

# Kluwer Mediation Blog

## Have You Heard The One About The Talking Toad?

Charlie Woods (Core Solutions Group / Scottish Universities Insight Institute) · Friday, December 8th, 2017

James Robertson's novel 'To be continued...' introduces us to a character who goes by the name of Mungo Forth Mungo. Mungo is somewhat far fetched, not least because he is a talking toad. In this capacity he engages in many thoughtful and reflective conversations with the main character in the book – Murray Findhorn Elder (by now you've probably guessed the tale is set in Scotland!). As well as being amusing, these conversations often provide Murray with valuable insights and propel the story forward.

In a great example of 'others shoes' thinking, towards the end of the book, Murray imagines he hears Mungo launch into an impassioned speech on behalf of nature concerning the impact of humankind, which breaks the story out of its focus on individual relationships. The speech begins: "You think this belongs to you. With all your libraries full of books and universities full of accumulated knowledge, your internet and roads and railways and great cities, you think you are here to stay. You have no idea! You have barely arrived." It certainly gives a lot of pause for thought, as is usually the case when you try to see things from a different angle.

One of the joys of a work of fiction is that it allows the imagination to run wild and explore all sorts of possibilities. In some ways mediation offers similar opportunities, through imagining what things might look like from a another's perspective, or what it might feel like tomorrow if matters were resolved today, or what might happen if a court was to make a decision, or what possible ways forward there might be no matter how unlikely they seem at the moment. The hypothetical is often pregnant with possibilities if only we can open our minds sufficiently and breakout of the straightjacket of how we conventionally look at the world.

Edward de Bono has pioneered ways of thinking more creatively and productively. One such approach is his six thinking hats, which requires members of a group to wear different coloured hats (metaphorically or sometimes literally) to represent different types of thinking. In summary, the white hat is for thinking about objective information, the red is for thoughts on feelings and emotions, the green is for ideas and possible ways forward, the yellow is for reasons why something might work, the black is for reasons why it might not and the blue is for process. In some respects this is analogous to a mediation process (blue hat), with the white and red aiming to increase understanding, the green exploring ideas and options and the yellow and black evaluating options and reality testing prior to decision.

One of the simplest ways of encouraging creative and broader thinking is through the use of open questions – no matter what colour hat is being worn. This was highlighted by the Bank of

England's Chief Economist in a recent speech, in which he argued for greater genuine engagement of economic policy makers with the public. In the speech he said that avoiding the framing effect of closed questions "requires you to ask questions which are as open and unpolluted as possible by experts' priors and prejudices. This comes from listening, rather than just hearing. It comes from engaging in two-way conversation, from genuine dialogue not monologue. It comes from drawing on social skills every bit as much as cognitive skills." An unlikely champion of open questions perhaps, particularly as he himself recognises that: "An economist with strong social skills is one who stares at your shoes, rather than their own, when engaged in polite conversation."

So maybe the next time you reach an impasse, perhaps you could let your imagination loose and speculate on what a talking toad might say, or put on an appropriately coloured thinking hat or just ask another open question!

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