

Additional Training Material for Module 3, Topic 1: Conflict Resolution Techniques

Development of document:

BEST Institut für berufsbezogene Weiterbildung und Personaltraining GmbH

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Module 3, Topic 1: Conflict resolution techniques

1. Asking questions

The average five-year-old asks 65 questions per day, most of them starting with "why." The average 44-year-old manager only asks six questions per day; most of them starting with "when," "where," or "how much."  [\(https://www.youtube.com/watch?v=O6ZnJldgc1A \)](https://www.youtube.com/watch?v=O6ZnJldgc1A)

If you are grown up and you are asking questions your behaviour is often misinterpreted as:

1. You don't know enough (not to say "stupid"),
2. You are annoying,
3. You are wasting others' time (asking is misinterpreted as opposite of working/being productive).

But asking questions is actually the only right thing to do because we:

1. Don't know everything/enough,
2. Curiosity is helpful and effective in many situations,
3. Understand things differently than others (and it saves time/work if things are clear).

There are many professions that are based on asking: science, education, journalism, psychotherapy. And more and more professionals in other professions figure out that they should be asking more: physicians, politicians, managers etc.

Mediation is one of the professions that are based on asking. The two most important mediation stages (communication/information/research and negotiation/solution finding) cannot be executed without asking questions.

Before we get to questions here are three tips how to be a good interviewer:

1. Don't be scared by misinterpretations stated above! Stick to notions clearing the misinterpretations up.
2. Wait for the answer! If you asked a question the respondent/mediant has the right to answer. Be patient and do not interrupt him/her while thinking or answering. Do not ask question upon question (upon question etc.) without getting answers in between.

3. Persist on the answer to your question! Don't let the respondent "get away" by answering something else that you asked. Stress that this answer is important to you and/or ask the same question again (and again).

Next to above a mediator has to be attentive about the following:

- Questions should not express own standpoints or value system. (Neutrality)
- Questions should avoid affirming what (one of) the conflicting sides have said. (Impartiality)
- Questions should mind the integrity of conflicting sides and not imply bad feelings to them. (Voluntariness)

2. Why to ask questions in mediation

The mediator has to be impartial and neutral. Reading material on the case before the mediation starts can impress him/her in the way that he/she has built up a standpoint before entering the mediation. Therefore the best way for **gathering data** on the case is by gathering it from the conflicting sides (mediants) during the mediation. This can be done by asking questions in the mediation process.

The mediator is responsible to lead the mediation process towards a solution of the conflict. The sense of mediation is that the solution is an idea developed by the conflicting sides. It should not be the mediator who develops the solution (unlike a judge who determines the solution in court). However the mediator can and must influence the development of the solution. The best way to take influence and give the feeling that he has not taken it is by asking questions. By asking right questions at right times he/she will **lead the conflicting sides towards a solution**.

Mediation is communication. In communication each person has a unique way to express him-/herself. Of course there are common expressions based on our social and cultural relations yet misunderstandings still happen. It is mediator's role to prevent misunderstandings. The mediator has to ask questions **to clear up what was said**. This includes clearing up abstract ideas and too general or confusing words for the third party as well as it includes clearing up problems and thoughts for the expressing side itself.

Despite our individuality we are all human beings and we have many things in common. Therefore the conflicts we have are similar to each other. A mediator can easily believe that he/she has already dealt with the kind of a conflict he is

dealing with in the mediation process. So he/she will make a picture, i.e. prejudice of it and assumption what happened. By asking questions he/she must **check whether his/her assumptions are correct**. The mediator has to be aware of the our and conflicts individuality although we are all human.

3. Open and closed questions

Most commonly we speak of two types of questions: **open** and **closed** questions. They are also called open-ended and close-ended.

Open question leaves the respondent the freedom to answer in own words whereas a closed questions predominates the answer that is usually (very) brief.

Here is an example:

Open: How did you feel when this happened?

Closed: Were you surprised when this happened?

In the second case yes or no are valid answers whereas in the first case the respondent has to formulate the answer.



