

Mediation and Mediator Self-Care: A Nonviolent Communication Approach

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Abstract

NVC Mediation provides a powerful tool for working with conflicts and includes a structure and skills that can be used to care for ourselves as mediators. Emerging from Nonviolent Communication, the model of communication created by Marshall Rosenberg, this form of mediation focuses on the basic, universal needs that people act from as opposed to the strategies that they tend to be in conflict about. When the needs of each point of view are heard and understood, strategies can be found that work for all. These points of view might occur internally, between oneself and another person, or between two or more outside parties.

Thus, NVC mediation is the only mediation model we know of that can be applied to working with internal conflicts or to conflicts where the mediator is a party of the conflict. Our own internal conflict can get in the way of being present and effective in mediation. When we judge ourselves as mediators or judge the parties in the dispute, these “enemy images” create internal conflict. Using self-empathy and mediating our internal dialogue before, during, and after mediations, we learn to quickly recognize when we are in internal conflict and reconnect to our needs. Caring for ourselves in this way we find that we become better able to connect with others; in being non-reactive we are better able to treat all disputants equally.

Through a set of learnable skills, we can successfully mediate our own internal conflicts as well as other’s disputes. NVC is therefore scalable, from one individual up to groups of a hundred people or more. Through the skill of empathy, this form of mediation supports people in being heard and honors the disputants’ life experience through encouraging them to communicate as they would like and find their own solutions to the conflict.

Keywords

Nonviolent Communication, NVC Mediation, Mediator Self-Care, Enemy Image Process, Internal Conflict, Empathy, Self-Empathy

Introduction

We all encounter conflict, whether internally or in relationships with other people, and as mediators, we also knowingly put ourselves in the midst of other people’s conflicts. In mediating using the basic principles of Nonviolent Communication (NVC), we have found a powerful model for not only helping others resolve conflicts, but also for caring for ourselves.

NVC, a communication model developed by Marshall Rosenberg, Ph.D., suggests that we all act at every moment to meet our needs. Needs are universal and are our primary motivators, that which animates us in the world. These needs might be basic survival needs, such as air, water, shelter, and

food, but they also include those things we need to thrive, such as touch, connection, fun, meaning, intimacy, respect, and autonomy. There are a multitude of ways to get any of our needs met. Thus, when there is conflict, it is never conflict over needs; the conflict is over the strategies to get our needs met. In NVC mediation, then, we focus on uncovering the needs behind the strategies. Any conflict has at least two points of view, and when the needs behind each point of view are heard and understood then a strategy can be found that will work for all perspectives.

The differing points of view might be internal, they might be between our self and another person, or they might be between other people. NVC mediation can be applied to any of these permutations of conflict. This creates an incredibly potent model for us as mediators; in essence, we are practicing our craft on ourselves in our own internal conflicts, when we are a party to a conflict, or when we are formally mediating. In doing so, we become more skilled at using it and we take care of ourselves in ways that make us more effective at mediating other people's conflicts.

What Makes a Good Mediator?

In much of the mediation world, impartiality and neutrality are held up as two key values for mediators, to the point where they are seen as ethical precepts of how to be a good mediator. It often seems, however, that much more emphasis is placed on talking about these values and reaffirming the intention and attitude of them than on how to actually be impartial or neutral.

Often the stresses of being a mediator are related to how we are thinking in our work. Mediators are human beings. We each grew up in a certain cultural context that imbued us with ways of thinking and evaluating, and invariably we bring these with us when we mediate. In our view, mediation begins when we first talk to one of the parties and ask them to tell us about what's going on. As we collect information through reflecting back what we're hearing the person say, we often begin to have reactions to their story and formulate judgments of the person we're speaking to or the other people involved in the situation. In addition, we are dealing with people who very often are trying to enlist us in their own judgments of each other, and we almost certainly will at times find ourselves in agreement with some of these judgments. We also might judge them for having judgments about the other people.

Of course, the judgment may not only be of other people; we may also evaluate ourselves. In particular, there are the judgments we might have if we notice that we are judging the parties—we might judge ourselves for judging others and think that we shouldn't have judgments—we should be neutral and impartial. This line of thinking is a hall of mirrors, a spiral of self-judgment that keeps us disconnected from ourselves and others. We call all of these "enemy images," a term we borrowed from Marshall Rosenberg. We have an enemy image any time we have a judgment, evaluation, analysis, or diagnosis of another person or ourselves. It's our experience that when we have enemy images, those thoughts can be quite intrusive and impact our choices in ways that we don't like.

