

NAMING, FRAMING AND TAMING: WHY TIMING AND EMOTIONAL INTELLIGENCE REALLY MATTER IN CRISIS INTERVENTION*

INTRODUCTION

Building a relationship in forty-five minutes with the hijacker of a Lufthansa flight,¹ coaching a suicidal ex-police officer off the Whitestone Bridge,² and holding back up to 1000 protesters in front of the Chinese Consulate in Manhattan³ are situations that push the bounds of what crisis interveners⁴ can achieve. In such high-pressure conflicts, including hostage-takings, armed conflicts, and protests, successful crisis intervention requires constant and fluid reassessment of the situation. Intervenors also must be hyper-aware of their “dispute-resolver’s toolkit,”⁵ knowing when and what techniques are most likely to create a safe and workable solution to a dangerous conflict. One powerful technique in this toolkit is “framing,”⁶ which can be understood from two perspectives: framing by the parties, and *re*-framing by the intervener.

First, from the perspective of the parties to the conflict—in this case protesters, warring factions, or hostage-takers—framing consists of “perceptions . . . about what defines the conflict.”⁷ For example, a party’s frame of the situation may include his sense of personal identity, recognition (or lack of recognition) of the other parties, his views of the world, and his

* This title is meant to echo Marcia Caton Campbell’s and Jayne Seminare Docherty’s title, *What’s in a Frame? (That Which We Call a Rose by Any Other Name Would Smell as Sweet)*, 87 MARQ. L. REV. 769 (2004) [hereinafter *What’s in a Frame*].

¹ *Different Voice: Negotiating Without a Net: A Conversation with the NYPD’s Dominick J. Misino*, HARV. BUS. REV. 49, 50 (Oct. 2002) [hereinafter *Negotiating Without a Net*].

² *Id.* at 54.

³ Interview with Jeff Thompson, Community Affairs Bureau Officer in the New York Police Department’s Special Projects Unit in New York, NY (Apr. 27, 2009).

⁴ The term “intervener” will be used throughout this article as a generic term encompassing three types of dispute-resolvers: counselors, negotiators, and mediators. Each of these intervenors will be defined and discussed at length *supra*.

⁵ *What’s in a Frame?*, *supra* note * at 770.

⁶ *Id.* at 769-79. Campbell and Docherty suggest frames are the “perceptions that the parties hold about what defines the conflict, who is involved in it, how issues are presented, what the expected outcomes might be, and how they will be reached and evaluated.” The authors stress that the importance of “framing” an event, such as a mediation or negotiation, is to “structure disputants’ conceptions of the conflict and exert profound influences on their behavior, strategizing, and choice of negotiating tactics.” *Id.* at 769.

⁷ *Id.*

range of acceptable outcomes.⁸ The way a party frames the situation is critical because it “exert[s] profound influences on [his] behavior, strategizing, and choice of negotiating tactics.”⁹ Therefore, to control the rapidly unfolding situation, an intervener must seek to harness this influence by *re*-framing the conflict.

From this second perspective—that of the intervener—re-framing the conflict is a method of managing the situation by encouraging the parties to change the way they view it. Strategically, the intervener re-frames the conflict in the way most likely to bring about a resolution and to minimize harm. To do so, the intervener must take into account certain *inputs*, which inform the way she is able to re-frame the situation. These inputs may include a determination of the number of parties, their backgrounds, issues,¹⁰ interests,¹¹ and most critically for the following discussion, *the intervener’s relationship to the crisis itself*.

This article contemplates three such relationships an intervener may have to the crisis and to the parties: counselor, negotiator, and mediator.¹² These relationships are critical because different techniques and strategies for resolution flow from them. Additionally, when the intervener assumes one of these roles, certain strengths and weaknesses automatically come with

⁸ *Id.* at 769, 774-75 (“Conflict management or process frames encompass the parties’ preferences for particular ways of dealing with conflict.”).

⁹ *Id.*

¹⁰ “Issues are those distinct and negotiable matters or behaviors that are frustrating a party’s interests. Issues are the critical components of the negotiating agenda.” Lela P. Love, *Training Mediators to Listen: Deconstructing Dialogue and Constructing Understanding, Agendas, and Agreements*, in *MEDIATION: PRACTICE, POLICY, AND ETHICS* 229 (Carrie Menkel-Meadow, Lela P. Love, & Andrea Kupfer Schneider eds., 2006) [hereinafter *MEDIATION*]. Some examples from the protest context may be duration, location, and volume. Some examples from the hostage-taking context may be payment, number of hostages, and conditions of surrender.

¹¹ “Interests are the underlying and inescapable human motivators that press us into action. . . . Examples . . . include: survival, security, reputation, financial well-being, respect, career, and health.” *Id.* at 228; JOSEPH B. STULBERG & LELA P. LOVE, *THE MIDDLE VOICE: MEDIATING CONFLICT SUCCESSFULLY* 68-69 (2008) (“Interests are the silent, powerful movers behind positions that parties take. There will be no resolution if someone believes that his primary interests have not been respected, secured, or advanced.”).

¹² To be sure, interveners can have a multitude of potential relationships to the crisis; however, the scope of this paper is limited to the roles of counselors, negotiators, and mediators, and the strengths and weaknesses of assuming each. This narrow scope is not to be construed, however, as suggesting these are the only three roles an intervener can play.

it. To have the maximum positive impact on a crisis, an intervener must not only be aware of the different roles at her disposal but must also know how to navigate the strengths and weaknesses attached to each of them. Even more critically, a crisis intervener must have the ability to move *among* these roles to match the immediacy and fluidity that mark the dramatic dynamics of a protest, armed conflict, or hostage-taking situation.

The true power in each of these roles stems from a counselor's, negotiator's, or mediator's ability to employ a principle- or interest-based approach to the situation, where the intervener looks past a party's "position" to the true "interests" underneath it.¹³ Some have argued that an interest-based approach, now regularly and widely employed in civil disputes of all types,¹⁴ should not apply to crisis situations where lives can be lost in a moment¹⁵ and where instinct—not theoretical classroom debate—matters most.¹⁶ However, recent scholarship

¹³ Interest-based or integrative bargaining, as opposed to position-based bargaining, seeks to "expand the pie." MEDIATION, *supra* note 10, at 53. This makes it so the success of one party to a negotiation does not compromise or preclude the success of another. ROGER FISHER, WILLIAM URY, & BRUCE PATTON, GETTING TO YES 9-14 (2d ed. 1991), *in* MEDIATION, *supra* note 10, at 59. A central tenet of this seminal work is to focus on interests, not on positions:

[T]he drawback [is] focusing on people's stated positions when the object of a negotiation is to satisfy their underlying interests. A negotiating position often obscures what you really want. Compromising between positions is not likely to produce an agreement which will effectively take care of the human needs that led people to adopt those positions.

