Chapter 19

Questioning Technique as a Conflict Prevention and Resolution Tool

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ABSTRACT

This chapter explores the pivotal role of questioning techniques in mediation as both conflict prevention and resolution tools. It emphasises that effective mediation depends not only on asking the "right" questions but on applying a strategic sequence and structure that fosters reflection, empathy, and self-awareness. The study highlights the importance of mediators listening attentively to clients' responses, as answers reveal underlying needs, emotions, and motivations. Through the concept of strategic questioning and "scaffolding," the text demonstrates how mediators can guide clients – particularly adolescents – towards meaningful participation and empowerment in the process. The chapter analyses various question types, including informational, motivational, reflective, and circular questions, explaining their functions in building understanding and promoting transformative dialogue. By examining both the psychological and methodological dimensions of questioning, this work underlines its significance as a cornerstone of mediator competence and an essential instrument for sustainable, empathetic conflict resolution.

KEYWORDS

Strategic Questioning, Mediation, Conflict Resolution, Transformative Mediation, Communication Techniques, Empowerment

1. Executive Summary

In mediation, questions stand as indispensable tools, forming the backbone of communication and resolution strategies. The efficacy of mediation hinges not merely on asking the "right question," but rather on the strategic combination and sequencing of question types conducive to the desired outcomes. Moreover, listening accurately to clients' responses is pivotal, as their answers often reveal unspoken needs and desires.

Understanding the dynamics of client responses to questions is essential. Lack of response may stem from various factors, including misunderstanding, reluctance, or

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unreadiness to answer. It is imperative to acknowledge that even seemingly neutral questions carry symbolic meanings, which clients decode within their unique contexts.

The mediator's role extends beyond mere inquiry; they facilitate clients in maintaining control over substantive issues, employing strategic questioning techniques to enable clients to articulate their thoughts effectively. The timing and manner of posing questions influence the quality of responses significantly, underscoring the importance of adherence to established guidelines.

Strategic questions follow a logical sequence, encouraging clients to delve deeper into their cognitive processes and emotional landscapes. Both open-ended and closed-ended questions find relevance in mediation, each serving distinct purposes in fostering understanding and empathy among parties.

Furthermore, scaffolding our questions aids clients in comprehending the importance of information sharing and emotional expression in mediation, fostering a conducive environment for resolution. By adhering to the rules of strategic questioning, mediators can enhance client participation and facilitate transformative shifts in their perception of conflicts.

Ultimately, the strategic use of questions in mediation serves as a catalyst for profound shifts in client perspectives, leading to holistic resolutions and lasting peace. As mediators navigate the complexities of conflict resolution, mastering the art of questioning emerges as a cornerstone skill, enabling them to guide clients towards mutual understanding and resolution.

The careful use of questions in mediation and conflict resolution is crucial, as it guides the conversation and influences the results. Well-crafted questions help clarify viewpoints, encourage self-reflection, and lead participants to solutions that benefit everyone. However, most research focuses on approaches designed for adults, leaving a gap in our understanding of how to effectively involve children in these processes. This article aims to fill this gap by exploring questioning techniques that are tailored for children. The goal is to improve children's participation and ensure that their opinions are not just heard but truly valued and considered in mediation and conflict resolution processes that affect their rights and well-being. In doing so, this work seeks to contribute to a more thoughtful and inclusive approach to resolving disputes involving children.

Thus, in this study, we review the main types of questions that should not be missing from the mediator's toolkit, as well as their applications, taking a closer look at the methods that make it easier for adolescents to participate effectively in the mediation process and feel as competent participants. Knowledge of this process, or rather method, can be of great help to us, conflict resolution professionals, in making our work more effective.

However, in spite of our best efforts, even well-formulated questions may sometimes fail to elicit the desired response or engagement, particularly when working with children. This can occur due to various factors such as the child's emotional state, developmental stage, or the complexity of the situation. When faced with such

challenges, mediators must be flexible and adaptable, ready to rephrase questions, use alternative communication methods, or take breaks as required. It is crucial to remember that the overarching goal of mediation is to empower clients, especially children, to feel a sense of control throughout the process and over the outcome. Therefore, the mediator's presence and questioning techniques should consistently serve this objective. This principle should underpin all considerations about the role and types of questions used, ensuring that the mediation process remains child-centred and empowering.

2. Why Are Questions Essential?

Questions undoubtedly are among our most crucial abilities and techniques, constituting the primary and most frequently used elements in the mediator's toolkit. They form an integral part of our everyday lives. Each day, we pose questions, each with its own purpose: to learn more about the world or the people important to us, to clarify a situation, or to express our interest in others. Questions serve a pivotal role in mediation, extending beyond mere information gathering. Their most crucial function is to inspire and encourage clients to reflect deeply on their situation, roles, needs, and potential solutions. The primary purpose of questioning should be to empower clients, aligning with the core objective of mediation. The most effective questions are those that maximise client empowerment in understanding and resolving their case. Well-crafted inquiries can guide clients to recognise their underlying motivations, concerns, and future needs. Through this reflective process, clients may strengthen their sense of responsibility, competence, and agency. These elements are fundamental to constructive, participatory dialogue. When such empowerment is successfully achieved, it paves the way for win-win outcomes and sustainable, long-term solutions. Thus, the art of questioning becomes a powerful tool for facilitating client-driven resolution and personal growth.

