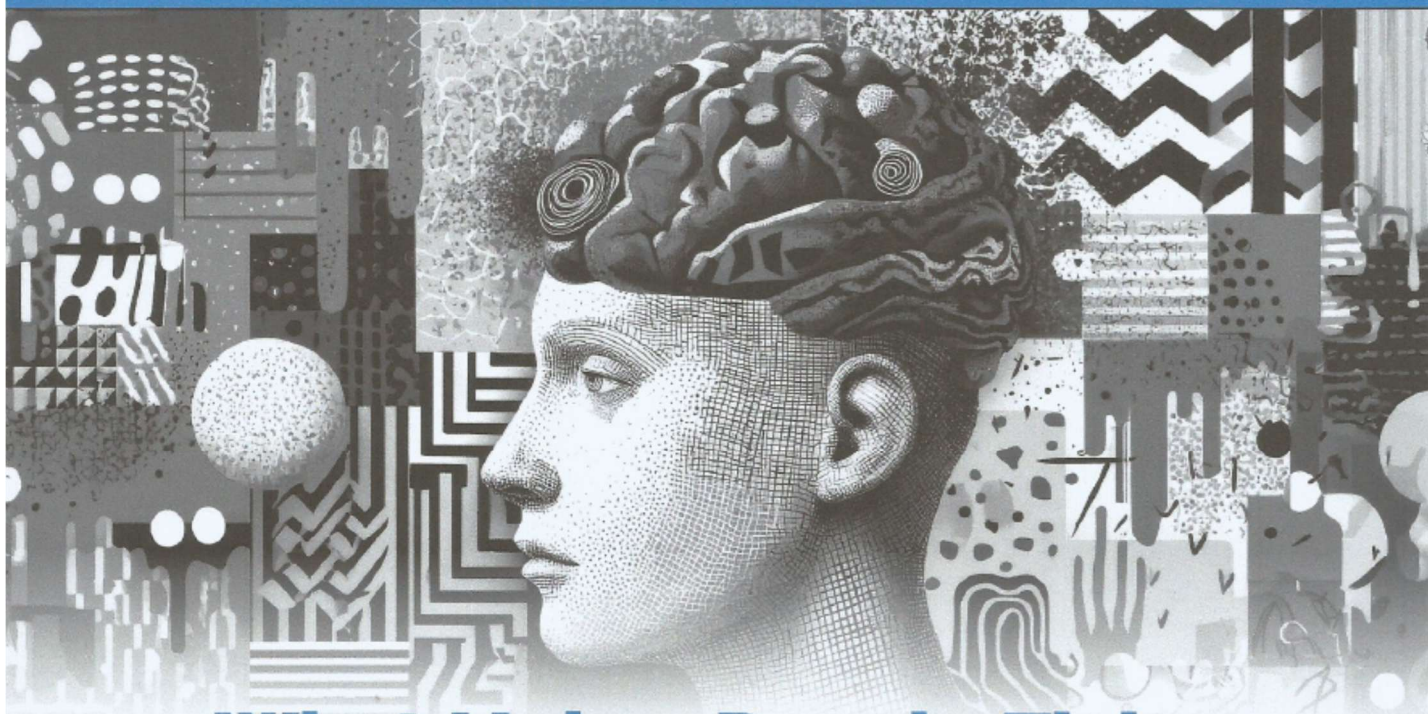




What Makes People Tick

A Mediator's Introduction to Internal Family Systems

By David Hoffman

In the early years of my work as a mediator, I had the mistaken impression that the mediating parties would be willing and able to negotiate in the rational way described in "Getting to Yes."¹ What I discovered, however, was that people in conflict tend to be driven more by emotion than by rationality.

This realization led me on a path of remedial education, exploring the psychology of mediation. I wondered why parties in mediation frequently engaged in what seemed like self-defeating behavior driven by feelings they could not always name. I thought that if I could learn at least the rudiments of what mental health professionals know about what makes people tick, I could be more successful in resolving conflicts.

