

# THE MEDIATOR'S TOOLKIT: FORMULATING AND ASKING QUESTIONS FOR SUCCESSFUL OUTCOMES

Mediators need to formulate and ask incisive questions that challenge entrenched thinking and shift perspectives. *The Mediator's Toolkit* offers a way to do that using questions such as those that Gerry O'Sullivan calls "Journey of Inference Questions." She suggests that such questions are designed to specifically create new insight for the parties. Here is a brief extract from the book.

The concept of the "ladder of inference" was first developed by Chris Argyris and subsequently presented by Peter Senge in his book *The Fifth Discipline*. In this book I am calling it the "Journey of Inference" because I consider it to be a continuous circular journey in the mind rather than a journey to the top of a ladder and back down again. See *Figure 1*.

Journey of Inference questions take a party through the information they selected during a precipitating event; the interpretations they made about that information; the assumptions they made; and the conclusions they then reached which, in turn, informed any decisions or actions they took. These questions also explore the beliefs of a party and how these beliefs may have influenced his or her Journey of Inference.

This workplace scenario, with the accompanying guidelines and steps, will serve to demonstrate how Journey of Inference questions work.

Ann and Mary have both worked in a hospital laboratory for five years. The laboratory had nine members of staff in total. The working relationship between Ann and Mary was good and they even socialized together on occasions. Lately, however, Ann had noticed a slight

difference in her relationship with Mary. There was nothing that she could specifically name — it was just a niggly feeling that Ann had had for a few weeks, with nothing to back it up.

*Last week when Ann arrived at work, Mary was walking towards her in the hospital corridor. When Ann was about to say hello, she noticed that Mary kept her head down and did not say hello to her. Ann was taken aback by this and continued walking towards the laboratory. Ann's first thought was that this confirmed her previous suspicions: she interpreted the incident to mean that Mary wanted to avoid her, and she then assumed that Mary did not like her anymore. Ann concluded that Mary probably wished to end their friendship but had no idea why Mary would want to do this, especially without telling her why. As she continued to reflect, Ann became convinced that Mary had been talking about her behind her back to others in the laboratory.*

*Ann then realized that this was just one more example of the way people behave: they never have the courage to say something to your face, but spend their time thinking negative thoughts about you, while continuing to smile and pretend that*



GERRY O'SULLIVAN

Gerry O'Sullivan is a mediator, trainer, and facilitator with over 30 years of experience in conflict resolution and training. She delivers Mediators' Institute of Ireland accredited Certified Professional Mediation Training in Ireland. Gerry is the director of O'Sullivan Solutions and she lives in Castlegregory on the southwest coast of Ireland.

*everything is OK with the friendship. Then they talk to others about you and try to turn them against you too. Ann immediately decided that she would stop talking to Mary and to all the other staff as well. Ann had experienced this situation many times before and she believed that she knew exactly how to deal with it!*

*Over the next few days, both Mary and the other staff began to wonder what was wrong with Ann. But they did not approach her, because they noticed she was bubbling over with anger and they knew she could be aggressive at times. They did not want to create a scene, but they all engaged on their own individual Journeys of Inference and took actions in line with their personal past experiences and beliefs.*

*Over the following days, Ann noticed more and more things that con-*

firmed her suspicion that no one wished to be her friend any more. She even started to proactively look for examples to prove that her beliefs were correct. The situation became steadily worse until one day Ann completely lost her temper with Mary in the hospital cafeteria while dozens of staff looked on. Mary went to the human resources department to make a complaint about Ann, and mediation was proposed.

Selecting data and making inferences is largely an unconscious process, but it can be made conscious through mediation questions. Journey of Inference questions support parties to look for new and clarifying information that may

