THE CHECK-IN TECHNIQUE IN TRANSFORMATIVE PRACTICE

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1. Introduction

Transformative practice is a conflict intervention approach defined by its commitment to party self-determination and the facilitation of interpersonal **empowerment** and **recognition** shifts (Bush & Folger, 2005). In this model, practitioners do not guide parties toward settlement or specific outcomes, but rather support the parties in *deciding for themselves* how to engage in the conversation. A core practical method that exemplifies this commitment is the "check-in" technique. A check-in is when the practitioner explicitly asks the parties what *they* want to do at a given juncture. This way, he/she/* hands the decision-making back to the parties. As one set of practitioners puts it, *"There are lots of decisions being made during a conflict. The practitioner can help the parties by noticing the decision points and asking the parties what they want to do. This is the essence of 'checking in'.*" (Kimsey et al., 2005, p. 147).

This chapter offers an expanded, systematic treatment of the check-in technique. After grounding the intervention in Transformative theory's account of conflict as a crisis of weakened agency and heightened self-absorption, the discussion follows in four major moves. First, we clarify how check-ins create opportunities for empowerment and recognition shifts. In this, we draw on recent practice-based literature. Second, we develop a ***functional dimension* of check-ins**. We distinguish clarifying, process-oriented, agenda-setting, emotional/tension, and decision-point interventions. Third, we introduce three ***structural dimensions*** (open- vs. focused-scope, primary vs. complementary, and open- vs. closed-ended questions) that cut across those functional types and help practitioners fine-tune phrasing and timing. Fourth, we analyze real-time practitioner dilemmas. That means particularly when to intervene, how to phrase options without leading, and how to respect party agency even under escalating tension. Using detailed case vignettes, we demonstrate the decision-making logic in action.

The chapter then widens its lens to examine the **phenomenological, ethical, and agential significance** of checking-in. We argue that repeated, well-timed check-ins do more than manage the process. They restore participants' felt sense of authorship over their conflict, embody an ethic of humility and respect, and contribute to a broader social good by foregrounding human agency.

2. Freedom, Choice and Self-Determination: The Transformative Framework

Any discussion of the check-in technique must begin with the theoretical and **epistemological grounding** provided by Transformative conflict theory. Bush and Folger's Transformative framework posits that *conflict is a crisis in human interaction*. In the heat of conflict, individuals tend to experience a diminished sense of their own strength and clarity (they feel disempowered or "weak") and simultaneously become **self-absorbed**, less able to consider the other's perspective. This dual dynamic of *relative weakness* and *relative self-absorption* often leads to a downward spiral of communication, a negative, destructive pattern that Bush and Folger describe as alienating and dehumanizing (Bush & Folger, 1994, 2005; Folger et al., 2010; Folger & Bush, 1994). Transformative theory, however, also recognizes that conflict is dynamic rather than static. Even without third-party intervention, parties can and do undergo meaningful shifts. *"Conflict is not static. It is an emergent, dynamic phenomenon, in which parties can – and do – move and shift in remarkable ways…"* (Bush & Folger, 2005, p. 55). Specifically, parties have the capacity to move *"out of weakness, becoming calmer, clearer, more confident, more articulate, and more decisive"*, and to move *"away from self-absorption, becoming more attentive, open, trusting, and understanding of the other"* (Bush & Folger, 2005, p. 55). In Transformative theory, these positive movements are termed empowerment shifts (the shift from weakness toward strength) and recognition shifts (the shift from self-absorption toward responsiveness to the other) (Bush & Pope, 2002; Cleven & Saul, 2021; Simon & West, 2022). These shifts are incremental changes in the parties' internal states and attitudes that can gradually reverse the negative conflict cycle. As Bush and Folger explain, empowerment and recognition shifts feed each other in a **"virtuous circle"**. As one becomes clearer and confident, one can be more open to the other's perspective, and as one becomes more open and understanding, one's own sense of strength is reinforced. Over time, this virtuous circle can transform the interaction from destructive to constructive, even if the substantive disagreement remains (Bush & Folger, 1994, 2005; Folger et al., 2010).

Within this theoretical lens, the role of the practitioner is to support, rather than interfere with, the parties' capacity for these shifts. Bush and Folger (2005) emphasize that *party self-determination* and *agency* are central values in mediation. The parties should be the ones to determine the course of their conversation and outcome, as it is *their* conflict and *their* interaction that is at stake. Transformative practitioners seek to restore parties' sense of agency and choice that conflict has compromised (Bush & Miller, 2020). This means the practitioner works *with* the parties' emergent process rather than steering it. All interventions by the practitioner are guided by the purpose of creating opportunities for empowerment (strengthening the parties' clarity, decision-making, and sense of control) and recognition (encouraging attention to and understanding of each other) (Bush & Folger, 2010a). In Transformative

mediation training, a mantra often heard is *"purpose drives practice"* – practitioners shouldn't intervene out of habit or personal desire to fix the conflict, but only in service of the core transformative purpose (supporting empowerment and recognition). This way, Transformative practitioners take self-determination seriously, not just as a formal right but as a lived reality in the mediation room (Bush, 1989; Bush, 2010; Bush & Folger, 2015).

Important in understanding the *check-in* technique is the distinction between **"freedom"** and **"choice,"** and how each relates to **self-determination**. Self-determination in Transformative practice is more nuanced than the simple availability of options. It is both *more* and *less* than freedom in the conventional sense. Philosophers have long noted that genuine autonomy requires more than an open menu of options. It demands a psychological capacity of intentionality, awareness, and congruence with one's deeper values (Simon & West, 2022). Gary Watson (1975) argued that autonomy consists in acting in accordance with one's "values" or evaluative judgments rather than merely yielding to first-order appetites. On this view, self-determined action requires a degree of **self-awareness** and **coherence** between one's choice and one's authentic preferences or values. John Christman emphasizes that autonomy is essentially the capacity to act and choose on the basis of factors that are truly one's own, which entails a level of critical reflection and *internal* independence (Christman, 2020). In short, self-determination is *more* than sheer freedom of choice. It involves an inner endorsement, a sense of authorship over one's decisions. A person who simply reacts or chooses under coercion, manipulation, or unexamined impulse may have options in a formal sense, but is not self-determining in the fullest sense (Frankfurt, 1971; Watson, 1975). Thus, transformative practitioners "checking in" with parties are not just handing over choices. They are inviting a moment of reflexivity and intentionality, asking the parties to exercise their will in an authentic, deliberate way. Each check-in, in effect, encourages parties to align their decisions with their genuine needs and intentions, a process of **intentional choice** that underlies true self-determination. This highlights how self-determination requires more than freedom as absence of interference. Self-determination requires the presence of an engaged, reflective self.

At the same time, self-determination can also be understood as *less* than absolute freedom, in that it does not require a complete lack of constraints or an infinite array of choices. Decisions need not be completely unrestricted to count as self-determined. An agent can exercise autonomy even within a limited or structured range of options. Ian Carter (2004) draws a useful distinction here between overall *"freedom"* and *"freedom of choice."* He shows that one can enjoy an increase in available actions (more freedom in a broad sense) without any increase in the number of meaningful choices one can reasonably select from – and vice versa (Carter, 2004). In other words, simply having more options does not necessarily enhance one's freedom *of choice* if those options are not relevant or distinct for the decision-maker. What matters for self-determination is having *enough* options that align with one's purposes, and the ability to choose among them based

on one's own reasoning. The presence of some external restrictions or a finite set of choices doesn't negate autonomy so long as the person can still intentionally choose within those parameters.

We have to point out that autonomy does not vanish simply because a choice might be deemed suboptimal by others, or because the range of choice is constrained. One retains *self-determination* – the authority to direct one's life – even when operating under various limitations, as long as one is the one genuinely directing one's decisions (Feinberg & Feinberg, 1989). This perspective aligns with Tom O'Shea's (2011) discussion on autonomy. He notes a tension between viewing autonomy as freedom of choice (allowing individuals to decide for themselves what is valuable) versus imposing a threshold of rationality or value that must be met for a choice to "count" as autonomous. Transformative practice decidedly leans toward the former. We see respecting parties' own determination of what matters more valuable than setting substantive conditions on their choices. In mediation, as long as parties are capable of making decisions (i.e. not incapacitated), the assumption is that any choice that comes from them, even one others might find unwise, deserves support rather than override. Consistently checking in on parties' preferences is a way of operationalizing this principle. It conveys that *within the broad limits of the process and basic safety*, the parties' self-determination is paramount and will be honored even if their decisions aren't "optimal" by some external standard.

We can conclude that the *check-in* underscores that autonomy is about *who* decides, not necessarily *what* is decided or how unconstrained the context is. The presence of some restrictions or guidance (such as the structure of a mediation session, or the reality of legal/social constraints) does not extinguish self-determination so long as the individuals involved are freely and knowingly choosing their path within those bounds.

Empirical research in psychology strongly supports our understanding of freedom and choice. Contemporary studies have challenged the simplistic assumption that more choice always means more autonomy or satisfaction.

Sheena Iyengar and Mark Lepper's (1999) finding illustrates that the *experience* of self-determination is not solely about the formal act of choosing, but about the meaning and context of that choice. Hazel Markus and Barry Schwartz (2010) echo this point in their review of freedom, choice, and well-being across cultures. They note that Americans live in a context that lionizes personal freedom and choice. Part of this conception is an assumption that the more choice people have, the more autonomy and well-being they enjoy. Yet Markus and Schwartz (2010) caution that such assumptions are culturally specific and not universally valid. *"The meaning and significance of choice are cultural constructions,"* they write, and in many non-Western cultures (and even among working-class Westerners), freedom and choice *"do not have the meaning or importance they do for* [upper-middle-class] *university-educated* [Western] *people"* (Markus & Schwartz, 2010, p. 344). Even when choice can foster a sense of freedom, more choice is not always better. An excess of options can produce *paralysis, anxiety, or dissatisfaction* – what

is called the **paradox of choice**. As Markus and Schwartz (2010) observe, too many choices can lead to *"paralyzing uncertainty, depression, and selfishness"* (p. 345), potentially undermining well-being. Thus, the blanket equation of choice with autonomy is too simplistic. Beyond a certain point, piling on more options can reduce one's *effective* agency (by overwhelming the decision-maker or heightening regret), and the value of choice itself is interpreted through a cultural lens. We can say that regarding self-determination quality trumps quantity. What enables people to feel autonomous is not infinite freedom from constraints, but the sense that they are authors of a meaningful decision. A modest range of choices, or even a single choice that one feels *ownership* over, can suffice for self-determination. On the other hand, a surfeit of choices or choices made in a void of social context might not enhance agency at all. This empirical insight reinforces the Transformative practice insight. The goal is not to give parties endless options for the sake of it, but to ensure they *experience* themselves as choosing agents. Even the presence of guiding structure or limited options can support autonomy, so long as the individuals see the decision as theirs. As Bush and Folger's Transformative framework contends, empowerment (and thus agency) is often about restoring parties' sense of efficacy and authorship, not about the literal number of choices on the table (2005).

