

The Brain In Conflict

Neurological Aspects of Mediation

A talk by Spenser Hilliard



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The brain's limited information processing capacity.

- The human brain is just 2% of the average person's body weight.

Yet it demands:

- 15% of the body's blood flow and
- 20% of its oxygen and
- 25% of body glucose.
- They must always be in balance, or you will die



Heuristics and Cognitive Biases



- These shortcuts enable us to react rapidly
- They can be alarmingly wrong.
- They are very prevalent in people negotiating under pressure



Heuristics and Cognitive Biases

- They can be very useful



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Anchors Away

- Even irrelevant anchors effect our judgments
- Lawyers and Judges are just as susceptible as everyone else.
- Always make the first offer if you can.

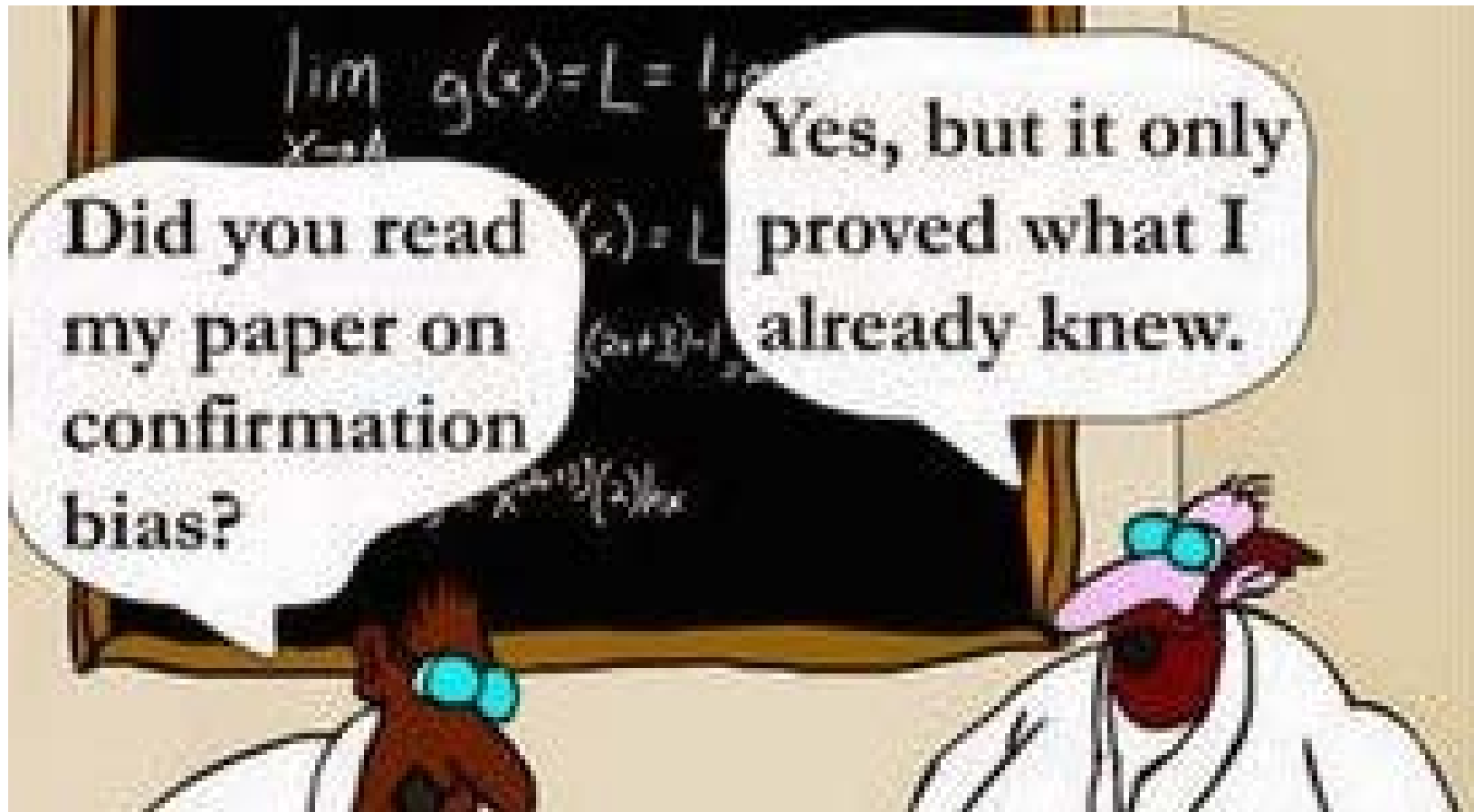


The alarming effects of anchoring in Judges - with lessons for Mediators

- **Inside the Judicial Mind**
- **Chris Guthrie** Vanderbilt University - Law School **Jeffrey J. Rachlinski** Cornell Law School **Andrew J. Wistrich** California Central District Court [Cornell Law Review, Vol. 86, No. 4, May 2001](#)



Confirmation Bias



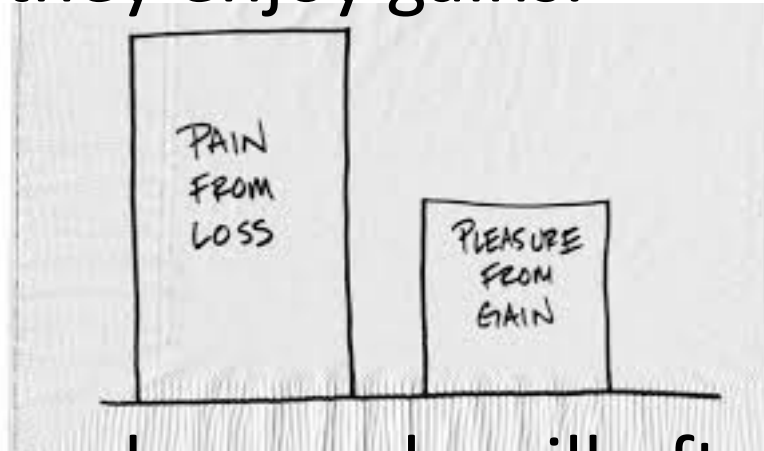
Cognitive Dissonance

YELLOW BLUE ORANGE
BLACK RED GREEN
PURPLE YELLOW RED
ORANGE GREEN BLACK
BLUE RED PURPLE
GREEN BLUE ORANGE



Loss Aversion

The pleasure from winning is not as great as the pain of losing. People detest losses about twice as much as they enjoy gains.



This explains why people will often turn down offers that otherwise seem fair.

Hawkish Bias



Almost without exception, cognitive biases favour hawkish decisions in conflict situations



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Bias Blind Spot

The most pernicious bias. People believe biases affect others but not themselves



Cross-Cultural Disputes

- We see the same thing in different ways



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We all see the world differently

- Very few conflicts are without cultural differences.
- Perceptions help us make sense of the world. We fill in information to fit some pattern we know.
- Are not “right” or “wrong”
- You don’t have to agree with someone’s perceptions to understand and respect them.



Perceptions in Conflict Resolution

- Discovering interests is an exercise in discovering perceptions
- Appreciating perceptions helps us distinguish between people and problems
- We tend to attribute different behavior to “badness.” Usually it comes from having a different perception.
- Understanding perceptions can expand the range of possible solutions



Individualist and Universalist Societies.

- In Individualistic Societies such as the UK, USA and Northern Europe messages are conveyed in a direct and unambiguous manner focusing on the end-result. Who gets how much and when.
- In Universalist Societies, such as parts of Southern Europe and in the East, family, community, hierarchies and relationship building are important and the message is often delivered in an indirect manner.