Id.; Carrie Menkel-Meadow, *Toward Another View of Legal Negotiation: The Structure of Problem Solving*, 31 UCLA L. REV. 754, 795 (1984) ("Parties to a negotiation typically have underlying needs or objectives—what they hope to achieve [and] accomplish . . . as a result of the dispute or transaction. . . . By attempting to uncover those underlying needs, the problem-solving model presents opportunities for discovering greater numbers of and better quality solutions.").

¹⁴ Personal experience as a mediator suggests that interest-based bargaining can be a powerful tool for the resolution of civil disputes, such as in neighborhood centers, housing court, and in employment disputes.

¹⁵ Michael Ross Fowler, *The Relevance of Principled Negotiation to Hostage Crises*, 12 HARV. NEGOT. L. REV. 251, 252-53 (2007) ("Since the inception of principled negotiation, critics have doubted whether the factors that underlie effective negotiation are sufficiently adaptable so that one could adduce principles that would lead to positive outcomes in a wide array of circumstances.").

¹⁶ This argument is familiar from the area of criminal procedure where the Supreme Court has often attempted to make rules that apply to officers in the field, not ones that simply make sense in the controlled environment of the classroom. *See* JOSHUA DRESSLER & GEORGE C. THOMAS, III, CRIMINAL PROCEDURE: INVESTIGATING CRIME 174-87, 333-37 (3d ed. 2006) (discussing the Court's attempt to define workable, flexible standards of criminal procedure for officers in the field) (citing *Illinois v. Gates*, 462 U.S. 213, 232 (1983) ("[T]he evidence thus collected must be seen and weighed not in terms of library analysis by scholars, but as understood by those versed in the field of law enforcement.")).

challenges this view, suggesting interest-based theory is a powerful tool in bringing about successful resolutions to even the most dangerous crises.¹⁷

This article adopts this latter view, acknowledging that theory has the potential to help in crisis situations so long as it informs actual practice. The specific focus of this article, therefore, is to analyze the ways in which successful crisis interveners have used their roles as counselors, negotiators, and mediators to *re-frame* life-threatening disputes in ways that have saved lives and prevented harm. The purpose of this article is: to *name* and categorize the roles adopted by successful crisis interveners; to analyze how the adoption of the roles of counselor, negotiator, and mediator help (or hinder) the intervener's effort to strategically *re-frame*, de-escalate, and *tame* the crisis; and to synthesize and collect this analysis in a way that makes successful intervention techniques easier to recognize, duplicate, and use in the field.

While scholarly attention has been paid to applying interest-based bargaining to crisis situations¹⁸ and to applying framing techniques to traditional disputes, few authors have closely examined the impact that framing can have on preventing or resolving a crisis. Therefore, the focus of this article is to analyze the ways in which interveners can frame their relationship to crisis situations—as counselors, negotiators, and mediators—to help resolve dangerous disputes.

To do so, this article proceeds in four Parts. Part I discusses the technique of framing and its applicability to traditional, non-crisis disputes as well as its applicability to crises, arguing that

¹⁷ Fowler, *supra* note 15, at 317-18:

[T]he record of negotiated resolutions to hostage crises suggests that certain tenets of principled negotiation have played a useful role in past crises and might be instrumental to crafting future settlements as well. . . .

. . . It counsels government negotiators to try to engage hostage-takers in a forward-looking relationship and then focus discussions away from positional bargaining and toward discussion of different interests.

Id.; MITCHELL R. HAMMER, SAVING LIVES: THE S.A.F.E. MODEL FOR RESOLVING HOSTAGE AND CRISIS INCIDENTS 42-43(2007) (discussing the application of interest-based bargaining to hostage takings).

¹⁸ HAMMER, *supra* note 17, at 62 (“[E]merging insights concerning the relevance and application of incident typologies, instrumental strategies, and expressive crisis intervention techniques in the service of peaceful resolution of violent confrontations has been important and will continue to play a role in negotiating the complex . . . crisis incidents police negotiators face each and every day.”).

the interests of protestors, warring factions, and hostage-takers are often extremely deep-seated, making their discovery an even more powerful means of de-escalating a crisis than a traditional conflict. Part II defines the roles of counselors, negotiators, and mediators, and discusses the strengths and weakness of assuming each role during a crisis. Part III analyzes two crises—a protest, and a hostage-taking in the context of an armed conflict—to demonstrate the ways in which successful interveners move among the three roles, harnessing their power to save lives and minimize harm. Part IV synthesizes this analysis.

I. THEORETICAL BACKGROUND

A. *The Principle- or Interest-Based Approach to Conflict Resolution*

A cornerstone of negotiation theory is interest-based bargaining, in which parties look behind stated positions to uncover the true “motivators”—or interests—behind them.¹⁹ In turn, “mining”²⁰ for this type of information creates a greater range of potential, mutually beneficial resolutions, because it provides the parties with more raw material from which to fashion creative solutions to conflict. In this way, interest-based bargainers “expand the pie”²¹ by satisfying each other’s interests, rather than dividing the pie, which creates winners and losers.²² With an interest-based or integrative approach to bargaining, gains are not mutually exclusive.

This attractive feature has led to its incorporation into various types of dispute resolution, including one-party counseling, negotiation, and mediation.²³ Also, interest-based bargaining applies in a multitude of contexts, including disputes in business, employment, teaching, and to

¹⁹ See *supra* text accompanying notes 10-14.

²⁰ STULBERG & LOVE, *supra* note 11, at 68-69.

²¹ See, e.g., Menkel-Meadow, *supra* note 13, at 795.

²² Robert H. Mnookin, *Strategic Barriers to Dispute Resolution: A comparison of Bilateral and Multilateral Negotiations*, 8 HARV. NEGOT. L. REV. 1, 11-12 (2003) (“Most negotiations involve more than dividing a fixed pie—they also offer opportunities for creating . . . [which] is best defined in terms of Pareto-efficiency. An outcome is said to be Pareto-efficient or Pareto-optimal if one party can be made better off only by making the other party worse off.”).

²³ See, e.g., Fowler, *supra* note 15, at 253 (“[P]rincipled negotiation offers sound ideas for conflict resolution of all stripes, helping people to reach agreement . . .”).

situations in which violence is being threatened or has occurred between the parties.²⁴ Its extension and application to high-stakes crisis situations is a more contentious issue.

