In Theory

Stage Development Theory: A Natural Framework for Understanding the Mediation Process

Lynn C. Holaday

Scholars and practitioners of mediation have generally paid little attention to the development of theoretical frameworks for understanding what is taking place in the mediation process. By "borrowing" from stages of adult psychological development theory (in this scheme, physical; hedonistic/impulsive; conformist/authority-seeking; rational/individualistic; and integrative), we can better understand some of the behaviors that people exhibit in mediation and perhaps find ways to help parties expand their behavioral repertoires so that new avenues for resolution appear to them. Using frequent examples from mediation practice, the author describes each stage, then assesses the limits and possibilities of relating this theoretical framework to mediation. She sees this juxtaposition of theory to practice not so much as a "how to" for mediation practice, but rather as a new window through which mediators can view mediation clients, the mediation process, and their own behavior in the mediation room.

Mediators assess their clients' approaches to conflict and, depending upon that assessment, decide on the appropriate techniques for working with them. They may use neutralizing and reframing for insult hurlers, acknowledgment of emotion for the teary or the angry, flipside for the self-

Lynn C. Holaday, J.D., Ph.D., is Visiting Professor at DePaul University's School for New Learning, 25 E. Jackson Boulevard, Chicago, IL, 60604, Her email address is lholaday@mindspring.com.

centered, brainstorming for the ready-to-negotiate. Most of this analysis in which a mediator engages is unconscious; there have been few theoretical frameworks[1] applied to analyzing the behavior of mediation clients.

This is true, I suspect, for several reasons: first, mediation is a relatively new field and has not yet generated a lot of research; second, mediators generally import and rely on the insights of their own scholarly traditions, whether law or psychology or education; and third, mediators tend to be a practical lot, putting considerable stock in experience, gut feel, and the process they have been trained to use. However, on the theory that theory can also be useful, I would like to describe a framework which makes conscious some of the successful mediator's unconscious analysis of the people and process of mediation. That framework is stage development theory.

Stage Development Theory[2]

Just as Darwin's model seeks to describe biological evolution, stage development theory seeks to describe human beings' interior growth and development. The many models developed over the past thirty to forty years show how, over time and with the right kind of environment (which usually includes education and guidance from those further along on the path), human beings grow in their capacity to understand and cope with more and more complex cognitive, moral, and psychosocial worlds.

While there are significant differences among the theorists depending upon which "line" of development they tend to pursue (cognitive, ego, moral, etc.), their beliefs about the endpoints of human growth, their position regarding whether developmental structures are innate or environmentally caused, and the intended uses of their models (therapy, education, spiritual growth), their models are remarkably similar. All describe a continuous widening of perspective. Psychologist Robert Kegan says that each advance represents an ability to be objective about what one was originally embedded in. "We make what was subject into object so that we can "have it" rather than "be had" by it — this is the most powerful way I know to conceptualize the growth of the mind" (Kegan1995: 34). Loevinger (1987:46) speaks of "acquiring successive freedoms" (46), first from impulses, then from conventions.

Thus, morality typically advances from pure self-interest to reflection upon rights and responsibilities in community; the ego progresses from an "I" that is largely nonreflective to one that can embrace multiple conflicting identities, and cognition progresses from an ability to manipulate concrete objects to an ability to work with increasingly abstract ideas. As a person grows through the stages, his or her capacities increase and more behavioral options become available.

People at each developmental stage have a characteristic way of looking at the world. Says Wilber (1996:145), " The world looks different — is different! — at each rung in the developmental unfolding." These different ways

of seeing the world affect how people view conflict, how they behave in conflict, and how they believe conflict can or should be resolved.

The first of the modern Western developmental schemes is generally considered to have been Jean Piaget's theory of cognitive development (see Wastell1996: 575). It has provided the foundation for subsequent theories of cognitive, moral, psychological, and spiritual development in both children and adults. After intensive observations of children[3] of varying ages, Piaget described four basic stages of cognitive development: the self as embedded in the world, the self as aware of the world, the self as able to manipulate the (concrete) world, the self as able to manipulate abstract ideas.[4]

Other theorists have expanded upon Piaget's work, most of them extending the stages into adult contexts. They describe a developing worldview that begins with a primarily physical orientation in which material needs dominate, proceeds through a hedonistic/impulsive perspective in which narcissistic self-interest holds sway, develops into a conformist/authoritarian one rooted in concrete thinking and conventional behavior, and concludes with a rational one at which time formal, or abstract, thinking takes hold. Several theorists have proposed later, more "integrative," stages in which people engage in more holistic thinking and have more compassionate and inclusive attitudes towards others.

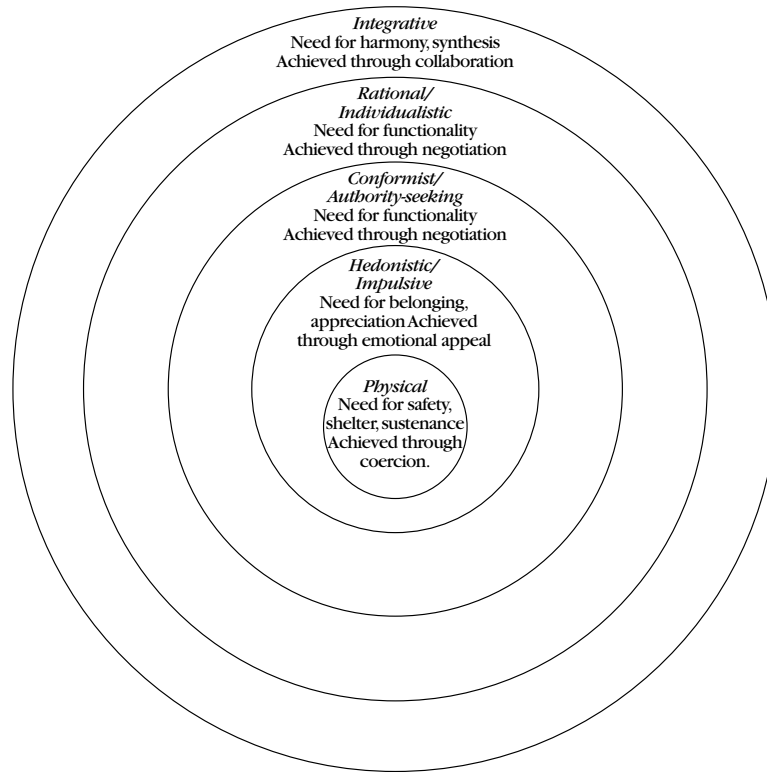## A Developmental Framework for Conflict Management