In the *check-in* context, these ideas underscore why the technique is so powerful despite its simplicity. The mediator's question – *"What do you want to do next?"* or *"How would you like to proceed?"* – is not about granting unlimited freedom, but about highlighting the parties' **authorship** of their next steps. It operationalizes the insight that self-determination thrives when people perceive that *they* are making the choice, however constrained the situation might objectively be. Even small choices, like deciding whether to continue a session or what topic to address first, can carry significant agential weight. Recent work by Bush and Berstein (2022) emphasizes noticing and supporting these "small steps" of party choice as critical moments of self-determination in mediation. They argue that when mediators consciously orient to party decision-making, even in minute process choices, it reinforces the parties' ownership of the process and guards against the mediator inadvertently usurping control (Bush & Berstein, 2022). In practice, this means that a check-in *fosters relational autonomy*: the parties are exercising agency, but in a dialogical, supported manner. The mediator's gentle prompt does impose a structure (the conversation pauses for a question), yet it is precisely within that structure that the parties find the space to determine what happens. This reflects a relational view of autonomy (cf. Christman, 2020; O'Shea, 2011) – autonomy achieved in connection with others. The parties are not isolated individuals making choices in a vacuum. The mediator's presence and the conflict context are real constraints, but through the *check-in* these constraints become the stage on which the parties can act out their freedom. The check-in question often *creates* an opportunity for choice where parties didn't realize they had one, interrupting any felt inevitability in the conflict. By explicitly inviting each party's preference (*"Do you want to keep talking about X or move to Y, or do something else?"*), the practitioner is telling them *"You have a say*

in what happens next". This can be revelatory for people mired in conflict who have come to feel carried along by events or by the other side's demands. It's here that the earlier distinction between freedom and self-determination becomes practically important. The parties may not have the freedom to end the conflict instantly or to get everything they want (there are external limits in play), but through *check-ins* they regain self-determination regarding *how* to engage with the situation. They experience what Bush and Folger call a renewed "sense of agency" or authorship in the interaction (Bush & Folger, 2005). Each check-in can be seen as a **micro-exercise in autonomy** – a chance for parties to recognize that *they* are in the driver's seat of the process (Bush & Miller, 2020). Over the course of a dialogue, these moments accumulate into a genuine empowerment shift. Participants leave with a felt sense of self-determination, having made numerous choices along the way about the process and content of their discussion. This sense is achieved without granting unlimited freedom (the mediation session still ends after two or three hours), highlighting again that autonomy is compatible with, and often enhanced by, a supportive framework of dialogue. The *freedom* that check-in promotes is the freedom *to be self-determining* within a relationship and context. By exploring the distinction between freedom and choice, we can see that the Transformative check-in technique honors relational self-determination. It recognizes that while parties may not be free of all constraints, they can still exercise meaningful choice and regain authorship of their conflict experience. However limited or guided the situation, the parties' decisions remain their own. It is that ownership, more than any abstract ideal of freedom, that the check-in seeks to restore and protect.

3. Defining the Check-In Technique and Its Purpose

In the simplest terms, a check-in is a question posed by the practitioner that puts a decision back to the parties regarding how the conversation will proceed. It is often described as a question that makes participants aware of available choices and allows them to make decisions (Simon & West, 2022; Bush & Folger, 2010b; Bush & Folger, 2005). Unlike facilitative mediator-led questions that probe for more information or feelings, a check-in typically focuses on the process or direction of the mediation itself. For example, *"Is that what you want to do now?"* or *"How would you like to proceed?"*. Della Noce and colleagues note that while Transformative practitioners generally favor open-ended questions for exploring parties' substantive perspectives, *"'checking in' is a particular use of a closed-ended question"* – one that *"focuses on a decision about the mediation conversation itself"* (Kimsey et al, 2005, p. 145). In other words, a check-in often invites a yes/no or a choice among explicit options regarding *the next step* in the process (rather than investigating the content of the conflict). For instance, after reflecting one

party's statement, a practitioner might ask: *"Did I capture everything you meant?"* A yes/no check-in gives the party control to affirm or correct the practitioner's summary. Or, at a juncture where multiple topics are on the table, the practitioner might ask: *"Do you feel ready to talk about property division, or would you rather continue with the parenting plan?"*.

Two features make the check-in distinct from more directive facilitation questions. First, a check-in question is firmly rooted in the context of what has just transpired, rather than coming from the practitioner's agenda. It "follows" the conversation instead of leading it (Bush & Folger, 2005; Folger et al., 2010). The practitioner uses what the parties have said or done as the basis to ask, *"What next?"*. For example, *"You've been talking about Issue X for a while and [Party B] hasn't had a chance to respond. Do you want to keep talking about X, or pause and hear from B?"*. This check-in builds on the observable context (one party dominating the Issue X discussion) and returns the decision to the parties on whether to change that dynamic. Because it is grounded in the parties' own interaction, a check-in serves as a bridge between past choices and subsequent ones (Bush & Pope, 2002). It links *what has happened so far* with *what could happen next*, making that link an explicit choice for the participants.

Second, the practitioner's intention in a check-in is to leave the decision entirely in the hands of the parties. The phrasing and tone of a check-in are designed to be *neutral and non-leading*. The practitioner is not covertly hoping for a particular answer. In fact, any answer (including *no answer at all*) is acceptable. Some authors stress that *"a Transformative practitioner is not invested in the questions s/he asks. If a speaker chooses not to answer a question, the practitioner follows the speaker wherever s/he goes."* (Kimsey et al., 2005, p. 145). This underscores that check-ins are offered, not imposed. The practitioner does not seek or require a specific answer. The parties might respond by making a choice, discussing their options with each other, or even effectively ignoring the question and continuing their discussion, all of which are acceptable outcomes. The check-in is successful if it simply creates a space for the parties to *consider* their options; whether and how they articulate a decision is up to them. Susan Jordan, a Transformative practitioner and trainer, emphasizes that the practitioner should present any options tentatively, often describing multiple alternatives rather than a single direction (Jordan, 2022). For example, a practitioner might say, *"Is the way the conversation is going working for both of you, or would you like to change something?"* This way, the practitioner is explicitly leaving it open for the parties to either stay on course or alter course, as they prefer. The tone of a check-in is curious and collegial, not commanding. It is literally a *check-in* – as if the practitioner were asking, *"How are you with this? Are we okay to keep going this way, or do you want to do something different?"* – as a facilitator *partner* rather than an authority.

The opposite of a non-directive check-in would be a directive question or instruction, which *funnels* the parties toward a certain action. Consider the following: *"We've spent enough time on the past; let's move on to discussing solutions."* That

statement (or a question like, *"Don't you think we should focus on solutions now?"*) carries the practitioner's agenda and exerts control. Transformative practice avoids such moves. The check-in alternative would be: *"You've talked a lot about past issues and also touched on some possible solutions. What would you prefer to talk about now – go back to discussing the past, focus on current challenges, or perhaps something else?"*. This latter formulation demonstrates how a practitioner can offer choices in an even-handed way. The practitioner can return to the earlier topic, turn to a new topic, or identify another concern altogether – all framed as equally valid. By contrast, we can give examples of what not to do, labeled as *controlling process*: e.g., *"You both lost me now; I assumed you wanted to talk about maintaining the common areas of the house. Do you want to come back to that?"* or *"You seem stuck; shall I propose a plan to help?"*. These directive interventions reflect practitioner judgments (that parties *shall* speak about something else, or that the parties *need* the practitioner's plan) and thus run counter to the Transformative ethos. In a Transformative check-in, instead of *"Do you want to come back to that?"*, the practitioner would ask both parties something like: *"Is it okay for you that you've moved from talking about maintaining common areas to keeping the peace at night, or would you like it differently?"*. This way the practitioner does alert the parties about the topic shift but crucially leaves it to them to decide whether it's a problem and how to address it.

A check-in is defined by its **contextual nature**, **decision-focus**, and **non-directive delivery**. It follows the parties' conversation, **highlights a decision point**, and **hands the decision to the parties**. The practitioner's *intention* in using a check-in is pure: to support the parties' self-determination, not to advance any particular topic or outcome. A helpful internal question for the practitioner is: *"What is my purpose in asking this now?"* If the honest answer is *"to steer them"* or *"because I feel uneasy"*, then it's not a true transformative check-in and should probably be refrained. But if the purpose is *"to make sure they know it's their choice where to go next"*, then a check-in is likely appropriate. The **goals** of check-in align with fostering empowerment and recognition. In the Transformative framework, every practitioner intervention must serve those goals or it is not warranted. For this reason, we will now turn to examine how check-ins specifically advance **empowerment** and **recognition**.

4. How Check-Ins Foster Empowerment and Recognition

Bush and Folger's (2005) Transformative model is often summarized as oriented toward "empowerment and recognition". Check-ins are one of the clearest embodiments of these priorities in action. The check-in technique creates opportunities for participants to experience empowerment (greater clarity, decision-making ability,

and control) and to engage in recognition (understanding and acknowledging the other's perspective) within the mediation process itself. Let us explore each of these in turn.

Empowerment in Transformative practice refers to the restoration of individuals' sense of their own strength, choice, and capacity. One way that check-ins support empowerment is by giving parties a chance to correct or clarify things in the conversation. Often, a practitioner will follow a reflection or summary with a quick check-in like *"Is that right?"* or *"Did I miss anything?"* (Kimsey et al., 2005, p. 145). If the party responds, *"Yes, that's right,"* they have affirmed their viewpoint with confidence. If they respond, *"No, that's not what I meant – let me explain,"* they are actively asserting their voice to fix the record. In both cases, as Moen et al. (2001) observe, the speaker is gaining clarity and strength from the exercise. The simple act of being asked *whether the practitioner got it right* signals to the party that *they* are the authority over their own experience. It reinforces that the practitioner is not the one defining their story but *they are*. This can be a small but meaningful empowerment moment. The party realizes they can *speak up to correct even the practitioner*, an authority figure, which translates into a greater sense of agency. Della Noce note that check-ins allow a party to *"regain a sense of control and agency"* by correcting a reflection or summary (Kimsey et al., 2005, p. 145). The party experiences that their clarification matters and will be respected, which can bolster their confidence moving forward.

Beyond corrections, check-ins highlight decision moments in the process, giving parties explicit permission to make choices. This is empowering because conflict often makes people feel carried along by events or by others' demands. The check-in pauses that feeling of helpless momentum and says, in effect, *"You have a say in what happens next."* For example, if a mediation session has gone on for a while and the energy seems low, a practitioner might check in: *"We've been at this for two hours now. Do you want to continue for a bit longer, or would it be better to take a break (or even stop for today)?"*. Posing that question empowers the parties to consider their limits and needs, rather than pushing on or ending because the practitioner decides so. Even if one party says, *"I'm okay to continue if you are,"* and they proceed, the crucial point is that it was their choice. Every time parties make such a process decision, however small, they exercise their agency, the very capacity that tends to be eroded in destructive conflict. Repeatedly exercising choice in the mediation has a cumulative empowerment effect. Parties begin to see themselves as active agents in dealing with the conflict, not just passive subjects. Bush and Miller emphasize that recapturing *"the sense of agency and self-determination that conflict has compromised"* is a key part of empowerment (Bush & Miller, 2020, pp. 595–596).