Naturally, our questions vary depending on the purpose for which we ask them, and their types and complexities can differ. Our conversational partners may not always be ready to answer, so we might receive a response, or probably a rather surprising answer, or even no response at all to our questions. We cannot ignore how our conversational partners will interpret our questions: whether they understand or misunderstand, whether they can answer or attempt to avoid answering.

Despite asking and answering questions daily, in my experience, participants in mediation training often say they "did not know what to ask," even though questions are indeed integral parts of our everyday lives, and furthermore, as mediators, we have numerous other tools and mediation methods at our disposal to support clients during a mediation process besides questions. Yet, the feeling of not knowing what to ask repeatedly arises among novice mediators.

Additionally, in mediations involving young people, there is the problem that school-aged youths are not accustomed to the types of questions that are typical in

mediation: at school, they often have to answer questions, but research indicates that teachers' questions follow a completely clear pattern. Eighty percent of teachers' questions are solely informational, which does not "engage" students at a cognitive level, while only 20% of teachers' questions are deeper cognitive questions[1]. Regardless of the question we ask, whatever its purpose may be, it will lead to different outcomes, and the result will not always meet our expectations.

According to Chiles, it is *the combination of question types employed* that will lead to the desired outcome[2], rather than the "right question," which may not occur to us amid the emotional storms of the mediation process.

3. What Should I do with the Answer?

Even during training sessions, I often "reassure" mediator students that instead of worrying about whether they are asking the right question, another mediator role is far more crucial: the ability to listen. Therefore, the question that should arise in them, as well as in experienced mediators like us, should not be whether I know what to ask, but rather whether *I hear what the clients are answering.* And if I do hear them, am I able to deal with the information, emotions, thoughts, or even the silence that emerges in the mediation process as a result of the question?

Following one of our mediation sessions, a colleague and I revisited the case we were working on, and the topic of effective questioning techniques resurfaced. As a result of our conversation, we came to the conclusion that we phrased as follows: "*If I ask the right questions, the clients will tell me what they want me to ask them*."

So we concluded that no matter how much we worry about what question to ask, the mystery of further questions, or the "right" questions, lies in the clients' responses: one question leads to another, if I indeed hear what the clients are answering.

However, clients are not always ready for this. It often happens that even if I ask a question, there is no answer, or I receive an answer with which I find it difficult to proceed. My many years of mediation practice and experience have taught me that this is a natural, almost foreseeable, and predictable moment in every mediation session that is moving towards the clients eventually understanding each other. Because if there is no response to a question, essentially, in my own experience at least, there can be three reasons: *the client did not understand the question, the client does not want to answer the question, or the client cannot answer the question because they are not ready to respond.*

And here we come to why it is relevant to examine this topic from the perspective of adolescents, as adolescent clients are often not ready to respond. Whether it is because they do not know what to answer or how to behave in the given situation, or whether it is because the answer itself is "not ready" since they have not thought about

1 Gall, 1984.
2 Chiles, 2023.

the conflict situation from the perspective of the mediator's approach, ultimately we always come back to the same point: adolescent clients often cannot answer our questions.

4. The Hidden Meanings of Our Questions

It is also important to understand that our questions, no matter how neutral and value-free we try to pose them, *carry a symbolic meaning* in the given situation; *our clients decode them* according to their mental states, so despite our efforts, we rarely ask – if at all – "value-free," neutral questions.

To illustrate this point, consider the following example: In a family mediation session involving a divorcing couple, the mediator asks, "How often do you think it would be appropriate for the children to visit their father?" While the mediator intends this as a neutral, open-ended question to facilitate discussion about custody arrangements, it may carry different symbolic meanings for each party: The mother might interpret this as the mediator implying that the father should have limited visitation rights, potentially reinforcing her own desires. The father, on the other hand, might perceive the question as suggesting that his role should be reduced to "visits" rather than equal parenting time, feeling that the mediator is biased against him.

This example demonstrates how a seemingly neutral question can be interpreted differently based on each individual's mental state, fears, and desires, underscoring the challenge of asking truly "value-free" questions in emotionally charged situations.

During questioning, an unintentional "metacommunication" process takes place between the client and the mediator, and the respondent can easily decode the questions posed as the mediator's personal and professional evaluations of the respondent.[3] Since this process is inevitable, it is necessary to understand it, as it can harbour numerous pitfalls: we can easily create the impression that we are biased or have formed evaluations about one or the other party. In a child custody mediation, the mediator asks the parents, "How do you think your current work schedules impact your children's daily routines? "This question seems neutral, aiming to explore the practical aspects of custody arrangements. However, it can be interpreted differently by each party: The mother might see this as validation of her concern that the father's long work hours make him less available for childcare. The father could interpret it as implying that he is not as involved in the children's lives, making him defensive about his parenting role. This would ultimately render the mediation process impossible.