B. *The Interest-Based Approach to Crises*²⁵

The interests at play in a protest, armed conflict, or hostage-taking are likely to be magnified, extreme, and deep-seated, giving them an amplified potential to become the seeds of resolution.²⁶ Additionally, the interest-based approach is valuable because it establishes a strong “communication framework,” central to navigating the rapidly changing dynamics of a crisis.²⁷

Just as in a business negotiation, a court-annexed mediation, or a one-on-one counseling session at a neighborhood center,²⁸ a critical method of establishing such a framework in a crisis is to dig behind the demands and positions of the protestor, warring faction, or hostage-taker, in order to uncover his true interests. As in other contexts, these interests, in turn, are the raw material necessary to recognize and harness the “escalation and de-escalation” process inherent

²⁴ In numerous personal experiences connected with Prof. Love’s Mediation Clinic at [Redacted for Anonymity], I have had the privilege of employing interest-based bargaining theory in all of the above. My most intense mediation, for example, was between a single high school student and a large group of students who had ‘jumped’ him after school. The parties made it clear that if they could not resolve the dispute, further violence would likely ensue as larger groups of students were involved. Our resolution stemmed from a session in which I used interest-based techniques to elicit information from both students, realizing that they shared the mutual interests of safety and saving face among their peers. Upon making this realization, the parties began to move forward and problem solve.

²⁵ To be sure, the term “crisis” has a colloquial meaning encompassing numerous everyday problems, such as a “financial crisis” or a “personal crisis” in which lives will *not* be lost. The scope of the term “crisis” for the purpose of this paper will be more narrow, including only instances where serious physical harm or death can result from a failed dispute resolution. Specifically, this article addresses protests, armed conflicts, and hostage-takings.

²⁶ See C. William Thomas, *International Corner: Gurus and Guerrillas: Religious Fundamentalism and Dispute Resolution*, 4 HARV. NEGOTIATION L. REV. 115, 166 (1999) (arguing that an interest-based understanding of religious fundamentalists in India is central to the de-escalation of political extremism). Thomas argues, “[a]n ad hoc approach that ignores underlying causes of fundamentalist activism will fail to address the overall problem. The time honored strategy of seeking to control dissent through force has not proven effective in these conflicts and instead seems to intensify the problem.” *Id.*; see also Ariel M. Sasson, *Was “Getting to Yes” possible at Waco?: Revisiting the Propositions of “Principled Negotiation” in the Context of Barricade Incidents with High-Commitment Groups*, 1 CARDOZO ONLINE J. CONFLICT RESOL. 2, *8 (1999/2000) (arguing that the principled form of negotiation proposed by Roger Fisher, William Ury, and Bruce Patton would have increased the chances of survival in the infamous standoff between armed police forces and David Koresh in Waco, TX).

²⁷ HAMMER, *supra* note 17, at 62.

²⁸ For the purpose of this paper, these settings will be considered the more traditional settings in which interest-based negotiation is a routinely accepted method of conflict dispute resolution among major contributors to the field.

in high stakes intervention.²⁹ For example, one of the hostage negotiator's most effective tools is her ability to "track" the dynamics of a situation, recognizing, often from minute linguistic hints, that the situation is getting hotter or cooler.³⁰ To effectively track this escalation and de-escalation, the negotiator needs a starting point. *This starting point is identifying the hostage-taker's interests*, which serve as an objective bar, rising and falling with the success of the intervention. Where the negotiator recognizes that the hostage-taker's interests are becoming frustrated, escalation occurs, raising the bar and sending a signal to the negotiator to try something else more likely to satisfy the hostage-taker's interests.³¹ Conversely, where the negotiator senses the hostage-taker's interests are becoming satisfied, this lowers the bar, telling the negotiator to continue in this direction.³²

An example from the field illustrates this process of identifying the deep-seated interests of a hostage-taker, tracking the satisfaction and dissatisfaction of those interests, and adjusting accordingly. The NYPD's Dominick J. Misino is a hostage-negotiator with twenty-two years of experience, having intervened in over two hundred cases without ever losing a life. He describes an experience where underlying interests were explicitly out in the open,³³ and where he was able to use them as a starting point to de-escalate a crisis.

Misino arrived on a scene where a hostage-taker in an urban environment was surrounded by snipers, ready to die, and threatening harm.³⁴ Previously Misino's backup team determined the hostage-taker had been in a street gang, so the officer's first comment to the subject was, "Look, you grew up on the streets. So did I. Do you want me to lie to you or tell the truth?"³⁵

²⁹ *Id.*

³⁰ HAMMER, *supra* note 17, at 72.

³¹ *See id.*, at 71-72.

³² *Id.*

³³ *See Negotiating Without a Net, supra* note 1, at 50.

³⁴ *Id.*

³⁵ *Id.*

The subject quickly opted for the truth, which satisfied his deep-seated interests in trust and personal safety.³⁶ Misino was the subject's only method of gauging the extent to which his interest in safety was protected, and was the only person with whom the hostage-taker was in contact; therefore, trust was critical. When Misino and the subject agreed to tell each other the truth, Misino realized he had de-escalated the situation by moving towards the satisfaction of the subject's core interests. By continuing to move in this direction, Misino ultimately encouraged the subject to surrender, saving the lives of all the parties involved.³⁷

As in Officer Misino's case, the primary goal of an intervener in a crisis situation is to save lives and prevent serious physical harm. More specifically, the goals of interveners for the purpose of this article are to prevent riots in situations of protest, and to save lives and prevent the escalation of armed conflict where hostages have been taken. In order to successfully bring about these outcomes, interveners "should work to elicit the concerns and feelings of the suspect and thereby convey an empathic understanding of the perpetrator's crisis condition in order to achieve resolution."³⁸ In turn, mining for these motivators behind the crisis may decrease the emotional distress of the parties to the conflict by allowing them to view the situation in a less hostile manner and by making them more likely to engage in rational problem solving.³⁹ Therefore, an interest-based approach to a crisis is not simply applicable to successful intervention, but it is central.⁴⁰ After identifying the parties' interests, the next step is knowing how to harness this power by using these interests to determine the parties' "frames."

C. Framing

³⁶ *Id.*

³⁷ *Id.*

³⁸ HAMMER, *supra* note 17, at 49.

³⁹ *Id.* (Active listening skills . . . are often regarded as the linchpin in helping perpetrators vent and dissipate pent-up anxiety, thereby enabling a decrease in emotional distress, resulting in more rational problem solving . . .").

⁴⁰ *See generally*, HAMMER, *supra* note 17 (outlining an interest-based approach to hostage-taking, called the S.A.F.E. method, discussed at greater length *infra*); *see also* Sasson, *supra* note 26, at *8.

