

Kabrina Bass: When mediators ask questions, we never make statements because that's your job, is to make the statements and make your own decision. We're just there to guide you through and get you to thinking about what is in your best interest or in the interest of the other person, or any interest of your family, or the interests of your community. And the, the magic of mediation, people have the ability to create their own solutions without your help.

Sam Fuqua: That's Kabrina Bass, and this is Well, That Went Sideways! A podcast that serves as a resource to help people have healthy, respectful communication. We present a diversity of ideas, tools, and techniques to help you transform conflict in relationships of all kinds. On this episode, we talk with Kabrina Bass about community mediation as a tool for conflict resolution. She is the Executive Director of the Midlands Mediation Center in Columbia, South Carolina, and Chair of the National Association for Community Mediation.

I'm Sam Fuqua, co-host of the program with Alexis Miles. Hello Alexis.

Alexis Miles: Hi Sam.

Sam Fuqua: And we're so happy to be joined for this episode of Well, That Went Sideways! by Kabrina Bass. Hello.

Kabrina Bass: Hi Sam. Hi Alexis.

Sam Fuqua: We really appreciate you taking the time to, uh, to visit with us and our listeners today. Let me start by asking, uh, you know, one way mediation is thought of, is very commonly thought of as a way to find compromise, to resolve conflict, but I was particularly interested in how you presented mediation in a video of yours that I watched as a, a way to level power imbalances. Is that sometimes overlooked as a role for mediation?

Kabrina Bass: I think it's always overlooked. I think a lot of time people think mediation is just what you just said, a compromise. It, it is really not a compromise. It's an opportunity for two people, or two groups of people, to come together, allow for their voices and their concerns to be heard, and then together create whatever solution they need to create for whatever issue they're dealing with. It's not necessarily a compromise, it's just a path, a new path forward. It's creating a, a new story together as to how they're gonna move forward in whatever the situation is.

Sam Fuqua: What specifically is community mediation, and how do you define that and perhaps connect that to the power imbalance piece?

Kabrina Bass: Often times when people think about mediation, they think about what I call the big M of mediation, and that's that formal process where people come together with a third party neutral, and that neutral party helps facilitate a conversation with them where they create their own solution. But then there's a larger work, which is the small m of mediation, and that small m of mediation is literally bringing people together so they can collaborate and create their own path forward. And so in that process, it does balance out some of the power because we all come to the table as equal. And we have this one issue or concern that we want to address and we work together. And it's more like, um, a conversation that you would have with somebody to wonder and be curious about things, and not to take so much of a judgment

or assumption as to what things mean, but to ask those questions to dig even further. And so imagine in a community where people have housing issues, instead of saying, uh, people don't wanna pay for rent, let's, let's sit down and have a conversation. What is keeping you from renting new property, or what's keeping you from doing this? And hear from people. Specifically in schools, I always give this example. A kid comes in the school late and we say, you need to get up earlier so you can be here on time. Instead of saying, what's causing you to be late? Is there anything we can do to help you so that you can get to school in a more timely fashion? When we take that second approach, we may discover that this kid is responsible for making sure his five other brothers and sisters get up, get their food, get them on the bus before he can even leave to go to school. And so it shifts the whole conversation. The whole dynamic is when we become curious and find out some other reason why things are occurring versus assuming what we consider right and wrong is the only answer for a situation or a question.

Alexis Miles: Based on what you just said, Kabrina, could you describe a typical mediation scenario in the community setting?