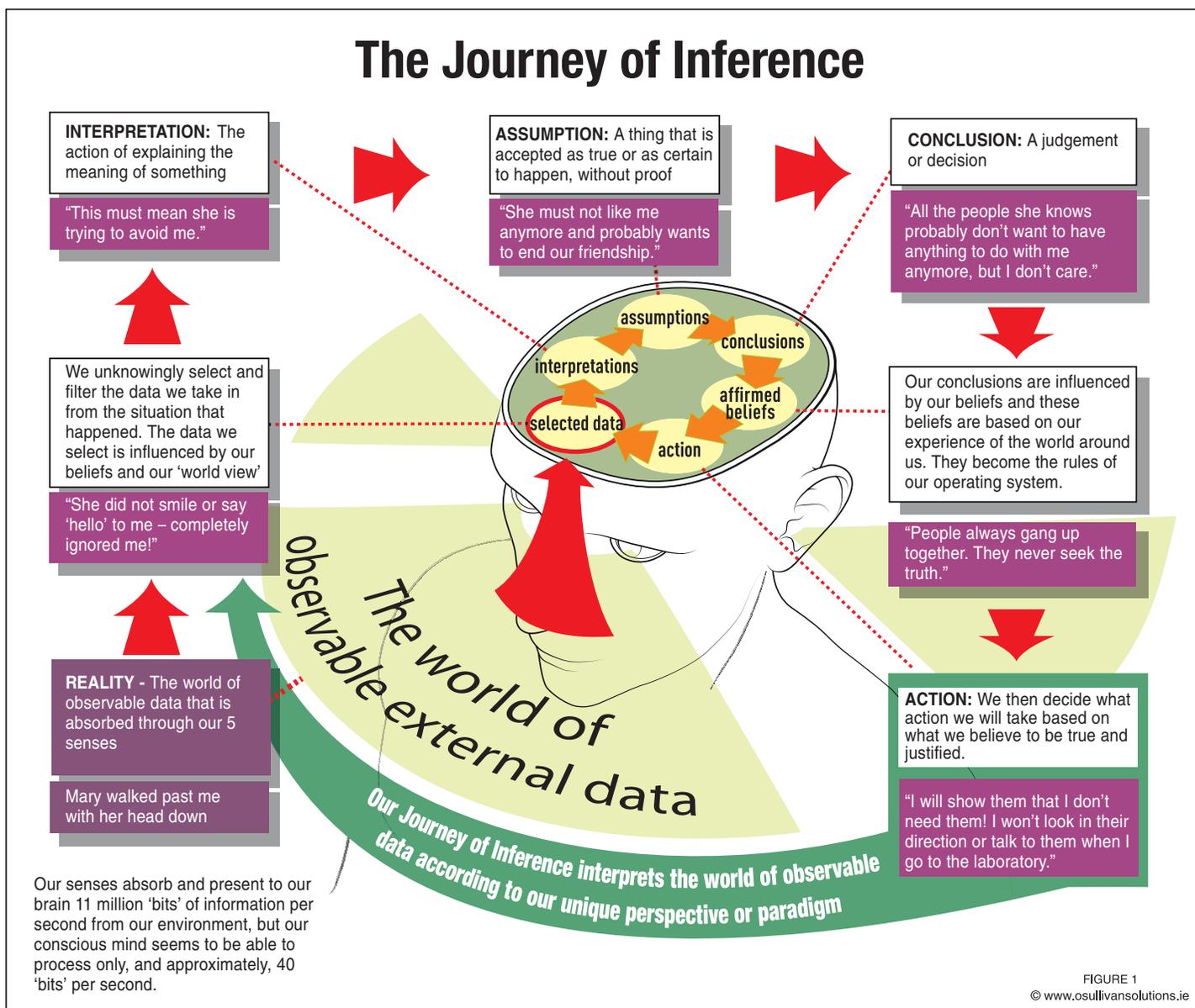
even prove their interpretations and assumptions to have been incorrect. The resulting re-interpretations they make may then be more accurate and balanced.

### GUIDELINES FOR ASKING JOURNEY OF INFERENCE QUESTIONS

- Journey of Inference questions should be asked only after the parties have told their story. To ask them before or during this initial storytelling may appear analytical and judgmental.
- Each party may be asked about his or her Journey of Inference from beginning to end;
- or
- The parties may be asked in turn

about their interpretations, then about their assumptions, and so on. But this latter method requires very tight facilitation.

- After a party's response, and prior to asking the next question, a mediator sometimes needs to reflect back what they have heard before asking their next question so that the party does not feel like they are being interrogated.
- Parties may find it challenging to differentiate between interpretations and assumptions. One way to counteract this is to first ask, "What did you think that X meant?" when asking about interpretations, and then, "And what did you then think that would mean?", for assumptions.



- A party can be asked about his or her own Journey of Inference and then be asked to hypothesize about the other party's Journey of Inference. This can be helpful in a joint meeting if one party claims that the other party does not understand them, but when you as the mediator know differently.

**THE JOURNEY OF INFERENCE QUESTIONING PROCESS CAN STOP AT ANY TIME, IF NECESSARY, FOR EXAMPLE:**

- If understanding is reached early in the questioning process — for instance, at interpretations stage.
- If one party is finding the process too intense and difficult.

**SAMPLE JOURNEY OF INFERENCE QUESTIONS**

There are three steps involved in developing a series of Journey of Inference questions:

- Step 1:** Hearing the narrative of a party
- Step 2:** Challenging the narrative
- Step 3:** Building a possible new narrative

Here are some sample questions that could be asked in the workplace scenario involving Mary and Ann. [This list of questions has been condensed for this article.]

**STEP 1: HEARING THE NARRATIVE**  
**The Event**

- Ann, would you like to tell me what happened, please, when you and Mary passed each other in the corridor? Then what happened?

**Selected Data**

- What did you observe, Ann? What information or facts did you take from this event?

**Interpretations**

- When that happened [Mary walking past you with her head down], what did you think it meant? What brought you to this interpretation?

**Assumptions**

- And what did you think that meant and what assumptions did you make about what might happen? What brought you to that assumption?

**Conclusions and judgments**

- After you made that assumption, what conclusions or judgments did you come to? What brought you to this judgment or conclusion?

**Beliefs**

- What are your beliefs about the world and how people usually behave in a situation like this?

**Actions**

- How did these beliefs influence the decisions you made or the actions you took afterwards? What did you decide to do?
- And then what happened? What else happened?