None of this means we are a bad mediator; in fact, our awareness of these tendencies can make us a better one. What we need, however, is a way to work with the thoughts we have, not another dictate or guideline that simply tells us what the end result should be. We have never found it successful to simply tell ourselves not to have judgments or not to act out of them. We also don't know of any school or tradition besides NVC that actually shows you how to be neutral and impartial when you do not in reality feel that way.

Mediator Self-Care

The mediator self-care process we outline in this paper, which emerges from the Nonviolent Communication work of Marshall Rosenberg, outlines a step-by-step process to shift from having judgments and enemy images to creating the inner reality of impartiality and neutrality. Through

focusing our attention in a certain way and learning a set of doable skills, we can move from a state of reactivity to being equally connected to each of the parties, caring for their well-being, and wanting their needs to get met. We can actually experience this state rather than thinking we should be there even though we are not.

One way to work with enemy images is to transform them into a connection with our needs. When we are judging ourselves or another person, that judgment is an expression of one or more unmet needs. In other words, at some level our organism is trying to meet some universal need of ours through having this judgment. If we can uncover the need that the judgment is seeking to satisfy, it gives us more space from which to engage with ourselves or other people. We can also better see the possibilities that exist to get our needs met and contribute to others meeting theirs.

Thus, the power of this approach is that it provides a way for us to actually change our internal state. We can change our neural pathways and bodily chemistry by doing the process we outline below over and over again, and actually feel different internally. Creating the shift from reactivity and judgment to connection, care, and compassion is, in our view, the key to being an effective mediator.

Mediator self-care can be practiced at any stage in mediating a conflict—before, during, or after. Though we name the process differently based on whether it is before the mediation or after, the essential structure is the same:

1. Surface the needs of one perspective
2. Surface the needs of the other perspective
3. Synthesis: Strategy that meets all needs surfaced

Before we are in the mediation, we are focused on our enemy images, therefore we call the process we use the “Enemy Image Process.” We can also use this process during the mediation. After a mediation, we naturally begin to think about what happened during the mediation; we might have judgments about something we did, feel uncomfortable about a choice we made, or recall times when things just did not go as we would have liked. It can also be helpful to recall those things that did feel satisfying, when we made a choice we liked, and when we felt our actions or words contributed. Thus, we call the process after mediation Celebrate/Mourn/Learn; we look at what worked or didn’t work and find our met and unmet needs, learning how to better meet our needs in the process. Since this basic structure is also the basic structure of the formal mediation process we use, we are consistently practicing and using mediation skills both internally and externally throughout the mediation.

The Enemy Image Process

The Enemy Image Process has three parts: empathy for self, empathy for other, and requests. The steps can be laid out as follows:

1. Notice the thoughts in your mind that are judgmental (about yourself or someone else) or diagnostic
2. Notice how you feel when you are aware of those thoughts
3. Inquire into what universal human needs those thoughts are trying to meet, and feel into those needs

Once you have empathized with yourself, turn your attention to the other person or people involved:

1. Consider what it is that they have said or done that you have noticed judgmental thoughts about
2. Consider what they might be feeling
3. Inquire into what universal human needs they are seeking to meet through their actions and feel into those needs

After surfacing all of the needs, you can then see what requests—of yourself or someone else—emerge from the awareness of needs. The quality of self-connection that comes from doing empathy helps you see new possibilities for ways of thinking and taking action that are more likely to be effective. To show how this works in practice, we’ll take you through a real example that one of us is currently experiencing.

I (John) am in the beginning stages of mediating between a couple who are getting a divorce. So far, the situation has unfolded as follows. The woman called me and we talked for awhile; she told me how difficult and screwed up her husband is, how he is somewhat mentally unstable and has at times exhibited totally inappropriate behavior. I started to have enemy images of him from that conversation. I then talked to him on the phone. He was very skeptical about NVC mediation, but he told me his story and I empathized, spending about an hour on the phone with him reflecting back what I was hearing and trying to connect with his needs. Of course, his view was that his wife had significant mental problems and also exhibits behavior that is totally inappropriate. I then started thinking “Uh oh, maybe she’s the one who is really messed up.” I then had another conversation with her, and she told me that her husband had told her that I didn’t know what I was doing. When I heard that, I felt incredibly angry and had thoughts running through my mind about him that are not printable.