These models, and the insight they offer into the behavior and thinking of the people who show up in the mediation room (the mediator included!), can be useful to mediators in many ways. First and foremost, they can help us to focus on specific strategies with particular clients (making conscious what is usually an unconscious practice). Second, they can help us to assess whether or not resolution is likely and, if so, the most promising paths to that resolution. Third, they can help us to select and train potential mediators. Lastly, they can offer us a vocabulary and structure for communicating about and understanding the practice of mediation.

In the following section, I present a five-stage model for analyzing the behavior of people in conflict, assessing their needs, and selecting appropriate strategies for dealing with them.[5] In adapting stage theory to conflict management, I have chosen to present the stages not in the typical ladder-like/hierarchical view, but as a series of nesting circles (see Figure One), believing that this format better highlights the expansionary nature of human development and minimizes some of the objections to hierarchical schemes.[6] Also, I have used terms that I hope will be immediately obvious to the reader and thus easily remembered: (1) physical; (2) hedonistic/ impulsive; 3) conformist/authority-seeking; (4) rational/ individualistic; and (5) integrative.

Figure One
A Five-Stage Behavioral Model

Integrative
Need for harmony, synthesis
Achieved through collaboration

Rational/
Individualistic
Need for functionality
Achieved through negotiation

Conformist/
Authority-seeking
Need for functionality
Achieved through negotiation

Hedonistic/
Impulsive
Need for belonging,
appreciationAchieved
through emotional appeal

Physical
Need for safety,
shelter, sustenance
Achieved through
coercion.

1. The Physical Stage

Typical worldview. People who have a physically-oriented worldview tend to be concerned primarily with such issues as food, shelter, and the satisfaction of instinctual needs. They will have little concept of obligation, nor of social concern. People in this stage are self-absorbed and do not acknowledge the existence of another point of view; the "other" will not be present as a real being with feelings, thoughts, or needs. Different perspectives are seen as threats; the only solution is to do away with them. Thinking is likely to be fantastic and illogical and feelings impulsive and fluid (Kegan 1995: 29).

Physically-oriented people behave morally based on their assessment of the likelihood of punishment. If they do not get caught, there is nothing wrong with their actions. Good and bad are confused with "nice-to-me" and "mean-to-me"; others are seen and valued in terms of how useful they are to

the person. Problems are located in a place rather than in a situation and not at all in the self (Loevinger l987: 16).

Common behaviors in conflict. People in the physical stage are likely to experience conflict as a physical force: even emotions are physiologically felt. They describe conflict in physical terms and may speak of being attacked or restrained or having something taken from them or forced upon them. Usually they will have responded physically to the perceived threat: they may have attacked their opponent, engaged in physically-oriented defensive behavior (barricaded a door), damaged property (slashed a neighbor's tires), or physically removed an irritant (cut down a tree overhanging their property). They are likely to have responded only to some form of physical punishment or restraint (prison, forcible ejection).

Relationship issues are likely to be reduced to matters of physical safety or property rights. Someone may say, "He stole my wife," possession being the salient fact. There will be little sense of the future, of planning, of postponing gratification. Instead of considering the effect of various actions on a career, the immediate frustrations of the job will take precedence — "Ain't nobody gonna tell me what to do." Such people tend to have no awareness of the purpose behind rules and regulations and may violate them with impunity. Because they are focused solely on their own needs, they are likely to exhibit little or no remorse for harm caused to another.

Major issues/requirements for satisfactory resolution. The central question for someone at this stage is not who is right, or who deserves what, but who is most powerful, who can impose his or her will? A satisfactory resolution of the conflict from this person's perspective is likely to involve some kind of physical change: imprisonment of the offender, restraint of the aggressor, return of the "stolen" property, avoidance of the "other." A court-ordered mediation may be more successful than a purely voluntary one for people in this stage because of the power vicariously granted to the mediator and the fear of consequences (jail) if mediation is not successful.

The role of the mediator. To the extent that the mediator can provide a sense of safety and order, physical-level clients are more likely to feel at ease. Rules about weapons, the need to report suspected imminent violence, and the atmosphere and arrangement of the space have significance. The mediator also needs to be able to generate enough respect and authority to control the process.

By taking control and creating a safe, "official" space, mediators can encourage their clients to expand their range of approaches to conflict. When they listen and encourage these clients to express their frustration verbally, mediators may help them expand the range of their responses to conflict. There is a story told of a Sumo wrestler on a Japanese train who is terrorizing the passengers. A tiny old man shares some sake with the huge wrestler and gets him to talk about his feelings. The wrestler breaks down and sobs like a small child, his head in the old man's lap, crying about how

his wife has left him. The old man has succeeded in moving the wrestler from a physical to an emotional mode of expression.

