

# Kluwer Mediation Blog

## Reading for Mediators.....

John Sturrock (Core Solutions Group) · Wednesday, April 29th, 2015

It's funny how one thing leads to another. Regular Kluwer blogger Ian Macduff posted a great blog earlier this week on the importance of asking questions. That reminded me that I had intended to get hold of a book by Edgar Schein entitled "Humble Inquiry: The Gentle Art of Asking Instead of Telling". So, I downloaded it last night and found that I could skim read it fairly quickly (These days I find that, if I read the introduction, the references at the back and then from the back of the book to the front, I can get through the significant parts more quickly - and the highlighter on the Kindle function is ideal for emphasising key points). Schein's is a well-written book. For many of us, it may tell us little that we think we don't know already. However, it is a comprehensive reminder of the importance not only of questions but of genuine humility.

More importantly, I was able to use Schein's book today in a coaching session for significant clients who are about to enter major negotiations at the highest level. Excerpts (highlighted on my iPad Kindle app and fresh in my mind) proved to be very useful at just the right points in the sessions today. And that is often what books are for: immediate use at the appropriate moment in a mediation or training....providing a gem to be pulled out and shared. For those listening, it is often a light bulb moment, the expression of something obvious yet not explicit. I tend to use short quotations in my opening remarks over breakfast when I bring principals and lawyers together early on in mediations for an informal gathering. My most recent reading regularly provides the material.

I shared much of this by email with Ian Macduff, with whom I regularly correspond about current reading. He suggested that Kluwer could have a regular "books we have recently read/recommend" slot. I had already drafted my blog for today in part but, well....change of tack and here we are. A few recommendations....

First up is Richard's Sennett's "Together: the Rituals, Pleasures and Politics of Cooperation". This is a book I have dipped into, most recently the section on "Civility", which identifies the shift from chivalry to civility as codes for conduct in the sixteenth century and which, to quote the author, "would shape the modern understanding of cooperation". Face-saving rituals, self-restraint, courtesy, contrasting shame and guilt, the use of the subjunctive mood by diplomats ("I would have thought....") and careful listening for the clues that might reveal, managing and using silence, masks of self-

control, contradiction, irony and paradox.....all this in just thirteen masterful pages. (And we mediators thought we had invented some of this.....)

I have made good use of "The Art of Thinking Clearly" by Rolf Dobelli, 99 short chapters about "systematic deviation from logic" or "cognitive errors". This book is just full of great examples of why we/the parties in mediation get so many things so wrong so often. The "endowment effect" explained to me why I couldn't sell my own house at the price I wanted.... "Sunk cost fallacy" and "loss aversion" will be familiar to most readers but what about "neomania", "twaddle tendency" and "affect heuristic"? Thoughtful (and relevant to the case) reflections on such ideas in a mediation can both lighten the mood and enlighten the decision-makers. You need to find the right language though, which means getting to know the parties first.

Next up: Paulo Coelho's "Manuscript Found in Accra". Those familiar with Coelho's "The Alchemist" will not be surprised that this is a rich source of wise observations. I opened the book this evening at page 111: "Elegance....isn't in the way we wield a sword, but in the dialogue we hold which could avoid a war" At page 126: "People who seek only success rarely find it, because success is not an end, but a consequence." You never know, these words might just be what you need in tomorrow's mediation.

"Leading from the Emerging Future: From Ego-System to Eco-System Economies" by Scharmer and Kaufer is a serious read and places our own work in a much broader context. It challenges, as mediators do, the paradigms of current thought (in economics and elsewhere), and builds on Einstein's familiar theme: "We cannot solve problems with the same kind of thinking that created them". How often do we mediators really get the parties out of the thinking that created the problem and into genuinely new ways of looking at the issues? We like to think we can but, under pressure, it is so easy to fall back to familiar language and into linear or binary approaches. Try this: "Bridging the gap between eco- system reality and ego- system awareness is the main challenge of leadership today. Decision- makers across the institutions of a system have to go on a joint journey from seeing only their own viewpoint (ego- awareness) to experiencing the system from the perspective of the other players, particularly those who are most marginalized. The goal must be to co- sense, co- inspire, and co- create an emerging future for their system that values the well- being of all rather than just a few." Apply that to parties in a mediation?

Or this: "What is missing from how this story unfolded is a moment of reflective disruption in which all players would have come together, looked in the mirror, and realized what they were doing to themselves." "The journey from ego- system to eco- system awareness, or from "me" to "we," has three dimensions: (1) better relating to others; (2) better relating to the whole system; and (3) better relating to oneself. These three dimensions require participants to explore the edges of the system and the self."

Much food for thought. I'll leave it there. I know that these books and these ideas enrich my practice. I hope that one or two of them might help others too.

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## Kluwer Arbitration Practice Plus

Offers an enhanced **Arbitrator Tool** with 4,100+ data-driven Arbitrator Profiles and a new **Relationship Indicator** exploring relationships of 12,500+ arbitration practitioners and experts

The screenshot displays the 'Explore Practice Plus' interface. At the top, there is a navigation bar with a checkmark icon and the text 'Explore Practice Plus'. Below this, a profile for 'Gary S. Bore' is shown, including a profile picture, name, and various statistics. The main content area features several circular charts and data tables, likely representing the 'Relationship Indicator' and 'Arbitrator Profiles' mentioned in the text. The interface is clean and professional, with a blue and white color scheme.

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