Frames are the parties' perceptions of where they stand, and what "defines the conflict" for them.⁴¹ A party's frame may include who is involved in the conflict, the interests at play, the expected or anticipated outcomes, and how they can be reached and evaluated.⁴² At base, framing addresses ways in which the parties convey their perspectives to the intervener and how the intervener reflects them back to the parties in ways that drive positive outcomes. Evolution of the concept itself can be traced cross-doctrinally, from fields such as behavioral psychology, sociology, and alternative dispute resolution.

From the behavioral psychologist's perspective, a party's behavior and reactions to a conflict can be attributed to the way the party "organizes" her understanding of that conflict.⁴³ From witnessing the party's cognitive organization of the event, an intervener can, in turn, predict future behaviors based on present actions. For example, typically hostage-takers issue a certain number and combination of demands.⁴⁴ This pattern of demands can provide the psychologist with helpful hints as to the hostage-taker's future actions.⁴⁵

From the sociological perspective, conflict and aggression "are not the product of inner drive," but are the result of frustrations that occur within a social group.⁴⁶ On this view, the intervener must tap into the group's dynamic. The central element of this dynamic, where intervention is concerned, is the way members of the group frame conflict itself, and whether or not group members feel comfortable discussing it openly. Much of this sociological theory has derived from international contexts, where a group's "closed or open system" dictates how and

⁴¹ Campell & Docherty, *supra* note 5, at 769.

⁴² *Id.* ("[F]rame analysis has quickly become a central part of the conflict assessment pedagogical canon and the public sector dispute resolver's tool kit.")

⁴³ Margaret A. Wilson, *Toward a Model of Terrorist Behavior in Hostage-Taking Incidents*, 4 J. CONFLICT. RESOL. 403, 421 (2000).

⁴⁴ *Id.* at 422.

⁴⁵ *Id.*

⁴⁶ Frans de Waal, *Primate Behavior and Human Aggression*, in *MUST WE FIGHT?: FROM THE BATTLEFIELD TO THE SCHOOLYARD—A NEW PERSPECTIVE ON VIOLENT CONFLICT AND ITS PREVENTION* (William L. Ury ed., 2002) [hereinafter *MUST WE FIGHT?*].

when an intervener can even begin to try to discover the group's interests.⁴⁷ From the sociological perspective, therefore, an intervener's job is to open the system widely enough to become included in the conversation. One strategy is to take stock of the way the parties frame their own group dynamic, demonstrate enough trust and respect for that system to become included, and finally to re-frame or re-orient the group members towards problem-solving. This sociological call and response approach has generated solutions for NATO forces in Afghanistan, tactical negotiation teams in tribal Kenya, and for European non-government organizations in the Republic of Chad.⁴⁸

In the field of alternative dispute resolution, framing can be defined in terms of anchoring.⁴⁹ The "anchoring effect" occurs when a party takes an initial position based on information about which she is overconfident, allowing the position rather than logic to frame the conflict and define her expectations.⁵⁰ The party's inability or unwillingness to budge from this initial position can curtail progress. Moreover, a position does not have to be rational to create a counterproductive anchor. Often, even extreme positions have the ability to set the framework of a conflict.⁵¹ When this occurs, the intervener must "re-anchor the process"⁵² and begin moving towards a resolution.

Where crises are concerned and stakes are high due to the tendency towards extreme positions, an intervener must develop methods of re-anchoring the parties by focusing on their underlying psychology, the group dynamics, and methods of re-framing the crisis towards de-

⁴⁷ Interview with Jose Pascal Da Rocha, Independent International Mediator, in New York, NY (Apr. 24, 2009) (recording and notes on file with author).

⁴⁸ *Id.*

⁴⁹ MEDIATION, *supra* note 10, at 81-82 ("Anchoring occurs when negotiators rely too heavily on the information at hand. Optimistic overconfidence traps negotiators when they have more faith than they should in the accuracy of their positions, their evaluation of the other side, or other events occurring in the negotiation.").

⁵⁰ MAX H. BAZERMAN & MARGARET A. NEALE, NEGOTIATING RATIONALLY 28 (1992), *available at* <http://www.amazon.com/Negotiating-Rationally-Max-H-Bazerman/dp/0029019869>.

⁵¹ *Id.*

⁵² *Id.* ("[I]f an initial offer is too extreme, you need to re-anchor the process.").

escalation. The critical question becomes *how* this cross-doctrinal, theoretical framework applies on the ground. This question can be answered in two parts. First, an intervener must take cues from the parties by recognizing their frames. Second, the intervener must use this information to re-frame the crisis in a way that helps the parties move towards collaboration, away from harm.

D. Framing and Re-Framing a Crisis

While it is impossible to suggest one magic solution to fit every crisis, it is possible to distill essential elements of framing and re-framing by surveying the recent literature. First, the intervener must intuit the parties' most *basic needs* from the potentially extreme positions they set forth. This is done by recognizing certain "substantive frame patterns," bundles of interests revealed through a party's verbal and non-verbal cues.⁵³ Second, the intervener must encourage the parties to *humanize* each other by helping them "match" or "mirror" their respective frames.⁵⁴ Finally, the intervener must capitalize on these collaborative opportunities to re-frame the parties' conceptions of the conflict by re-orienting them towards de-escalation and resolution.

To achieve the initial recognition of a party's basic needs, Mitchell R. Hammer, Professor Emeritus of International Peace and Conflict Resolution at The American University,⁵⁵ has set forth several framing patterns evident in crises:

The first process is the identification of the predominant . . . frame of the subject and the police negotiator. Is the subject communicatively framing his or her interaction with the police negotiator in terms of bargaining or problem-solving expressed demands (*substantive demand frame*), relational trust or mistrust toward the negotiator or others (*attunement frame*), sensitivity

⁵³ HAMMER, *supra* note 17, at 80.

⁵⁴ *Id.* at 73 ("The goal for the police negotiator when the subject is in a substantive demand frame is to 'match' the substantive frame of the hostage-taker to look for ways to address the substantive demand made by the subject and the demands presented by the negotiator to the subject."); *see also* Fowler, *supra* note 15, at 276-77.