Check-ins can also prompt empowerment in the form of increased clarity and decision-making within the content of the dispute. For instance, consider a scenario where a party is confused about what they want. The practitioner might observe this and check in: *"You seem unsure about how to move forward on this issue. Do*

you want to take some time to think, or talk through the options here, or maybe shift to another topic for now?". By asking this, the practitioner helps the unsure party step back and make a conscious decision. Perhaps the party will say, *"Actually, yes, I'd like to discuss Option A a bit more because I'm not clear on it."* That moment of articulating what they need (time, information, etc.) is empowering. The party moves from confusion toward clarity. Susan Jordan notes that check-ins often lead to "*increased clarity, decision making"* for participants (Jordan, 2022, 00:04:49 – 00:04:52). Similarly, if a party has a chance to say *"I need a break"* or *"I don't want to talk about that right now"* in response to a check-in, that is a direct exercise of autonomy about their own limits. Over the course of a mediation, these small acts of self-determination can accumulate into a significantly greater sense of empowerment for each participant. They leave feeling, *"I navigated that conversation myself"*, rather than *"the practitioner handled everything."*

Now turning to **recognition**, in the Transformative sense this means expanding one's willingness or ability to acknowledge the other person's situation, perspectives, or needs. Check-ins contribute to recognition primarily by making each party's choices and priorities visible to the other (Bush & Folger, 2005; Kimsey et al., 2005; Moen et al., 2001). In a conflict, parties are often so absorbed in their own narrative that they fail to notice the choices the other is making (or trying to make). A well-crafted check-in brings those choices naturally to the forefront. For example, the practitioner says to both parties: *"There is a difference in how each of you is participating in the conversation. Dan, you're actively sharing your perspective and expressing what you see as the issue. Carol, you've been mostly listening and only occasionally speaking up. I want to check in with you – does the way the conversation is unfolding feel okay for both of you, or do you need any changes?"*. This check-in not only empowers Carol to decide if she wants a change but also serves a recognition function. Dan is made aware that Carol has been largely silent and might have a problem with the current dynamic. If Dan had been too caught up in talking, he might not have realized that Carol had something to say. The check-in's mirror of the interaction gives each a glimpse of the other's experience (Dan sees Carol's silence; Carol hears that Dan has been focused on presenting his perspective). Whatever they choose to do with that information is up to them, but recognition is now possible. In this example, Dan might recognize *"Oh, maybe Carol hasn't felt able to speak; perhaps I should pause,"* or Carol might recognize *"Dan isn't intentionally silencing me; the practitioner noticed I was quiet, which means I can choose to speak if I want."* In either case, mutual awareness is heightened.

Another way check-ins promote recognition is by highlighting that people might have different preferences or comfort levels, and that those differences can be acknowledged. For instance, if a practitioner observes that one party is becoming emotional while the other seems impatient, a check-in could be: *"I notice one of you is getting very upset at the moment, and the other is waiting quietly. Do you want to take a moment to address what's happening, or would you prefer to keep going?"*. This invites each to see the other's state. The upset person hears that the other is still

engaged (just quiet). The quiet person hears that the other is in distress. It implicitly asks them to take each other's state into account in deciding the next step. The act of jointly deciding how to proceed can itself be a recognition exercise: each has to consider *"Am I okay continuing, and is my counterpart okay?"*. If they choose to take a break, it might be out of recognition that *"you need a breather"*. If they continue, it might be with a shared understanding that *"we're both okay to continue."* Either way, they have checked in with each other's needs via the practitioner's question.

Check-ins also often surface the different priorities or topics each party wants to focus on, which is a form of recognition. When a practitioner summarizes a list of issues and then checks in – *"Are those the main issues you each want to tackle, or are there other things?"* – the parties will hear not only their own concerns reflected but also the other's concerns. For example, suppose Party 1 has been talking about financial compensation and Party 2 has been talking about an apology. A practitioner summary might outline both themes, then ask, *"Do these cover what each of you wants to address, or do you want to add or change anything?"*. In answering, each party becomes aware of what matters to the other. Party 1 hears that apology is on the list; Party 2 hears that money is the issue. If both say, *"Yes, those are the main issues,"* they are implicitly recognizing the legitimacy of each other's topics, at least to the extent of agreeing that those are the agenda. Even if they don't agree on substance, they have acknowledged what the other wants to discuss. Della Noce note that check-in *"can support recognition shifts by highlighting for the parties the differences in how they see things, so they have the opportunity to appreciate the other's 'different reality'"* (Kimsey et al., 2005, p. 147). The check-in then explicitly asks them to appreciate and choose which topic to handle next. This process can lead to statements like, *"I know you really want to talk about the apology, and we will, but can we first sort out the financial piece?"* Such a sentence is a clear recognition that the other's concern is valid, even as one prioritizes differently. Without the check-in, parties might compete or talk past each other, but with the check-in, they must reckon with both perspectives.

Finally, check-ins can engender recognition of shared responsibility in the process. When a practitioner checks in about the process itself (e.g., *"We have 50 minutes left. How do you want to use them?"*), it casts the issue as a mutual problem for the parties to solve together. In the time management scenario, for instance, a practitioner might say: *"We have 50* minutes *remaining. It seems like there are still a few things on the table. Do you want to focus on just one issue and go deeper, try to touch on everything briefly, or use the time to clarify what you might want to work on outside of this space?"* By addressing both parties and offering options (focus deeply, go broad, or reflect), the mediator invites each to consider the other's priorities and needs. One party might hear that the other wants more depth on a specific topic; the other might hear that there is limited time and a need to be strategic. If they decide together how to use the time, that decision becomes a moment of mutual understanding – perhaps one person recognizes the value of staying focused, while

the other sees the benefit of covering more ground. If they agree to reflect instead, both are acknowledging the limits of the session and the possibility of continued work. In either outcome, each has had to consider the other's position during the joint decision. Check-ins thus create moments of collaboration in deciding the process, which can gently foster empathy or at least acknowledgment.

Empowerment and recognition are interwoven outcomes of effective check-ins. Empowerment is supported as parties clarify their own views, make choices, and experience agency. Recognition is supported as parties become aware of and responsive to the other's choices and perspectives. In Transformative practice, both of these dimensions are considered success. A check-in that leads one party to articulate a preference (empowerment) and the other to realize that preference (recognition) is aligned with the model's goals. Even a check-in that only yields empowerment (say, a party says *"No, that's not right, what I meant was…"* and clarifies their point) is valuable, and one that yields only recognition (parties carry on but now each knows the other is fine with it) is also valuable. In practice, many check-ins do a bit of both. This is why Transformative practitioners view checking-in as one of the core skills that concretely realize the model's transformative potential during the sessions.

5. Typologies of Check-In Interventions

There is no doubt that all check-ins share the fundamental qualities described above. At the same time, we need to acknowledge that they can vary in their **immediate purpose and form** depending on the context. Experienced practitioners recognize a variety of situations in which a check-in may be used. In Transformative practice, several types of check-in interventions can be discerned. This chapter outlines two complementary ways to categorize check-ins: first, according to their **functional purpose** in the flow of conversation (e.g., clarifying, managing process, handling emotion), and second, according to their **structural dimensions** – how the question is framed and positioned (e.g., open vs. closed, primary vs. complementary). Together, these typologies provide practitioners with a nuanced map for navigating and refining their use of this core transformative tool.

5.1 Functional Dimensions of Check-Ins

In this section, we outline key functional typologies of check-ins, such as *clarifying*, *process-oriented*, *topic-oriented*, *emotional* or *decision-point oriented* check-ins, explaining each and providing examples. These categories often overlap (for instance, a check-in can be both process-oriented and situation-oriented), but they help in understanding the range of practitioner responses under the umbrella of "checking in."

1. Clarifying/Confirming Check-Ins occur in the immediate context of a *reflection* or *summary* by the practitioner. After the practitioner summarizes what has been said, they check-in to verify accuracy and completeness. The primary goal here is **clarification** – making sure the practitioner (and both parties) correctly understand what the speaker intended. It is essentially a *complement* to a practitioner intervention to give the party control over that intervention's final form. For example, the practitioner might say: *"So, David, you're frustrated because you feel the service providers are giving you the run-around and not straight answers. Is that right, or is there something missing?"*. This check-in invites the speaker to confirm (*"Yes, that's it."*) or to add/correct (*"Well, I'm frustrated and disappointed, it's not just about answers…"*). A similar clarifying check-in might follow a denominated-type summary: *"I've heard a few key issues from both of you: A wants reliability in scheduling, B is concerned about fairness in chores, and both mentioned respect in communication. Are these the main issues you want to discuss, or are there others?"* Clarifying check-ins support empowerment by letting parties *own their narrative* (they get to say if the summary is right or add what's missing) and support recognition by making sure each party hears the other's issues as that party sees them, not filtered through practitioner assumptions. In our example, Party B hears exactly how Party A frames *their* issues, and vice versa, then each can agree or modify. These check-ins are typically **short, closed questions** (yes/no or a choice to add more) and often include an **option to elaborate** (*"*[…] *or is there something more you want to say about that?"*). They ensure the conversation's foundation is accurately laid out according to the parties.

2. Process-Oriented Check-Ins address *how* the conversation is unfolding, especially the **patterns of interaction** between the parties. The practitioner uses them after making an **observation** about the dynamics in the room.

Common triggers for process check-ins include one party dominating and the other staying silent, both parties speaking at once or talking over each other, an escalating cycle of interruption, or general signs that the agreed process (like the guidelines for the conversation) is not being followed. The purpose is to help the parties decide *how they want to handle their interaction*.

For example, after some time, the conversation seems to have stalled, with both parties sitting in silence. A process check-in for this might be: *"It seems like things have gotten quiet for a bit. Do you want to pause and think individually for a moment, talk about what's making this part hard to discuss, or move on to something else for now?"* Here, the practitioner neutrally describes what is happening (a lull in the conversation) and gives both parties the agency to adjust the process or continue as they are. Another example is when multiple people are talking and not listening. The practitioner might observe, *"It sounds like everyone's talking at once and it's hard to hear each other."* Then check in: *"What do you want to do? Do you want to keep going like this, or take turns, or maybe write things down so everyone*

can follow?". The options presented (continue as is, take turns, use writing) are all process adjustments that the group itself can choose.

Similarly, if there were ground rules agreed, a check-in might address their breach: *"You agreed not to use personal insults, but I've heard a couple from each side. Do you want to stick to that rule? If so, how will you do that? Or do you prefer to drop that rule?"*. Process check-ins like this make the *process itself* an object of joint decision. The parties step out of content for a moment and decide *how* they will talk. This is powerful for both empowerment (they literally design their process) and recognition (they must accommodate each other's process expectations and concerns). It's worth noting that if nobody is bothered by the process, a transformative practitioner might *not* intervene at all. For instance, if parties agreed to no interrupting but both are freely interrupting and neither appears upset by it, the practitioner might decide there's no need to check in. Process check-ins are thus used when the practitioner perceives a potential issue in the interaction that at least one party seems to signal concern about. You might think of this as a *"reflective"* check-in, in the sense that the practitioner is reflecting the interaction pattern (holding up a mirror) and then checking in.

3. Topic/Agenda Management Check-Ins focus on *what subject matter to discuss* or the *prioritization of topics*. In mediation or dialogue, particularly in complex disputes, numerous issues may arise. Rather than the practitioner deciding the agenda, the Transformative approach involves using check-ins to allow parties to choose their own agenda and sequence. A common scenario is that both parties have raised multiple issues. The practitioner might summarize: *"You've mentioned a few different things so far – [Issue A], [Issue B], and [Issue C]. Is there anything else that feels important to include, or does that reflect the main concerns you want to talk about?"* (a clarifying part.) *"And if those are the key points, what would you prefer to begin with or focus on next?"* (this second part is not mandatory; it might follow, if parties during the clarifying part confirm that issues A, B, and C are the main concerns). This check-in explicitly hands over agenda-setting. The parties might say *"let's start with Issue A"* or one might say *"actually Issue C is most urgent for me."* Either way, *they* decide the order and emphasis. Another variant is when parties disagree on what the mediation or dialogue should even focus on. For example, one wants to talk about a relationship issue, the other only wants to talk about money. The practitioner might check in on that at meta-level: *"Right from the start, it seems you've had a core difference in what you see as the focus of this conversation – one of you emphasizing personal matters, the other highlighting financial concerns. Is there something that might help you figure out how to move forward with that? Or would it be better to leave that question open for now and revisit it later?"*. This example shows the practitioner acknowledging an agenda impasse and inviting the parties either to find a way to agree on an agenda or to table that decision. The sentence *"to leave that question open for now"* is even an acceptable answer. It means they might continue discussing the agenda or address both topics simultaneously.