I turned to my late wife Beth Andrews, who was a psychotherapist. She showed me the Diagnostic and Statistical Manual of the American Psychiatric Association (the "DSM")—the guide that mental health professionals use for categorizing various forms of psychological dysfunction. "Aha," I thought, "these pages describe people I see every day in my

mediations." For example, the diagnostic criteria for "narcissistic personality disorder" include a sense of entitlement, lack of empathy, and arrogant behavior—a common constellation of traits in some of the parties I work with.

I encountered two problems, however, in my inquiry into the psychology of mediation. First, unlike mediators, mental health professionals are trained to uncover and heal the underlying sources of pain, fear, or insecurity that drive counterproductive behavior—a quest that lies far beyond the scope of a mediator's mandate and training. Even for those mediators who are mental health professionals, such therapeutic interventions are inappropriate in their role as mediators.

Second, most therapeutic models are based on the assumption of a deficit on the part of the patient. This assumption (I'm OK, you're not OK) creates emotional distance between mediators and the people that we work with.

Then Beth was trained in the Internal Family Systems ("IFS") model, created in the 1980s by psychotherapist Dr. Richard Schwartz, and she shared with me its basic insights. At last, I thought, here was an intuitive, non-pathologizing model that mediators could use—one that emphasized what we as mediators have *in common* with the people whose cases we work on.

1. IFS – The Basics

The central idea of IFS—and it's a simple but powerful one—is that we all have "parts," or sub-personalities. This idea, by itself, is not revolutionary. Many schools of psychotherapy posit that we have parts, such as Freud's "id, ego, and superego." There are several features of the IFS model, however, that make it unique.

First, in the IFS model, we all have *lots* of parts, and we all have somewhat different parts. In addition, our parts become burdened in different ways by our life experiences. I saw this in an inheritance mediation involving adult siblings, whose deceased parents had neglected them as children. I discovered that each sibling's parts had developed different coping strategies. One had a people-pleaser part, whose goal was to soothe the feeling of being unlovable by currying favor with everyone. One of the other siblings, feeling the same deficit of love from childhood, had a reclusive part that kept him from engaging with people so as to avoid further rejection. And yet another sibling had a fiercely independent part that motivated her to be successful but avoid relying on others out of fear of abandonment or disappointment.

Second, these internal parts have symbiotic, family-like relationships with one another (hence the name *Internal Family Systems*, although the model actually focuses on individuals, not families). For example, the

parties in mediation usually have optimistic parts that are hopeful about reaching a favorable resolution, but also pessimistic parts that are skeptical about achieving it. If parties had only the former, they would often be deeply disappointed or confused by the need for compromise, while if they had only the latter, they might not show up for mediation at all. Most people are well-served by having both an internal optimist *and* an internal pessimist, but we need a healthy balance between the two.

Third, in the IFS model, there are no bad parts. There are, however, parts that have been overly burdened by suffering, as well as some parts that use misguided or self-sabotaging strategies in their efforts to protect us from suffering. For example, in one of my current cases, one of the parties is plagued by severe depression and alcoholism; the part that leads him to drink excessively may believe it is helping him by keeping him from doing something far worse.

Fourth, IFS posits that we all have a core consciousness—called "Self" and described more fully below—that can harmonize and lead our various parts and thus enable us to function more successfully.

Finally, even though we all have different parts, they can be understood using the following typology of the burdens they carry.

- a. **Exiles** are parts of us that are burdened by our psychic wounds (e.g., rejection, loss, or trauma), our fears (e.g., fear of failure or deprivation), and our shame (e.g., feelings of being unworthy of love or acceptance because of something we've done or because of some aspect of our identity). These parts are called exiles because our protective parts try to banish them from our day-to-day awareness. In mediations, parties generally do not share with us these vulnerable, burdened, and needy parts.
- b. **Firefighters** react when something happens to us that painfully triggers an exile. For example, in a divorce mediation involving custody issues, if one parent accuses the other of being a terrible parent, the response from the other parent often comes from an angry firefighter part that seeks to douse the flames of criticism and self-doubt with a harsh counteraccusation or an expletive, an abrupt departure from the room, and a slammed door. Mediators frequently encounter firefighter parts.