Kabrina Bass: Yeah. In a community setting, uh, I'm, I, I would take the basic one. Let's take a neighborhood. That, those are my favorites. And you got somebody whose tree limb, it's now growing over another labor's, into another neighbor's yard, right? And so there's this big commotion about this tree limb going into the other neighbor yard. And so they, they calling the police on each other 'cause this limb is over the yard and all these other things. And they, they, they wanna do something else. But in community mediation, what we can do is, talk to both of them separately, and ask them would they be willing to come to the table to have a conversation with each other? And in that conversation, it's not just them and the tree limb, but it's them and their families and a tree limb along with their neighbors. So let's, let's bring everybody to the table. Let's have a conversation. So what, how can we resolve this? And most of the time in these mediation, people just want somebody to hear their story and how they are feeling about this limb being into their yard. And once we get all those feelings and those emotions outta the way, now we can start talking about what's a good solution. "And so you don't, you don't want the limb over into your yard, but I can't cut the limb from my side of the yard. What can we do?" "Well, if you come by the house, let me know where you want to cut the limb. Then what I'll do is I'll leave the gate open. You can come over, cut the limb, and take all that material out from the yard. Would that work for you?" "Yes, that'll work for me." "Would that work for you?" "Yes. That'll work for me." And so they were able to come up with a solution and then it, it, it relieves the tension in the whole community because now these two people that's been arguing about a tree limb, no longer had that argument anymore 'cause they came up with a solution to resolve it.

And then the next thing is, "Are you gonna still be living here after this limb is trimmed?" "Sure am." "Are you gonna still be living here?" "Sure am." "So don't you wanna be good neighbors with one another?" "Yeah, we do." And so we move forward and we, we resolve the issue and now we know we can talk to each other. When's a good time to come over? How do we approach one another? You know, all those types of things get resolved versus me keep calling the police on you, which I keep telling people, calling the police does not deescalate situations. It escalates situation. So, let's try to find a conversation that can be had. And maybe I can't go to my neighbor, but maybe there's somebody else in the neighborhood who can act as that third person that can bring both of us together so we can have those conversations. So, the idea is to train more people in our community to be willing to be what we call "active bystanders" and to come in and navigate those types of conversations.

Alexis Miles: So, the people who are the parties in the mediation, do you teach them listening skills or communication skills? What do you do with the parties to the, the conflict?

Kabrina Bass: Yeah. Well, we, we try to, in the mediation, we don't have a whole lot of time, but we try to remind them of, of our own biases that we bring to the table and our own experience that we bring. So, when we think about conflict, it ain't, it's not just what just happened here, it's, it's the pattern of what has happened in the past. So, specifically with family, it's not what that person did at that moment, but it's the fact that this has happened two or three times. Because it's happened two or three times, I expect it to happen again. And that's me as the person that's involved in this conflict. So, I have to acknowledge that the reason that I'm feeling this way isn't necessarily 'cause of this one thing, but it's because of a pattern that has been created and a history that we have developed. And so I've created some, uh, ways of dealing with this. So, when I come into mediation, I have to be reminded we can't go backwards, we gotta move forward. We listen to your back story, but how do you move forward? And once you leave here, let's continue to be forward thinking. We understand everything that happened in the past, but how can we move forward? Can we remember and ask questions to see how we can move forward versus constantly going back to what happened? We can't change what happened, but we can create a new path forward. So, let's work on creating that path forward.

So, it's not teaching people how to do these things, but it's giving them a model of how to do it. And through the conversation and the dialogue and asking them, can you be curious for a moment? How would this person feel if you said this to them? How would they feel if you made this offer to them? What would they say if you did this? And you already know the answer 'cause you know 'em, so you're gonna come back and say, how can we better do this? You're gonna tell me how because you know the person. So, one thing I tell people, mediators ask questions. We never make statements because that's your job is to make the statements and make your own decision. We're just there to guide you through and get you to thinking about what is in your best interest or in the interest of the other person or in the interest of your family or the interest of your community. And the, the magic of mediation, people have the ability to create their own solutions without your help. That's the magic.

Alexis Miles: And I've heard you also say it's magic when we can hear each other.

Kabrina Bass: Yes! Yes! Yes! And I, I can say, um, so many things have happened even now, even when I'm, I'm listening to, uh, *Roe versus Wade*, right? And I'm listening to everybody talk about this word, abortion. But is it really about abortion or is it about freedoms? The freedom to make a decision, your own decision, right? And so abortion is just that word that's used that shuts some people down because you said that magic word. But if I ask people, do you think people should have the ability to decide what they wanna do or the choices they wanna make? Most of us will say, "Yeah, they should have that choice. That should be something they can do." So, it's a freedom, you know, this whole freedom of, of, of abilities to do things that, that's something you think people would like to have. Yeah, we, we're not gonna argue over that. So it's reframing things in a way that people can think outside of those targeted words that we created, you know? And so finding that path forward so that people can make their own choices and their own decision comes right back to empowerment, recognition, and allowing people to have self-determination.