⁵⁵ <http://www.hammerconsulting.org/> (then follow the "About Us" hyperlink).

to how he or she is being perceived by the negotiator or others (*face frame*), or how upset, angry, sad, etc., the subject is (*emotional distress frame*)?⁵⁶

Often, in a crisis situation, it is the party's substantive demand frame—such as a demand for food and water,⁵⁷ bulletproof vests, a getaway car, money, or cigarettes⁵⁸—that surfaces first. Hammer also suggests that even where a party's substantive demand frame comes in the form of an extreme position or a seemingly unreasonable demand, the crisis intervener should seize it as an opportunity.⁵⁹ In some situations, extreme positions might have nothing to do with their actual substance; rather extreme positions may be taken to pacify hard-line constituents, vent frustrations, or to engage in political posturing for the media.⁶⁰

Next, the intervener must encourage the parties to “match”⁶¹ or “mirror”⁶² each other's frames to establish a common ground. To avoid escalation of the conflict by focusing on the parties' divergent frames, a successful intervener must encourage the parties to “communicate with one another within the same frame.”⁶³ David M. Tressler, a Hewlett Research Fellow at the Harvard Negotiation Research Project, illustrates this process with examples of military-civilian negotiations in Iraq in 2008.⁶⁴ In one instance, a commander maintained a critical relationship

⁵⁶ HAMMER, *supra* note 17, at 71 (discussing the “S.A.F.E.” process to successful crisis and hostage negotiation).

⁵⁷ Da Rocha, *supra* note 47; *see also* Fowler, *supra* note 15, at 272 (“A hostage negotiator should aim to project the image of a reliable, reasonable counterpart . . . [when they] are in a position either to satisfy or to frustrate such immediate needs as food and drink . . . [which] may be woven into the effort to establish a working relationship conducive to negotiating the hostages' release.”).

⁵⁸ FREDERICK J. LANCELEY, ON-SCENE GUIDE FOR CRISIS NEGOTIATORS (2003) (non-paginated electronic version on file at Lloyd Sealy Library, John Jay College of Criminal Justice).

⁵⁹ Fowler, *supra* note 15, at 275 (discussing a critical, tactical omission that led to an unsuccessful intervention in the Moscow theater case, where interveners refused to negotiate with Chechen terrorists who suggested they would “fight to the death” even if all their demands were met, losing a potential opportunity to find common ground despite the extreme Chechen position).

⁶⁰ *Id.* at 280.

⁶¹ HAMMER, *supra* note 17, at 71.

⁶² Da Rocha, *supra* note 47 (explaining that especially when cultural systems clash, it is important for the intervener to constantly mirror the parties and encourage the parties to mirror each other, to come to a place of common understanding).

⁶³ HAMMER, *supra* note 17, at 72.

⁶⁴ *See generally* David M. Tressler, *The Soldier and the Sheikh: Lessons from Negotiating in Iraq*, HARV. NEGOTIATION L. REV. 67 (2008).

with a local sheik by allowing the sheik to “‘win’ in front of his people.” In this way, the officer was able to match the sheik’s face-saving frame in order to cultivate a long-term relationship that would benefit both sides, keeping military officials apprised of potential dangers from local elements, and keeping the sheik’s people safe from elevated military assaults.⁶⁵

Another approach to matching is to humanize the parties in order to encourage mutual understanding. Jose Pascal Da Rocha, an expert in international intervention, illustrates this process with an example from Sudan in 2007, where the Sudanese government jailed members of a French non-governmental organization who attempted to bring orphaned Sudanese children back with them to Europe.⁶⁶ Due to the clash of “cultural systems” between the French and Sudanese, initial negotiations were fruitless until the interveners encouraged the parties to evaluate each other’s attunement frames, where people begin to trust and respect each other’s differences. To bridge this cultural divide, the interveners broached the humanizing, universal topics of family, safety, and shelter (the Sudanese children were homeless after their parents had become victims of genocide). Both the Sudanese government and members of the French activist group placed equal importance on the concept of family. As a result, the Sudanese government recognized the merits of releasing the French prisoners from the Sudanese jails, so they could return home to their own families and continue helping displaced children.

Seizing on such opportunities illustrates the final element of instances of successful framing and re-framing in the recent literature: pursuing a “frame-shifting” process. By doing so the intervener can influence and encourage the parties to move towards de-escalation and resolution.⁶⁷ Frederick J. Lanceley, retired chief negotiator for the FBI and architect of the

⁶⁵ *Id.* at 105-06.

⁶⁶ Da Rocha, *supra* note 47.

⁶⁷ HAMMER, *supra* note 17, at 71.

organization's negotiation strategy, provides an illustration of the shift from simply matching a party's attunement frame to transforming a hostage-taker's entire orientation towards the crisis.

Lanceley was involved in a hostage-taking, where a background check revealed the suspect's full-time occupation was that of a truck driver. Once Lanceley learned this information, he abandoned the previous course of his negotiation with the subject, in favor of a non sequitur. Lanceley told the hostage-taker he himself was "in the market to buy a pickup."⁶⁸ Evidently, this matched the subject's attunement frame, causing the subject to begin trusting Lanceley on a human level. The two spoke about trucks for over an hour, when Lanceley finally decided to cash in on their rapport, suggesting the parties "get back to business."⁶⁹ This instance of re-framing oriented the subject towards a life-saving resolution.⁷⁰ Finally, the subject replied, "Hey I'm just going to throw it in. I know you guys are not going to give me what I want. If you want to know anything else about trucks, you'll know where to find me."⁷¹

In each of the above examples of successfully employing elements of framing and re-framing crises, the key elements are timing and emotional intelligence. Shifting from one step to the next prematurely can have dire consequences. Yet, "[p]roperly used, time is the greatest and most effective" technique for intervention.⁷² This critical aspect of timing is informed by an intervener's hyper-awareness of her relationship to the conflict and the role she plays within it.

II. THE ROLES OF INTERVENERS

An intervener's relationship to the crisis, or more colloquially, which hat or hats she is wearing at a given moment, determines how successfully she can help the parties move from framing to matching to re-framing for resolution. Below are some of the strengths and

⁶⁸ LANCELEY, *supra* note 58 (non-paginated).

⁶⁹ *Id.*

⁷⁰ *Id.*

⁷¹ *Id.*

⁷² THOMAS STRENTZ, *PSYCHOLOGICAL ASPECTS OF CRISIS NEGOTIATION* 11 (2006).

weaknesses that flow from assuming the roles of counselor, negotiator, and mediator during a crisis. It should be noted that nearly any experienced crisis intervener recognizes that she is often (if not always) assuming more than one of these roles at the same time.⁷³ The critical recognition for the analysis *infra* is that an intervener's self-awareness can be her greatest asset, and that part of this awareness involves knowing the scope and limits of each role.

