

Reducing Anxiety in Dispute Resolution

Negative Reinforcement as Tool and Tripwire

By Susan M. Robbins and Pamela Willson

We have all witnessed a toddler screaming hysterically for something he can't have. We wince knowingly when the beleaguered parent finally gives the child a cookie, knowing that tantrum behavior has been rewarded. What we overlook is that the immediate relief from noise and embarrassment has made the parent more likely to give in the next time, even though she knows better.

Reinforcement –What Motivates Us?

The laws of psychology state that any reinforced behavior will continue and strengthen. Conversely, behavior that lacks reinforcement (extinction) or nets aversive results (punishment) will diminish. Just as much laws of nature as gravity, these behavioral principles shape everything we do, from choice of mate to choice of music, from food preference to political preference.

Positive reinforcement (reward learning) is much in vogue, but behavior can also be strengthened by negative reinforcement: removing something undesirable such as pain or fear. Negative reinforcement is not punishment – it is the successful avoidance of punishment. Whether it's escaping danger or avoiding disapproval, negative reinforcement is as potent as rewards in shaping decisions and actions.

Animals' brains are genetically programmed to approach pleasure and avoid threat. In humans, the limbic system, particularly the amygdala, attaches positive or negative valence and intensity to objects or actions, then dopamine-dependent medial forebrain regions select and activate behavioral responses. Being hardwired doesn't mean being inflexible, and although there are core survival needs, universal doesn't mean uniform: reinforcement is uniquely personal. Only humans can imbue abstract ideas with enough power to overturn hardwired survival instincts. One man's punishment can be another man's reward, a point illustrated strikingly by suicide bombers.

If the drive to escape danger is an animal instinct, then the need to relieve anxiety – uncertainty about possible threat – is its very human shadow. Relief from anxiety is nearly as powerful a reinforcer as escape from real danger. Gaining a sense of predictability or control over a situation brings relief, but avoiding whatever causes uncertainty or discomfort is just as effective

– and usually faster. Whether through physical escape or mental gymnastics, avoiding tension strengthens our tendency to avoid rather than confront problems.

Anxiety reduction drives a host of maladaptive behavior patterns, including obsessive-compulsive disorder, substance abuse, compulsive behaviors, addiction, self-mutilation, paranoia, and more. In relationships, anxiety and avoidance keep resentments unspoken and long-standing conflicts simmering. Avoidance is why people opt for the 'devil they know' and stay in traps of their own making.

Cognitive Impairment and Families in Conflict

In working with families of cognitively impaired adults, we see firsthand how anxiety and anxiety-reduction foster and maintain conflict. In early Alzheimer's Disease, memory is not the only diminished faculty – language, problem-solving, and insight also are reduced. Mild dementia patients forget where they put important items, get disoriented driving and forget common words; this is embarrassing and frightening. They become anxious and uneasy but can't remember why; it's like being stuck in an ever-shifting bad dream.

We often see dementia patients who cling to a new friend or neighbor and reject loved family members, or who switch allegiances back and forth between warring parties — the *'love the one you're with'* syndrome, creating one of the most bitter, intractable conflicts in geriatric practice. Family members accuse one another of brainwashing and exploiting the patient, who becomes a pawn in a costly, destructive game.

In most cases the culprit is negative reinforcement. A helpful friend or family member roars in to organize a failing older relative's affairs. To a mentally or physically-impaired person, this is yet another loss of personal control in an environment where predictability is rapidly slipping away. Rather than relieving stress, the well-intentioned intervention feels like an invasion, and anxiety skyrockets.

Anyone or anything that relieves this intense distress even slightly will be strengthened – negatively reinforced – at a level of brain biology not involving memory. Paranoid ideas – that a

family member is stealing misplaced possessions, or that the intrusively helpful daughter is trying to take over the house and bank accounts – offer a concrete external focus, which reduces free-floating anxiety. Suddenly, inexplicable happenings “make sense,” and the situation starts to feel more predictable and potentially more controllable. Paranoia also redirects uneasiness into anger, which is itself a natural anxiety-reducer; there’s fight or flight reactions, but you can’t do both at the same time.

It’s important that mediators not interpret the sometimes dramatically changing preferences of the dementia patient as reflecting real ambivalence, or as proof of deliberate manipulation or brainwashing. Those are certainly possibilities, but we need to explore how the involved parties unwittingly or deliberately exacerbate and relieve the confused person’s fears and confusion. We sometimes request that the ‘target’ older adult have several days with no contact from either ‘side’ before we conduct a private interview, or we may ask to observe each party interacting separately with the confused person.


Anxiety and Relief: Mediation Tool and Tripwire

What are mediators to do, for their own anxiety or the anxiety of the participants in the mediation setting? The fact that anxiety will be a presence and that we have an innate drive to reduce anxiety must be recognized by the mediator: the tripwire. Moreover, mediators must be willing to work with anxiety and to encourage or relieve it strategically, rather than letting it run unmanaged: the tool.

If one party seems unrealistically stubborn or ridiculously passive, look closely for unspoken factors that may cause anxiety. Some are obvious, such as fear of costs and fees, fear of losing in court or fear of being disinherited, but some fears may be subtle or unconscious. People vary in their sensitivity to anxiety and conflict-avoidant parties may rush to settle because they cannot tolerate the anxiety of the negotiation process itself, or perhaps because it brings up fears around self-assertion. For others, refusing all offers may reflect feared loss of face, as if ‘settling’ means accepting a basically inferior result. Some may fear yielding long-held anger, which has allowed them to avoid facing grief or dealing effectively with a painful past. Individuals may resist settling because of a feared loss of secondary gain, like sympathy or a sense of importance. Identifying these stumbling blocks is important, but understanding how to relieve the discomfort and fear, or perhaps reframe the rewards to address the same unconscious needs, is where the mediator really earns his or her pay.

Many professionals believe that a mediator should bring calm or peace to mediation through positive thinking and focused intention to relieve anxiety to enhance productive discussion. However, conflict is inherently anxiety-producing. Tension motivated the parties to seek mediated resolution in the first place, and will keep them engaged; it can’t be eliminated but should be monitored throughout and managed wisely.

A successful mediator develops a personal style that projects calm authority, confidence, and respect, but if he avoids acknowledging his own inevitable anxieties, he may be refusing to face some personally-threatening aspect of the situation or the participants. Personal avoidance is another ‘tripwire,’ as the mediator fails to cope appropriately with discomfort, thereby ceding control over a very important part of the process: role modeling. The ensuing loss of authority heightens the anxiety of everyone in the room, and undercuts the mediator’s influence over the participants and the process.

Deliberately manipulating participant anxiety as a ‘tool’ in mediation may seem surprising, but a mediator might want an overconfident party to feel more concern about the risks of failure. The mediator may help the participants unite against a shared threat: the exorbitant costs and strain of litigation; exhaustion of a parent’s finances; backlash from appearing intransigent to the court; and the risk that the decisions may be wrested from the family entirely. The skilled mediator may choose to highlight these realistic concerns while offering a sure way to reduce the risk and the anxiety: cooperation and compromise. 



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