Consequently, assuming that the questioning technique is applied correctly, in line with the transformative mediation approach, the mediator *assists the parties in maintaining control over the substantive issues of mediation*.[4]

3 Whatling, 2012.
4 Haynes, 1993.

However, let us not forget that even a simple question like "Do you live with your parents?" can carry various meanings for the respondent depending on the context. It may depend on whether it is a social worker asking the question or whether we are filling out a form in an office. However, if the question is raised during a mediation session when we are discussing with the clients how much sacrifice the parents have made for their child's education, we can easily see that our question will inadvertently be decoded in a way that implies ingratitude on the part of the adolescent client for not acknowledging their parents' sacrifices.

Therefore, it is important to remember that not only is the raising of questions or the listening to and understanding of answers important in the mediation process, but so is the issue: *whether they come in the appropriate context and at the right moment, thus preventing clients from attributing "hidden meanings" to them.* No matter how we pose our questions, clients interpret them at every moment of the mediation process and may attribute significance to them.

The mediator only becomes aware of how the client actually interpreted the question when he/she hears the response. Seemingly harmless and methodologically well-founded, open-ended questions such as "What do you think is the reason we met today?" encompass the value that we have something to do today, that "we should figure something out together," or our adolescent client may interpret the question as "So I did something wrong, and this is a form of punishment." It is much less likely that our clients will interpret the question as an indication of our interest in their opinions, ideas, thoughts, or stance on the situation.

As a result, numerous values and principles emerge when the mediator, particularly in the early stages of the process, works with open-ended questions to explore positions, issues, needs, and interests. By further using such questions, the mediator may be able to foster an understanding of the fundamental mediation principles – namely, that it is *the participants in the dispute, not the assisting third party, who will determine the outcome of the mediation process.*

Returning to Haynes' assertion that the client is the "owner of the answer" and ultimately decides how to interpret the question[5], let us recall that it is not necessarily the question that matters, but rather the response to the question, or more precisely, the process of asking the question itself: yes, if I ask the right questions, clients will tell me what they want me to ask them. They can effectively express their opinions in response to these questions as competent participants, rather than reflecting on assumed values behind the mediator's questions. It is this capacity-building process that we must strengthen with our applied methods and questions: the process progresses well when clients clearly assume behind the mediator's questions and methods the "value" that they alone are in the position to define and specify the problems and needs, their interests. Consequently, the clients' second assumption follows: that following the exploration and understanding of their values and needs, they alone are in the position to reach the necessary agreement for a potential resolution. These two

5 Ibid.

recognitions help clients realise that they alone are capable of finding the appropriate solution to the problem.

5. Strategic Questioning Technique

But how do we arrive at this realisation? What helps prevent clients from attributing evaluations to questions posed by the mediator, and consequently, from expecting the mediator to solve the problem, but rather take appropriate steps themselves in that direction? Based on the points discussed so far, we can summarise that our questions do not stand alone; they cannot be independent of the clients' responses and should convey the value that the responders are the "masters," thus guiding the content of mediation. Our questions can be considered a method, a technique applied on a methodological basis, only if they follow a certain direction: *they reflect on the information heard from the clients, on the emotions they show.*

We will soon discuss the most commonly used types of questions in mediation, but to understand strategic questioning techniques, we need to clarify that our questions – depending on the purpose for which they are raised and to what extent they prompt clients to think – can be categorised as *higher order thinking or lower order thinking* questions according to Chiles' classification[6]. However, the sequence of our questions is extremely important: to be able to answer higher order questions; clients must have already received answers to numerous low order questions, and I need to understand and process the information derived from these.

Higher-order questions elicit deeper and critical thinking, but clients need to be prepared for this.

The timing and contextual appropriateness of questions in mediation are paramount to their efficacy. Consider the scenario where a mediator, at the outset of the process, poses the question, "What do you think the other party felt in this situation?" Despite the mediator's well-intentioned effort to foster empathy and perspective-taking, this inquiry may be premature if the clients have not yet reached a stage of emotional readiness or acquired sufficient insight into the conflict dynamics. At this juncture, the parties may lack the requisite emotional distance, contextual understanding, or cognitive capacity to engage in such perspective-taking exercises. Consequently, they find themselves ill-equipped to provide a meaningful response, as they have not yet progressed to a point in the mediation process where they can effectively analyse and articulate the emotional landscape of the other party. This underscores the importance of aligning questioning strategies with the clients' evolving emotional and cognitive states throughout the mediation journey.

The power of our questions lies in their quality, not quantity: no matter how many informational questions I ask, if they do not help clients in developing empathic communication with each other.

6 Chiles, 2023.

5.1. Why do I run out of Questions?

Again, I would bring up as an example that in mediation training sessions, I often hear mediator students say, "Although I raised the question, I did not get an answer. So, I moved on to another question. Then, I ran out of questions."