For people who have no way to respond to emotional pain other than to strike out, acknowledging their emotions may lead them to view the situation differently. They may become aware for the first time that they have an emotional response to a situation, and this awareness may resolve the particular conflict (especially if the emotion has been displaced onto other targets as in the case of the Sumo wrestler on the train) or lead to new possibilities for resolution. For example, if someone has been fired and can acknowledge her or his humiliation, it may be possible to begin to focus on areas of personal strength and to consider types of work where success is more likely.

Often, people in this group do not verbalize well. Summarization can therefore be a potent tool. In fact, the mediator's summarization of the dispute may represent the first time the issues have ever been verbalized in a coherent way. Summarization also presents a significant opportunity to the mediator to reframe the story in a way that offers some hopeful signs of resolution possibilities.

Getting physical-level clients to look at potential punishment or other personally negative outcomes (the WATNA — worst alternative to a negotiated agreement) can encourage them to find a mediated solution to their difficulties. The future is often not real to people at this level of development. For the mediator, asking questions that help the person to seriously entertain future possibilities is a useful technique. Examples might include: What is it like in jail? Would it be better to leave when you feel threatened than to get involved physically and risk having the police called? Can you ask a friend to step in and pull you away?

Describing solutions in terms of specific physical changes may also help: "If you have trouble restraining yourself from hitting him when you run into him, is there a way you can avoid encountering him?" "If she is always harassing you at work, could you change shifts?"

Fortunately, only a small percentage of mediation clients will be at this level of development.

2. The Hedonistic/Impulsive Stage

Typical worldview. At this stage, people tend to be egocentric and narcissistic. They still do not have a well-developed sense of individuality or emotional boundaries: they assume that others feel as they feel, want what they want. Other people may be pursued for approval and admiration, but there is a lack of any real interest in or empathy for them. Basically, hedonistic/impulsive people view others as there to serve their needs. When this doesn't happen, they will try, often through emotional scenes, intimidation, or manipulation, to get the other person to change.

Hedonistic/impulsive people may be opportunistic, deceptive, and preoccupied with control. Whatever serves their interests is good, whatever

does not is bad. They see themselves as victims and the noncompliant others as persecutors. They are often defensive and are likely to externalize blame to other people or circumstances. Loevinger (1987: 17) uses the term "self-protective" to describe them.

Common behaviors in conflict. Hedonistic/Impulsive people are likely to express a sense of entitlement to whatever it is they are fighting for. For example, in response to claims that he has not performed his job well, the person may say, "I've worked all my life for this company, and now they want to drop me like I'm nothing." The issue is what he or she needs, not what is fair or reasonable. They are likely to begin with emotional appeals or angry intimidation and only reluctantly move to grudging bargaining behavior.

People embedded in this stage are not likely to express any sense of responsibility for others nor feel any need to accommodate them. They will only offer something to another party if they perceive it as necessary to get what they want. They tend to be unrealistic in their demands and expectations.

Often, the story they tell will be quite garbled. In addition to hiding relevant facts or revealing them selectively, they may be confused as to what reality is. Personal interpretations and emotional bias tend to fog their view. They tend to experience conflict emotionally, usually as either anger or hurt. Identifying issues or even stating a coherent position may be difficult for them.

People in this stage will typically have responded to the conflict in an impulsive way. Many may have created lose-lose scenarios, often with a lot of self-sabotage. For example, one mediation client had quit a job as a way of expressing her solidarity with her boyfriend only to find herself without a way to support her two children.

Major issues/requirements for satisfactory resolution. The central question to be resolved for people at this level is how the victim (in their minds, themselves) will be compensated by the persecutor (the other party). Satisfactory resolution means winning. Further, there should be an end to the emotional distress they are experiencing: the persecutor should be forced to cease and desist from creating problems.

People operating out of this level are not interested in taking responsibility for their own problems. An employee who has been fired may be more interested in establishing the unfairness of the decision and getting revenge for it than in considering options for her future. A boss may let fear of being upstaged obscure his need for an employee's skills. Mitigating damages is not a concept that will spring immediately to mind. Hedonistic/impulsive people may also not fully understand the consequences of getting what it is they say they want. Divorce, for example, may rid them of an immediate irritant but create a host of other problems which they gloss over in contemplating that as a solution.

The role of the mediator. In dealing with people at this level, just getting the story straight can be a challenge. There may be frequent interruptions, significant disagreement on the facts, and wildly varying interpretations. Emotional tension is likely to be high. Since these people are not likely to be able to deal with the issues until their feelings are heard, acknowledgment of emotion and allowing time for venting are likely to be key tools for the mediator. Neutralizing can be helpful to defuse some of the rage and also to provide enough repetition to ensure that people actually hear what has been said. Summarization, too, can help to focus the clients on developing a story that has sufficient common elements for them to begin to work with it.

Summarization is also useful as a way to keep putting reality in front of these clients. Reality testing and the concept of BATNA — best alternative to a negotiated agreement — can keep them focused on the facts rather than on their fantasies. Breaking issues down into their most manageable components may help them to escape the emotional morass in which they often find themselves.

Obtaining trust is important, possibly more so at this stage than at any other. Attentive listening, avoidance of any appearance of impartiality, and soothing techniques (stroking, acknowledgment of emotion, neutralization) will all be helpful in this regard. However, techniques like flipside, in which the client is encouraged to view the world through the other party's eyes, may backfire as people at this stage are truly not able to take another perspective. They are more likely to think the mediator is siding with the other party.

Often an appeal to self-interest coupled with a clear picture of what might best serve that interest can help hedonistic/impulsive clients to focus on negotiating a solution. Because they often fail to see how their self-interest may relate to accommodating the interests of others (following an employer's rules, pleasing a spouse), the mediator can ask questions that focus them in that direction: What is likely to cause your boss to want to promote you? What are you going to have to do to get what you want from your neighbor?