Topic management check-ins ensure that the conversation follows the parties' priorities. They support empowerment by letting parties *steer the substantive focus* ("What do *you* want to tackle next?") and support recognition as each party hears what the other considers important. Frequently, such check-ins also include options that reference what *both* have said. For instance: *"We can continue with what you were discussing, or switch to the other issue that was mentioned, or of course if there's another topic we haven't mentioned, that's also open."* This way, each party's priority is named as an option, subtly encouraging each to recognize the other's priority as legitimate and on the table.

In cases where the same points are being repeated without new insight or direction, a topic-shift check-in might be: *"It sounds like we're circling the same ground a bit. Would you like to keep exploring it this way, try looking at it from a different angle, or maybe shift to a new topic and return to this one later?"*. When parties express that the conversation feels like it's "going nowhere," practitioners can offer a range of responses that support shared decision-making and help reorient the process. These include inviting the parties to brainstorm other ways to make the conversation feel more useful, suggesting a shift to a different topic with the possibility of returning later, or continuing the current discussion with awareness that it may still yield value. Other options include taking time to reflect, scheduling a complementary session, or recognizing that ending the conversation altogether is also a valid choice. All of these are topic-management or agenda-level choices, and presenting them all signals that it's *acceptable to the practitioner,* regardless of which path they choose.

4. Emotional/Tension Check-Ins are used when there is a notable **emotional dynamic** or **"situation" unfolding** that may need to be addressed for the conversation to remain constructive. Transformative practitioners do not aim to soothe or counsel emotions away, but they are attentive to *signals of distress or discomfort* that might indicate a **choice point** for the parties: Do they want to continue confronting the emotional difficulty, or handle it in some way? For instance, if the tone in the room has grown tense, for example, voices have become sharper or body language more closed off, a practitioner might say something like: *"It feels like things have gotten a bit tense. Would it help to pause for a moment, talk about what's coming up for each of you, or keep going as you are?"* This kind of check-in acknowledges the shift in emotional atmosphere without labeling it as a problem, and offers the parties agency in deciding how (or whether) to address it. The practitioner isn't *telling* them to calm down or *forcing* a pause. Quite contrary, they give the emotional party (and the other party) the *choice* of how to deal with the emotional spike. If both parties are heated and the exchange is spiraling, a similar check-in might be directed to both: *"It sounds like things have gotten very intense and that might be making it hard to focus. What do you want to do? Keep going like this, or take a breather, or maybe talk one at a time?"*.

Emotional/tension check-ins are delicate. They require the practitioner to name what is observed (e.g. tears, anger, body language) in a way that is not judgmental, and then to offer supportive choices. When done well, they empower parties (especially the more emotional party) not to feel trapped. They can take a break or ask for a change. At the same time, they encourage recognition, as the other party sees the practitioner pause for the emotion (signaling "this is something real happening to your counterpart"). Sometimes, the mere act of checking in on an emotional spike can lead to recognition. For example, a party might say, *"I don't want a break; I want to keep talking because this is important."* and the other might recognize the first party's determination or pain in that statement. Or vice versa: a party might say, *"Yes, I need a moment,"* and the other might nod and be patient, recognizing that need. Emotions in conflict are closely tied to the feelings of weakness (fear, hurt) and self-absorption (anger, frustration). By checking in at emotional junctures, the practitioner gives parties a chance to transform those feelings into deliberate action (take care of self = empowerment; notice other's pain = recognition). These check-ins overlap with Situation-oriented check-ins (since emotion stems from situation) but are singled out because they deal with **phenomenological situations** – the lived emotional experience in the room.

5. Decision-Point/Situation-Oriented Check-Ins refers to moments when parties face a **substantive decision** or **impasse in the content of their conflict**, and the practitioner checks in to help them navigate how to approach that decision *within the mediation or another session*. For instance, if parties say, *"We can't really decide X until we get input from [a third person] or more data,"* the practitioner might check in about what they want to do given that limitation. The practitioner can respond with a check-in on options: *"You've mentioned you might need outside information to decide this. Do you want to talk to other people (to get that information)? Or end the session now so you can do some research and come back later? Or are you comfortable going ahead with what you know now?"*. This presents multiple paths: seeking external input, adjourning to gather information, or proceeding despite uncertainty – all valid choices for the parties to consider.

Another substantive decision example is when one party is undecided between options. For example, one party hesitates between agreeing to sell a jointly owned apartment now or waiting until the housing market improves, considering both the benefits and risks. A possible check-in for that might be: *"It sounds like you're weighing two real possibilities – selling now or waiting – and each has its upsides and downsides for you. Is there anything in this conversation that could help you make that decision? Or would you rather give it some time and think it through? Maybe talk it over with someone else? Or is there another way that might help you get clearer?"*

This rich check-in does several things: it reflects the party's dilemma (showing understanding), it suggests the conversation itself might be a resource (inviting them to use the mediation for clarity if they want), it gives the option to take time

(delay decision), to seek outside counsel, or any other idea they have. But, it doesn't try to solve the dilemma or push a particular route. It empowers the indecisive party to choose a way forward that suits them, and it includes the recognition element that the other party is hearing this struggle articulated and the options considered. In practice, the other party might chime in. For example, *"I'm okay if you need more time to think, that's fine,"* which is a recognition of the first party's need. Or the party might say, *"No, let's talk it through now,"* and the other will then engage in that conversation, recognizing that this is the chosen path. In either case, the decision on how to handle an impasse is made by the party (or jointly by both) rather than the practitioner.

Another simple example might be near the end of a session, parties might be unsure whether to formalize an agreement or just leave it informal. A practitioner can check in: *"Would you prefer to put some of your understandings in writing, or are you more comfortable keeping them as a verbal agreement for now?"* This type of check-in again ties back to ensuring party control over outcomes. Even the decision *"do we have an agreement or not"* is ultimately up to them, and a transformative practitioner will check in about it rather than assume they must reach a written deal.

5.2 Structural Dimensions of Check-Ins

Although check-in may appear to be a single, straightforward technique, practitioners quickly discover that it takes many forms, depending on the context, purpose, and phrasing.

In addition to the functional types above, check-in questions can be understood along several structural dimensions. These dimensions describe *how* the practitioner's question is framed and how it fits into the flow of conversation, regardless of the specific issue it addresses. They cut across the categories of check-in types. In other words, any given check-in (clarifying, process, topic, emotional, substantive) can be formulated in different ways along these spectra. Recognizing these dimensions adds nuance to our typology, helping Transformative practitioners be intentional about their phrasing and timing, ensuring the intervention remains consistent with Transformative principles. Below, we outline three key dimensions: *Open-Scope vs. Focused-Scope*, *Primary vs. Complementary*, and *Open-Ended vs. Closed-Ended*. Each represents a continuum rather than an absolute dichotomy, and a particular check-in might fall somewhere in between depending on context. For clarity, we describe them as polar categories that highlight the contrast.

5.2.1 Open-Scope vs. Focused-Scope Check-Ins

This dimension refers to the **breadth of the invitation** that the practitioner's question offers. It is basically about the **directional focus** of a check-in – whether it opens the conversation up to explore broader possibilities (*divergent*) or narrows the conversation down towards a particular path or decision (*convergent*). Both are done by asking the parties, but the framing differs. An open-scope check-in is broad and expansive. It allows the conversation to branch out or shift direction based on the parties' preferences and decisions. It does not limit the subject matter of the response. In contrast, a focused-scope check-in is narrow and pointed. It targets a specific detail or decision and keeps the conversation within a particular scope.

Open-scope check-ins are like using a *compass*: they open up space for further thinking without highlighting specific options. It helps parties determine the direction in an open-ended way, inviting them to consider a range of next steps or even pause to reflect. An open-scope check-in does not pre-define the possible answers. It's the broad *"Where do we go from here?"* type of question. These questions often arise at transition moments or when new issues are being solicited. For example, *"What would each of you like to discuss next?"* at the start of a session or after resolving one issue is an open-scope inquiry. It puts no parameters on the content, leaving it entirely to the parties to choose any topic. Similarly, a content-complementary question like *"Is there anything else either of you wanted to say about that?"* opens the floor for further discussion on potentially any aspect related to the last exchange. It's characterized by open-ended wording that does not limit the parties. They allow literally any answer – the parties might introduce a new topic, go back to something, or say they're not sure. The metaphor of a compass suggests that the mediator is helping the parties orient themselves, but not steering them. The parties themselves must choose their bearing. Open-scope check-ins can spur creativity and party leadership, as the parties may take the conversation in an unforeseen direction that they find meaningful. It aligns strongly with empowerment (broad autonomy) and can also lead to recognition if, for instance, one party says, *"Actually, I want to hear what you think about all this now,"* which sometimes happens when given open space. The advantage of open-scope check-ins is that they invite broader participation and new information, supporting parties in voicing concerns that the practitioner might not even be aware of. It resonates strongly with non-directiveness, since the practitioner imposes virtually no frame on the response.

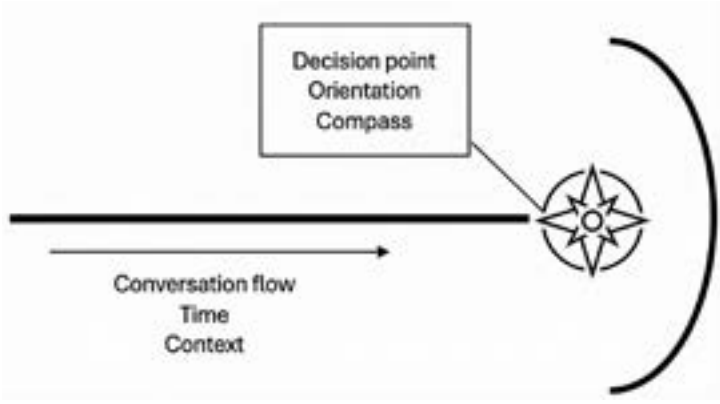

Figure 1: Open-scope check-in scheme

Focused-scope check-ins, on the other hand, are used when precision or clarity on a particular point is needed. Focused-scope check-in is more **structured**. It often involves referencing a specific element from what was said or a particular decision to be made. For instance, *"You just mentioned the budget meeting, Paul – are you talking about the meeting last June?"* in order to help parties get clearer about what the conversation is about. Or in an agenda context, *"Do you want to continue talking about the budget now, or switch to the schedule issue?"* is still a check-in but it confines the scope to two identified topics. The metaphor of a bifurcation point (fork in the road) applies here. It's a decision between two or a few known alternatives. For example, at the end of a session, a mediator might ask: *"Do you think the conversation has gone as far as it can today? Do you want to call it a day, or take a short break and then continue?"* This check-in explicitly presents two options (stop now vs. take a break and continue) that are sensible in the context. The parties are asked to choose a direction. Another example: if parties have identified two issues but can't decide which to tackle first, a focused-scope check-in could be: *"Would you like to focus on Issue A next, or would you prefer to talk about Issue B first?"* The practitioner here is enumerating obvious choices that need a decision. The reason why we use focused-scope check-ins is clear. Sometimes, parties find it easier to choose from given options than to create new ones from scratch. It can provide clarity if an open question might be too vague. As long as the options truly come from the parties' prior discussion – from the content the parties have discussed so far, or from the procedural moment of the mediation (and not out of the blue from the mediator) – this remains party-driven. It effectively summarizes the fork they've reached, then empowers them to choose which road to take. Focused-scope questions reduce ambiguity and help the parties concentrate on one thing at a time when that is needed. This can prevent overwhelming the parties with too many considerations at once, and can also ensure that a particular decision doesn't get lost in a broad discussion.