Caution About Making Assumptions

- But beware of stereotyping and making assumptions about other people's cultures which are not justified, a person may reflect many cultures including ethnic, religious and occupational affiliations.
- Don't assume that Western cultural assumption are the norm or are superior. For example, the assumption that working for peace is always a good thing might be questionable in other cultural contexts."



In Conclusion

- Make the interpreter your ally
- Reframe into neutral terms
- Focus on needs, interests and values
- Active listening
- Summarize
- Acknowledge

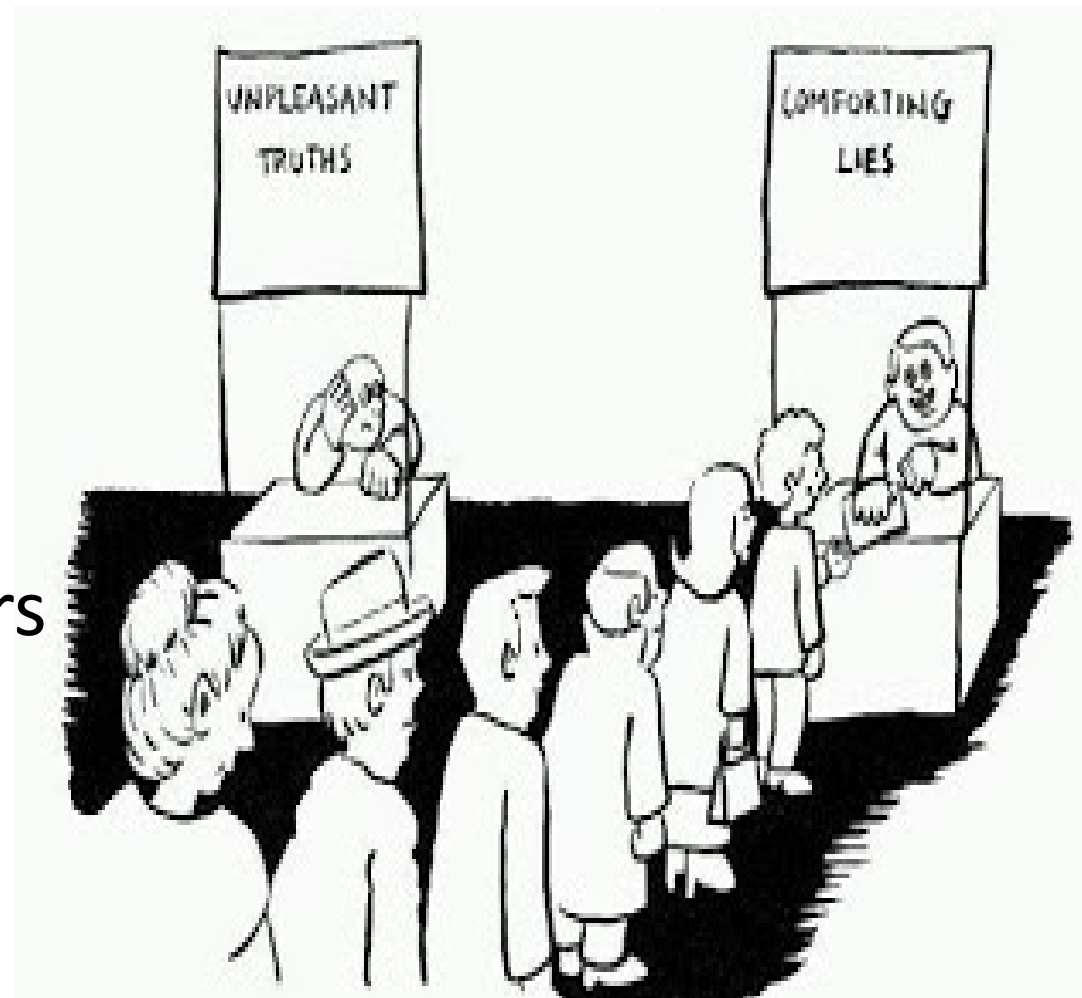


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