

“Negotiations involve Gaining as well as Losing, in order to Win. ”

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No one likes to lose and for good reason. We live in a culture focused on winning, and we are not taught how to negotiate or how to yield. As individuals, many of us have not learned the art of losing. However, there is a way to transform losing into a "win", and lead us to experience a freedom within us. I say this because I believe this notion captures something that may present for us both a professional and personal struggle. This is a story about how losing can help us win.



I always had a desire to resolve conflict, pursue justice and create peace. Growing up in Minnesota within a German Mennonite Minister's family, I saw early on how conflict was avoided, denied and then escalated without resolution. Everyone was trying to win; to get their needs met, but no one was willing to negotiate, to bend, to lose.

This all unraveled when we learned that my mother, recently the victim of pancreatic cancer, had left my brother and sister co-executors of her will. Besides the fact that they hated each other, my brother and sister threatened to sue each other over how to handle her property which had zero-equity, as well as an \$18,000 bank account.

I was in graduate school at the time. Summoning all my new training as a counselor and mediator I sought to resolve this issue. I called my dad, who had been divorced from my mother, and I offered the following solution: "Dad, here's the deal...I suggest we turn the house over to you, and in exchange you pay my sister \$25,000 to stop her lawsuit and walk away from the rest of the will." My dad agreed, and so did my sister. What a relief! We all moved on with our lives.

Paradoxically, when conflict is resolved well it seems everybody loses something. Sometimes you feel that somebody got a bigger piece than you. But winning and "living in peace" requires losing. The simple resolution described here required each person give up something. It also allowed each of us to move towards the grieving process. This is the basis for all healthy mediation. It speeds up the process, allowing every family member to be in control of their lives again and focus on the future, rather than being mired in the past.

To win, you need to be willing to lose.

This is what I tell my divorce mediation clients when they are becoming overwhelmed by the process and are thinking about getting attorneys and battling it out in court. I remind them that "to win, you need to be willing to lose." I point out to them that the courthouse will add another 2 1/2 years to the process, not to mention tens of thousands of dollars in cost, and often adding years of anger, resentment and sleeplessness. This drawn out process of constant fighting isn't winning, nor does it lead to "living in peace." As therapists, our role is similar.

Even in counseling, our role is similar to that of a mediator. We seek to empower our clients to become more whole, more adult and take responsibility for their own lives, moving away from blaming others and shaming themselves.

While listening to clients attentively and with curiosity, we have to listen for what is not making sense what they're not telling us, and what pieces do not fit together. Then we have to ask more probing and challenging questions in order to get a clear sense of reality. For me, psychotherapy is not imposing my sophisticated reality upon the client. Nor is it my fully accepting the reality that a client presents to me. Our client's reality may be distorted and that may hold the key as to why they are seeking counseling.

The dance between therapist and patient is complicated. Together we challenge each other's perspectives and forge a new reality in order to bring about deeper insight and understanding into their problems. In so doing, the goal of emotional healing, restitution and resolution can be reached.

From my viewpoint, that is how I define "winning." Winning requires the hard work of your client losing hold of some parts of their "reality." This is my process in divorce mediation. Being a psychotherapist and a mediator, I find the clearest solution happens when I balance the multiple realities present in the divorce. That's the hard work. It means no one is "right;" everyone "loses," but this is the process required for them to win and find resolution.

Taking this a step further, where in your life, in your intimate relationships is there a place where you may need to surrender or yield?

This is neither about being exploited nor being taken advantage of. Instead, where in your personal life, family life, with your spouse or kids, can you cease always being correct, unbending or unyielding? Where might we see the need to 'let go', to lose a little, to unbend? For each one of us, there is certainly a place in our intimate relationships where we fear losing. However, if we look carefully and honestly within, we know that a certain loss can bring peace and reconciliation.

Therefore (that's always a nice word to use when you're ending), when things don't quite add up with your patient, we have to manage and balance multiple realities in order to help patients win.

1. Listen for what is not being said. Ask more challenging, thought provoking questions.
2. Call it out. Communicate that you are confused, and it seems that something is missing in the equation. Watch for the shift that happens in your client when this is made explicit.
3. Know when mediation is required. No matter how resentful or angry your client is, if it involves a lawsuit of any kind whether a contested will, a conflict with a family member over Eldercare, divorcee or a Family Business squabble, refer them to mediation so you can continue to move forward in the work you are doing with your client.

~In your Counseling and in your Mediation, I wish for you "Courage and Grace."

About the Author

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