

Introduction

The Purpose of This Book

THIS BOOK INTRODUCES THE S QUESTIONS MODEL, which focuses on the development and asking of questions for clarifying existing information, gathering new information and creating new insight in parties.

For parties in mediation to reach an effective and sustainable agreement, they need to experience a change in their thinking about their conflict. Such a paradigm shift happens when a person looks at a situation in a different way. This shift in a party's thinking and approach is achieved when they gain new information and insight that leads them to look at their conflict from a different perspective.

The S Questions Model is designed to house a toolkit of questions that can be asked during a mediation process. This book demonstrates the theory behind the question types, their purpose, how they work, when they are used and how they are built and applied to mediation. The S Questions Model is an easily accessible reference tool for a mediator, both before and during a mediation process.

Book Content

The book is split into four sections:

Section 1: The S Questions Model — Theory

Section 2: Practical Application of the S Questions Model

Section 3: Practical Application of S1, S2 and S3 Questions

Section 4: Practical Application of S4 Questions

While this is primarily a book that demonstrates the S Questions Model for use in mediation, the learning from this book is broader than the development and asking of questions. Theories from neuroscience and psychology are explored as a means of solidly embedding the development of the S Questions Model in a sound theoretical context.

For example, Chapter 2: How We Process and Communicate Information describes how our brain processes only 40 bits of information per second out of the 11 million bits available to us. This deficit of information highlights the importance of asking strategic, incisive questions to bring new information into a mediation process so that parties gain new insight and achieve a paradigm shift in their thinking. This chapter builds the case to prove that we live within a reality that has serious information deficit.

Chapter 3: Working with the Brain in Mediation provides a description of the inner physiological state of parties in conflict when they are feeling under threat. The chapter illustrates how to manage this so that parties feel less threatened, can think cognitively and can get to the core of their conflict. It is only by identifying the core of the conflict that appropriate and sustainable solutions can be found and agreed upon.

Knowing the theoretical context on which the S Questions Model was built will enhance the reader's understanding of the model, and its applicability to mediation.

Terminology

“Pre-mediation”

This book is based on the premise that a mediation process starts when the parties agree with the mediator to engage in a mediation process, even though the formal signing of the Agreement to Mediate contract may not happen until the first separate private meeting; therefore, the term *pre-mediation* is not used in this book.

“Separate Meeting” or “Separate Private Meeting”

These terms are used in this book for both the initial separate private meetings that take place before the first joint meeting and for the separate private meetings that take place during a joint meeting. The separate private meeting that takes place during the joint meetings is also commonly known as a “caucus meeting.”

“Joint Meeting” or “Plenary Meeting”

The term “joint meeting,” rather than “plenary meeting,” is used throughout the book.

Sequences of Questions

The Use of Academic Terminology

Some of the terminology used in this book is academic and will need to be substituted with simpler language when posing questions to parties in real-life mediation.

The questions introduced in this book are templates that demonstrate the possible questions that could be asked under a variety of circumstances. While a mediator may introduce a specific topic with a chosen question, subsequent questions will need to be informed by the party’s response to the initial question.

Listening effectively to a party is what will suggest a mediator’s next question, rather than adhering to a question template, which merely serves as a guide for the mediator. In conclusion, questions should not be rigidly based on a script or a template from this book.

Section I

The 5 Questions Model — Theory



Introduction and Purpose of the S Questions Model



The S Questions Model

THE S QUESTIONS MODEL was developed to incorporate the wide range of questions that can be asked during a mediation process into one clear and accessible image. This image can be utilized by a mediator to identify the most appropriate question to ask in any given circumstance. The S Questions Model forms the context in which the learning from the theory in Section 1 of this book is applied. Sections 2, 3 and 4 contain comprehensive information on the model and its application.

Introductory Summary of the S Questions Model

There are four dimensions of questions in the S Questions Model:

- S1: Subject Matter Dimension of questions
- S2: Structure Dimension of questions
- S3: Seeking Information Dimension of questions
- S4: Shift Thinking Dimension of questions

S1: Subject Matter Dimension of Questions

All questions incorporate the S1: Subject Matter Dimension of questions and can be asked about the people involved in the conflict; the environment or context in which the conflict takes place; the problem or issue presented to mediation; and the interaction of the people, the environment and the problem.

S2: Structure Dimension of Questions

All questions have an S2: Structure Dimension of questions incorporated in them, in that an open or closed question may be chosen. After first deciding the subject matter and the structure of a question, the choice is then between asking an S3 Question or an S4 Question, or a combination of both.

S3: Seeking Information Dimension of Questions

A question from the S3: Seeking Information Dimension of questions is a simple linear question that clarifies existing information or introduces information that is either previously known, or is not already known, by each of the parties. An S3 question strategically targets the information that is required from the parties for the conversations that take place during a mediation process.

S4: Shift Thinking Dimension of Questions

Questions from the S4: Shift Thinking Dimension of questions are designed to uncover information that specifically creates new insight for the parties. The intention is to shift their thinking so that they look at the other party and their conflict in a different light. This is what is known as a paradigm shift.