As with any process, we first need to be aware of and observe what’s going on. When I step back and witness my thoughts, it is clear that I have a lot of judgments and stories running through my mind about these two people and myself. I have enemy images of both of them from hearing their perspective about each other. I have enemy images of the husband from hearing that he questions my abilities. Finally, I have enemy images of myself, because when I hear that he’s questioning my abilities, a part of me thinks “Is he right? Do I really know what I’m doing?”

In the first step of the enemy image process, I empathize with myself, getting connected to my feelings and my own unmet needs when I hear them talking about each other and about me. When I observe all of the enemy images I have, I feel angry, and also anxious and concerned about who these people really are. I am aware of tentativeness in me; I want to close down a little bit. I not only name these feelings but also feel what these words are pointing to in my emotional and somatic experience; I try to be present in my body.

I know that my judgments and feelings are an expression of my deeper needs, so next I inquire into what those needs might be. In my reactions to hearing their perspectives of each other, I realize that one need is trust; I want to trust what I hear from them and have a sense of faith or confidence in what they are saying. In my questioning myself, I can see a need for contribution; I really want to be able to contribute to both of them being heard and understood as they would like. My feeling of anger at the husband when I hear from the wife that he doesn’t think I know what I’m doing points to a need for appreciation; I spent an hour on the phone with him giving him empathy and listening to him, and I would like some appreciation for that. So my unmet needs are for appreciation, contribution, and trust.

After doing this first step of observing my thoughts, dropping into my feelings, and connecting with the needs, I feel less reactive. I feel some sadness, but also a calmness and peacefulness that is in contrast to the more arousing emotions I felt earlier.

When I have re-connected to myself through my self-empathy, I then turn to empathizing with the husband and wife. I wonder how they might be feeling and what needs they might be seeking to meet in their words and actions. I take this inquiry on as a way to continue supporting myself to let go of my enemy images and continue to shift my internal state, not to be nice to them or be compassionate or be a “good” mediator. It’s a way of giving myself a gift through further letting go of enemy images that do not feel good and keep me from being as effective as I would like.

My guess is that both the husband and wife are desperately longing to be understood for the pain and difficulty that they are going through in relation to the other person. I suspect they would both like the other person to know what it’s been like for them to go through the situation, and for other people to understand their enormous frustration and pain. I also think they are longing for cooperation—to be able to work together to get their needs met—and they are in a lot of pain about not experiencing that cooperation. As a result each of them have many enemy images of each other that emerge out of their needs for cooperation and care.

When I think about what the husband may have said about me, I'm guessing he might be scared about being disappointed by yet another person who is trying to help. Maybe he has experienced attempts to help that failed, and is wary of putting even any hope, much less time, money, and energy, into another possibility that may lead to more disappointment. He might really want help in getting to a place where he can enjoy his life with his children and have some peace and harmony with his ex-wife, but needs some hope and trust that whatever he puts energy into will actually deliver.

As I think about where he might be coming from, my whole chemistry shifts—my body and emotions feel completely different. I still do not like how he chose to try to meet his needs, but I can really empathize with what his needs might be. I feel a total release of my judgments of him and my anger and reactivity around those judgments. In its place, I feel care, and even softness and warmth toward this man who has experienced this difficulty. Again, I feel much better after this second step.

In the third step of the enemy image process, I first want to remind myself of all of the needs that I have surfaced in doing empathy. I want to hold all of these needs equally, since whether they were my unmet needs in the situation or other people's needs, needs are universal, so they are all my needs. The needs I surfaced in empathizing for myself were to have some sense of trust about what these people are telling me, to be connected to my own ability to contribute and make a difference, and for appreciation for what I have to give. I hold those together with the needs for understanding, trust, cooperation, and support that I uncovered in empathizing for the couple. At this point, deepening into all of these needs, I then look for any requests I have of myself.