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Such firefighter behavior may seem self-defeating, but, in the moment, the firefighter's impulsive actions are intended to make us feel safer by distracting us or warning the other party to back off. Real-life firefighters plunge into a fire and, when hosing everything down, they don't spare the antiques—they're on a mission. Similarly, our internal firefighters seek to dull the pain and/or repel the attack "by any means necessary" without considering collateral damage, such as a failed mediation.

- c. **Managers** play many roles within our internal system. Managers know how to balance a checkbook, engage in polite conversation, and get us to work on time. Their intention is to prevent our exiles from being reinjured by keeping us out of trouble. In mediation, parties' manager parts are often practical. For example, they are good at weighing the advantages and disadvantages of settlement proposals. But managers can also go overboard, and mediators sometimes encounter overly rigid manager parts of parties who, for example, decide in advance what their bottom-line settlement position is and cannot be persuaded to think more creatively about settlement options out of fear of an unfair outcome.

Together with firefighters, managers are described in the IFS model as "protectors." Firefighters and managers use different strategies to protect us (for example, reactive vs. proactive), but all of them have good intentions.

Self energy, in the IFS model, is our seat of consciousness. It's not really a "part"—it's who we really are. It is described in some religions and wisdom traditions as our heart, spirit, soul, or our "higher self." When we notice that we have parts, it's our Self energy that's doing the noticing. Although our parts have agendas, our Self energy has no specific agenda other than harmony, love, and well-being. Dick Schwartz lists eight "C" words as Self energy's key attributes: calmness, curiosity, clarity, compassion, confidence, courage, creativity, and connectedness.²

Self is like the conductor of an orchestra, leading our parts to perform harmoniously with each other.

For example, for parties in a mediation, Self leadership enables them to manage the tension between empathy and assertiveness, between listening and ensuring that they are heard.

The goal of the IFS model is to be Self-led, with our parts in sync and with none of our parts hijacking our operating system.

2. IFS and Mediator Self-Awareness

Like everyone else, mediators have parts—some of them more helpful to our work than others. Among my helpful parts is a problem-solving part that enjoys challenges, such as conflicts with complex legal, financial, and emotional dimensions. Another helpful part wants to make the world a better place by saving people the expense, delay, and stress of a trial.

What about my unhelpful parts? There's a part of me that's impatient with stubbornness, closed-mindedness, and greed—whether it's coming from the parties or their lawyers. Yet the IFS model tells me that there's a reasonable cause for every seemingly unreasonable attitude or behavior. A party's challenging attitudes and behaviors arose as part of that person's protective system, and a vulnerable exile probably lies beneath. Moreover, when we see extreme behavior, it's likely because of the extreme woundedness of the exile that a firefighter is protecting. Henry Wadsworth Longfellow wrote "[i]f we could read the secret history of our enemies, we should find in each [person's] life, sorrow and suffering enough to disarm all hostility."³ Longfellow's astute comment highlights one of the key differences between the DSM and IFS: the former asks "what is wrong with this person?" while the latter asks "what happened to this person?"

IFS also helps me see and work with my reactive firefighter parts. For example, until recently, I became irritated whenever I was interrupted. In a mediation many years ago, I warned a lawyer who kept interrupting me and others that I would leave if he didn't stop, but he couldn't help himself. Barely containing my anger, I told him I would return to the mediation if he agreed to abide by our share-the-airtime ground rules, and I left the conference room. He eventually agreed to let others speak without interruption, and so I returned, and we settled the case. But it was deeply unsettling to me to have behaved so unskillfully by storming out of my own mediation.

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After learning about IFS, I realized that this lawyer's interruptions triggered an exile in me—a little-boy part of me that had been interrupted repeatedly at the dinner table by a dad who seemed to believe that children should be seen and not heard. That vulnerable exile had internalized a message that my ideas were not worthy of adult consideration. When I realized where my over-sensitivity to interruption came from, I could reassure that exiled part of me that people who chronically interrupt are doing so out of habit or because of their own out-of-sync parts, and not necessarily because my ideas were unworthy of respect. I took some time to visit with that young exiled part, extended compassion to it for the wounds and insecurities it had been carrying all these years, and updated it on my current situation (i.e., I have chosen an occupation in which people often interrupt each other, and that's just how they communicate; I shouldn't take it as a personal affront). I now feel much less triggered when interruptions occur in mediation and in my life outside of work.