And when we talk about this empowerment, it's, it's saying, you know what, you got a voice. What, what do you wanna say? What are your thoughts? And allowing them to be heard, 'cause sometime we can't hear. I, I don't care what somebody said because we out, in our mind, I always tell people, uh, we talk about 200 words a minute, but we think 400 words a minute. So, while you're talking, I've already decided what you're saying, how I'm gonna respond to it, and I'm not listening to you. So, slowing down and to really listen to somebody and repeat back to them what you think you heard them say, and make sure what they said was correct. Or give them opportunity to cor, to provide you with the correction or to clarify 'cause maybe you misunderstood it from your lens of understanding. And then also to confirm it. And so

when we take time and start practicing that, we be like, "Oh wow! I really missed that. I did not hear that." And so it is learning those skills of really hearing one another.

Sam Fuqua: That's so interesting that, you know, speed of thought versus speed of speech. Uh, sometimes I think I'm getting worse at that and I, and I wonder if the time I spend online is I, I've tried to be self-aware enough to know like, okay, if I've just been looking at my computer a lot or on social media, and then I'm try, I have a conversation with someone where I'm really not listening, I'm kind of doing what you just said. I'm thinking ahead to what I'm gonna say, and I wonder if this electronic connected environment I've been in is influencing that. In one of the workshops of yours I watched, you said very clearly that we've lost the ability to listen. And for me, that sometimes is connected to have I been in this online space too much, you know?

Kabrina Bass: And I think a lot of people have. We have really lost communication skills because we're not communicating with one another. I, I always tell people when an incident occurs, you know, we used to start to think about ways to engage. We're not even thinking about, we, we just pick our phone up and start recording. We don't even take a moment to really think about what is really happening here because we want to capture that moment. And so we're really not listening to what's going on. We're just trying to get that, what they, 15 seconds of fame, right? And so going back to the old school of, hey, let's pause for a minute, let's hear, and let's see how we can engage or, or make a difference in this situation. I think we have lost that ability to hear one another. I think, and, and I, I think if you heard in that thing, we don't teach our children to listen. We, we teach 'em to read, write, do math, but we never take time to teach them to listen to one another, to hear one another, and to be curious about what each of us are really saying deep down, 'cause it, it all changes. I always talk about the whole, the mystery of language, right? Uh, if I tell somebody, "I'm going over to the crib," to somebody, they might think I'm going to a baby bed. And somebody else may see it as a house. But so the question is, what is a crib? Before I assume that I know what you mean by "I'm going to the crib."

Sam Fuqua: Well, and that idea of reflecting back to the person, the speaker, so that they're aware that you've been paying attention and they can correct you if what you reflected back is not exactly what they meant to say. That's so important and it, it really is something that I don't think, uh, we incorporate enough of into our schools, uh, or, or our homes.

Kabrina Bass: Yeah. In kindergarten, it's the first and only time we tell children you must listen. Are you listening? But after kindergarten, we never mentioned listening again. And the only time people have opportunity to practice listening is if they take a college class in communication and do public speaking or something like that. But other than that, for the next twelve years of your life, you hear nothing about listening. And so, uh, we have a hard time hearing one another. And so, and we teach e, we teach our children to debate versus dialogue, right? We, we, we give them the skillset where they can make an argument and hold down an argument versus giving them a skillset of having a conversation and listening to one another, and then feeding off of each other to build onto a conversation. They don't have that skillset. And with technology, they have even less of the skillset.

Sam Fuqua: Well, what if, uh, and perhaps in, in a, in a mediation setting, you know that you're going to have to say something that the other party does not want to hear, which is yet another barrier potentially for active listening. What do you counsel people when you have to deliver a statement or an opinion that you know isn't going to, going to sit well with the other party?