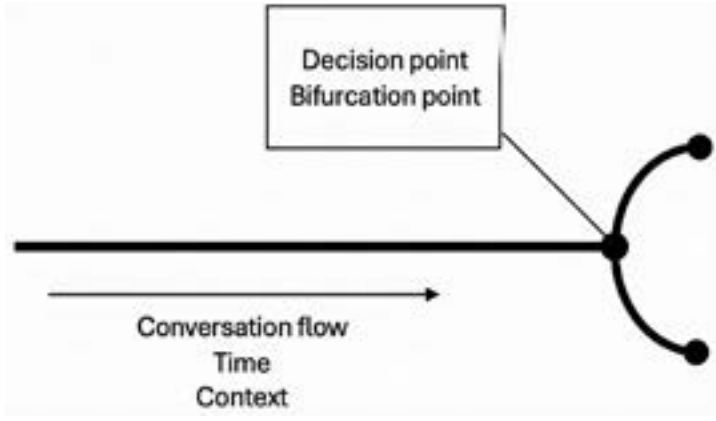

Figure 2: Focused-scope check-in scheme

So **how to choose the scope?** A skilled Transformative practitioner chooses open vs. focused scope in alignment with the parties' needs of the moment. If parties seem stuck or unsure where to go next, an open-scope check-in can gently prompt them to consider any direction that feels right (maximizing empowerment). If parties have introduced a lot of content and there's confusion, a more focused check-in can help clarify one item at a time (providing recognition of specifics). It's worth noting that even a focused-scope check-in remains non-directive as long as the *focus itself originates from the parties' dialogue*. The practitioner is essentially taking one thread that the parties put on the table and checking in about that thread specifically. Both scopes must be used carefully: a too-early focused-scope check-in could inadvertently limit options (so practitioners should ensure any options stated are ones the parties have raised or are "obvious" from context). A too-vague open-scope check-in might confuse parties who feel lost, in which case offering some structure (like re-stating the known choices) can help.

Both open-scope and focused-scope check-ins ultimately serve empowerment. Open-scope check-ins maximize freedom and choice (which can be very empowering but occasionally overwhelming), whereas focused-scope check-ins provide a bit more guidance while still handing the decision to the parties (empowering them to choose among known options). Even a focused-scope check-in must genuinely treat all options (including perhaps doing nothing different) as legitimate. The practitioner's neutrality in presenting the fork in the road is key so that parties don't feel one option is favored.

Both *open-scope vs. focused-scope* reflect how broad or narrow the practitioner's question is, influencing whether it opens up the conversation or narrows it down to a point. Transformative practice often involves a fluid mix of both: knowing when to help broaden the discussion to ensure inclusivity of all issues, and when to help focus it to ensure clarity on decisions.

5.2.2 Primary vs. Complementary Check-Ins

This dimension concerns the source or trigger of the check-in intervention in the flow of conversation. A **primary check-in** is one where the check-in *itself* is the primary intervention, and any reflection or summary before it is just a lead-in or set-up. In contrast, a **complementary check-in** means the main intervention was something else (usually a reflection or summary), and the check-in question is secondary, often merely to confirm or gauge the parties' response to that reflection/summary.

Primary Check-Ins occur when the practitioner provides a minimal reflection or context, then poses the check-in question, which carries the weight of the intervention. For example, the mediator might summarize briefly: *"So, you've discussed a few options for the children's schedule and haven't found one that works yet."* Then immediately follow with a check-in like: *"What would you like to do at this point? Would it be helpful to brainstorm some new options, or do you want to keep talking through the current ones?"*. Here, the check-in question is the main thing. It's asking the parties to make a decision on how to move forward. The prior summary is just there to acknowledge context. Another example is when a practitioner senses a lull or confusion: *"Would it make sense to summarize what's been said so far, or do you want to continue with more details?"* Here, the practitioner is initiating a check-in to find direction after a pause. Primary check-ins can also be about process, like *"We have about 30 minutes left; how would you like to use that time?"* This is initiated by the practitioner's time-keeping role, yet it hands the decision to the parties.

The practitioner's intent is focused on the *question*, helping the parties to explicitly choose next steps. Primary check-ins are common when a clear decision point has been reached, and the practitioner helps to shine a light on it. The advantage is that it strongly reinforces party deliberation. The practitioner essentially says, *"Here's the situation (in brief), now it's up to you – what do you want to do?"*

Complementary Check-Ins are by far the most common in Transformative practice, aligning with the general principle of following the parties' lead. In a complementary check-in, the practitioner's main focus is on something like a reflection or summary, and the check-in is almost an afterthought to ensure the parties are on board or to invite minor clarification. For example, the practitioner might deliver a lengthy reflection of what one party just expressed, capturing their feelings and perspective. After the reflection, the practitioner might add a quick check-in like, *"Is that right?"* or *"Is that how you see it, or is there anything you'd like to add or correct?"*. Here, the primary intervention was the reflection. The check-in (*"Is that it right?"*) is subordinate – it serves to verify the reflection's accuracy or usefulness. Another instance: the practitioner summarizes a list of issues the parties have mentioned so far (primary act), then checks in: *"Does that list sound complete, or is there something missing?"*. The check-in is secondary, aiming to ensure the parties feel the summary is accurate and to give them control to adjust it as needed. In the presentation's terms, the check-in in subordinate mode is usually to "verify

[the] previous intervention". It's a way of still giving the parties a say (empowerment) about the practitioner's intervention. In each of these cases, the practitioner's question is anchored to the party's last contribution. Complementary check-ins tend to feel very natural and non-intrusive to the parties, because the practitioner is essentially reflecting the conversation back to them in question form.

Let's provide some more examples to contrast:

Primary check-in example: Practitioner: *"You've gone back and forth several times on how to divide up the school week and seem stuck. Would it be helpful to think about other options, perhaps by looking at what professionals recommend or what others do or make a phone call or is there anything else that might help you to get clearer?"*. In this real example, the practitioner did a short reflection (*"you seem stuck on dividing the school week"*) and then the core intervention is the check-in question offering an option to consider new ideas. The check-in is primary; the reflection only sets the stage. The practitioner's main aim here is to get the parties to decide whether to brainstorm alternatives using external suggestions or other sources.

Complementary check-in example: Practitioner: *"So as far as the use of the garden is concerned, Mark, your view is that you would like to buy it and keep it as a private space, so the question for you is the price, whereas your view, Elisabeth, is that the garden should remain communal and you should work out a way of sharing it. Is that right?"* The question *"Is that right?"* is a check-in, but it's clearly in service of the summary. The practitioner's primary act was to put back on the table what was said, and now is just checking back with the parties to see if the summary is accurate. If the parties say *"Yes, that's right"* or *"Actually, it was more in December,"* either way, the practitioner has engaged them in confirming the summary.

Understanding this dimension is important because it highlights a potential pitfall. If a practitioner uses too many primary-led check-ins, they might inadvertently start to drive the process (even with good intentions), whereas relying mostly on complementary check-ins keeps the practitioner squarely in a responsive mode. Check-ins often do not occur in isolation. They can be embedded in a complex intervention. Skilled practitioners may blend techniques. For instance, a facilitator might reflect *and* check-in in one turn of speaking. Understanding the distinction between primary and complementary check-ins helps practitioners be mindful of their intention. If the goal is to prompt a decision by the parties, ensure the check-in question is emphasized (dominant). If the goal is mainly to reflect and the question is just making sure the party feels heard correctly, then the complementary check-in should be kept subordinate (and not a heavy-handed question). Being aware of this prevents a practitioner from unintentionally diluting a reflection with an unnecessarily big question, or vice versa.

Transformative mediation literature emphasizes minimal intervention – ideally, the practitioner intervenes *only when needed* and in ways that stay within the frame of the parties' conversation (Bush & Folger, 2005, 2010b). Thus, complementary check-ins are generally the default. They ensure the practitioner's actions are rooted

in the parties' own words and signals. However, there are appropriate times for primary-led check-ins, as noted: starting discussions, handling logistics (time, breaks), or surfacing an unspoken issue like palpable tension. Even then, a primary-led question should be open and neutral, giving parties an easy opportunity to say no or redirect. Both types, primary vs. complementary, describe whether the check-in initiates a new direction or follows an existing one. Both types also maintain two-way communication between the practitioner and the party. Even when a practitioner offers a summary, a quick check-in (even a nod of confirmation as a form of check-in) turns it into a dialogue. This fosters an atmosphere of collaboration rather than a practitioner-dominated approach.

5.2.3 Open-Ended vs. Closed-Ended Check-Ins

The final dimension is the **linguistic form** of the check-in question: whether it is phrased as an open-ended question or a closed-ended question. An open-ended check-in is phrased to invite a free-form response, without suggesting a particular answer. It often begins with words like "how," "what," or "could," and it cannot be answered with a simple "yes" or "no." A closed-ended check-in, by contrast, is phrased to elicit a specific, limited response – typically "yes/no" or a choice among defined options. Both forms have their place in mediation, dialogue, or coaching. This dimension is distinct from the content scope. Even a narrowly focused question can be open-ended (e.g. *"What do you mean by X?"* asks for explanation of X), and a broad-scope question can be closed-ended (e.g. *"Do you want to discuss something else now?"* is yes/no but potentially opens a new topic). Thus, "open vs. closed" refers purely to the question format and the expected form of answer.

Open-Ended Check-Ins are powerful questions in Transformative practice because they give maximum latitude to the parties in how to respond. They encourage parties to express themselves more fully and share their perspective in their own words. For example: *"How do you see the situation at this point?"*, *"What would you like to do next?"*, or *"Could you tell me more about what you're hoping to achieve today?"* Each of these prompts the party to reflect and then articulate whatever they find relevant. In the context of the types we outlined, many clarifying and emotional check-ins are open-ended. For instance, in an emotional moment, asking *"How are you feeling about continuing this conversation?"* invites the party to describe their comfort or discomfort in their own terms. The Transformative practitioner often leans toward open-ended phrasing, especially when the aim is to empower parties to define issues or options in an unrestricted way. Open-ended check-ins tend to foster deeper dialogue and self-reflection; they signal that the practitioner has no fixed agenda for the answer. This supports the parties' sense of ownership of both process and content.

Closed-Ended Check-Ins are closed-ended questions that seek a concise confirmation or choice. They are useful when a specific decision or verification is needed quickly and clearly. Many confirming check-ins use a closed form: e.g., *"Is that*

right?" or *"Are you saying you agree with that proposal?"* These invite a yes/no answer that verifies understanding or stance. Process and substantive decision check-ins also often use closed or either/or formats because they present discrete options: *"Would you prefer to keep talking about this separately, or bring it up in front of your supervisor?"*, or *"You have two topics left – finances and scheduling – do you want to tackle both today?"* A practitioner might even ask a pure yes/no question like, *"Shall we take a break now?"* if it seems very likely needed, though even here, phrasing it as *"Would you like to take a break or shall we continue?"* keeps the decision explicitly with the parties.

However, closed-ended questions can also be leading if not handled carefully. The practitioner must ensure they are not biased or suggestive of the practitioner's own preference. The example *"Would you like to have it written down?"* implies that the practitioner is offering the idea of writing an agreement; depending on the context, this might be something the parties were considering, or it might introduce a new notion (which might be seen as being practitioner-driven). So, practitioners should generally use closed-ended check-ins primarily when the option being offered clearly stems from the parties' conversation or an established need (like clarifying a yes/no on something the party hinted at).

The strength of closed-ended check-ins lies in their clarity and efficiency: they quickly confirm specific points, which can be critical to avoiding misunderstandings or to moving forward once parties have implicitly signaled something. However, if overused, closed questions can make the conversation feel like an interrogation or limit parties to a limited set of answers. The practitioner should ensure that whenever a closed question is asked, it genuinely reflects the parties' established options or serves as a simple reality check, rather than the practitioner's imposed framework.