To this, I usually respond, as I have already written: if I did not get an answer to a question, there could be three reasons: the client did not understand the question, does not want to answer, or cannot answer. In any case, *moving on is definitely not the appropriate reaction*.

If the clients don not understand the question, then I should pose it differently. If they do not want to answer, it is not right to help them avoid answering an important question by posing another question. And if they cannot answer, *I am helping them by allowing them to respond*.

Asking further questions often does not work. This way, the client may quickly feel interrogated, and in the absence of assessable answers, questions can indeed run out at a certain point, and our mediation process may stall.

5.2. How to Apply Strategic Questioning Technique?

We must never forget that our questions are part of a process and their usefulness and meaning lie solely within the framework of this process. The strategic questioning technique, or as Benjamin Johnson termed it, specifically recommended for work with juveniles: "*scaffolding*"[7], *assists our clients in becoming capable of answering questions*.

To describe this process more accurately, let us take a look at a few examples.

First, let us see an example of what to avoid. A juvenile client came to a mediation session with his mother for restorative justice mediation. The boy is present as the offender, his mother as a supporter, and on the other side sits the boy's uncle as the victim of the crime. The story is very simple: the boy "borrowed" his uncle's motorcycle to go to a party one evening, and at the end of the successful evening, he had a minor accident with the motorcycle. The motorcycle was wrecked, but the boy was unharmed.

Let us see how the mediator began the mediation after the opening statement:

Mediator: I would like everyone to tell us why we are here.

Victim: Launches into a long story about how important the motorcycle was to him and how angry he is at the boy for wrecking it. He is not upset because of its monetary value, but rather because the boy could have been hurt, and the boy does not understand what a foolish thing he had done.

Mediator (to the boy): And why do you think we are here today?

Offender: (Shrugs.)

Mediator: But you heard what your uncle said. Why do you think we are here?

Offender: (After a brief pause) For this.

Mediator: Do you live with your parents?

7 Johnson, 2021.

Offender: Yes.
Mediator: What did your parents say about what happened?
Offender: No response.
Mediator: (After a short wait) What do you think now about what happened?
Offender: No response.

As we can see in the above example, despite the mediator's efforts, he/she will eventually run out of questions because no information is coming from the client. However, upon deeper reflection on why this is happening, it quickly becomes clear that a methodological error is causing the procedural deadlock: the mediator's questions do not follow a clear direction, so the juvenile offender does not understand what he should be answering, cannot assess what is expected of him in the process, and instead of facilitating the understanding of all these, the mediator keeps trying with new topics.

Regardless of how good a particular question is, *the quality of the response will depend on whether the question arrives at the right time, adequately prepared and scaffolded. Accordingly, the manner in which the question is raised clearly determines the quality of the response as well.*

In the presented example, the juvenile client cannot meet the expectations set by the questions. However, it is especially true for juveniles that if they do not understand how to answer a question meaningfully, then we will not receive a substantive answer, no matter how methodologically appropriates the question may be. For the juvenile client to understand the expectations, they must be capable of participating in the process and answering the questions. Remember: good questions should be asked at the right time for the clients when they have become capable of responding. It is only in this situation that they will tell us what they would like us to ask them.

Now let us look at another example: a conversation between the mediator and the client in a mediation following a traffic accident. Both the offender and the victim visibly arrived agitated to the mediation session. After a brief introduction, the mediator tried to address the emotional side of the conflict by asking both parties if they had been emotionally affected by the events. After both responded affirmatively, the following conversation took place:

Mediator: Has the insurance company paid for the damage?
Client: Well, the thing is, I have not been able to look at the car since then. My life has been a mess since then. I do not know what will happen to me now. Wherever I turn, I do not get real help.
Mediator: When did you start dealing with the insurance?
Client: The offender did not treat me like a human being. I was just waiting for him to at least apologise. I did not expect him to help with the insurance.
Mediator: So, what is next with the settlement?
Client: I do not know. Unfortunately, I still limp; my health has deteriorated since then. It is really painful for me.

Mediator: Do you feel you have enough information to reach an agreement?
Client: (After a short pause, the client's response.) I would prefer if we finished this conversation instead.

Indeed, sometimes clients signal what they really want to talk about even without the right questions. However, if the mediator does not pick up on this, despite open-ended informational questions, the clients will still feel unheard, and their participation in mediation becomes pointless.

No matter how hard the mediator works to get the parties to talk about the content side of the conflict, they are often too emotionally affected to discuss substantive issues. Clients should have been prepared for these types of questions, or at least the mediator should have understood the correlation that until the clients are less emotionally involved in the conflict, they are not ready to answer questions about content.

This is one of the basic principles of the strategic questioning technique: we can only ask our clients good questions at the right time, after adequate preparation, and only by doing so can we get meaningful answers to these questions. Only these questions will prompt them to communicate their real problems, feelings, needs, and desires. It then depends on the mediator's ability to hear his clients' responses. Mediators with diverse professional backgrounds may face different challenges with these question types and values in practice, even if they understand them theoretically.