Kabrina Bass: So, I try my best in, in formal mediation is to let the person that they know, give them that information. Uh, I don't like to be the middle person in those types of conversations, but sometime it is dangerous for somebody else to say that to them. So, I try to go back through what we've experienced together. In, in other words, "You want full custody. She wants full custody. Both of you all love your children so much that neither one of you wanna let go. And so unfortunately, we're not gonna be able to give both of you the same thing that you want. So, this is going to have to go to the court, and the judge is gonna have to make that decision." So it's, it's reminding them that we've been on a journey. We tried to work through this, and we have come to the point that we can't make that resolution. So now we are putting it in the hands of somebody else who's gonna make a decision. And so that takes that freedom that we, we share with you at the beginning of the mediation that you had, you no longer had it. You're giving it over to the courts. I think when we're into community situation, it's the same thing. "Both of you all can't have this, and we tried to come up with other solutions, but we didn't discover another solution. But the good news is you heard both sides, right? You heard what they wanted. They heard what you wanted. And maybe we won't come right here right now, but the doors to communication haven't been closed. They haven't. So maybe tonight, as you think about this and you consider it, give each other a call. Let's see if you all can come up with some type of answer that'll help you and your community to move forward."

Alexis Miles: I'm reminded of something you said about feeling brave enough to have difficult conversations. When you are working with people, let's say, in a divorce situation, how do you create a space that feels brave enough for people to have those kinds of conversations?

Kabrina Bass: Uh, I think they have to create the space. I think, I think what I do in my situation, I really believe in ground rules and, um, I always, I share with people not only in conversations, in mediation, in training, setting the table as to how we will engage with each other is going to be really important. So, one of my num, my number one ground rule, let's come to this space and listen generously. Let's not make assumption that we know what somebody else mean, but let's be curious as they talk and instead of saying "why?" because "why" questions are really hard, let's think about asking questions like "what?" What made you think that would work best for you? Or, what is the, um, the way forward for us? You know, think about questions that people really can consider and then come back with the "why" question to take it deeper. But I think creating those brave spaces is setting, uh, I'm gonna use this, uh, diagram here, is that imagine, uh, a container that holds something, right? In order for a container to hold, it has to have these sides around it. So, consider half of the side being the structure of a conversation, and then think of the other half of the side being the rules that hold it together. So, once I have a structure on how this conversation is going to go, and I give you the rules that's gonna help us stay within that structure, that that conversation can be held there in a very safe and secure way where you're brave enough to say what you have to say because you know that there is a structure and there are rules that we have created together. And we said, these are the rules that we're gonna govern ourself with.

So, you, you know, can't promise you, I always tell people I can't promise you safety, but I can promise you that it'll be a space that you can be brave in. And so therefore, you can say what you wanna say, knowing that I'm not gonna let somebody else cross these rules that we created, and we're not gonna go outside of this structure that we created. And what I found is, once people know that those two things are there and holding the conversation, they feel more comfortable in saying things. And then when they get the reinforcement and the encouragement and recognition, I think it helps also. I think one thing that I keep thinking about as, as we're talking here is the reason sometime we find conversation difficult is because in order for us to hold down our own sense of self, we have to dehumanize the other person. We can't see their humanity. So, we make it us against them. Those folks. So, they're not like us. They're different from us. So, always bringing people back to the reminder that we are all human here, and that person has

feelings just like you have feelings. And how would they feel if you did this? Or, how would they feel if you said that? How would you feel if you heard those things? So, bringing people back to the fact that this is a human dialogue and these people have feelings just like you have feelings, shifts a lot of conversation. Because as long as we allow people to do the us and them, the labels that we put on each other versus no, we are all human. We all bleed, we all cry, we all suffer, we all experience pain. So, how do we move forward together? I think that makes the biggest shift and creates the best space to have a dialogue and conversation and really deal with difficult situations.

Sam Fuqua: To follow up on that and bring it back to the idea of addressing, uh, imbalances of power, does that same framework you just outlined work, if it's, uh, say a group of neighbors who need, uh, mediation with government, or uh, uh, someone from lower economic circumstances who has an issue with, uh, corporation or someone, uh, from wealth? Do you, does that same framework work or do you have to modify it?

