



Mediator communication: enhancing the parties' capacity to be effective

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Recently, I read an article, The Conversation Placebo (<https://nyti.ms/2jBF9V9>) by Danielle Ofri. As an internist treating patients with debilitating pain, she is troubled by the limited effectiveness of

“pain remedies...(that)... are only modestly effective, and they have side effects that range from nausea and constipation to addiction and death.

What’s often overlooked is that the simple conversation between doctor and patient can be as potent an analgesic as many treatments we prescribe.”

Dr. Ofri describes a Canadian research study that considered whether empathetic communication, either alone or in combination with other medical treatment would provide relief from chronic back pain. The findings of this study are remarkable and

surprising. Patients who received empathetic communication from the treating physical therapist reported a significant reduction in pain levels, even when the treatment was a sham (placebo). When combined with the administration of treatment for pain, conversation provided a significant increase in effectively reducing the patients' pain. The author notes,

“This type of study provides hard evidence for what shamans, witch doctors and assorted mystics have known for millenniums: A substantial portion of ‘healing’ comes from the communication and connection with the patient.”

Not long ago I had surgery to remove a cataract and implant a new lens. I was awake during the 15-minute procedure, and was aware that throughout the surgery the nurse anesthetist held my hand. I could not see her, but was continually aware of her touch—a connection so different from the actions of the gifted and skilled surgeon wielding a high-tech laser. During a follow-up visit, I asked the surgeon why the nurse had held my hand. She confirmed that it is a simple gesture of human connection. The surgeon also acknowledged that when patients are at ease during surgery, their recovery is likely to be quicker and less troublesome.

Afterward, I thought about that experience, and I thought about Dr. Ofri's article. I wondered about the implications of empathetic (placebo) communication for mediation practice—where the sole purpose of the communication is to offer reassurance and comfort. Mediators learn to use active listening and related skills such as summarizing, in order to gain the parties' confidence in us as mediators, to demonstrate our engagement with them and our concern for understanding of their ideas, interests, fears, and thoughts. Mediators know that when used thoughtfully and with respect for the parties, these techniques help develop trust, encourage parties explore the terrain of their conflict, and aid in their search for understanding and agreement.

But, is it possible to think that mediators might communicate with the parties for the sole purpose of making a human connection, of expressing empathy, encouragement, support? Mindful of the obligations to be balanced and unbiased and to maintain neutrality, is it possible for mediators to hold the hands of their parties—metaphorically speaking. As described in the article, the treating professionals

“asked open-ended questions and listened attentively to the answers. They expressed empathy about the patients' situation and offered words of encouragement...”

These are skills used almost routinely by competent and resourceful mediators. They are

well known to us. What might be different is the purpose for their use. What if the sole function of asking certain questions or offering encouraging comments was to help the party become more effective in addressing their conflict? Like the hand-holding in surgery or the comments to pain patience, perhaps as mediators we can use the skills we know to encourage parties to be more resilient, thoughtful, responsive and capable in dealing with the issues in dispute.

To my friends and colleagues who might wonder whether I am advocating that mediators become counselors or therapists or that we hold our clients' hands (literally) during mediation; that's not at all what I suggest. The goal is utilitarian. It is to enhance the parties' capacity to do their work, not to make them feel good. Whether and how the "conversation placebo" is used will depend entirely on the nature of the dispute, the context, and above all, the needs of the parties themselves. Let's not get so focused on the how this idea could be implemented that we ignore the reason for such communications.

Have you had similar experiences—either personally or as a mediator? What do you think of the notion of a "conversation placebo?" Could you envision its use in your practices? And, if so, in what ways?

I recently published a book for couples contemplating, or in the midst of, separation or divorce. [Divorce and Separation: A Practical Guide to Making Smart Decisions](https://www.amazon.com/dp/B01N30NRV4/), <https://www.amazon.com/dp/B01N30NRV4/> is based on the principle of self-determination, on the belief in the dignity of each party, on the certainty they can make solid, reasoned and fair choices.

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Thank you all for your kind comments and for your insights and experiences. I will write more in a day or two when my vision clears (recent cataract surgery). For the moment, I want to acknowledge Dianne's thoughts, echoed by others, regarding the mediator's mindset as allowing us as mediators to build a relationship with the parties that allows them to be at their best. Hand-holding is indeed a metaphor, nor a prescription; it represents an attitude that of ...see more



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Michael,

Thank you for sharing your thoughts. Excellent points regarding the value of presence and empathy. Your comments resonate with my current dissertation work. My research involves exploring the existential experience of sons and daughters giving end-of-life care to th ...see more



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