This can be explained by differing methodological expectations related to different professions. For example, social workers, probation officers, teachers, or lawyers will face different challenges. In conversations with lawyers, I have noticed how often they point out the difference in questioning technique or style when compared to mediators. As lawyers, the questions they use primarily serve to effectively focus on fundamental facts and circumstances and obtain legally relevant information - because this is what their profession's rules expect of them. A lawyer colleague once summarized this difference professionally, saying, "I would never ask a question in court if I did not already know the answer!"

However, in mediation, we almost exclusively work with such questions: in most cases, we have no idea what answer to expect to the question, yet we must be prepared to work with this information in the future: we need to reflect on it and immediately incorporate it into the process, while resisting the temptation to give advice to our clients, and we must also be mindful of the limited time, limited communication or empathic skills of our clients all along, as being the professionals, our clients still expect from us the conflict resolution process to move in some interpretable direction.

These expectations may result in the mediator focusing solely on his/her questions, feeling that as long as he/she is asking, at least he/she is directing the process. Based on the aforementioned points, it seems obvious now that this is one of the trap situations in the mediation process. Strategic questioning technique can help avoid this trap situation.

5.3. The Five Basic Rules of Strategic Questioning Technique

Let us briefly review how questions should be built upon each other in the mediation process. We will present the basic types of questions and their application in point 5., but first, let us look at the "rules" of using strategic questions in general.

5.3.1. Tell them what you are going to ask, then ask, and then tell them what you asked

Returning to the example of the young person borrowing a motorcycle from his uncle, let us see how the first rule works. In this dialogue let us call the young person Tom.

Mediator: "Tom, I heard how your uncle described his experience with the incident, and I would like to ask a question about that. Do you remember what your uncle said about it?"

Tom: "Yes, I remember."

Mediator: "My question regarding this is, what do you think, how did the incident affect your uncle?"

Tom: "I do not know."

Mediator: "I see, Tom, I am asking this because both your uncle and your parents talked about how much the incident affected them, and they would like to understand all this better. Can you help them with that?"

As we can see, the mediator does not just ask the question and wait for the answer but precisely contextualises it, helping the question's understanding. First, he/she states what he/she is going to ask about, reminding the client of previously mentioned information. Then, after stating the question, he/she asks for help in clarification. With this method, we can get a more complete, thoughtful answer and allow the client adequate time for considering the response.

5.3.2. Go Back to the Question

All the above does not obviously mean that our young client would suddenly spend minutes analysing his uncle's emotional reaction to the conflict situation, but *we can facilitate his more effective participation in the situation*. The first response, however, will likely not be more than an uncertain attempt.

Let us see how the conversation continues:

Tom: "I know everyone is angry at me because I did something stupid. And when I got home after the accident, everyone was arguing with me. Everyone was mad with me."

Mediator: "I understand, I hear you when you say this was very uncomfortable for you. What do you think could have been the reason they argued with you? What were your parents and your uncle feeling?"

Tom: "I think they were worried, scared. And disappointed in me."

As we can see, the client does not answer the first question or interprets it only from his perspective. He cannot empathise with the other party's situation or at least is not prepared to answer yet. The mediator acknowledges his standpoint, then returns to

the question. This enables the client to respond meaningfully to an unfamiliar and uncomfortable question.

5.3.3. Stick to the Concept of Sequencing of Questions: From Lower Order Thinking to Higher Order Thinking

Our questions, as we will see in point 5., follow a logical sequence, arranged *according to the depth of cognitive performance required to answer them*. Answering informational questions related to a conflict situation usually does not pose much difficulty because clients can recall the events relatively accurately. In contrast, answering motivational questions requires not only recalling previous information but also reflecting on it, as they may not have been confronted with these questions before. *Reflective questions require not only information but also empathic communication between the parties*.

So, let us follow the logical sequence of question types used in mediation, and return to informational questions only when a *new topic arises during the process*.

5.3.4. Give Time for Understanding and Processing the Question

As mentioned earlier, mediation questions can sometimes surprise clients. So, let us dare to stay silent sometimes: silence is also a mediation technique, and our clients need time to understand, process, and then consider their answer.

We can give time in various ways: staying silent and waiting for the answer, taking a break, or holding a caucus. If we see that the client is having difficulty answering the question, we can also reflect on the situation: ask him/her what he/she needs to be able to answer.

5.3.5. Analyse the Hidden Meaning and Listen to the Answer

And again: let us not forget that clients interpret our questions. So, we should make sure exactly what the client understood from the question. This principle underscores the importance of active listening and clarification in mediation. Clients, especially children, may interpret questions through the lens of their own experiences, fears, and expectations, potentially leading to misunderstandings. To mitigate this, mediators should employ follow-up questions and reflective listening techniques to verify the client's interpretation. For instance, after posing a question, a mediator might ask, "Can you tell me what you understood from my question?" This approach not only ensures clarity but also empowers clients by involving them in the communication process. It is particularly crucial when working with children, as their cognitive and emotional development may influence how they perceive and respond to questions. By consistently checking for understanding, mediators can create a more effective, client-centred mediation environment.