Reality testing is another potent tool. Because these clients are focused on what they want rather than what they might realistically be able to get, regular reminders of the feasibility of various options will keep them away from unrealistic demands.

By refusing to get emotionally involved, by neutralizing excessively emotional language, and by summarizing and reality testing, the mediator can demonstrate that emotion does not have to be the driving force in conflict. Putting the "facts" on the table can allow the parties to step back and take a somewhat more objective look at the conflict. Moving them out of emotional confusion toward the greater clarity of the rule-oriented Conformist perspective shifts the conflict into a potentially more soluble place.

3. The Conformist/Authority-Seeking Stage

Typical Worldview. At this "good boy" (Kohlberg's term) stage of morality, the person is motivated to be moral in order to maintain good relations with others and obtain approval from them. He or she is likely to have a concern for the externals of life, for social acceptance, reputation, and material things. Disapproval by the group is a potent sanction. Niceness, helpfulness, and cooperation with others are valued.

These people are "good citizens," anxious to maintain the social structure and support the authorities that manage it. Says Kegan (l995: 288), "The habit of mind I call the third order of consciousness establishes the person as a citizen, one capable of joining a community as a fellow participant rather than as a ward who must be watched over for his own good and the good of those around him." At this stage, people can "subordinate self-interest to the needs and value of a relationship" (Kegan 1995: 2).

However, while this level of mind allows one to be socialized into a community, it also has its limitations. The third order does not include the capacity "to reflect critically on that into which it is being socialized" (Kegan l995: 288). Thus, while people in this stage can adopt norms or standards they cannot easily evaluate the standards or norms by which they live. They may be vulnerable to conspiracy theories or cults, or less dramatically, be heavily influenced by family and group loyalties. Oft-repeated "truths" and political rhetoric are likely to be accepted without further investigation.

Conformists tend to see everyone who is in their group as of a similar mindset and as having similar values. Those outside the group are presumed not to share those values; similarly, individual differences within a group are not likely to be noticed. Thus, people who are "with us" are all good, people who are not with us are all bad. One is either "on the bus" or "off the bus."

Wilber (l993, l995, l996) calls this the "role/rule" stage: the person behaves so as to conform to group rules and take on the roles of the group or society. He or she develops a sociocentric, or ethnocentric, worldview, extending care and concern to others in his or her group, but still regarding those outside the group as other than self. One's own authorities will be respected, but the authorities and the rules of other groups are likely to be ignored, viewed with suspicion, or even scorned. "My country, love it or leave it" is the type of sentiment that may be expressed. Racial, religious, and ethnic prejudice is common.

For the first time, however, actions, not just people, can be wrong. While a person at the hedonistic/impulsive stage will totalize as bad someone who has done something to harm him or her (i.e., failure to pay rent), the conformist/authority-seeker is more likely to focus on the wrongfulness of the act. Conflict is thus experienced as a duty that has been slighted, a "should" that has been ignored, a rule that has been violated. There is a wrongdoer (the other party) and a rightdoer (the self). Doing the "right" thing, following the rules laid down by the authority, acting as one's role dictates, is the way to resolve a conflict. Thus the conflict is often experienced

as a clash between legitimate authority (the client's chosen one) and anarchy (anything else), between his or her norms of behavior and unrestrained licentiousness.

At this stage, right and wrong depend on compliance with rules; however, the effects of the behavior are not generally considered. At the next, rational, stage the focus will be less on the act as violation of the rules than on the consequences of the act. For example, the hedonistic/ impulsive person will blame the person, "That jerk!" the conformist/authority seeker will blame the action, "He violated our contract. He should have to pay," while the rational person will look to the effects of the action, "When he didn't do what he had promised, I was unable to meet my payroll."

Common behaviors in conflict. At this stage, conflict is often expressed through righteous indignation and a regular intoning of the "correct" position. The speaker is "right" and the other party is "wrong." He or she may say things like, "But that's ridiculous." "Everybody knows. . ." "'They' say . . ." They may imply that the whole world will fall apart if their perspective does not prevail and blame other groups for any problems they are experiencing. "Those [substitute any racial, economic, religious, or ethnic group] are ruining this country."

They are often impatient with feelings and want to focus on the "facts." However, whether or not a fact is "true" depends more upon the status of the person who has put it forward than on how much objective evidence there is for its validity. Facts that do not support the conformist's position are easily disbelieved, and they typically cannot evaluate their own inferences or interpretations, nor even recognize them as such.

For this group, while the past and the future are real (they can envision future consequences, trace causation to a particular event), they are not likely to consider what may have led someone to act in a particular manner nor what the psychological impact of current acts or attitudes might be. Extenuating circumstances and motivation are not regarded as relevant.

Major issues/requirements for satisfactory resolution. Conformist/ authority seekers are likely to believe there is a "correct" answer to the conflict, ideally one that will be known and imposed by a more capable and knowledgeable party. They will tend to accept the verdict, even if they disagree with it, if it comes from what they regard as a reputable authority. Satisfactory resolution for these clients is likely to involve an authoritative pronouncement with the power behind it to ensure enforceability. For this reason, they are likely to encourage the mediator to play the role of judge or jury and to direct their comments to him or her. They may be resistant to the mediator's efforts to encourage self-direction.

The role of the mediator. People at this stage are likely to respond positively to the orderliness of the mediation process and to the authority of the mediator. Conformist/authority-seekers will appreciate it if the mediator keeps the other party in order and will also appreciate being brought back

to task if they get out of control themselves.