3. Managing Difficult Conversations

One of the most common challenges in mediation is managing the parties' bickering, accusations, and counteraccusations. IFS provides useful, non-blaming tools for managing such exchanges. For example, I sometimes point out to fractious parties in a mediation that their “gladiator” parts seem to be leading the conversation:

Mediator: I wonder if you could each ask your gladiator parts to take a step back and make some room at the table for your problem-solving parts. I think that would lead to a more productive discussion.

There's nothing wrong with having gladiator parts. They are useful when we need to set limits or protect boundaries. And I have found that when I use the “gladiator” metaphor, people instinctively understand and respond by dialing back their animosity—at least for a while, until another gentle reminder is needed.

4. The Parties' Internal Negotiations

Another common challenge in mediation is working with the parties' ambivalence about settlement. Just because a party chooses to mediate does not mean that they have abandoned strongly held feelings that they are right and the other side is wrong. Usually the parties have parts that hope that the mediator will vindicate their highly partisan view of the case.

Because of their strongly held views, parties often find themselves at the end of a day of mediation facing a painful decision about whether to settle or turn to litigation. Here's a description of such a case:⁴

A fired employee, who had been a high-level manager in a pharmaceutical company, had a tough choice to make. The company's final offer of settlement was \$250,000, and she badly needed the money. She believed strongly that she was fired because of gender discrimination. I sat with her and her lawyer while the company's representatives were in another room. I said to her, “it sounds like there's a part of you that would like to fight the good fight here and stand up for women's rights.” “Absolutely,” she said. “And I am also hearing that there's a part of you that is concerned about paying your bills and trying to be practical about the risks of a trial.” “Yes, that too,” she said. I softened my voice a bit and said, “I think we all have an ‘inner mediator’ that can listen to the various parts inside and help them arrive at a wise decision—can you feel that mediator inside you?” Her voice softened too, as she paused and said, “Yes, . . . I know I need to settle this and move on.”

As I look back on this settlement, two lessons stand out: first, the usefulness of the term “inner mediator” as an easily accessible description of Self-energy, and second, the way IFS permits the mediator to step out of the role of advocate for settlement and instead empower the parties to chart their own course.

5. Exploring “Parts” to Foster Mutual Understanding

Yet another challenge in mediation is the “single story”⁵ that parties often create as an accusatory explanation for the other party’s behavior. Imagine a divorce mediation of a couple in which one parent (Chris) worked outside the home as sole breadwinner, while the other parent (Pat) raised the kids. Imagine further that Chris suddenly wants 50% of the parenting time. In many of these cases, Chris argues that the only reason Pat opposes 50/50 custody is because Pat will be entitled to more child support if Pat has the majority of the parenting time. Pat usually makes the opposite argument: that Chris wants 50/50 parenting time solely to pay less child support.

In private caucus sessions, each parent is often willing—with some gentle encouragement, and after the mediator has established some safety and trust—to see the complexity of the other parent’s motivations:

Mediator to Pat: *I wonder if there’s a part of Chris that genuinely enjoys being with the kids, in addition to a part that’s focused on money?*

Pat: *I have definitely seen that part of Chris.*

Mediator: *I wonder if you feel a similar combination of parts inside yourself—in other words a parent part that is focused like a laser on what’s best for the kids, and also a part that’s worried about finances.*

Pat: *Definitely.*

After having a similar separate conversation with Chris, it may be fruitful to bring the parties together to talk about the multiple parts that come up for each of them when they disagree about parenting time and child support. Sometimes in conversations of this kind, the parties identify exiled parts that their managers are protecting—such as traumatic memories of their own parents’ divorce or painful struggles to make ends meet. And when the parties begin sharing accounts of where their fears come from (i.e., stories told by their exiles), the mutual vulnerability inherent in such an exchange can open the door to a resolution.