6. Basic Types of Mediation Questions

6.1. Open-Ended and Closed-Ended Questions

First, I would like to clarify that in my opinion, *both open-ended and closed-ended questions are appropriate methods in mediation*. I also do not believe that the quality of a mediation process is determined by the proportion of open-ended to closed-ended questions. One of our most important mediation techniques, neutral reframing, can be most effectively applied in the form of a closed-ended question.

Let us take a look at the following example: Our client says the following: "He lies like a rug. Not a word of his can be believed!"

The mediator identifies the emotional need behind the offensive expression, which is trustworthiness, and asks: "So, if I understand correctly, you will need a trustworthy partner?" As we can see, here we applied an important mediation technique in the form of a closed-ended question, as we were specifically interested in whether we, as mediators, interpreted the client's words correctly and thus needed a yes or no answer.

On the other hand, I would like to define more precisely what I mean by open-ended questions from the perspective of mediation. Often, in the literature, open-ended questions are defined as those starting with question words (Who? When? Where?), and closed-ended questions are those to which clients respond with a yes or no. However, from the perspective of mediation, the situation is not so simple: for us, an open-ended question is any question to which the parties respond with more information, elaborating on their opinions, viewpoints, or emotions regarding the question. Therefore, simply starting a question with a question word does not make it an open-ended question, and the lack of a question word does not make another question closed-ended.

Let us look at some examples.

Mediator: "When did this happen?" Client: "Tuesday evening."

In this case, the question starts with a question word, but it is still a closed-ended question because the client responds with a single time. And this is indeed the textbook definition of a closed-ended question.

However, if I rephrase the question, the following dialogue takes place:

Mediator: "I do not quite understand, could you please tell me more about the situation when all this happened?"

Client: "Yes, it was on a Tuesday. I remember it well because I was going to work, and I had to get up early. Then, just as I was getting ready to leave, I noticed that…"

In this second example, although our question did not start with a question word, we obtained much more information, as the manner of questioning helped the client understand precisely what the "expectation" was regarding the answer. So, we did

not just get a single piece of information; we got a whole series of impulses, through the thorough discussion of which we can also help the clients understand each other more precisely.

Thus, an open-ended question is a question to which our clients provide substantive, elaborative answers rather than a single short piece of information. Let us look at some other examples, as understanding this difference is essential for the professional effectiveness of a mediator.

Table 1. From unhelpful to effective questions[8]

Questions that do not help	Better try	Correct question
Do you live in a house?	What kind of a house do you live in?	Could you tell me about your living conditions?
Have you met since then?	When did you last meet?	How has your relationship evolved since then?
Did you notice that he was drunk?	How drunk was he?	What impression did he make on you then?
Did he behave badly?	How did he behave?	What feelings did this evoke in you?
Have you been working together for a long time?	How long have you been working together?	What is your relationship like?

The examples also aim to demonstrate that the quality of our questions does not necessarily depend on the application of question words but rather, as the name suggests, on how much we open up the end of the question, that is, how much opportunity we give our clients to elaborate on their opinions, viewpoints, or emotions on the subject.

In Whatling's formulation, the primary purpose of open-ended questions is not necessarily to obtain information through them, but rather to prompt our clients to reflect on themselves, their own situations, and their own emotions.[9]

Indeed, with such simple questions as the open-ended questions presented above, we can touch upon our clients' opinions, feelings, thoughts, attitudes, desires, and needs. *This process inevitably leads to much higher-quality results than simply asking informational questions.*

However, these types of questions need to be prepared because clients are not accustomed to such methods of work, and juvenile clients even less so because they are used to not being required for resolving a problematic situation or a conflict situation. Typically, this is done by adults on their behalf, and their opinions, ideas, feelings about the topic do not matter much. Therefore, in a mediation process, they are unexpectedly, unpreparedly confronted with the typical questions of a mediator, also making their participation difficult.

By preparing our questions, we ultimately contribute to *helping our clients understand that in mediation, sharing information, feelings, thoughts is essential for*

8 Author's own work.
9 Whatling, 2012.

understanding each other. Understanding each other leads to the clients' ability to solve their own conflict, find their own solution, as ultimately, they themselves will have to live with the consequences of their agreement (or the lack of agreement).

Thus, adequately applied questioning techniques help our clients in the important realisation: that they themselves are the best experts on solving their own problems.

Questions are hence important tools for promoting thinking and stimulating social interaction, which is one of the explicit goals of transformative mediation.[10]

6.2. The Mediator's Most Important Types of Questions

Let us now consider the most important types of questions used in mediation. I will mention four types here[11]: informational questions, motivational questions, reflective questions, and circular questions.