Because positions are often so rigid in this stage, getting to needs and interests may be more difficult. Clients may resist getting back into the "story" again, preferring simply to reiterate their solutions. In some cases, the mediator may have to "prime the pump" by listing several options before the conformist may acknowledge other possibilities. If a conformist is stuck to a rigid view of what is "right," the mediator can introduce doubt through reality testing and consideration of each party's BATNA. It may also be helpful to ask questions about the similarities between his or her group norms and the norms of the other party as a way of establishing more objective principles that both parties can accept.

Pressing for specifics and focusing on individuals can help to break up the "group think" that often predominates at this stage. If someone is stereotyping a group, it can be helpful to challenge assumptions by moving to specifics and away from generalizations. For example, if someone has inferred that women shouldn't be in management and he or she has a daughter in college, the mediator might ask, "Do you think your daughter will want to obtain a management position some day?" Or, if the client is espousing racist policies, the mediator might ask about a particularly well-respected member of that race: "Do you consider Colin Powell to be lazy?"

To encourage people at this stage to reduce their need to rely on an outside authority and to expand their thinking, the mediator can encourage the parties to talk to one another rather than to the mediator and to propose their own options for resolution. By refusing to take on the role of judge, mediators can let these clients know that they will not find the authority they seek, and by continually asking them questions, summarizing their progress, and reframing their comments, encourage them to believe that they have the resources to solve their problems themselves. Flipside, judiciously applied, may be a useful technique in this regard as well.

4. The Rational/Individualistic Stage

Typical worldview. At the fourth, or rational/individualistic stage, conflict is experienced as a collision between points of view. It is usually expressed in verbal argument: there are two incompatible positions, one of which is supported by better empirical evidence. People at this stage are able to accept that there may be more than one way to look at an issue; however, they are usually still intent on getting their perspective adopted. Authority in the form of a person is generally not that important, but authority as represented by a preponderance of the evidence or derived from rigorous scientific study is significant.

People at this stage tend to follow accepted societal and legal rules, but view those rules as changeable by mutual agreement. Right and wrong are seen as more complex, and distinctions are made between moral standards and social norms. There is a deeper understanding of other people's point of view, a more long-term time perspective, and a tendency to look at things in

a broader social context. People become more tolerant of others due to a growing recognition of individual differences and complexities of circumstances. The worldview is worldcentric: identification is less with the culture, nation, or religious group than with humanity as a whole. Care and concern is extended to the entire globe. Human life is valued per se, and universal principles are applied to moral problems.

At this, what Kegan (1995) calls the "modern," stage, the person is able to create a personal ideology or belief system. He or she can refashion relationships (with partner, work, or community) and recruit others to take ownership of them as well. This person finds value in conflict, releases ideas of personal control, and ceases looking for authority (Kegan 1995: 91). He or she does not feel "that the whole self has been violated when its opinions, values, rules, or definitions are challenged" (231). Whereas a person in previous stages might see restructuring a relationship as impossible, the rational-level person can envision new ways of relating.

People at the rational/individualistic stage can reflect on their own thought processes, examine their own rules and the roles they play, and consider hypothetical situations. Beliefs are not accepted without evidence to back them up. Self-criticism is more common, and there is a beginning awareness of inner conflict which starts to replace moralism. Says Loevinger (1987: 23), "Psychological causality and psychological development, which are notions that do not occur spontaneously below the Conscientious Stage, are natural modes of thought to a person in the Individualistic Level."[7]

Common behavior in conflict. At the rational/individualistic stage, people will be highly verbal. They are likely to debate issues, weigh evidence, and focus on their position and the differences between it and the position of the other party. However, they will also be open to looking at mitigating circumstances, psychological causation, and motivations. They may say things like, "I know Bob has to run a tight ship, but it seems to me that there could be more flexibility on work hours without sacrificing efficiency. "I think she was upset with me because the situation mirrored one that occurred in her childhood." "I know my attitude has contributed to this problem," or "I am of two minds about this proposal."

Major issues/requirements for satisfactory resolution. The question for people at this level is what is fair and reasonable. Satisfactory resolution usually involves compromise, often codified in a written contract, which specifies damages for past actions and guidelines for future interaction. People at this stage are likely to respond well to the mediation process as a whole, seeing it as an opportunity to craft their own solution rather than have one imposed from the outside.

The role of the mediator. Because parties at this level are willing to take responsibility for resolving their own disputes, the mediator is even more clearly a facilitator. Reality-testing and BATNA are good as reminders. Brainstorming is effective. The mediator can ask the parties to use introspection

as a route to finding solutions: what are the various questions that occur to you as you think through this problem? Caucus becomes a place to hammer out possible solutions. Reframing is useful to minimize the gulf between positions as is a focus on needs and interests. And the use of flipside, stroking, reality-testing, and enforced listening may help these clients to see reality as the other party views it, and, on occasions, to sympathize with it. Such techniques may even move them into the next stage.

5. The Integrative Stage

Typical worldview. In the fifth, or integrative stage, conflict is experienced as misunderstanding and confusion. What could have been a workable interaction has, for one reason or another, broken down. Both parties are regarded as potentially right, both are seen as having valuable information to contribute.

Kegan (1995) describes people at this "postmodern" stage[8] as willing to let go of plans and make joint determination of goals. They see differences as aspects of the self, a self that is not complete without the "other." A sense of either/or gives way to an interpenetration of opposites. There is less defensiveness and more openness, a focus on interests over positions, and an emphasis on integration rather than contradiction. Conflict is used to transform the self. Solutions are often highly creative.

Wilber's "vision-logic" stage is an example of this kind of creativity. It is, he says, "the beginning of truly higher-order synthesizing capacity, of making connections, relating truths, coordinating ideas, integrating concepts." (Wilber 1986: 71). "Where rationality gives all possible perspectives, vision-logic adds them up into a totality . . . As such, vision-logic can hold in mind contradictions, it can unify opposites, it is dialectical and nonlinear, and it weaves together what otherwise appear to be incompatible notions . . ." (Wilber 1995: 185). Dualism — the either/or mentality — begins to disappear and is replaced by an ability to tolerate ambiguity.