A. Counselors

A counselor, such as an attorney or psychologist, is a third party intervener who provides advice and direction to one party.⁷⁴ Counseling or “one-party sessions” can be used to assist clients in the development of problem-solving systems.⁷⁵ In a crisis, where intervention often involves a team, someone assuming the role of counselor might act as a “systemic clinician,” evaluating a party's psychology and behavior in context, then directing team strategy.⁷⁶

Therefore, a counselor's core strength is her ability to help the team recognize the parties' frames and re-orient them towards safe outcomes.⁷⁷ Moreover, a counselor's sharp focus on emotions and psychology may have specific relevance in a crisis where a disproportionate number of parties have clinically diagnosed mental disorders.⁷⁸ Where interest-based theory suggests that interveners expand the pie, counselors are expected to “expand the emotional

⁷³ See William L. Ury, *The Power of the “Third Side”: Community Roles in Conflict Resolution*, in *MUST WE FIGHT?*, *supra* note 46, at 78 [hereinafter *The Power of the “Third Side”*]; see also Da Rocha, *supra* note 47.

⁷⁴ A counselor is one who gives advice to her client regarding dispute resolution options. *MEDIATION*, *supra* note 10, at 417. Specifically, a counselor seeks to determine her client's interests, then designs a dispute resolution process that fits those interests. *Id.* at 417-21.

⁷⁵ *One Party Session*, Safe Horizon: Moving Victims of Violence from Crisis to Confidence (Brooklyn Mediation Center/N.Y. State Unified Ct. System) (2008).

⁷⁶ Laurie L Charlés, *Disarming People with Words: Strategies of Interactional Communication that Crisis (Hostage) Negotiators Share with Systemic Clinicians*, 33 *J. MAR. & FAM. THERAPY* 51, *6 (2007).

⁷⁷ *Id.* at *1.

⁷⁸ HAMMER, *supra* note 17, at 50 (suggesting the majority or “52 percent of all negotiation incidents are perpetrated by suspects who have clinically diagnosed mental disorders, involving antisocial personality, depression, paranoia, and inadequate personality.”).

pie.”⁷⁹ In this way, a counselor is able to uncover emotions, which are “defining points of bargaining that often determine how the interaction unfolds.”⁸⁰ A counselor’s strengths, therefore, flow from her ability to recognize psychological motivators and emotions from a scientific or clinical perspective, alerting team members to the parties’ frames. Her weaknesses come from the fact that she often operates from a perspective of partiality, on only one side of the conflict. This may preclude her ability to build trust among *all* the parties to the crisis.

B. *Negotiators*

The negotiator, as opposed to the counselor, engages *directly* in the situation to realize her (or her client’s) interests.⁸¹ The negotiator herself is a party to the dispute. For example, in a protest, the negotiators may be the protest’s organizer on one side, and the city or state government on the other. In an armed conflict, the negotiators may be a tribal sheik on one side and a NATO troop on the other. Finally, in a hostage-taking situation, the negotiating parties may be the hostage-taker on one side and an FBI tactical negotiator on the other. In this way, negotiating parties are themselves stakeholders in the conflict. This cuts two ways.

First, a negotiator’s first hand knowledge of her side’s positions and interests give her an intimate knowledge from which she can set specific goals. For example, the protest leader or her attorney may negotiate for political reform and know exactly how far from her anchored position she is willing to go before walking away from the table, and encouraging her group to engage in civil or even physical disobedience. The police on the other hand would advocate for their own interests, such as preventing harm and civil unrest, with an intimate knowledge of the state’s

⁷⁹ Andrea Kupfer Schneider & Christopher Honeyman, *Metaphors, Hostage-Takers, and Dealing with ‘Influential Outsiders’ Highlight Excerpts from a ‘Canon’ on Deal-Making*, 24 *Negotiation* 131, *5 (2006).

⁸⁰ *Id.*

⁸¹ A negotiator is one who engages in “a consensual bargaining process in which the parties attempt to reach agreement on a disputed . . . matter. . . . Negotiation usu[ally] involves complete autonomy for the parties involved, without the intervention of third parties.” BLACK’S LAW DICTIONARY 481 (3d Pocket ed. 2006). *See also* MEDIATION, *supra* note 74, at 37 (“As two or more parties seek to resolve matters between them, they often attempt to negotiate directly (or with lawyer representatives) with each other.”)

rules and city's ordinances within which they are able to maneuver and beyond which they could not go. Therefore, the negotiator's core strength lies in this intimate knowledge of the emotional, political, and legal drivers that frame her side of the dispute, making it possible to use creatively this knowledge to affect the outcome. The negotiator has the benefit of operating first person (or through an advocate), squarely in the middle of things. On the other hand, the negotiator's weakness stems from this partiality. No matter how collaborative the crisis negotiator, the NATO troop, or the political protester, there is great risk the opposing parties will see them as an impediment to achieving their own goals, exacerbating the posture of the dispute.

C. Mediators

Finally, the mediator is a third-party neutral,⁸² interposed between others to facilitate discussion and generate movement.⁸³ One core function of the mediator is to help the parties set an agenda so they can begin to make progress towards resolution.⁸⁴ Additionally, the mediator's job is to frame the issues using neutral language⁸⁵ and to maintain a hyper-awareness of semantics and semiotics at play in the crisis.⁸⁶ As such, the mediator's core strength flows from her neutrality, the natural path to trust. For this reason, mediation techniques are successfully employed by peacekeeping forces deployed to step between warring factions. For example, while on duty, Canadian officers deployed in Bosnia consistently used mediation techniques to achieve their objectives by demonstrating their impartiality through cultural awareness.⁸⁷

⁸² A mediator is an impartial third party who "acts as a catalyst" to "enable better communication, encourage problem solving, and develop an agreement or resolution by consensus among the parties." MEDIATION, *supra* note 74, at 91. Often, when direct negotiation fails, "parties may engage the help of a third party—the mediator—who 'facilitates' negotiation and manages the process." *Id.* at 37.

⁸³ See STULBERG & LOVE, *supra* note 11, at 87-98.

⁸⁴ See *id.*, at 79-85.

⁸⁵ *Id.*

⁸⁶ Da Rocha, *supra* note 47.

⁸⁷ James A. Wall Jr. & Daniel Druckman, *Mediation in Peacekeeping Missions*, 47 J. CONFLICT RESOL. 693, 703 (2003) (suggesting all the troops surveyed used mediation techniques to quell conflict while deployed in Bosnia).

