also sees what is not visible.

Together with the knowledge of mediation and its logic, the dimensions are an important point of reference in dealing with information. There is a connection to the question raised at the beginning of this article as to what needs to be done next. The answer comes from the information to be processed.

The need to qualify the information before further processing is explained by computer science. A computer only knows how to deal with information after it knows what information is to be processed. Numbers are to be treated differently than texts or data. In order to know the treatment, the computer only needs to know whether the information is a number, a text or a date. With this knowledge, he can process the information correctly. In communication and thinking, too, the type of information determines their treatment. Information that qualifies as facts is to be treated differently than opinions or emotions.⁹⁷ Information about relationships is to be treated differently from information about an object. Each dimension requires the mediator and the parties to deal with the information accordingly.

The interconnectedness of information comes about because all dimensions are logically connected. The dimensions correspond to the anchor points of the mediation logic. For example, an

⁹⁵ See <https://wiki-to-yes.org/Prinzip-Informiertheit> und https://wiki-to-yes.org/Mediationsgesetz_§2

⁹⁶ See <https://wiki-to-yes.org/Informationsverarbeitung>

⁹⁷ See <https://wiki-to-yes.org/Dimensionen>

argument leads to a position at the process level that dissolves in the topic. A motive provides the clue for a solution criterion. The topic is linked to the conflict, which in turn is linked to the depth of processing and the dimensions of the dispute continuum. At the case level, the same argument leads to a question that can be used to deduce a motive. From the motif, the solution criterion for a conflict represented in the topic can be determined, which re-establishes the connection to the procedure, and so on. Everything is interconnected. The way in which the information is linked gives a logical structure. It is evident that their interconnectedness, similar to communication between the hemispheres of the brain, takes place both within and across planes. If all connections are identified, the result is an unimaginably large information network. It realizes the characteristic of complexity by interconnecting all dimensions that occur as variables. The dimensioning makes it possible to cope with complexity.⁹⁸

The enlightenment effect

Every mediator knows the phenomenon. Suddenly the party knows what to do. The conflict has been resolved. It feels as if the party has been enlightened. Mediation theory also questions how this phenomenon comes about. There could be clues to the goal-oriented methodology of mediation.

There are various attempts to explain it. One approach follows the system-theoretical consideration, where the mediator contributes to the irritation of the system in order to stir up the forces of order-from-noise.⁹⁹ A psychological approach focuses on the resonances to explain the phenomenon that all participants in the mediation system suddenly come across the solution in unison.¹⁰⁰ The philosophical approach is based on the fact that the information fits together like in a puzzle to form a picture of knowledge. Even in a puzzle game, the motif to be laid can already be seen, although not all the stones have been laid out yet. Thus, in mediation, too, a sufficient amount of related information can contribute to constructing the solution. The phenomenon can probably be explained by the interplay of all attempts at explanation, which have not been conclusively listed here. The only thing that is certain is that there is no monocausal cause and that both the human being and the mediation dependent on it are too complex to look for a single cause.

In the apparent chaos, it is fascinating to observe that the mediator does not have to contribute much to trigger the enlightenment effect. If the mediative train of thought is established and the information is introduced correctly, the mediation results in a flow. The parties only have to follow the path to reach their goal.¹⁰¹ Mediation becomes a no-brainer. Just like they follow a path without thinking much, as long as you feel that the path feels right and that it leads you to your destination.

Welcome to the new world

The path that feels right is the path to a new world of thinking. It is a path to contentment. It is possible to get along without fear, hatred, envy, jealousy, greed and resentment.¹⁰² The path is a mental one. It is not limited to a formal procedure, which can easily be refused. Cognitive mediation theory suggests that the ability of mediation to rethink should also be applied outside the procedure according to the Mediation Act.¹⁰³ If you look at the sick world, you can see how important

⁹⁸ As far as that is possible at all. See <https://wiki-to-yes.org/Komplexität> and <https://wiki-to-yes.org/Dimensionen>

⁹⁹ See <https://wiki-to-yes.org/OrderfromNoise>

¹⁰⁰ Siehe <https://wiki-to-yes.org/Resonanz>

¹⁰¹ See <https://wiki-to-yes.org/Lösungsorientierung> and <https://wiki-to-yes.org/Zielvereinbarung>

¹⁰² Mediation feeds the good wolf. See <https://wiki-to-yes.org/item14391-Die-zwei-Wolfe>

¹⁰³ Siehe <https://wiki-to-yes.org/Mediationsgesetz>

it is to rethink and to change the way to go. Rethinking avoids the "more of the same" effect, which leads to the abyss.¹⁰⁴ If mediation is understood as an insight-based mediation of understanding, it condenses a competence that escapes the death spiral for sure. Unfortunately, a rethink is already required to recognize that mediation is different. Only then can the idea of their competence and possibilities be revealed.

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¹⁰⁴ See <https://wiki-to-yes.org/mehr-vom-selben>