Loevinger (1987) describes people at this stage as free from group think but able to recognize the importance of emotional interdependence. Conflict is seen as part of the human condition and is understood to encompass all levels of the self (physical, emotional, social, mental). All of these aspects are seen as under the control of the parties and able to be expressed appropriately.

The person develops the characteristics of Abraham Maslow's self-actualizing person: wisdom, spontaneous expressiveness, honesty, serenity, kindness, courage, honesty, love, unselfishness, and goodness (Maslow 1962: 147). Issues of mortality, finitude, integrity, authenticity, and meaning in life assume great importance (Wilber 1993: 194).

Common behaviors in conflict. Expression of the conflict is usually through dialogue. There is likely to be an attempt to jointly construct an understanding of what happened. "We first ran into trouble, I think, when we took on the X project — would you agree, Bob?"

Major issues/requirements for satisfactory resolution. At this stage, the issue for the parties becomes how can we transform the relationship and ourselves so as to experience harmony. Satisfactory resolution is collaborative and requires integration of all points of view, resulting ideally in greater understanding and growth of the parties. This is truly a win-win approach to conflict. People at this stage will welcome the mediation process as an effective tool for personal and relationship transformation. They are apt to be good listeners and adepts at flipside. They are likely to rely on universal principles, which they see as more compelling than the rules of society.

The role of the mediator. Because they have so many more tools for resolving conflicts, it is much less likely that integrative level people will be found in the mediation room. When they do, they will be easier to work with. They appreciate the possibilities that mediation offers, particularly its emphasis on meeting the needs and interests of both parties. The mediator's job will be in large part to get out of the way of the parties and to avoid controlling what does not need to be controlled. Many of the tools — summarization, flipside, reality testing, even acknowledgement of emotion — will still be useful, but more as reminders than as directive techniques.

The Mediation Process : An All-Stage Technique

If we look at the confluence between the tools the mediator has available and the behavior of people in these various stages, it becomes clear that the mediation process is designed, whether consciously or unconsciously, to work with people at all stages of development, something that may explain its great success. The mantra, "trust the process," begins to take on additional validity as we see that the process contains the tools to deal with problems at every level. In mediation, one can affect the physical environment, address emotions, consider issues of authority, facilitate negotiation, and encourage transformation.

Mediation itself seems to be a product of the fourth (rational/individualistic) and fifth (integrative) stages of development. In other words, the principles underlying mediation were developed by people with a belief in the efficacy of negotiation and the possibilities of personal transformation. Certainly if we read Fisher, Ury, and Patton (l991) — soft on the people, hard on the issues; external standards — or look at Bush and Folger's transformative mediation, we can see this kind of thinking at work. Mediators generally act in a rational or integrative manner: they actively discourage clients from seeing them as authorities, they do not themselves get caught up in the emotions of the participants, and they certainly avoid physical encounters. In many models of mediation, they even avoid involving themselves in negotiations, preferring to let the clients themselves evaluate their case, generate options, and negotiate compromises. And everyone hopes that the parties and their relationship will be transformed by the process.

If, however, as most theorists seem to agree, a large percentage of adults do not reach these higher stages, how is it that mediation can work

for them? If some people do not progress past the emotional/hedonistic stage, most are at the conformist/authority-Seeking stage, four percent make it to the rational stage, and even fewer are found at the integrative stage, how can the huge majority negotiate effectively? How can transformative mediation even be a possibility?

The answer lies in the fact, I think, that the mediation process itself propels people to higher stages. Sometimes, it can remind them of their best (most expanded) selves, sometimes it actually helps to expand them beyond where they have been before.

Einstein observed that, "Disputes cannot be resolved at the level at which they were created." The beauty of the mediation process is that it is inherently designed to push people into considering the conflict at a level they had not considered before. Mediation can gently unstick people from their characteristic center of gravity. No matter where people are in the maturation process, the techniques used by mediators will encourage them to widen their perspective, step into an unfamiliar environment, shift their context.

Thus, people at all stages are forced to reconsider their typical approach to conflict and encouraged to try new ones. When the hedonistic client acknowledges that there is some benefit to his boss's rules, when the authority-seeking client quits trying to convince the mediator that she is right and begins to focus on negotiating a deal with the other party, when the rational level client reaches out with compassion to his erstwhile nemesis, the mediation process has succeeded in moving the party to a more expanded level of functioning. Then, as the dispute is no longer at the stage at which it developed, possibilities for resolution appear.

As Cobb (1994:54) has pointed out, conflict stories are rigid stories. Any kind of shift can help to de-rigidify them, to open up avenues for new interpretations or even new facts. Shifting to a new level of development is one way to do this. If the story one has told involves an overbearing authority figure, recognizing that even this figure has needs and interests that one can work with creates a new story, one the mediator can use to explore new ways to resolve the conflict.

It is thus possible to see why negotiation and even transformation become possible in mediation. If, as the research suggests, half of the adult population is in the authority-seeking stage, expansion by even one stage — and even if only for the duration of the mediation — is enough to move most of them into the rational stage where negotiation is enabled. Two stages further and they are ripe for transformation. Even for clients at the physical and hedonistic/impulsive stages, movement to the next higher stage may yield dramatic breakthroughs: entry into the world of feelings can lead a violent person to better understand the needs of another, acceptance of the need for rules and standards may encourage highly emotive clients to experiment with more structured interchanges. And if someone has "contracted" as a defensive measure, mediation can give him or her the space to "expand" again.

