

## Comparing a Human Mediator with a Mediationbot in Discernment

2026, AI with assistance from Mary Rowe

Q. Negotiation theory tells us to differentiate between “interests” and “positions,” in dealing with other people. This practice lies at the very heart of mediation service to participants. Would a human mediator or an **Mediationbot** be better at discerning—with a participant—what all the real interests may be?

A. A human mediator is much better at this than a bot, even an advanced one. Here's why, in “interests vs. positions” terms.

### What “discerning interests” requires in real life

To surface real interests behind—or deeply hidden under—stated positions, you generally need to:

1. **Hear the story loosely, not just as if answers to questions.**  
People rarely present interests in a clean list. They circle, contradict themselves, test the listener, try to sort things out.
2. **Notice weak signals and contradictions.**  
“I don't care about the *title*” followed by repeated returns to the title; laughter that doesn't fit the words; long pauses before certain topics.
3. **Test hypotheses gently.**  
“I'm wondering if part of what hurts is feeling excluded, not just the project assignment—is that maybe part of it? Or not really?”  
Then adjust if the person pushes back.
4. **Work with defensiveness and shame.**  
Interests like status, face, identity, fear, rage, guilt, dislike, (or avarice) are often *not* stated—unless to a human ombuds—by a wide margin.

In negotiation terms, uncovering interests (vs. positions) depends on several abilities where humans currently dominate:

1. **Reading subtext and emotion**
  - Participants rarely say: “My interests are recognition, safety, and identity.”
  - They might say: “She can't talk to me like that” or “I just want my old role back” (positions).
  - A mediator picks up tone, hesitations, silence, grimaces, tears, jokes, and contradictions that signal deeper interests: respect, belonging, fairness, job security, identity as a professional, core emotional concerns... etc.
  - A bot can parse words but has only a shallow sense of these emotional cues.
2. **Iterative hypothesis-testing in real relationship**
  - Mediator: “You're saying the schedule is the problem, ...and you keep circling back to how decisions are made. I'm wondering if having **voice** in decisions is part of the issue... or am I off?”
  - The participant may or may not resist, refine, or shift, and the ombuds adjusts in real time.
  - Bots can be scripted to ask, “What's important about X?” but they don't *hold* and refine hypotheses based on rich, relational feedback.
3. **Working with shame, guilt, rage, fear, ambition, and self-image**
  - Core interests often sit under things people feel awkward naming: status, face, role, pride, not wanting to look weak, wanting a voice, wanting to belong, wanting appreciation, wanting benefits, fear of retaliation, anger, or a sense of guilt.

- Skilled mediators can normalize and protect: “People do worry about how they are being seen.” That safety is often what allows someone to talk a little further.
  - With a bot, many users may self-censor on exactly these topics, especially in an employer-controlled system.
4. **Contextual understanding of the organization**
- Mediators can map expressed concerns to local realities: specific managers, the structure of a team, unwritten rules, and norms—on the basis of contextual knowledge.
  - That context helps them ask targeted questions: “How important is that team for your long-term path here?”
  - Bots see patterns in text, but don’t inhabit the political and cultural context where these interests live.
5. **Handling ambiguity and self-contradiction**
- Participants often *don’t yet know* their own interests clearly. They say conflicting things.
  - Mediators can sit with that: “Do I hear that part of you wants to leave? And part of you really wants to make it work here?”
  - Bots tend to push for structured answers rather than help people tolerate, sit with, and sort out internal conflict.

The deeper the stakes, the more:

- hidden or embarrassing or frightening the interests,
- politically sensitive the situation, and
- emotionally complex and painful, the participant’s experience,

the more a **human mediator is required** to really surface and work with underlying interests. A bot can assist exploration; it should not be treated as the primary tool for discerning “what all the real interests may be” in serious conflict or ethical cases. And especially where physical or emotional safety is at stake. **On their own, for a serious issue, a human is better at discernment than a Mediationbot.** Here are the reasons in minimal form:

- **Humans alone**
  - Can weigh intent, context, power, trauma, and long-term relational impacts on all the stakeholders.
  - Can bend or reinterpret rules when strict application would be unjust or unsafe, especially when timing or other factors are important.
  - Can be questioned, persuaded, *in context*, and held morally and legally accountable.
  - Are less consistent and likely more biased but can also *reflect on* and correct those biases. And the human biases may properly reflect real-life vulnerabilities and strengths of the stakeholders.
- **Mediationbot alone**
  - Good at: consistency, speed, pattern detection, applying written rules.
  - Weak at: moral reasoning, understanding lived experience, handling true novelty, resisting hidden biases in its training data, dealing with groups, understanding time parameters for the participant and the organization, understanding risks.
  - Has no way to understand all the stakeholders and their loyalties, genuine accountability, conscience, or risks and benefits for participants and the organization.

**A human mediator is preferable to a Mediationbot for discernment, especially in the Most Serious Cases.**

**Note: AI may display incomplete, inaccurate or offensive information.**

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