One request has to do with my need for appreciation that was not met when I heard the husband's feedback through his wife. First, I realize that I am hearing his thoughts second hand and I don't know what he really said; part of my request is just reminding myself that what he said or meant might have been very different. In any case, my need for appreciation is real; however, I don't want to need it from him because in doing so it becomes a demand and I conflate my need with a strategy for meeting that need. I can, however, at least give myself appreciation for my willingness to give my time, energy, and care. I have yet to ask for money in the situation, so all of my time has been given freely, and I can give myself some care and recognition for the time and effort I put in, however helpful either the husband or wife have found our conversations.

Another insight that comes to mind is that I have some concern about whether this situation is going to take more time or energy than I really have right now. I realize that I have a request around taking care of myself, and as things move forward to keep checking in with myself about whether this is something that I can really help with in a way that feels meaningful. I might remind myself after the next conversation to check in about whether I'm doing this because I think I should or I hope to get money out of it, and to inquire into whether I want to be working with these people and if it is a good fit for all of us. My request is to be sensitive to my own resources and to making sure that if I move forward in working with one or both of them, I do so with an awareness of the needs that I am meeting.

Self-Care While Mediating

During mediation, anytime you catch a judgment of yourself or another person it is a time for self-care. For example, you might notice that you are having the thought that somebody is being difficult or impossible, which is a clue that you are no longer connected to that person. Or, your judgmental thoughts might have to do with yourself; perhaps you find yourself thinking "I'm out of my depth here; I'm going to screw up. This isn't going to work." This thought indicates that you are not connected with yourself, which will make it difficult to connect with others or contribute to creating connection between them. If these thoughts feel too difficult to work with in the moment, you can request a short break and do the enemy image process away from the mediating table.

It does not have to take a long time to re-connect, however. With a little practice, self-care can be done relatively quickly while you stay within the flow of the conversation. In just a few short breaths, you can turn inward, become aware of your thoughts, connect with your feelings and needs, and then turn back to focusing on the parties. In this way you can skillfully reconnect with what needs you are seeking to meet at that moment when you notice that you are having thoughts of judgment. The more you practice outside a conflict situation, particularly in preparing to mediate, the more readily the skill will be available while in the heat of the moment.

Post-Mediation: Celebrate, Mourn, Learn

I (Ike) find that after I've done something, in a mediation or otherwise, I tend to fall into my cultural training of trying to figure out who should be judged and how: who is to blame, who did good or bad, who is at fault. This is a kind of learning cycle; I've done something, and now I'm evaluating it. The conversation in my mind boils down to one of two possibilities, either, "Wow, that was terrific!" or "That was terrible, there's something wrong with those other people, or there is something wrong with me." After a mediation, for example, I might think "If only they had been less resistant and more caring and considerate, it would have gone the way I would have liked." If I'm blaming myself, I might think something along the lines of, "If only I had not made that mistake! I missed that point and if I had not screwed that up, the whole thing would have gone much better."

I know when I am in this learning cycle because I feel terrible. My tendency is to try to ignore my judgments about what happened, or try to reassure myself or argue myself out of them by saying they aren't accurate, but those approaches do not help me to feel any better. When I stay in this cycle, as I think about what I might do in the future, I am really creating a plan to avoid experiencing this kind of punishment again. This might mean the next time a similar situation comes up I will withdraw in my attempt to avoid pain. My learning in this cycle is stunted—I'm learning to move away from what I don't want instead of to move toward what I do want. It's a feedback loop that perpetuates outcomes I don't like.

When we celebrate and mourn, it's a way to shift this type of learning cycle from producing negative outcomes to producing more positive ones—outcomes with consequences I like better. The primary shift happens in the second part of the cycle, where we look at what has happened. We still do whatever we do, but instead of judging it to find out who's in the wrong, we evaluate it in terms of whether it met our needs or not. If it met our needs, we celebrate; if it did not meet our needs, we mourn. In the process, we connect deeply with all of those needs, whether they were met or not, and inhabit the feelings that come up when we imagine those needs being met. When we then think about what we might do in the future, our focus is on what we could do that would better meet these needs. If needs were met, then we consider how to continue to meet them, if they were not met, then we reflect on how we might do things differently. Shifting into a learning cycle where the focus is on meeting needs fuels us to continue to learn. Rather than the learning cycle where we are trying to avoid pain, we more often end up with a sense of well being and wanting to learn how to better meet our needs.