**Note:**

After going through Step 1, mediators need to summarize, identify and name to parties the link between the initial interpretations made by a party and the resulting decisions or actions they took.

**STEP 2: CHALLENGING THE NARRATIVE**  
**Selected Data**

- What had you been thinking/feeling about Mary before/when this happened?
- On what did you base that thinking? What was the tangible evidence for this?
- What had been your expectations of Mary? What influenced those expectations?
- If you had not been concentrating on what you were expecting, what else might you have seen?
- What would others have observed, if they had been there when Mary walked past you with her head down? — On a scale of 0 to 10, with 10 indicating complete certainty, how certain can you be about...?
- What is this uncertainty about? (If the response is less than 10)

**Interpretations**

- Ann, what did you think might have been Mary's intention?
- What influenced or contributed to you interpreting what you observed in this way?— How might your stated niggly feeling about your friendship with Mary have influenced what you actually saw and your interpretations? If your friendship had

still been good when Mary passed you in the corridor with her head down, what might your interpretations have been?

- If you were to look at yourself and this incident from a balcony, what might you have seen and what interpretations might you have made?
- Is there a time or a circumstance that might result in you interpreting this differently?

**Questions can also be asked about the perspective of the other party:**

- If asked, what might Mary say about the time you saw her passing you in the hospital corridor?
- What do you think would surprise Mary the most about what you interpreted from this situation, and about what you mentioned about her intent?
- What interpretation might Mary have liked you to make?

**Assumptions**

- What assumptions did you make after you initially interpreted Mary's actions in that way?
- What did you think was going to happen?
- What influenced you to make this specific assumption?
- What other assumptions could you have made?
- If you had made a different assumption, what might have been the outcome?

The mediator may continue with more questions about the assumptions made, based on Ann's responses if relevant.

**Conclusions**

- After you made that initial assumption, what judgment or conclusion did you come to, Ann?
- What brought you to make this judgment or conclusion? What did this decision mean for you?
- What other conclusions could you have come to?

The mediator may continue with more questions about the conclusions made, and ask the party to rank their alternative conclusions, if relevant.

## Beliefs

- What is it you think or believe about life or people that brought you to that conclusion? How has this belief served you in the past? Are there situations where these beliefs may be valid or invalid? What are the distinctions you make between these situations?
- What other beliefs do you have that could have resulted in your reaching a different conclusion?

## Actions

- You mentioned earlier that after this event you made decisions about how you were going to respond to it and that the conflict escalated and you felt more entrenched. Having reflected on this now, what other decisions or actions could you have taken?
- How might this have impacted on the conflict situation and its progression?
- What might have been the outcomes?

At times, only one party needs to be asked Journey of Inference questions. But in this case, Mary had also made a Journey of Inference, so similar questions needed to be asked of her.

## STEP 3: BUILDING A POSSIBLE NEW NARRATIVE

**When the past has been deconstructed and it appears, or is stated, that new learning and insight have been gained by both parties, then it is time to start reflecting on any further mis-**

## interpretations that parties may have made.

- Mary and Ann, as the conflict progressed, what do you think each of you may have intended that may have been misinterpreted by the other?
- What do each of you think your misinterpretation may have meant for the other party?
- In what way might this interpretation have led to either of you employing a particular behaviour as a response?

## Creating understanding between the parties is further helped by facilitating them to talk about the impact that the conflict is having on them. This may only be done if a mediator knows that each party will listen to the other respectfully.

- How has this conflict impacted on both of you?
- What has been the worst thing for each of you in all this?
- How did the impact of all this influence the thinking of both of you and the actions you took?
- With what kinds of things do you think the other party struggled?
- What do each of you need the other person to know or understand now?
- What might each of you have needed for this to happen differently?
- What could each of you now offer the other?

## Facilitating regret and using the past to inform the future

If there has been a paradigm shift in one or both parties, then the following

questions may allow for some regret to be shown and may open possibilities for solutions.

- If you were to go back in time with the information that you have now, what might each of you have said/done differently?

## Statement of the new narrative

- If you were to tell this story now to another person, based on the understanding you have both gained, how would you describe this story to them?

Note: Further issues may arise here and may need to be managed.

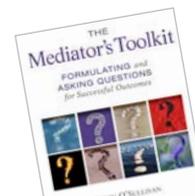
## Agreements regarding the future

- If something like this were to happen again, how would you manage it? What would each of you need from the other? What could each of you offer the other?
- What can be taken from your learning to inform agreements between you for the future?

## HAZARD WARNING

Do not pressure a party to answer a question—proceed carefully and gently, at their pace, and with their permission. 🏠

### The Mediator's Toolkit: Formulating and Asking Questions for Successful Outcomes



Gerry O'Sullivan  
September, 2018  
Trade Paperback  
\$27.99 CAD

**GET YOUR MESSAGE TO  
ADR SPECIALISTS AND  
USERS ACROSS CANADA!**

*ADRIC has creative advertising  
opportunities to promote your services.*

View our Rate Card