However, this expectation of neutrality inherent in the role of a mediator, sets the bar high, elucidating the role's major weakness: the easy pitfall of breaching neutrality, and quickly escalating the conflict. When it comes to re-framing, for example, trust is critical because a party makes a leap of faith when he moves from his anchor towards someone else's suggestion. In a crisis, the realization that this trust has been breached can cost lives or generate violent outcomes. Where negotiators and counselors advertise the fact that they have a stake in one side of the dispute, a mediator advertises neutrality, making a breach of trust particularly jarring to the parties. In fact, the FBI has traditionally discouraged the use of third parties for this reason.⁸⁸

Additionally, practically speaking there is no such thing as being *completely* impartial when responding to facts on the ground.⁸⁹ Sources of these small shades of impartiality—including cultural divides, membership in dispatching organizations such as the World Trade Organization or the United Nations, or even personal quirks and predilections⁹⁰—constantly cloud the process. The response to these weaknesses is to be up front about one's alliances, one's relationship to the conflict, and one's motivations for participation.⁹¹ Where the core currency in a conflict is trust, this honesty is the surest and quickest means of gaining sufficient momentum to work towards framing, matching, and re-framing towards safe outcomes.

One extension of the traditional role of mediator is that of the “third side” where numerous third parties act in concert playing a “host of roles,” working towards collective de-

⁸⁸ See STRENTZ, *supra* note 72, at 30 (addressing the linguistic perils that can occur where a mediator strays from facility in speaking the parties' language). “When we pass the telephone to a non-police person like a parent, priest, peer, politician, or reporter, we lose some control.” *Id.*

⁸⁹ Da Rocha, *supra* note 47. This inherent blur of neutrality is evident in all kinds of mediation, no matter what the context. See MEDIATION, *supra* note 10, at 343 (“Whether or not an individual can be truly ‘neutral’—that is, have no leanings or predilections toward particular parties or to particular issues—is doubtful at best.”).

⁹⁰ *Id.*

⁹¹ *Id.*

escalation.⁹² Instead of having just a single person intervene in the conflict, William Ury suggests that having a collective entity including “witnesses,” “referees,” and “peacekeepers,”⁹³ is a powerful method of containing a crisis because the group dynamic preserves neutrality in a way an individual cannot. Under this construction, the “mediator” is actually a group, powerfully and meaningfully interacting with the parties to help re-frame the conflict.

The following Part seeks to build on the theoretical background discussed *supra*. Specifically, the following Part aims to analyze what exactly was happening when critical turning points occurred in real-life crises. This analysis will identify these moments of crystallization where theory meaningfully impacts practice as crises unfold in the field.

Key elements of this analysis will be to determine where interveners have successfully employed the concepts of framing, matching, and reframing and where interveners have harnessed the inherent strengths of role choices to create turning points in crisis resolution. Finally, it will become evident that *timing* and *emotional intelligence* are essential to harnessing the power of this theoretical framework. Only with study and practice can this element be truly leveraged into results. With the following analysis of real-world examples of crisis negotiation, this article seeks to build awareness of these best practices.

III. HARNESSING THE POWER OF ROLES TO HELP FRAME AND RE-FRAME CRISES

Post-event reflection is the key to harnessing the power of good practices. With that in mind, the following is an analysis that seeks to apply the concepts *supra*—framing, matching, and reframing with a focus on the awareness of roles—to determine what went *right* in the crisis

⁹² *The Power of the “Third Side”*, *supra* note 73, at 81-82 (“We could compare the third side roughly to the immune system . . . [to] . . . prevent the spread of a virus. Strengthening the third side means not just curing disease, not just resolving the destructive conflict, but building health, building the capacity of the community to transform conflict.”).

⁹³ *See id.* at 83-89.

interventions that follow. This section will conclude that the intervener's hyper-awareness of her role in the conflict informs the timing with which she can name, frame, and tame it.

A. *Protests*

In March 2008, Tibetan protesters gathered outside the Chinese Consulate in Manhattan, echoing cries in Lhasa, Tibet to end occupation by the Chinese government.⁹⁴ During a month of protesting, the crowd ranged from 500 to 1000 protesters, and in its most escalated moment, protesters broke through police barricades, throwing rocks through windows of the Consulate.⁹⁵ Remarkably, using integrative techniques such as framing, matching, and re-framing, the New York Police Department in conjunction with its Community Affairs Bureau ("CAB") brought the protest to a peaceful resolution, completely avoiding escalation to a riot.⁹⁶

Jeff Thompson, an NYPD officer in the Special Projects Unit of the Community Affairs Bureau and an expert in cultural outreach in the Tibetan community, was on the front lines.⁹⁷ Prior to the conflict, Thompson had begun building relationships within the Tibetan community, which helped him and other CAB officers recognize the ways in which the protesters framed the conflict. Thompson's relationships with the Executive Boards of various Tibetan organizations and with monks and monastics from the spiritual community helped him identify the stakeholders during the conflict and teach him about the deep-seated historical conflicts between the Chinese and Tibetan cultures.⁹⁸ In this way, Thompson and his colleagues had already fashioned a strong *third side*⁹⁹ that they could leverage during the large-scale conflict to come.

⁹⁴ *Chronology: Day-by-Day Record of Tibet Protests*, REUTERS, Mar. 20, 2008, available at <http://www.reuters.com/article/latestCrisis/idUSSP309236>.

⁹⁵ Thompson, *supra* note 3.

⁹⁶ *Id.*

⁹⁷ *Id.*

⁹⁸ *Id.*

⁹⁹ The third side in this case was comprised of numerous stakeholders in the conflict, including the police department, patrol officers, various Tibetan groups and an entire hierarchy of monks and monastics from the spiritual community.

Additionally, this network of relationships familiarized Thompson and his fellow officers with the Tibetans' concept of cultural identity, or their attunement frames.¹⁰⁰ This armed CAB with the ability to mirror and match the protesters' frames even as tempers flared in front of the Chinese Consulate. For example, during the protest, Thompson spoke into the megaphone using Tibetan phrases and prayers,¹⁰¹ demonstrating an ability to match the Tibetans' cultural awareness. This technique of matching proved so effective that over the course of the twenty-two day conflict, protesters came to endearingly call Thompson "om mani padme hum,"¹⁰² the introduction to a prayer Thompson repeated to demonstrate cultural understanding.¹⁰³ Once he had successfully matched the protesters' attunement frame, he was able to move towards re-framing the conflict towards de-escalation and eventually to resolution.

To do so, Thompson and his colleagues brought in high-ranking monks to stand beside them during the protest's peak where police barricades were breached.¹⁰⁴ While protesters had a tendency, at first, to view CAB as an opposing stakeholder in the conflict, having monks by the sides of the officers send visual cues of neutrality, which had a calming effect on the protesters. By enhancing the strength of the third side, Thompson and his colleagues were more likely to be viewed as neutral mediators—standing next to spiritually revered monks—rather than first-person negotiators, hostile to the interests of the Tibetans. Ultimately, through the efforts of

¹⁰⁰ See *supra* text accompanying notes 52-57.

¹⁰¹ Specifically, Thompson repeatedly recited, "Om Mani Padme Hum," a well known Tibetan chant for inner peace.