The basic process to Celebrate/Mourn/Learn is as follows:

1. Think about what worked during the mediation
2. Notice how you feel when you recall what happened
3. Inquire into what needs of yours are met by what happened
4. Ask yourself, "What might help me meet those needs again?" or "What can I learn from this that will help me meet these needs more in my life?"

After celebrating what worked and filling yourself with the energy of meeting your needs, turn your attention to mourning:

1. Think about what did not go as planned, times where you felt uncomfortable, or anything that you would like to have done differently
2. Notice how you feel when you recall what happened

3. Inquire into what needs of yours are not met by what happened
4. Ask yourself, “What might I do differently next time in order to better meet my needs?” You may also want to consider the question, “What do I want to do, if anything, to move forward with this situation?”

To see how this process works, I (Ike) will go through an example of a recent mediation I was in and share my celebration and mourning afterward.

A couple came to me wanting to mediate a conflict they were in regarding a vacation the husband was going to take without the wife and their two children. He was going to go on vacation with his father-in-law, camping and trekking in rough country accessible only through four-wheel drive vehicles. The wife was upset because she did not feel considered in the planning of the trip; it meant that she would be without her husband’s support with the kids for the duration of the trip. She was also torn, because she wanted her husband to have the adventure and the connection with her father. The mediation was an intense three hours; both the husband and wife were in distress over this issue.

After the mediation session, I was pleased with some of the choices I made. I recall times when the couple became more heated and I was able to stay centered, reflect back the needs I was hearing, and help them hear each other. In recalling those, I feel gratified. The needs of mine that are met are competence and contribution. I celebrate a kind of ease and comfort that I experienced during the mediation, a facility with being able to help this couple work through their conflict. I enjoy the contribution that I was able to make.

In addition, I recall several times during the mediation when I noticed I was moving out of my center (metaphorically), towards one or the other of the disputants or towards my own agenda, and I stopped. I took the steps necessary to return to presence without knowing necessarily what to do in the next moment. I celebrate the moment of awareness and the willingness to be with not knowing; I enjoyed the feeling of doing that and want to remember those times and be willing to do the same thing in the future. This celebration strengthens my willingness to continue to notice when I’m not centered and to stop, return to presence, and be ok with the unknown.

After filling myself with the celebration of meeting my needs, I turn my attention to consider anything that made me uncomfortable. I realized that there were times during the mediation when I moved into more of an advisory role, revealing what I have done in similar situations in intimate relationships. At the time, I thought my sharing might contribute, but I realized afterward I was not sure it was what the couple really wanted. I did not get any direct feedback that they were irritated about my sharing, but I also did not get any feedback that it met their needs. I began to judge myself, thinking that it probably had not contributed in the way I thought it might and I should not have said those things.

In going through the mourning process, I notice that the “what happened” was a choice I made—to share my own personal experience—that I afterwards was questioning and judging. My feelings as I recall this situation are uncertainty and doubt. The needs that are not met are to contribute and to support people in a way that meets them where they are. The request that immediately comes to mind is that I would like to have asked and received some feedback about how they perceived what I was offering—did they find it contributing or did it detract from their process? Since the mediation is over and I will probably not be speaking with the couple again, I do not have any requests of myself in terms of moving forward in the situation. However, if the conflict was not yet resolved and another session was scheduled, I could decide to bring it up at the next session, saying something like, “I wanted to check in with you regarding the times last session when I shared my personal experience in similar situations; did you find that meaningful?”

Both celebrating and mourning lead us into learning more about what meets our needs and what we can do to better meet them in the future. As we think about the situation or project into the future, we can then plan how we might meet our needs in similar circumstances. The requests we make of ourselves are the beginning of this plan, and we might need to create some way to remind ourselves of what we would like to do differently. Practice is also a key element, and can help us remember what

we have decided. We can practice in our own head, playing out a situation and practicing how we would like to respond, or we can enlist someone else to role play a situation with us.

In going through this learning process over and over again, we might begin to notice patterns. For example, I (Ike) have noticed this pattern of not asking for feedback as often as I would like. My request of myself is to be aware of this tendency and look for opportunities to be willing to ask people whether something that has just transpired satisfies them, meets their needs, or contributes to them. I want to be willing to engage the people I'm with to give me the feedback of their reactions to what I have done.