Let's consider the difference between*: 'Where would you like to go from here?' vs. 'Would you like to have it written down?'*. This highlights how the first question is open and leaves the direction entirely to the parties, whereas the second immediately brings up one specific path (writing it down) and asks for approval or rejection. The difference in these formulations is crucial. The open version upholds neutrality and broad choice, while the closed version narrows the focus. Each has pros and cons. **Open-ended check-ins** can sometimes result in parties being unsure how to answer (*"I don't know, what do you think we should do?"*). In such cases, the practitioner might follow up with a more specific question or offer a couple of choices (shifting to a more closed format) if truly necessary *and* if those choices are derived from an earlier discussion. **Closed-ended check-ins** can facilitate decision-making if the parties are already focused on a particular question. But they risk limiting the parties' imagination. They also might bias the outcome; for example, asking *"Would you like to do X?"* may subconsciously plant the idea that X is a good or expected thing to do. Thus, a practitioner should consider whether the closed question could be leading. If so, rephrasing it in an open format (such as *"What would be most helpful for you now?"* instead of *"Would writing this down be helpful?"*) might be preferable. Closed-ended check-ins should be employed in

a *Transformative-consistent way*, meaning they should clearly emanate from the parties' conversation and still leave the final say with the parties. If done correctly, even a closed check-in still supports empowerment (a party can say yes or no freely) and possibly recognition (for instance, if one party needs to ensure the other is okay with writing things down, etc., asking in front of both parties can show consideration for each other's preferences).

In practice, practitioners often blend open and closed formats even within a single intervention. For example, an agenda check-in might start open-ended, *"What issues do you still need to cover?"* and then follow up with a closed confirmation, *"So the two main issues are X and Y, correct?"* This combination allows parties to express themselves freely and then to solidify mutual understanding with a clear yes/no. The open-ended vs. closed-ended dimension is fundamentally about language structure, and a Transformative practitioner strives to use it intentionally: open questions to empower and explore, closed questions to confirm and clarify. By being conscious of this dimension, practitioners ensure they are not unconsciously leading the parties. Even a closed question in Transformative mediation is framed as a genuine check on the parties' wishes or understanding, not as a pressure to agree. In summary, mastering both open and closed-ended check-ins – and knowing when each style serves the conversation – is a key part of the practitioner's skill set within the Transformative approach.

These typologies are not rigid compartments. In practice, a single check-in can serve multiple purposes. For instance, a practitioner's check-in might simultaneously clarify content *and* manage the agenda (e.g., verifying the list of topics and asking which to tackle first). Or an emotional check-in might also be considered a process check-in (since high emotion is affecting the process). The important takeaway is that check-ins are versatile tools. Transformative practitioners use them in response to different kinds of "dilemmas" or decision points that arise: factual clarification dilemmas, process management dilemmas, agenda-setting dilemmas, emotional moments, and substantive impasses. In each case, the practitioner's move is to frame a question back to the parties rather than making a unilateral decision.

By having a repertoire of check-in types, practitioners can remain responsive to whatever is happening. As Jordan notes, *"whenever I start to feel I need to have an answer or something's happening that I didn't anticipate, I remember I don't have to worry – I can just name what's happening and give it back to the group"* (Jordan, 2022, 00:00:46 – 00:01:02). This mindset underlies all types of check-ins: the practitioner *names* (reflects) the issue and then gives it back (checks in). It provides a sense of safety for the practitioner in the face of unpredictability, and more importantly, it consistently reinforces to the parties that *they* are in control of their conversation. In the next section, we delve deeper into how practitioners decide when and how to use these interventions, as well as some of the challenges or practitioner dilemmas that arise in real-time.

Tables 1 and 2 below summarize both typologies of check-in interventions, with their typical context and an example of each:

Table 1: Functional Check-In Types

Functional check-in type	Immediate purpose	Typical context	Illustrative practitioner prompt	Usual question form & notes	Key empowerment / recognition effect
Clarifying / Confirming	Verify accuracy of a reflection or summary	Right after mediator restates a party's words	"So you're frustrated with the run-around – did I capture that, or is something missing?"	Closed **yes/no** + option to elaborate; *complementary*, *focused-scope*	Parties own their narrative; each hears the other's issues as stated by that party
Process-Oriented	Let parties decide how to manage the interaction	Interruptions, silence, rule breach, escalating pattern	"It sounds like you're talking over each other. Keep going, take turns, or write things down?"	Usually lists 2–3 options; often *primary*; scope varies	Parties co-design the process and acknowledge each other's process needs
Topic / Agenda Management	Hand control of subject order & priorities	Many issues, looping, agenda dispute	"We've named A, B, C. Anything to add? Where would you like to start?"	Opens first, then may narrow; mix of open and option--based	Parties steer substance; each recognizes the other's priorities
Emotional / Tension	Surface and give choice about handling strong emotion	Noticeable anger, tears, tension spike	"It feels tense. Pause, talk about it, or keep going as you are?"	Descriptive lead-in + options; *primary*; focused on moment	Emotion-bearing party isn't trapped; counterpart sees and can respond to the emotion
Decision-Point	Help parties choose a path when a concrete fork appears	Need outside info, two clear options, end-of-session choice	"You may need data to decide. Pause to research, carry on now, or something else?"	Presents discrete options; *primary*, *focused-scope*	Parties make their own way through an impasse; dilemma made explicit for both

Table 2: Structural Check-In Types

Structural type	Core aim of the phrasing	When it's especially useful	Prompt pattern (examples)	Expands or narrows choice?	Watch-outs if over- or mis-used
Open-Scope	Throw the conversation wide open; invite any direction	Transitional moments, parties seem unsure where to go	"Where would you like to go from here?"	**Expands** – divergent	Too vague if parties feel lost
Focused-Scope	Zero in on a specific decision or detail	A clear fork or need for precision	"Talk about Budget A or Scheduling B next?"	**Narrows** to named choices	Can limit imagination if mediator supplies options not rooted in party talk
Primary	Use the question itself as the main intervention to spotlight a choice point	Lulls, time checks, unspoken tension	"We have 30 min left – how would you like to use it?"	Either expands or narrows (depends on wording)	Over-use can feel mediator--driven
Complementary	Merely confirm or fine-tune a preceding reflection/ summary	Routine after most reflections	"Did I get that right?"	Usually narrow; quick	If skipped, mediator's summary may feel one-sided
Open-Ended	Invite a free-form answer in the party's own words	Exploration, emotion, story gathering	"How do you see the situation now?"	Expands	Parties may ask mediator to decide if they feel overwhelmed
Closed-Ended	Get a clear yes/no or pick from stated options	Verification, quick decisions, time-saving	"Shall we take a break now?" / "Option X or Y?"	Narrows	Can become leading or feel like interrogation if over-used

6. Practitioner Dilemmas and Real-Time Decision-Making in Check-Ins

Executing check-ins in the fluid environment of a live mediation requires attentiveness and judgment. Practitioners often face dilemmas in real time: *Should I check in now or let them continue?*, *How do I phrase this check-in to avoid leading?*, *Am I intervening because I'm uncomfortable, or because they need it?* This section examines common decision points for practitioners regarding check-ins and discusses how Transformative practitioners navigate these choices. We will integrate analysis of selected examples to illustrate these practitioner decision-making moments.

One fundamental principle that guides practitioners is to **rely on party signals rather than practitioner impulses**. Transformative practitioners are trained to look for signals from participants about what they need, rather than acting on their own feelings of discomfort or assumptions about what's best (Bush & Folger, 2005, 2010a; Kimsey et al., 2005). This can be challenging, as practitioners are human and will notice many things that *they* might perceive as problems – e.g. long silence, raised voices, tangential topics. The dilemma is: *Is this something the parties actually need addressed, or is it just bothering me?* A useful checkpoint, as Susan Jordan describes, is for the practitioner to *"check myself first – my intention – and ask: Am I bothered by that* […] *or are they?"* (Jordan, 2022, 00:10:49 – 00:10:56). Jordan refers here to Core Activity 2 – Monitor Yourself: *"After identifying an opportunity for empowerment or recognition, the mediator thinks before responding, in order to monitor his or her motivations to intervene and maintain exclusively supportive intentions."* (ISCT, 2010, p. 34) Only if at least one party is clearly signaling (through words, tone, body language, etc.) that an intervention might be needed does the practitioner proceed to check-in. For example, consider ground rules: if parties set a rule and then break it, a novice practitioner might immediately feel obligated to enforce it. But a Transformative practitioner holds back unless someone shows it's a problem. Consider the situation where participants often **don't follow the agreed rules**, but there are no signals that this is a problem for them, so the guidance is "No intervention". If, however, one party *does* say it's a problem (e.g. *"Hey, we said no interrupting and he's interrupting me"*), giving a clear signal of dissatisfaction, so the practitioner intervenes with a check-in about the rules. Example given by Łukasz Kwiatkowski (2024) in his check-in workshops: *"You agreed rules for your conversation at the beginning, and it looks like you have different approaches to following them. You A sometimes follow them and sometimes don't, and it concerns you B, every time A doesn't follow them. What do you want to do about it? Do you want to discuss them again and possibly change something, maybe reaffirm their validity, or maybe you don't need them anymore?"*

This pair of scenarios highlights a key practitioner decision: the practitioner must discern the presence of a signal from the parties. If none, even a seemingly

"good" check-in could be experienced as intrusive or puzzling. If yes, the check-in will be a welcome opportunity for the parties.

Another classic dilemma is how to handle one party's **silence** or minimal participation. Silence in conversation can mean many things: acquiescence, internal processing, discomfort, intimidation, or simply that the person has nothing to add at that moment. The practitioner might worry that the silent party is not getting their needs met, but from a Transformative stance, one shouldn't jump to intervene unless there's some indication the silence is problematic *to the parties*. A common approach is to do a general check-in that includes both parties, rather than putting the silent person on the spot. For instance, in the earlier example where one person speak at length on some topic and the other stay silent, the practitioner's non-directive check-in may addressed to *both*: *"Is the way the conversation is going (with one doing the talking and one not) okay for both of you, or would you like to change something?"*. This way, the silent person is given an opening to speak up if they want, but they are not singled out with a pointed question like *"And what do YOU think, B?"*, which could feel accusatory or pressuring. The practitioner faces a micro-dilemma in phrasing: do I indirectly invite B to speak, or directly ask B for input? The Transformative best practice leans toward the indirect, mutual invitation, as shown in the example. By saying *"both of you,"* the practitioner ensures the decision is framed as a joint matter. If B truly is fine being silent, B can say: *"It's okay, I'm listening."* If B was uncomfortable, B now has the practitioner's implicit permission to request a change (e.g., *"Well actually, I do have some things to say…"*). Meanwhile, A also hears that silence is not necessarily consent – it prompts A to check if B is really okay with how things are going. This can spur A's recognition of B's situation.

Let's analyze a brief excerpt to illustrate this silent-party scenario:

Mediator:
"You've been approaching the ISCT's schedule in different ways. Janet, you've shared several ideas and suggestions, and Lydia, you haven't said much yet. Is this pace and balance in how the conversation is going okay with both of you, or is there anything you'd like to adjust?"

Lydia:
"Sure. I've been listening, but I also have some preferences. I was waiting to see what Janet would suggest, but I'd like to talk through my thoughts, especially about the summer plans."

Janet:
"Oh – I didn't know you had something in mind already. Thanks for saying that. Yeah, go ahead – I'd really like to hear."

In this hypothetical continuation, we see that the mediator's check-in unlocked Lydia's voice without ever forcing it – Lydia felt "invited" rather than pressured, which is an empowerment shift for Lydia. At the same time, Janet recognized that

Lydia had actually been holding back, a small shift in recognition for Janet. The practitioner had to judge that a gentle process check-in was appropriate. Lydia's body language (perhaps looking like she wanted to speak, or on the verge of talking but not breaking in) was a signal that prompted the practitioner to act. If Lydia had appeared completely content and relaxed, the mediator might have held off longer.