Kabrina Bass: It really does work, but it works in a different kinda way. Uh, and it's really that emphasis we come to this space equals. No one's bigger than anybody else. And we do recognize that there are powers that one of us have that the other one does not. But don't consider yourself to be powerless because your voice has power. And so don't ever forget that you do have power in your voice. You may not be able to make the ultimate decision, but your words will have an impact on the decisions that are made. So, it's really empowering, once again, that empowerment to say you matter, your voice matter, your thoughts matter. And even if we sitting at this table with all of these, um, people that have more power technically, more social power than you, but you still have power because you at the table. You wouldn't be at the table if you didn't have something to bring to the table. So it's, it's reinforcing that whole concept of a balance, right? And I can balance this conversation by allowing you in or inviting you in, where if you weren't in a mediated type of situation, you may not receive that invitation and you may be overpowered. But because we are here together, I, you already know, my role here is to make sure that your voice is heard. And so that does somewhat balance the power.

Now, if I find somebody abusing the power, that's the beauty of mediation where I can step in and say, "You know what, remember at the beginning I said we may have a need for a separate conversation and have a different conversation with that person that's violating the rules that were set? Remember at the beginning we said we came as equal? You're making statements that are speaking for somebody else and not your truth. So imma remind you of what we said under this brown roof is that we would speak our own truth, right? We would come to this space as equal. Is there any way you think we can continue to move forward where we are recognizing each other's humanity?" That's a separate conversation, not to bring shame or embarrassment to somebody else that's right there, but to separate them and have those dialogues where you find people either crossing the structure or define the rules. And so you bring them back in as a reminder of this is what you committed to in the beginning of this dialogue. And it works. So, the mediator does bring some balance to the conversation. Or, if we see somebody becoming overwhelmed, let's break for a minute. Let's take a caucus. Let's, um, let's, let's walk around for a moment. We had that ability to set the tone and set the pace of a conversation.

Sam Fuqua: As a national leader in community mediation, I wanted to just pull back and ask you for the big picture. Is the use of community mediation growing? Is, is the future for more of this activity, or are we pulling back given the, uh, incredible, uh, splits we have on, within politics and other aspects of society?

Kabrina Bass: I, I'm excited to say it's growing. So, I had the opportunity to speak with people in Canada this week. The work that we're doing is growing because we're becoming more polarized in, in, across the

world. And so the need for communities to come together and have dialogues to hear one another, to listen to one another, is growing. And more people that we have out there with the ability to hold this space, to, to utilize these skills, to share these skills with other people, it helps this work to grow. And now it's being recognized. And so more funding is becoming available through the government to really help people to deescalate. Um, Representative Moore has a build out to really advance de-escalation as something every community should have, and resources that should be provided in those communities. So, I would say overall the work is growing. It's getting new names, bridging work or, or we call it, uh, resolution work or, uh, community cohesion. I mean, it's getting brand new names, but at the same time, it's all about co-creation of peace. It's that no one person can do it. We have to do it together. It is those words and those phrases that have come through community that talks about unity and being one with one another. It is Ubuntu being lived out in America - "I am because we are, and because we are, therefore, I am."

Sam Fuqua: Kabrina Bass it's been a pleasure to talk to you. Thank you so much for your time.

Kabrina Bass: Thank you all so much. I, I really appreciate the opportunity to share the work of community mediation as well as the National Association for Community Mediation.

Sam Fuqua: Kabrina Bass is Executive Director of the Midlands Mediation Center in Columbia, South Carolina, and Chair of the National Association for Community Mediation. Thanks for listening to Well, That Went Sideways! We produce new episodes twice a month. You can find them wherever you get your podcasts, and on our website, sidewayspod.org. We also have information on our guests and links to more conflict resolution resources at the website, that's sidewayspod.org. Our production team is Mary Zinn, Jes Rau, Norma Johnson, Alexis Miles, Alia Thobani, and me, Sam Fuqua. Our theme music is by Mike Stewart.

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