While there are eight S4 questions and they are presented in the model in a certain order, each S4 question is a stand-alone question with its own unique purpose. Each S4 category of question may also be linked with each of the other seven categories of questions to achieve a specific outcome.

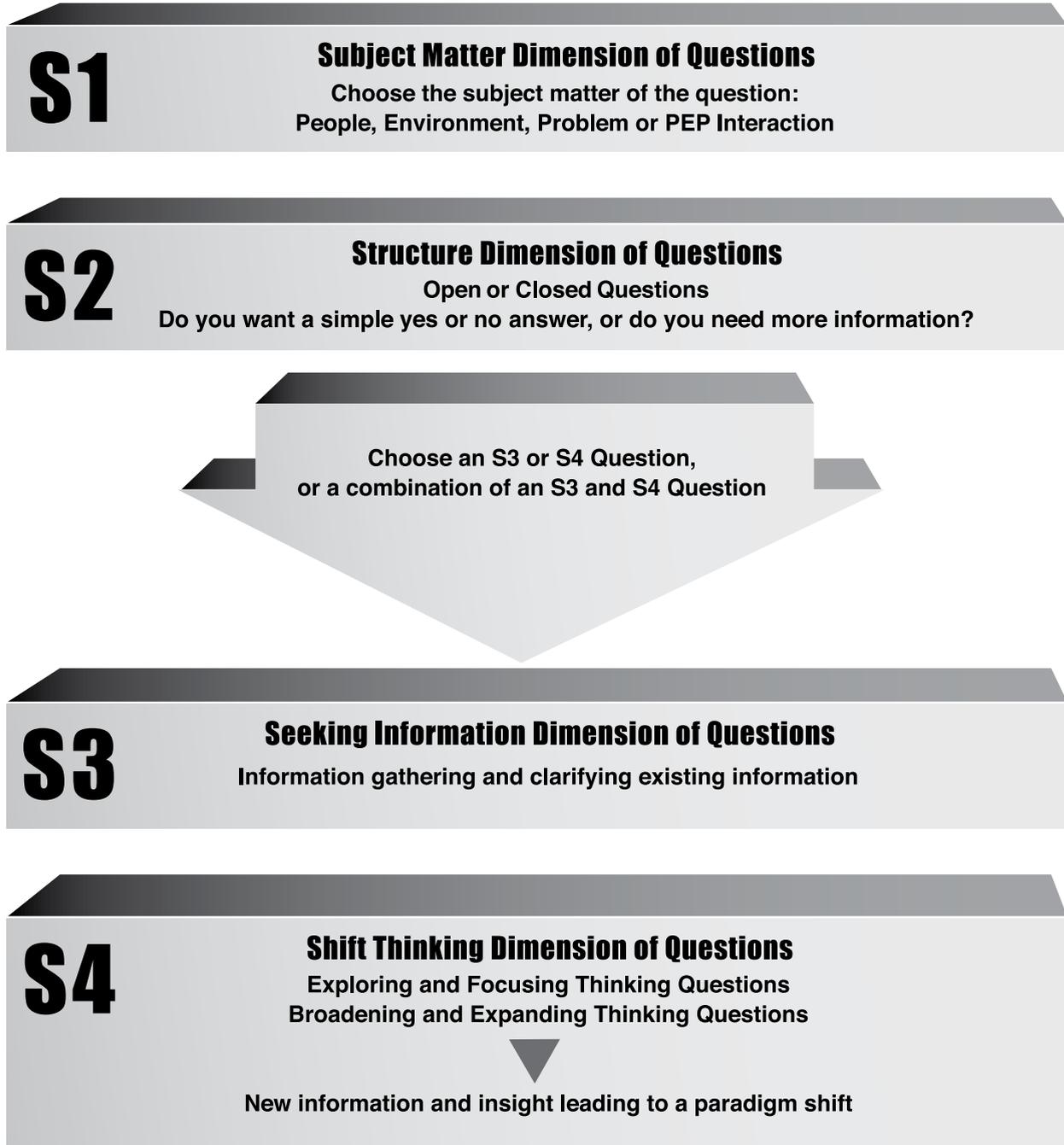
In general, the S4 questions move from hearing what happened and how a party interpreted it and acted upon it, to distilling and exploring the information presented, to making connections with other experiences or events. The questions help to identify any inner conflict or inconsistencies within a party, to safely teasing out alternative perspectives. They identify the core of a problem and facilitate the creation of a future without the problems of the past.

Premise on Which the S Questions Model Has Been Developed

The S Questions Model is designed on the premise that:

1. A paradigm shift may not be achieved by asking a simple linear question that looks for information, but a specific S4: Shift thinking question may be required.
2. The information that has formed the perspective and actions of a party may be deficient or distorted.
3. Parties approach their conflict based on their own subjective perspectives and that incisive questions need to be asked to facilitate them to look at their conflict, and their response to that conflict, from a different perspective.
4. Initial separate private meetings will take place between the mediator and each of the parties, both prior to bringing them together for a joint meeting and during a joint meeting, as needed.
5. To create safety, some of the questions in the model may need to be tested during the initial separate private meeting or in a private meeting during a joint session.
6. The decision to hold separate meetings during a joint meeting needs to be based on the needs of the mediation process and the parties, rather than on any specific model of mediation learned by the reader.
7. If a mediator inadvertently touches on a party's past trauma, then they need to slowly and gently name the fact that they have touched on it, acknowledge that it must have caused deep pain and then, after some seconds of quiet reflection, ask what needs to be in place so that the future for that party does not have the problems of the past.