¹⁰² The meaning of this mantra is difficult to translate into English, but its effect is to calm those who speak and hear it, "invok[ing] the powerful benevolent attention and blessings of Chenrezig, the embodiment of compassion.

Viewing the written form of the mantra is said to have the same effect."

www.dharma-haven.org, Om Mani Padme Hum: The Meaning of the Mantra in Tibetan Buddhism,

<http://www.dharma-haven.org/tibetan/meaning-of-om-mani-padme-hung.htm#Meaning> (last visited Apr. 20, 2009).

¹⁰³ Jeff Thompson, *supra* note 95.

¹⁰⁴ *Id.*

CAB and other NYPD officers, a resolution was reached where a highly respected monk sang a prayer of solidarity over the megaphone, and at its conclusion, the crowd agreed to disband.¹⁰⁵

The critical aspect in reaching this resolution was the officers' ability to convince the protesters that Thompson and his colleagues were not entirely stakeholders, or negotiators representing the city, but that they were mediators at the core of a strong third side, an extension of the mediator. The officers' ability to contain the protest and prevent a riot, can be traced in no small part to their ability to time this transition between roles, and to wait for a moment of crystallization where taming the conflict became possible through properly matching the protesters' attunement frame.

B. *Armed Conflicts and Hostage Taking Situations*

During the War in the Balkans in 1996, a bus of international passengers—some armed military personnel—on a peacekeeping trip to Sarajevo stopped at a checkpoint, when a group of armed men stormed through the door waving guns, knives, and clubs.¹⁰⁶ Before long, the men took a hostage, dragged him through the back of the bus where the passengers, through open doors, could see him kneeling at gunpoint. Jose Pascal Da Rocha, a member of the peacekeeping mission and an expert in international mediation, sat at the front of the bus, next to the leader of the hostage-taking group who could be identified through his use of English, a language of power in Sarajevo. The leader ranted loudly regarding political injustice that had resulted in poverty for the many families in Sarajevo, and he lashed out against the “rich, western passengers” who could never understand.¹⁰⁷

While the passengers looked down according to their captors' instructions, Da Rocha turned his eyes up to meet the leader's and explained that he understood the leader's concerns

¹⁰⁵ *Id.*

¹⁰⁶ Da Rocha, *supra* note 47.

¹⁰⁷ *Id.*

that foreigners came into the country, dictating terms without providing any true help, effectively leaving locals powerless. Further, Da Rocha conveyed his understanding that the man's true interest was to have the power to provide for himself and his family. Next, Da Rocha mentioned the family of the man kneeling outside, suggesting the leader and the hostage were not that far removed on a human level and the leader had the power to "take the passenger's life, or *give* it back to him."¹⁰⁸ Further, Da Rocha suggested that what the leader really wanted was the power to provide for his family, which could be achieved by taking everything of value from the passengers, but leaving them alive. This would allow the leader to explain to his family not only that he had provided for them, but that he had also been a truly powerful leader by giving a man his life.¹⁰⁹ Finally, the passengers gave up their valuables in exchange for sparing the hostage's life. Before leaving, the leader told Da Rocha, "don't ever do that again, but I appreciate it."¹¹⁰

Upon reflection, Da Rocha's crisis intervention strategy consisted of recognizing the way the leader framed the situation, matching these frames, then re-framing the conflict by empowering the leader to make his own choice to *give* the man his life back, rather than *take* it away. First, Da Rocha inferred from the leader's substantive demand frame—"we'll kill him if you don't give us all your valuables"—that the leader's true interests were not homicidal but violent responses to deep-seated grief caused by poverty and political strife. Playing the role of counselor, Da Rocha leveraged behavioral psychology by referencing the leader's and the hostage's families, matching the human sides—the attunement frames—of the hostage to the hostage-taker. Da Rocha then leveraged this fleeting trust by recognizing the hostage-taker's need to be perceived as powerful by his fellow hostage-takers, the passengers, and to his family when he returned home.

¹⁰⁸ *Id.*

¹⁰⁹ *Id.*

¹¹⁰ *Id.*

Recognizing the leader's face-saving frame, Da Rocha developed an option for the leader that increased the pie: the leader could give the hostage his life back, demonstrating power in front of the parties, *and* still obtain their valuables to help his family's poverty. By powerfully re-framing the situation in this way, Da Rocha moved between the roles of negotiator and mediator. As a negotiator, he was forthcoming about divulging his identity as a party, a member of a Western group on a peace-keeping mission with a stake in the hostage's life. As a mediator, Da Rocha intervened between the hostage and the hostage-taker by demonstrating empathy—"I understand you feel we have come into your country, making demands." While true neutrality clearly would have been impossible, Da Rocha used empathy as its proxy to develop movement in the situation, ultimately saving the hostage's life.

IV. SYNTHESIS AND CONCLUSION

In the real-life situations above, successful interveners consciously or unconsciously leveraged theory—framing, matching, and re-framing—and role choice to save lives and prevent harm. During the protest, Thompson, a negotiator in a police uniform used the strengths of mediation—creating a foundational understanding, projecting neutrality verbally with Tibetan phrases and visually with the help of spiritual leaders—to prevent a riot. During the hostage-taking in Sarajevo, Da Rocha combined the negotiator's partiality as an official on a peace-keeping mission, the mediator's ability to match one's attunement frame even where neutrality was impossible, and the counselor's psychological assessment of the captor, to prevent his fellow passenger from being murdered.

As well as capitalizing on the theory of framing and role choice, Thompson and Da Rocha demonstrated that timing is the best way to mitigate the weaknesses inherent in the roles of counselor, negotiator, and mediator. Thompson, called in monks to stand by his side, moving

towards the neutrality of a mediator *after* the protest had reached its peak during the barricade breach, when he realized the protest leaders developed an interest in minimizing arrests.

In Da Rocha's hostage situation, had Da Rocha aggressively pursued a positional role as a negotiator on behalf of his fellow passengers, he would have violated the leader's face-saving frame costing the hostage his life. Instead, Da Rocha coached and counseled the hostage-taker by providing him with an alternative means of saving face only after building trust and demonstrating neutrality as a mediator by mentioning "family."

This analysis reveals that timing and emotional intelligence are the key to navigating role choice, framing, matching, and re-framing to prevent harm in crisis intervention. An intervener should *name* her role, recognize the party's *frame*, and *tame* the conflict by timing her transitions. Timing based on one's emotional intelligence and her connection to the crisis are informed by practice, which is, in turn, informed by theory. Their interrelation is what creates results, drives best practices, and ultimately saves lives and prevents harm.