6.2.1. Informational Questions

The purpose of informational questions is primarily to gather information at the beginning of the mediation process that is not already available. The answers to these types of questions typically not only help the mediator understand the disputed situation but also assist the parties in obtaining further information. In many conflicts, we encounter situations where communication between the parties has either stopped or become very inefficient. For these reasons, the answers to informational questions can also provide new information for the parties. Even with this type of question, we should always strive to encourage the parties to respond with open-ended questions. Informational questions may reappear at another point in the process as new questions and topics arise that require information. It is noteworthy that according to Ciles, the use of informational, "factual" questions *provides greater control over the process*[12], which is why it is important to transition to other types of questions as soon as possible.

As mentioned earlier, school-age children are typically accustomed to informational questions due to school socialisation, so using these questions can prepare the juvenile client to respond to unfamiliar questions in the mediation process. We can start with familiar topics such as sports, favourite TV shows, friends, hobbies, thus avoiding them getting stuck in an already unfamiliar and uncomfortable situation.

Completely "harmless" questions can also give the feeling that it is perfectly okay to have a conflict, it is okay to want different things, have different needs and desires, have different musical tastes, or have different habits, convictions.[13]

10 Bush and Folger, 1997.
11 Kertész, 2010.
12 Ciles, 2023.
13 Stacey and Robinson, 1997.

6.2.2. Motivational Questions

Motivational questions address the feelings, viewpoints, and perspectives of the parties and are essential questions. Their use is necessary because they provide insight into the background of the other party's decisions. These are typically "why-questions," which are often cautioned against in the literature because "why-questions" are often phrased in a blaming or offensive manner.

However, let us consider whether the problem lies with the word "why" or rather with the manner of formulation?

Let us look at some examples.

It is obviously wrong to ask the client, "Why did you do this?" – the flawed nature of the question is hard to miss, and it is easy to see that the response will either be deep silence or a self-justifying answer. Neither of these helps in the mediation process.

Behind the question "Why did you not help when you saw that your classmate needed assistance?" the mediator's judgement is obviously heard, indicating that he/she thinks that assistance should have been expected, so the omission of it was not the correct behavioural form. It is difficult to respond constructively to this blame.

As a mediator, I argue that the proper application of a "why-question" can help greatly in understanding the other party's perspectives. However, it is undeniable that answering the "why" question is particularly challenging even without a conflict situation: for example, do we have an obvious answer as to why we do things that we are aware of having health risks?

In the mediation process, clients face similarly challenging situations: *why-questions are higher-order questions, so answering them requires higher cognitive performance, more time is required for the parties to think through their responses, and more time is requires to prepare such questions.*

If, however, we wish to avoid the "why-question" because we would find it difficult to raise it without making a judgemental statement in the given situation, then it may help in the formulation of motivational questions to *focus on the reasons for the motivation* rather than on the actual motivation. Thus, instead of the question "Why did you leave your family?" we can ask, "What were the reasons that led to you making this decision?".

Or, when dealing with young people involved in a school fight, instead of the question "Why did you fight?" we can expect better results with raising the question "What caused you to become so angry?" Recalling my earlier statement, whatever the purpose of the mediator's question, ultimately, the interpretation of the respondent determines the type of response.

Why-questions can be very important if we can exclude blame from them; let us look at two examples: "Why is this relationship important to you?"; "Why would you like these questions clarified?"

With these why-questions, we provide an opportunity for the clients to understand each other's motivations without judgement.

In summary, properly applied motivational questions can divert clients from the blame characteristic of their conflict story so far, and although they cannot change the

past, by establishing constructive communication, they get the opportunity for more effective future cooperation. This is also the conflict-preventive role of mediation.

6.2.3. Reflective Questions

By consistently applying reflective questions, I essentially motivate clients to consider the established problem, the conflict situation, *from the perspective of the other party*. In my experience, reflective questions are the most important elements of the mediator's questioning toolkit; with reflective methods we can often achieve that the conflicting *clients approach each other for the first time during the process*. Their effect on the parties is often surprising: they frequently pause and contemplate, find it difficult to answer the question, and sometimes without the assistance of the other party, they are unable to do so. This is often due to what I had mentioned earlier: they do not have ready answers to reflective questions because they have not seen the situation from the other party's perspective before; they are now confronted with the question for the first time. And this is exactly what we ask of clients: for a moment, try to see the other party's perspective. Convey what they think, why a topic is important to the other party, what feelings it arouses, how they feel in the conflict, what motivates them, why they made the decisions that caused the conflict. *These newly considered perspectives often lead to a complete transformation of the clients' perception of the conflict.*

Let us now look at some examples of this extremely important type of question: What do you think, how is Eve feeling right now?"; "What do you think, why is this important to his/her father?"; "What do you think, how does his/her son feel in this situation?"

"What do you think, how did the child feel when he found out about the decision that was made?"