Another practitioner challenge is managing **escalating negative cycles**. Transformative practitioners allow conflict to be expressed – even if conversation gets heated or angry, they don't automatically shut it down because that expression can be part of the parties working through it. However, they remain alert to weakness and self-absorption cues that indicate the parties are spiraling in a way that they might find unconstructive (e.g., they start repeating themselves, showing confusion, or expressing hopelessness). Suppose both parties are arguing fiercely and talking over each other. A practitioner might initially let it go to see if it settles, but if it continues and neither is really hearing the other, the practitioner faces a decision: intervene or not? If the parties seem *frustrated that it's going nowhere*, that's a cue for a check-in. Consider the following scenario.

Two siblings, Christian and Anja, are in a mediation about roles and responsibilities in a business they co-inherited. They've started blaming each other, raising voices, interrupting, and ignoring practitioner reflections. Attempts to summarize have been drowned out. Their tone is sharp, and their body language is tense and closed.

Practitioner:
"It seems like the conversation is getting more difficult and pretty intense. Would it make sense to keep going like this, or take a break, or maybe even stop for today and think about next steps?"
Anja:
"I don't know. I'm tired of this. We're not getting anywhere."
Christian:
"Yeah. But I also don't want to walk out again – we've done that too many times."
Practitioner:
"Would either of you want to take a short pause and come back to see if things feel different? Or if you prefer to stop completely for now, that's absolutely up to you."

During basic training, many practitioners were taught to **suggest options** for people spiraling into weakness/self-absorption, such as *taking a break, continuing as is, ending the mediation, holding separate sessions, or any other ideas the parties may have*. Presenting even the option to end the mediation is significant: it shows the practitioner is not attached to forcing them to continue in a miserable pattern, and it reminds them *they have the power to stop*. Ethically, this respects their self-determination; practically, it might jolt them into deciding *together* if they want to salvage

the conversation. Some practitioners fear that suggesting *"end the mediation"* will encourage the parties to quit. But in Transformative practice, it's considered *their right to quit* if they choose. Continuing only has value if they themselves decide it does. In many cases, paradoxically, giving people the real option to exit makes them feel less trapped and thus more willing to continue, because they know they are staying by choice, not coercion.

A nuanced dilemma arises when the practitioner perceives a problematic **interaction pattern** that the parties themselves have not verbalized or perhaps even noticed. One party keeps making a point, while the other keeps ignoring that point and changing the subject. Each time this happens, they argue heatedly, yet neither has explicitly pointed out this pattern. The practitioner identifies a cycle (or pattern) in their interaction that is causing repeated flare-ups. Now, should the practitioner bring this to the parties' attention? Transformative practitioners are cautious about imposing their interpretation, so as not to move into a more directive, analytic role. But if the pattern is clearly fueling the conflict and the parties seem caught in it, an observation + check-in can be a powerful intervention.

Consider the following example: two project leaders in a cross-departmental conflict at work. They are supposed to coordinate on a shared initiative. Throughout the conversation, Marko tries to raise concerns about unrealistic timelines. Each time, Cherise shifts the focus to staffing or budget constraints. After a few such turns, the conversation escalates into mutual frustration, accusations, defensiveness, and raised voices.

Practitioner:
"I'm noticing a pattern: Marko, when you bring up concerns about timing, Cherise, you tend to shift to the issue of resources or staffing, and then the conversation seems to get more heated. Would it be helpful to talk about how this pattern is affecting the conversation, or would you rather continue with the specific issues, or maybe take a moment to think about what you want to focus on?"
Cherise:
"Huh. I guess I have been dodging the timing part – I just feel overwhelmed."
Marko:
"And I thought you were just ignoring it. Yeah, I think we need to pause and talk about why this keeps happening."

This is a fairly direct reflection of an interaction pattern, one that the parties themselves had *not* articulated. The practitioner's dilemma is balancing bringing insight vs. staying neutral. The solution here is that the practitioner presents it *hypothetically and choicefully*: *"Do you want to talk about this pattern or continue as you have been, or do something else?"* By doing so, the practitioner avoids *insisting* that the pattern must be dealt with. It may be news to the parties, or it may not resonate with them, and they are free to disregard it. In Transformative practice, it's permissible for the practitioner to notice and name a pattern as long

as it's done tentatively and followed by a genuine check-in (Bush & Folger, 2005; Della Noce, 2010). If the parties truly hadn't noticed, hearing it could trigger recognition (*"Oh, we do that!"*) and empowerment (*"We can choose to change that pattern if we want"*). If they don't think it's relevant or aren't ready to face it, they can choose to continue as before, and the practitioner will respect that. The risk a practitioner wants to avoid is phrasing it in a way that *demands* they address it (which would be leading). That's why adding the option *"… or continue to discuss specific topics as you were"* in the example is crucial. It legitimizes the status quo as one valid choice.

Another practice dilemma is phrasing the **scope of options** in a check-in. A practitioner at a decision point often has to decide: do I list specific options, or ask an open "what do you want to do?" Generally, listing a few options can be helpful as long as they are the options the parties themselves have implied or would naturally consider, and as long as they are presented even-handedly. For instance, if a couple in mediation has generated two possible plans to discuss, the mediator might check in, *"Do you want to talk about Plan A next, or Plan B, or go in a different direction?"* Listing A and B (which came from them) plus the open-ended *"or something else"* covers the bases. However, listing options runs the risk of *accidentally omitting* an option the parties might want. Therefore, many practitioners will include a catch-all like *"or something else"* or *"or any other idea you have"*. They also try to include at least one option to *do nothing different* (continue, or leave things as-is), so the parties don't feel the practitioner is pushing for change.

We can demonstrate how different phrasings of a check-in can tilt the focus. Imagine a divorcing couple dividing shared belongings and financial responsibilities. They are quietly, methodically going through a list: the car, the sofa, the bills. Every few minutes, the woman wipes away tears and softly says, *"Sorry, I'm okay."* The man occasionally sighs and looks out the window. Neither interrupts the task. There is clear emotional weight in the room, but neither addresses it directly. They continue to work through the list. Mediator can check-in with them: *"Is there anything that could help you talk about what you are struggling with?"* This option is too narrow in its framing. The question assumes that the parties *should* discuss their emotional struggles. This subtly positions their silence as a problem to be solved, which can feel intrusive or even directive. It assumes that talking about the struggle is inherently better than not doing so. Moreover, it fails to acknowledge that continuing as they are – working through the agreement in silence – is a valid choice. In Transformative practice, legitimizing the current course of action is essential, as it respects the parties' autonomy and timing. Another option for a mediator is to check-in like this: *"You're continuing the conversation, even though it seems challenging. Is there anything that might make it a bit easier for you as you go on?"* This option is too vague and risks minimizing the depth of what's happening. The phrasing: *"It seems challenging. Is there anything that might make it a bit easier for you as you go on?"* softens the emotional tension to the point where it may gloss over the lived reality of the moment. Instead of naming the palpable emotional

undercurrent, it redirects the focus toward comfort, which may not be the parties' primary concern. It also offers only one direction: making the conversation more comfortable. But what if the discomfort is deliberate, or silence is a form of coping or control? In this way, this check-in potentially bypasses the emotional truth rather than respectfully holding space for it. The best version would be: *"You've been going through one agreement point after another, and at the same time, there's a noticeable tension. Both of you seem to be carrying something difficult that hasn't been voiced. Would you like to talk about anything beyond the agreement points, keep going the way you have been, or is there perhaps something else that might support the conversation right now?"*

This variant is the Goldilocks: it explicitly mentioned *the option to continue as they have been,* and the option to discuss the underlying issue *and* that something else could be done. From a practitioner's viewpoint, the last check-in is the most aligned with Transformative principles because it maximizes the sense of freedom (one choice is to stay on the same path) while also giving permission to address the issue if desired. The practitioner's dilemma in practice is that one cannot always script these options perfectly in advance. It takes presence of mind to offer a balanced menu in the moment.

Practitioners also grapple with **when not to check in**. Silence from the practitioner can be fine, especially if the parties are engaging directly. Even in difficult situations, the practitioner might intentionally step back to see if the parties resolve it themselves or ask for help. Check-ins should not come so frequently that the parties feel constantly interrupted or as if the practitioner is micromanaging their every move. The art is to intervene just enough to keep the parties aware of their agency, but not so much that the conversation loses its natural flow. Susan Jordan advises that check-ins are not random; they are done *"at a time where we're noticing some disempowerment or self-absorption in the room"* (Jordan, 2022, 00:06:39 – 00:06:47). For example, if people are shutting down, not listening to one another, talking over one another – classic signs of weakness or self-absorption. But if people are actively exchanging and seem to be okay (even if the practitioner feels the content is "negative"), the practitioner might hold off. A novice practitioner might over-check-in out of a desire to be seen as doing something; an experienced practitioner has comfort with allowing productive struggle.

A rarely mentioned insight is that **check-ins also benefit the practitioner** – they reduce the pressure on the practitioner to come up with solutions. As Jordan shares, check-ins *"provide a sense of safety for me as a facilitator in the face of the complexity and unpredictability of humans and groups… whenever I start to feel I need to have an answer* […]*, I remember I can just name what's happening and give it back"* (Jordan, 2022, 00:00:34 – 00:01:02). This is important: the practitioner's ability to manage their own anxiety or ego is part of ethical practice. By checking in, practitioners avoid the pitfall of taking on the parties' problem as if it's theirs to solve. The dilemma of *"Should I solve this for them?"* is answered by the check-in: *"No, I should ask them how they want to solve it."*

The real-time practice of check-in involves continuously reading the room for signals, deciding if an intervention is needed, and if so, formulating a neutral, choice-rich question that aligns with the parties' needs at that moment. Practitioners must guard against their own biases and impatience, exercise restraint when appropriate, and be ready to step in when parties show signs of disempowerment or deadlock. The practitioner's internal compass is always set to *"support empowerment and recognition right now"*. If a check-in will do that, it's probably the right move; if it won't, better to wait or do something else (like a reflection instead). Through skillful checking-in, practitioners help participants navigate even the trickiest moments while maintaining ownership of the process firmly with the parties.

7. Phenomenological, Ethical, and Agential Dimensions of Check-In

Beyond its immediate practical effects, the check-in technique carries deeper implications for the Transformative processes, touching on the phenomenology of the parties' experience, the ethical orientation of the practitioner's practice, and the broader concept of human agency. In this final section, we reflect on these dimensions to understand why the seemingly simple act of asking the parties *"What do you want to do?"* can be profoundly meaningful in Transformative practice.

Speaking about **the phenomenological dimension,** the term "phenomenological" here refers to the participants' *felt experience* – the subjective *"what it is like"* to be in the mediation. The **phenomenology of agency** is particularly relevant: what it feels like for a person to experience themselves as an active agent versus a passive pawn. Philosopher Terry Horgan describes the phenomenology of agency as the sense of experiencing oneself as an agent, as opposed to feeling like events are just happening to you (Horgan, 2015). In conflict, people often feel a loss of this sense of agency; things feel out of control, or one feels compelled by anger or fear rather than deliberate choice. A Transformative practice aims to change that internal experience. The check-in contributes directly to this by placing the parties in the position of decision-makers. Each time a practitioner checks in, the parties have a moment of *freely choosing* whether to continue talking, correct something, pause, or change topics. These are small acts, but phenomenologically they reinforce an internal narrative: *"I am directing my own path in this conversation."* Over time, this can restore participants' confidence in *their ability to act* (agency) rather than just react. It's akin to the contrast Horgan makes: it is the difference between *deliberately raising one's hand* versus feeling like one's hand was raised by someone else or by accident (Horgan, 2015). In mediation, a participant might compare: under a directive practitioner, they may feel like *"the practitioner moved us from topic to topic"*, whereas under Transformative mediation with frequent check-ins, they might feel *"we chose what to talk about and how to handle things."* The latter

experience is one of ownership and likely comes with a greater sense of satisfaction or authenticity, even if the conflict itself is hard.