6. Unconscious Bias

Mediators are ethically required to be impartial. But, as social psychologists and neuroscientists have shown us in recent years, we all have biases (many of which are unconscious). Sometimes these unconscious biases show up in the mediation room, either because the mediator offends a party or one of the parties inadvertently offends another party. When working with people who differ from us (based on age, gender, class, race, religion, disability, nationality, LGBTQ+ status, or a combination of such characteristics), it is not uncommon for us to become suddenly aware of stereotypes or attitudes that we may harbor and are not proud of.

IFS provides a useful framework for thinking about our biases—both the ones that we are aware of and others that are unknown to us but nevertheless influence our behavior. Instead of trying to ignore or suppress biased thoughts, the IFS model encourages us to get curious about how they arose. Looking within, we often find that our parts that hold biased views acquired them at a young age from the media, relatives, or schoolmates before we were intellectually equipped to see how unfair or inaccurate these views were. Curiosity about these bigoted parts creates an opportunity to heal and reeducate them. This is a more effective strategy than ignoring them, trying to suppress them, or pretending that they don’t exist. And, understanding that our biased parts are just a part of us—and that we also have many unbiased, idealistic, and egalitarian parts—can help us overcome feelings of shame that might otherwise deter us from self-examination.⁶

7. Ethics

One of the most critical considerations for mediators in the use of IFS, or any psychological model, is to avoid crossing a line into the unauthorized practice of psychotherapy. If we discuss “parts” and Self energy with the parties in mediation, are we crossing that line?

“ IFS provides a useful framework for thinking about our biases ... ”

One answer to that question comes from recognizing that a discussion of our parts is not confined to psychotherapeutic interventions: it's common parlance. "A part of me," we might say to a friend, "wants to go to the concert with you, but another part thinks I should stay at the office and finish a time-sensitive project." Even the idea of having a higher "Self" is a familiar part of our culture, sometimes expressed, as Lincoln put it, as "our better angels."⁷

However, even with training in IFS, mediators should avoid trying to heal exiles. To be sure, parties' cases sometimes reveal painful or traumatic experiences. There is usually nothing inappropriate about asking such a party if they have discussed those experiences with a therapist. But to actually engage with a party's exiled parts, or try to guide the party in an unburdening of an exile's pain, is work that a clinician should do.

Even the healing of protective parts, such as an overactive self-critic or a hypervigilant firefighter who experiences any ambiguous comment from the other party as an attack, is beyond the scope of what IFS-informed mediators should be doing. Our job is to befriend these protective parts by appreciating their vigilance and acknowledging their concerns so that they do not become hyperactive and sabotage the mediation. Healing them, and the exiles they seek to protect, is a job for a therapist.

8. Conclusion

Although originally developed for psychotherapy, IFS is an intuitive and non-pathologizing model that provides mediators with a set of tools for helping the parties in mediation make wise, Self-led choices. IFS can also help us, as mediators, understand our own complicated reactions to the parties in mediation and, with such insights, enable us to be more fully present, calm, curious, unbiased, and compassionate. Thoughtful and ethical use of the IFS model is consistent with the view that while mediation is not psychotherapy, it can be therapeutic. ■

Endnotes

- 1 Roger Fisher, William Ury & Bruce Patton, *GETTING TO YES: NEGOTIATING AGREEMENT WITHOUT GIVING IN* (2nd ed. 1991).
- 2 Richard C. Schwartz, *INTRODUCTION TO INTERNAL FAMILY SYSTEMS* (2d ed. 2023).
- 3 Henry Wadsworth Longfellow, *PROSE WORKS OF HENRY WADSWORTH LONGFELLOW* (1857).
- 4 The following account is from David Hoffman, *Transformation as a Lawyer*, *OUTLOOK* (the journal of the Foundation for Self-Leadership) (September 2019).
- 5 For an excellent discussion of this term, see Chimamanda Ngozi Adichie, "The Danger of the Single Story," TED talk (July 2009), available at <https://www.youtube.com/watch?v=LmjKUDo7gSQ>.
- 6 For a discussion of techniques, including IFS, for reducing unconscious bias, see David Hoffman and Helen Winter, *Follow the Science: Proven Strategies for Reducing Unconscious Bias*, 28 *HARV. NEGOT. L. REV.* 1 (2022).
- 7 President Abraham Lincoln, Inaugural Address (March 4, 1861).



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