I no longer wait for the signs that I am in the "negative" learning cycle I discussed earlier to do this process; I now plan a time following every mediation to Celebrate/Mourn/Learn. I want to reflect on what happened and assess whether my needs were met or not, and then shift into learning how I might better meet them next time through making requests of myself or planning and practicing what I could do differently. In planning in the time to go through this process, I short-circuit the tendency to stay in judgment and blame when things do not go as I would like.

The Importance of Self-Care

We don't do these processes because we should or out of any moral imperative, we do them because we like what we create in the world more when we are focused on needs than when we are focused on judgments. When we focus on judgments and enemy images, we are focused on what we don't want, and the mind tends to gnaw at it and get stuck there. We end up in a dead end street. A friend of ours refers to this as "praying for what you don't want." When we are focused on what we don't want, in a perverse way we tend to create more of it in our life. We experience it more simply through remembering it over and over again, but we also create it in another way. As we focus on what we didn't like in a particular situation, we tend to say to ourselves "I'm not going to do the same thing again." Keeping that in our mind, however, makes it nearly impossible to avoid it. I (Ike) find that if I'm going into mediation thinking, "I don't want to be as judgmental as I was last time," or focused on not having an enemy image of a person being unpleasant, it is almost assured that I'm going to react to what I interpret as their unpleasantness. I create exactly what I don't want because I keep thinking about it.

Working with enemy images and doing the Celebrate/Mourn/Learn process shift us out of this focus on what we don't want and into being connected with our needs. In identifying the needs we are seeking to meet, we bring into consciousness what it is we want to be creating more of in our life, which opens up vistas of possibility for getting those needs met. When we focus on improving how we go about meeting our needs, we tend to fill up the space in our lives with met needs, pushing to the margins those things that we do not want.

This is similar to the concept of the goalie magnet, which I (Ike) learned from my kids when they were playing soccer. Running down the field and kicking the ball at the goal, they were trained to identify the empty space in the goal and turn it into a positive space—that's where they want the ball to go. Focusing on the goalie—where they do not want the ball to go—tends to result in kicking the ball directly to the goalie. The same principle operates in life. We turn what we want in our life—to meet our needs—into the positive space that we are aiming for, instead of aiming for those things that we want to avoid.

As we practice the Enemy Image Process and Celebrate/Mourn/Learn after mediation, we continually re-connect with ourselves, which helps us connect better with other people. Our ability to transform our judgments and enemy images opens up our capacity to care equally about the parties in the dispute and more effectively help them work towards resolution. Since we are practicing the same mediation skills when we work with our own thinking as when we mediate a conflict between others, the practice of NVC mediation is scalable. Whether a conflict is internal, between our self and another person,

between two other people, or even in a whole group, the process is essentially the same. We work to surface the needs of each perspective, thereby fostering a sense of connection at a universal level, and then support the finding of a strategy that will meet all the needs that are on the table. Through surfacing needs, each person or perspective is deeply heard, and often gains a new understanding of the motivations of other points of view. When that happens, people begin to spontaneously collaborate to create solutions that work. Thus, through a learnable and doable set of skills, we can successfully mediate our own lives as well as support others to communicate as they would like, helping them find resolutions to even long-standing conflicts.

I (John) recently went to the UN and did a presentation for a group there dealing with third world poverty and violence. These people are trying to help with some of the horrendous suffering that is happening in the world, and I said to them “I’m guessing you are getting lots of emotional support for dealing with all the suffering and pain you are trying to help with.” They just looked at me blankly. Then we talked about the conflicts they had with each other, and I asked them if they were getting help with those conflicts so they could be more effective in their work helping others, and I found that they were not getting help with that either.

This experience was a stark reminder of the importance of self-care. Mediating conflicts is not easy work. We must deal with not only our own conflicts, but also other people’s disputes; thus, mediators are choosing to constantly put themselves in the midst of conflict energy. It’s wonderful and rewarding work, but we find it important to acknowledge that it can be difficult. When we are trying to do this kind of work in the world, if we are not getting the care, nurturance, and support that we need, then we can easily get depleted. Many times people seem to think that the best way to help others is give up themselves, but we find the opposite is true. The more we can care for ourselves, the more effective we are in our attempts to help others. With NVC mediation, we have found a model that provides a method both for self-care and helping others resolve conflicts; in using it we are consistently working, both internally and externally, toward the kind of world in which we want to live.