Phenomenologically, check-ins can also create a sense of safety and openness in the process. When participants know that the practitioner will not force anything on them but will ask their consent/direction at points, they tend to relax into a more communicative state. They don't have to be on guard against the process itself, so they can focus on the substance of what they want to say and hear. The *"what-it's-like"* of a mediation with check-ins might be described by parties as, *"It felt like we were in control; the mediator was there but not controlling us. I felt heard not just by the other person but by the mediator, who kept checking if we were okay with how things were going."* This can be both empowering and humanizing. Many disputants come from experiences (involving legal processes, bureaucratic agencies, and even prior mediations) where they felt like objects or children being told what to do. In a Transformative session, the phenomenology is radically different: the parties are treated as responsible decision-makers at every turn. This respects their dignity and can reduce the alienation often felt in conflict. Even if outcomes are not achieved, parties often value having *had control* in the process, which is a key part of the *promise of mediation* from a Transformative perspective (Bush & Miller, 2020).

The use of check-in is closely tied to the practitioner's **ethical stance** regarding self-determination and neutrality. Mediation ethics generally uphold the principle of party self-determination as a core tenet. The Transformative approach takes this to a high level of purity. By continuously checking in, the practitioner demonstrates transparent self-determination, rather than merely paying lip service to it. Robert A. Baruch Bush argued that practitioners should favor an empowerment and recognition orientation rather than an efficiency or settlement orientation (Bush, 1989). Implicit in that argument is an ethical claim: it is *better* or *more humane* to prioritize party empowerment (agency) than to impose outcomes, even if the latter might seem efficient. The check-in is an ethical tool in that sense because it operationalizes a respect for the parties' rights to make their own choices at every step.

Ethically, check-ins help avoid practitioner coercion or manipulation. They create a kind of informed consent throughout the process. For example, if a practitioner were to shift topics without asking, a party might feel coerced or that their important issue was dropped. But if the practitioner checks in and the party agrees to shift, that party has consented to the move. Similarly, ethically fraught moments, such as deciding whether to continue a mediation that is going poorly, are left for the parties to address. This aligns with the idea that practitioners should not have a stake in the content or outcome. It also ensures that any decision (even to stop mediating) is coming from the parties' volition, not because the practitioner subtly or overtly pushed it. Bush and Miller (2020) talk about the "invisibility of agency" – how some practitioners undervalue empowerment because it's less visible than a dramatic moment of apology. By explicitly valuing agency (through practices like check-in), Transformative practitioners make party agency *visible and central*,

which is an ethical choice. They measure their success not by whether a settlement was reached or how amicable the parties became, but by whether the parties *"were offered, and then took, the opportunity… to recapture their sense of agency"* (Bush & Miller, 2020, p. 610). Consistently using check-ins is one way a practitioner demonstrates their commitment to this ethical standard.

There is also an **ethical humility** in the check-in practice. The practitioner is acknowledging, *"I do not know what is best for you; only you do."* This humility is ethical in that it resists the practitioner's potential power. Practitioners hold procedural power (and sometimes moral authority in the eyes of the parties). Using that power only to turn power back over to the parties (through a question) is an ethical restraint. It guards against the practitioner's bias or values influencing the process. For instance, a practitioner might personally think, *"Talking about the past is not productive; they should move on."* But ethically, imposing that view would violate the parties' autonomy. The practitioner instead might check in: *"You've spent a lot of time on past issues, and the conversation got heated, and you also touched on possible solutions. What do you feel would be most useful to talk about now – go back to those past issues, focus on current/future solutions, or something else?"* In doing so, the practitioner does not act on their own value judgment (that the past is not useful) – they give the choice to the parties. If the parties say, *"We need to talk more about the past,"* the practitioner will support that, even if the practitioner personally doubts it'll help. This is ethical fidelity to the parties' process. In essence, check-ins help practitioners avoid subtly controlling the mediation based on their own comfort, theories, or even subtly favoring one party's preferences. Each check-in is an opportunity for self-correction for the practitioner as well. By asking instead of telling, the practitioner checks their own intention (as Jordan said, ensuring it's not their agenda (Jordan, 2022)) and hands over any inadvertent power back to the parties.

Finally, the concept of **agency** – the capacity of individuals to act independently and make their own free choices – is at the heart of Transformative practice's value system. Bush and Miller argue that *human agency itself* is of paramount value, and that mediation is important because it can restore and highlight that agency. In conflict, people often feel their agency has been undermined (by the other party, by circumstances, or by their own emotional turmoil) (Bush & Miller, 2020). The Transformative practitioner's *primary* task is to help people regain that agency – *empowerment first*, as Bush & Folger often insist (Bush & Folger, 1994, 2005, 2015, 2010b). Check-in is arguably the purest expression of supporting agency: it's literally asking people to exercise their will. Over and over, check-ins reinforce that *"It's up to you."* This has a cumulative effect of agency restoration. Even if the conflict is not resolved, the parties may leave with a stronger sense of self-determination: they have made decisions throughout the process (what to talk about, how to talk, whether to continue or not, etc.). In a world where conflicts often lead to others (courts, authorities) taking control, Transformative practice provides a starkly different experience, centered on the parties' own agency.

Bush and Miller (2020) lament that even Transformative practitioners sometimes overlook the importance of valuing these empowerment aspects, focusing more on whether parties showed recognition (empathy) because recognition can be more outwardly noticeable. The authors highlight that increasing human agency is a social good in itself. One could say that each check-in is a mini-activation of human agency. It reminds both participants that they are not just in a conflict; they are persons who can choose how to engage in that conflict. This has potential ripple effects beyond the mediation session. It can encourage parties to take initiative in their lives or conflicts in constructive ways (e.g., asking the other person directly: *"How do you want to handle this?"* in future disagreements, modeling the practitioner's approach). Thus, check-ins contribute to what one might call the democratization of conflict resolution – empowering people to be agents in resolving their own issues, rather than deferring to authorities.

We can also consider the **ethical-agential** dimension. By focusing on agency, Transformative practitioners articulate an ethical vision of people as capable and responsible. There is almost a *philosophical anthropology* here: a belief in the *competence and autonomy of individuals* (Bush & Folger, 1994, 2005). This contrasts with paternalistic views where an expert must fix problems (Folger, 2020; Brzobohatý, 2024). The repeated use of check-ins conveys to the parties: *"You are capable of making decisions about your conflict. I trust you to do so."* In some cases, this might be the first time anyone has conveyed that trust to them during the conflict. It can be empowering and also puts the responsibility where it belongs. Bush and Miller (2020, p. 610) note their deep commitment to the value of human agency and suggest that practitioners should recognize that agency is the real value mediation can bring, beyond just settlement or even mutual understanding. The check-in is a humble intervention, but when viewed through this lens, it is almost a moral act: it affirms the parties' free will and capacity even when they themselves might doubt it.

In terms of phenomenology combined with agency, one might say check-in allows parties to *experience* their agency *in the moment*. Not just in outcome (like *"we reached an agreement on our own terms"*), but throughout the process. This is akin to practicing a skill – by exercising choice repeatedly, parties strengthen their sense of being able to do so. The practitioner essentially coaches them in taking the reins, by offering the reins to them at every opportunity. Over the course of a mediation, dialogue or coaching, parties might go from initially deferring (*"I don't know, what do you think we should do?"*) to actively leading (*"Actually, let's talk about issue X now, it's important to me"*). This transformation is the hallmark of empowerment.

8. Conclusion

The check-in technique, as explored in this chapter, epitomizes the Transformative practice in both theory and action. Grounded in an understanding of conflict as a *crisis of interaction* and guided by the values of empowerment and recognition (Bush & Folger, 1994, 2005), the check-in is the practitioner's way of keeping the process always tethered to party self-determination. We saw that a check-in is not just a casual question, but a methodical intervention that follows the parties' conversation and opens space for them to decide the next steps. It translates the abstract principle of self-determination into the concrete moment-by-moment conduct. By asking instead of telling, the practitioner highlights choice and invites agency, thereby fostering empowerment (as parties clarify and choose) and recognition (as they become aware of each other's choices and needs).

We identified various functional typologies of check-ins – clarifying, process, agenda, emotional, and decision-point – demonstrating that check-ins can be adapted to different contexts, from verifying a single statement to navigating a heated exchange or an agenda deadlock. We also identified several structural dimensions of check-ins – Open- or Focused-Scope, Primary or Complementary, Open- or Closed-Ended – helping practitioners to structure any particular check-in and make it fit into the context of the conversation. Through examples and scenarios, we illustrated how a practitioner might apply check-ins and the kinds of responses and shifts they can stimulate. In analyzing those examples, we underscored the importance of practitioner tact and timing: the practitioner must remain attuned to signals from the parties, intervene only when it serves the parties' purposes (not the practitioner's own comfort), and phrase interventions in a truly open and non-coercive manner. We delved into the practitioner's perspective, recognizing common dilemmas such as whether to intervene on silence, how to handle escalating conflict, or how to phrase options without leading. The resolution of these dilemmas lies in the practitioner's disciplined adherence to the Transformative purpose: if an intervention will serve party empowerment/recognition, do it (and do it in an empowering, recognizing manner); if it will not, refrain. The check-in was shown to be a reliable compass for practitioners in doubt – a way to *"give it back to the parties"* whenever the practitioner is unsure.

Ultimately, we examined how check-ins resonate on a deeper level. The phenomenological dimension revealed that check-ins alter the participants' lived experience, giving them a taste of agency and control in what might otherwise feel like an overwhelming situation. The ethical dimension highlighted that check-ins embody respect for autonomy and fairness, ensuring that practitioners do not overstep and that parties consent to the process at every turn. The agential dimension connected check-ins to the fundamental value of human agency, illustrating that Transformative practice, at its best, is not just about resolving a particular dispute, but about empowering individuals to reclaim their capacity to make choices (which has inherent personal and social value).

In a Transformative mediation, dialogue, or coaching session, one might observe a pattern. The practitioner reflects or summarizes, then checks in. The parties talk and may get tangled; the practitioner observes and checks in. A long discussion ensues, and eventually, the practitioner checks in about time or next steps. Through this rhythm, the conversation remains the parties' own. The practitioner's voice is present, but it's a voice reminding them of their voice. In doing so, the practitioner helps transform the quality of the conflict interaction from one where the conflict *drives* the parties (in a cycle of reactivity) to one where the parties *drive* the conflict (making conscious choices about how to engage). This is the essence of transformation in this context: from feeling stuck and powerless to feeling active and capable, and from mutual misrecognition to mutual awareness. The check-in, although just one of the core skills, is particularly pivotal because it involves decisions, and decisions are the turning points of interaction.

The check-in technique exemplifies how theoretical ideals are implemented through concrete moves in Transformative practice. One must learn to phrase neutral questions, identify opportune moments, and trust the parties. But when done skillfully, check-ins can change the course of a conversation: empowering participants to say *"Stop, I need a break,"* or *"Let's talk about what matters most,"* or even *"We've had enough for today,"* can make the difference between a process that is alienating and one that is affirming. The chapter has shown that check-ins are much more than procedural formalities; they are small moments of potential shift. Cumulatively, these moments can help parties move from confusion to clarity and from isolation to understanding, fulfilling, in practice, the Transformative promise of mediation to *"change the quality of conflict interaction"* by empowering parties and encouraging recognition (Bush & Folger, 2005). and they do so in a manner that honors the parties' freedom and humanity. The Transformative practitioner's consistent use of check-in is a testament to a profound professional commitment: *a commitment to returning the conflict to those who own it, convinced that within them lies the power to shape its outcome and, in the process, to grow*.

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