Outline Summary of the S Questions Model



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Figure: 1.1.

The S Questions Model



Figure: 1.2.

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The Purpose of Mediation Questions

The purpose of asking questions in mediation is to reveal new information and insight to parties in conflict so that a paradigm shift in their thinking and approach occurs. When parties present to mediation, they are usually holding an entrenched position that often presumes that the conflict is the fault of the other party and that the only way it can be solved is by the other party changing their position or behavior.

Each party creates their conflict case based on their own unique perspectives, interpretations and subjective realities. This makes it inevitable that parties will hold an entrenched position and may not understand the perspective or position of the other. Hence the importance of asking exploratory and incisive questions to bring new information to the mediation process, and to gently challenge the perspectives of each of the parties. This is how parties can gain new insight that leads to a paradigm shift in their perspective.

Paradigm and Perspective

A paradigm is how we see, interpret and understand our world, and our role in it, and how we understand the roles of others. It is our view of the world and how it should be, and our model or template from which we make sense of our world.

Our individual and unique paradigm is our reference point for interpreting information and giving meaning to what happens in it. It is a way of organizing, classifying and condensing sensory information to help us to understand our world.

The Formation of Our Paradigm

Our paradigm has been uniquely customized in line with:

- The beliefs and values that we developed from our experiences during our formation, about ourselves, others and our world; and
- The experiences of the significant others in our lives and how their values and beliefs were portrayed to us and internalized by us; and
- Our culture, education, religion, race and any other conditioning influence that contributed to us being who we are.

Perspectives

Our paradigm influences our perspectives which, in turn, filter incoming information, so that we see and experience our world in the way we expect to see and experience it, according to our paradigm. Our filters are conditioned by our experiences as we learn about our surroundings throughout our lives. Paradigms often limit and color our perceptions and awareness, resulting in us finding it hard to see something that does not conform to our basic assumptions.

It is important to note that stored memories are memories of our perceptions or subjective realities, *not* memories of reality.

We see the world, not as it is, but as we are — or, as we are conditioned to see it.

— Stephen R. Covey, *The 7 Habits of Highly Effective People: Powerful Lessons in Personal Change*¹

Paradigm Shift

A paradigm shift is when we change our thinking, perspective and understanding about a situation. In mediation, this can result in a change in our approach to the conflict and our response to it.

Example of a Paradigm Shift

In his book *The 7 Habits of Highly Effective People*, Stephen Covey² describes experiencing a paradigm shift in his thinking and approach:

I remember a mini-paradigm shift I experienced one morning on a subway in New York. People were sitting quietly — some reading newspapers, some lost in thought, some resting with their eyes closed. It was a calm, peaceful scene. Then suddenly, a man and his children entered the subway. The children were so loud and rambunctious that instantly the whole climate changed. The man sat down next to me and closed his eyes, apparently oblivious to the situation. The children were yelling back and forth, throwing things, even grabbing people's papers. It was very disturbing. And yet, the man sitting next to me did nothing.

It was difficult not to feel irritated. I could not believe that he could be so insensitive as to let his children run wild like that and do nothing about it, taking no responsibility at all. It was easy to see that everyone else on the subway felt irritated, too.

So finally, with what I felt was unusual patience and restraint, I turned to him and said, "Sir, your children are really disturbing a lot of people. I wonder if you couldn't control them a little more?" The

man lifted his gaze as if to come to a consciousness of the situation for the first time and said softly, “Oh, you’re right. I guess I should do something about it. We just came from the hospital where their mother died about an hour ago, I don’t know what to think, and I guess they don’t know how to handle it either.”

Can you imagine what I felt at that moment? My paradigm shifted. Suddenly I saw things differently, and because I saw differently, I thought differently, I felt differently, I behaved differently. My irritation vanished. I didn’t have to worry about controlling my attitude or my behavior; my heart was filled with the man’s pain. Feelings of sympathy and compassion flowed freely. “Your wife just died? Oh, I’m so sorry! Can you tell me about it? What can I do to help?” Everything changed in an instant.

The positive aspect illustrated by this story is that our created paradigm, or our view of our world, along with our patterns of behavior, are not rigid, but are open to change. By gently listening and reflecting back to a party what you have heard them say and asking insightful questions, a mediator can provide a safe space for parties to reflect on their paradigm and perceptions, look at their conflicts differently and make changes to their behavior if they choose to do so. A mediator’s role is to work with the entrenched perspectives and positions of parties to achieve a shift in their thinking and their approach to their conflict. The S4 Shift Thinking questions in the S Questions Model are designed to shift the thinking and perceptions of parties in conflict.

Figure 1.3.

Paradigm Shift

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