Covey described in his renowned book, "The 7 Habits of Highly Effective People," as the fifth rule, *to seek first to understand, then to be understood*.[14] With this simple advice, he/she emphasises the importance of empathetic communication: and as a mediator, it is also advisable to motivate clients to consciously apply reflective methods because empathy towards understanding each other, the other party's situation, and feelings will positively affect the relationship between the parties. *Empathy will reconnect the parties, enabling the understanding of the conflict from a completely different perspective* – that of the other party. Even if we do not accept it, at least we can understand the concerns, motivations behind the other party's decisions, and this process leads to the establishment of trust beyond empathy. All this is the cornerstone of an honest, open communication: as I often phrase it in connection with mediation: *the process truly begins to work when the parties communicate with each other in a "tactfully honest" manner.*

14 Covey, 2020, p. 273.

6.2.4. Circular Questions

Circular questions are essentially the results of this process: if the parties have become capable of communicating honestly and sensitively with each other in the earlier stages of mediation, sharing their thoughts, emotions, opinions with each other, then *the mediator's task is to gradually withdraw from the process*: to give the parties the opportunity to communicate directly without his/her assistance, guidance and moderation. By applying circular questions, the mediator no longer addresses a question to one client but rather raises a new topic that the parties have not previously discussed with each other. Each client answers these questions.

Let us look at some examples: "How do you feel about how well we have covered the topics we defined at the beginning of mediation?"; "How do you feel about how much this conversation helped you?"; "What do each of you think now about the roles played in the situation?"; "What have you learned from this case?"; "What do you think needs to be done to prevent similar situations in the future?"

With these questions, as we can see, the mediator is actually trying to close the emotional part of the mediation process and slowly shift to substantive questions, that is, to develop a possible agreement between the parties. However, it is necessary to note that the mediator should *resist the temptation to move too quickly at this point*. I would like to recall once again that the mediator's questions – no matter how methodologically justified they are – are interpreted by the clients, and if we do our job well, they will tell us what they would like us to ask them.

So if the response from the client to the question, "How do you feel about how well we have covered the topics we defined at the beginning of mediation?" is, "Well, I do not know, it would have been good to talk more about how our children feel in the situation, but why should I talk to someone who constantly lies?" – then it is clearly visible that our clients are not ready to move on, as they are still concerned with the emotional aspect of the conflict, trust, reliability, honesty. Therefore, the mediator must focus on *evaluating the responses* to determine how ready the clients are to move on.

However, there is no need to be afraid of this: if we have asked questions that are methodologically justified in our opinion, and the clients indicate with their answers that they are not ready to move on, then we have not done anything wrong, we have not missed anything. Simply return to those topics that the clients find relevant and do not try to rush them. Never forget that the "case," the "conflict" belongs to the clients, it is up to them to solve it, and they also have to live with the consequences of the solution. The longer a conflict lasts and the more it affects us emotionally, the more time it takes to build trust and empathetic communication. We can only fail in the process if, focusing on our own questions, we fail to hear the response from the clients. So our questions follow a certain order according to strategic questioning techniques, and while we ask them, we cannot ignore the scaffolding of the questions. And remember: we have more to do with the answer than with formulating the next question.

7. Summary

In our article, we have reviewed why our questions are important, the significance attributed to them by our clients, and subsequently we have overviewed the methods of strategic questioning technique, emphasising the importance of question sequencing and scaffolding.

Even though, as indicated at the beginning of the study, mediation is inconceivable without questions, it is surprising how little attention is paid to this in the mediation literature. We find a great deal of methodological assistance on proper questioning techniques in schools, or in legal and advocacy work. The questioning techniques required for "interrogation" are specifically instructed in the training of investigators.

Somehow, from the perspective of mediation, discussions on questioning techniques are still rare, and they do not go beyond general formulations or listing question types. Thus, many mediators can only rely on their own experiences during their methodological development.

I hope that the methods and practical advice presented in this paper will contribute to the work of conflict resolution professionals, facilitating the application of more effective work methods.

Bibliography

Bush, R.A., Folger, J.P. (1994) *The Promise of Mediation – Responding to Conflict Through Empowerment and Recognition*. San Francisco: Jossey-Bass Publishers.

Chiles, M. (2023) *Powerful questioning.* Carmarthen: Crown House Publishing.

Covey, S.R. (2020) *Seven habits of highly effective people – Revised and updated*. New York: Simon and Schuster.

Gall, M.D. (1984) 'Synthesis of Research on Teachers' Questioning', *Educational Leadership*, 42(3), pp. 40–47.

Haynes, J.M. (1993) *Alternative Dispute Resolution: Fundamentals of Family Mediation*. London: Old Bailey Press.

Johnson, B. (2021) *Better Questioning for Better Learning – Strategies for Engaged Thinking.* Milton: Routledge Publishers.

Kertesz, T. (2010) *Mediacio a gyakorlatban.* Miskolc: Bíbor Kiadó.

Stacey, H., Robinson, P. (1997*) Let's Mediate – A Teachers' Guide to Peer Support and Conflict Resolution Skills for all Ages.* London: Sage Publications.

Whatling, T. (2012) *Mediation skills and strategies – A practical guide*. London: Jessica Kingsley Publishers.