Polls/questionnaires consist of closed questions because these are easier and faster to evaluate/analyse. But often before setting up a questionnaire researchers make open-question interviews to get information on questions and answers that should be included into the questionnaire. By that they prevent to include "ill-defined" questions and answers respectively questions that all respondents answer by choosing the same answer. Namely if all questionnaire respondents have chosen the same answer there is very little new insight into the question topic.

Of course in a dialogue a closed question doesn't mean that we will get a brief answer. Some people like to talk and will give a descriptive answer also to a closed question. And then there are people who will answer briefly to an open question.

In mediation the conflicting sides are supposed to create the content, choose options and words so the mediator should ask above all open questions. Furthermore closed questions often include standpoints of the interviewer/mediator which is to be avoided in mediation.

Learn more



In text:

http://changingminds.org/techniques/questioning/open_closed_questions.htm

On video:

<https://www.youtube.com/watch?v=RoB--jhPlus>

4. Question types in mediation

It is mediator's role to navigate through mediation by asking (right) questions. Here is a list of question types that mediator can/should use (with question examples on the right):

Opening questions "break the ice"	<ul style="list-style-type: none">• How did you learn about mediation?• What do you expect of today's session?• Was it hard to find our offices?
Research questions gather information on the case, persons, positions, etc.	<ul style="list-style-type: none">• Please describe what happened?• How big is your family?• Which are your tasks at work?
Clarifying questions	<ul style="list-style-type: none">• What did you mean when you said nobody noticed your problem?• What do you mean when you say "terrible"?• You said big family. How many members are these?
Focusing questions bring the dialogue/mediation "back on track"	<ul style="list-style-type: none">• Where shall we continue?• What you say is interesting. Do you think we should go more into detail here?• From what you said, what is for you the most important issue?• How could we summarize what you have said?

	<ul style="list-style-type: none"> • When was for you the moment when you had it enough as you said?
<p>Relational questions</p> <p>disclose the relation (on emotional level)</p>	<ul style="list-style-type: none"> • How long have you known each other? • Where did you meet for the first time? • Do you have any other friends with this cultural background?
<p>Binding questions</p> <p>bring conflicting sides closer together</p>	<ul style="list-style-type: none"> • How do his/her words sound to you? What do you hear? • What do you think of his/her idea? • Of what he/her said what do you agree with? • What would you add to what he/she has just said?
<p>Circular questions</p> <p>open up for the perspective of the other</p>	<ul style="list-style-type: none"> • What would you do if his/her case happened to you? • What do you think that he/she was thinking of when he/she did this? • What do you think why do they do this the way they do it?
<p>Hypothetical questions</p> <p>introduce new ideas, perspectives</p>	<ul style="list-style-type: none"> • If you were him what would you do? • If you had the chance to decide again what would you do? • If it was only up to you what would happen then? • If it happened somewhere else would it be different?
<p>Strategic questions</p> <p>check whether the positions have been thought through</p>	<ul style="list-style-type: none"> • Do you know how much it costs to go to court and how long the resolution takes? • If your complaint is successful what do you think you will gain and what will the other lose? • Do you know what the procedure you have just mentioned is like?
<p>Disclosing-interests</p> <p>questions filter interests from standpoints</p>	<ul style="list-style-type: none"> • What do you wish when this is over? • What is important for you? Please tell me also why this is important to you. • What can he/she do so that you will feel better?
<p>Directing questions</p>	<ul style="list-style-type: none"> • Is this the only option? • If we stopped at this point what would be the ideal solution for you?

show the way to go
(towards resolution)

- What changes do you expect when this case is resolved?

Closing questions

indicate that the case is
coming to the end

- Which are the key points that we have said?
- How do you feel now when this seems to be resolved?
- So now, which points will our agreement include?

5. When to ask what (type of) questions?

As the mediation is a formal procedure in which a more or less clear structure can be recognized (see Mediation stages) it has to start formally. Informality and more personal approach/questions can only follow when the mediator has gained the trust of conflicting sides. So **in the beginning** the mediator should **ask about facts** (research and clarifying questions) and **only later come to questions that target mediants' emotions, perspective, interests etc.** (relational, binding, circular, disclosing-interests questions).