Thinking of mediation in this way, as a method for moving people out of the more limited levels of conflict management and into the more expanded, can make mediators more conscious of what they are doing. We can become more mindful of why certain techniques work with certain people and not with others, more cognizant of which ones might be useful to try in a particular case.

A good mediator will do these things instinctively, of course. However, casting these skills into a stage-theory framework can give us a vocabulary with which to communicate what it is we do to trainees, the public, and each other. Such a vocabulary can also be useful in debriefing and in reviewing the process.

Looking at mediation through the lens of stage theory is also a way for the mediator to take more of a meta-perspective on the process. When we are feeling bogged down, we can step back and reflect on what is happening. We can get a "handle" on why a certain client might be so resistant to accepting what appears to be a reasonable offer from the other side, why an impasse has developed, why one party can't seem to understand what another is saying. This meta-perspective can also help us reflect on what worked in a particular mediation and what did not, and, in a more general sense, help us consider how we might expand our own abilities in the future.

The stage theory framework can also be useful in assessing potential mediators. Is the prospective mediator at the fourth (rational/individualistic) stage or higher? If not, will he or she be able to guide clients there? (i.e., can a rule-bound, authority-seeking mediator be flexible enough to relinquish control when necessary or to recognize creative possibilities when they arise?) Can transformation take place if the mediator does not really understand what it is? Will someone who cannot herself easily take the perspective of another person be able to use flipside? With which cases might a particular mediator be most effective?

In my experience, most people can fairly accurately identify where they are in the developmental process. Simply raising this issue may help mediators see what skills they need to work on and encourage them to strive for a more expanded understanding of the process.

Some Caveats

As with any tool, applying stage development theory can have its drawbacks. The following are some examples of what we might try to avoid.

1. *Rigid categorizations.* It is important, of course, not to take these categorizations too rigidly. No one is wholly within one stage; people tend to display behaviors and attitudes from stages just above and below the one they most comfortably inhabit.[9] In addition, Wilber has suggested that different "lines" of development (moral, psychological, cognitive, etc.) may progress faster or slower; thus one could be at a different stage in different

areas of one's life. And some people will be in transition from one stage to another and thus not be fully categorizable in either.

People in conflict may be even less easily categorized. When compassion, reason, or rules fail to work, people may regress to emotional or even physical behavior, even though they might have the perspective of someone at a more expanded stage. Often, in fact, the story of a conflict is the story of a steady "contraction" in the level at which conflict is expressed. Conversely, people may expand their abilities in mediation as emotions are acknowledged, issues are defined, and mutual understanding begins to seem like a possibility.

2. *Assuming that more successful or socially polished clients are in higher stages.* The developmental stages do not necessarily coincide with intelligence, affluence, social standing, or even education (although the latter seems important to the development of rational level cognition). People can be highly intelligent and still operate out of a limited moral understanding; Adolf Hitler is a classic example. Very wealthy or politically influential people may have achieved their status through a primarily hedonistic, narcissistic approach to life, not the "rational" one they may, at first meeting, appear to display.

3. *Assuming that clients can be forced into the higher stages or even comprehend what they are.* Growth to the later stages of cognitive ability is not assured. In fact, some studies claim that 50 percent of the adult population ever attains the Piagetian stage of formal operational thinking, the reflective, or "problem-solving stage" (Arlin 1975: 605), a prerequisite to a rational worldview. Others show only four percent reaching stages akin to the rational (Wilber, 1996: 188). Thus, many (if not most) of our mediation clients will be functioning at more limited stages of cognitive and moral development (emotional/hedonistic or authority seeking/conformist) — something that will come as no surprise to most practicing mediators!

It is unlikely that people will be able to move more than one or, at the outside, two levels beyond their "normal" stage. This is because wherever one is developmentally is seen as the ultimate; more expansive worlds are "invisible," even if they are all around. (As an example, a library will be perceived differently by a three-year-old and a twelve-year-old; the former will be aware of the physical appearance of the books, but the latter will also be aware of the knowledge contained in them. No amount of explanation will make this fact real to the two-year-old; only when he or she begins to read will this "new" world become visible.)

Thus, while people typically can understand and work with people at stages more contracted than the one in which they have their "center of gravity,"[10] they usually have trouble even conceiving of more expanded stages. Actions by one at a higher stage will be interpreted through the lens of the lower. For example, someone who shows real compassion may be viewed with suspicion and be assumed to have ulterior motives by someone who is operating out of one of the more egocentric stages.

4. *Assigning a rigid correspondence between particular behaviors and particular stages.* Although there are behaviors that may seem typical for a stage, stage theory does not tell us exactly how someone might act, nor does a single action tell us which stage a person is in. The hedonistic/impulsive person's emotional responses can run the gamut from helpless tears to intimidating anger; one may be an avoider or a confronter at any stage. Conformists can conform to any environment from their teenaged gang to a church group. Was the outburst a sign of someone at the hedonistic/ impulsive level or was it a calculated move on the part of someone at the rational/individualistic level? Is this typical behavior or has the conflict led someone to regress?

As noted previously, categorizations are also not absolute, people may shift from one level to another even within the space of a single mediation. It is difficult to accurately assess someone in the few short hours that most mediations last.

Conclusion

While we need to keep in mind the limitations of using stage theory to assess mediation clients and their needs, an awareness of it can offer mediators a new view into the mediation process. The theory raises a complex set of variables that until now have been little talked about; examining these variables could yield new possibilities for the mediator and stimulate research into a variety of questions. Among them are: How can one quickly assess participants' (and mediators') developmental stages? What are some of the effects of relating techniques to the stage a client is assumed to be in? What particular problems arise when clients are in different stages? What training techniques might help mediators operate at more expanded stages? Under what circumstances might evaluative or facilitative mediation be most effective? Using the insights of stage theory might offer new perspectives on many of these questions.

Also, as noted earlier, tying stage theory to the mediation process might help those in the field to explain what they do (to other mediators, to potential clients, to each other). Mediation is a complex process; trying to explain why certain processes seem helpful can be difficult. This model simplifies some of the complexity of the process. Last but not least, thinking about mediation in terms of stage theory may encourage mediators to ask questions that might not have been asked before, and cause them to reflect on their profession in new and creative ways.

NOTES

1. Many may be familiar with the confronters, accommodators, compromisers, avoiders, and collaborators scheme. See, among others,

2. This is only a brief description of the roots and general principles of psychological stage theory. Other developmentalists offer additional insights in their own work. See, for example, Loevinger (1987), Kohlberg (1981), Wilber (1995) and Wilber in Wilber, Engler, and Brown (1986).

3. Piaget studied only boys, as did Kohlberg, a fact which has given rise to the claim that girls' and women's growth is not adequately represented. Later studies of girls and women, most notably by Carol Gilligan, appear to demonstrate that there are gender differences in development, particularly with regard to the emphasis that females put on relationships and contextuality and that males put on autonomy and individual rights. However, the correspondences in general outweigh the differences.

4. Briefly, these four stages of cognitive development are identified as follows:

1. *Sensorimotor intelligence* (ages 0-2). At this stage the child's consciousness is body-consciousness. Children at this age do not recognize themselves as separate from their world. They are embedded in physical existence and cannot operate on it.

2. *Preoperational thought* (ages 2-7). Children at this stage begin to decenter, to look at the world as distinct from themselves. However, they habitually fix attention on only one aspect of an object, take the specific for the general, and treat mental events as corporeal. They cannot categorize or generalize, nor can they take a perspective outside their own. Because they assume that everyone thinks as they do, they are limited to their own ideas.

3. *Concrete operations* (ages 7-11). Children at this stage can operate only on concrete objects. Abstract or hypothetical ideas are outside their abilities; they cannot deal in verbal terms alone. They still have trouble imagining the psychological world of others in any detail (Kurfiss 1984: 2).

4. *Formal operations* (ages 11-15). Children at this stage can engage in abstract thought, deal with propositions, generate hypotheses, and consider proportion and combinations. They can reflect upon their own thought and the thought of others, consider implications, and identify contradictions.

5. I am not a clinical psychologist, so these ideas should not be taken as advocating any particular kind of psychological intervention. They have developed from my experience as a mediator and are offered as suggestions for use in the mediation setting only.

6. Objections to such categorizations usually center around the discriminatory evils that will result from categorizing people. A hierarchy, as many have pointed out, implies that "higher" is "better" and "lower" is "worse." While pigeonholing someone certainly can have negative consequences ranging from lost income to poorer social treatment to lowered self-esteem, it is also important to note that we formulate hierarchies all the time for positive reasons as well (education). Often, the problem is not so much the fact of hierarchy but whether it is used to justify unfair treatment.

7. Loevinger's (1987) self-aware, conscientious, and individualistic stages correspond roughly to the rational/individualistic stage.

8. A stage, he says, which very few adults ever reach and practically never before they are in their forties (Kegan 1995: 352).

9. Wilber (19XX) suggests that approximately 25 percent will be from the stage below and 25 percent from the stage above.

10. See, e.g. Wilber 1993, 1995, and 1996.

REFERENCES

Arlin, P. 1975. Cognitive development in adulthood: A fifth stage? *Developmental Psychology* 11(5): 602-606.

Bush, R.A.B. and J. P. Folger. l994. *The promise of mediation: Responding to conflict through empowerment and recognition.* San Francisco: Jossey-Bass.

Cobb, S. 1994. A narrative perspective on mediation: Toward the materialization of the story-telling@ metaphor. In *New directions in mediation: Communication research and perspectives*, edited by J.P. Folger and T.S. Jones.. Thousand Oaks, Calif.: Sage.

Fisher, R., W. Ury, and B. Patton. l991. *Getting to YES: Negotiating agreement without giving in.* New York: Penguin.

Gilligan, C. l982, l993. *In a different voice: Psychological theory and women's development.* Cambridge, Mass. and London, England: Harvard University Press.

Katz, N. and J. W. Lawyer. 1993. *Conflict resolution: Building bridges.* California: Corwin Press, Inc.

Kegan, R. l995. *In over our heads: The mental demands of modern life.* Cambridge, Mass.: Harvard University Press.

Kohlberg, L. 1981. *The philosophy of moral development.* San Francisco: Harper & Row.

———. l984. *Essays on moral development, vol. II: The psychology of moral development.* San Francisco: Harper & Row.

Kurfiss, J. l984. Developmental perspectives on writing and intellectual growth in college. Paper presented at the Conference on College Communication and Composition, New York, March l984.

Loevinger, J. l987. *Ego development.* San Francisco and London: Jossey-Bass.

Maslow, A. H. l962. *Toward a psychology of being.* Princeton: D. Van Nostrand Co.

Wadsworth, B. J. 1971. *Piaget's theory of cognitive development.* New York: David McKay Co.

Wastell, C. A. l996. Feminist developmental theory: Implications for counseling. *Journal of Counseling and Development* 74 (July-August): 575-581.

Wilber, K., J. Engler, and D. Brown. 1986. *Transformations of consciousness.* Boston and London: New Science Library, Shambala.

Wilber, K. l993. *Grace and grit.* Boston and London: Shambala.

———. 1995. *Sex, ecology, and spirituality.* Boston and London: Shambala.

———. 1996. *A brief history of everything.* Boston and London: Shambala.