

THE CREATIVE SOLUTION
by
CHIP ROSE

“Silence is Golden”

It is a matter of self-selection that mediators are born talkers. Conversing, after all, is what we do. Because of this fact, the act of choosing not to speak is a little like trying to write with the other hand. Of course you can do it, if you absolutely have to--for example, if you break your wrist or finger. But for mediators, talking is just so natural and there is the fact that we have so much to say. So, it is against type that we look for one of the most powerful and least considered tactics in the mediator's tool box--the use of silence.

Strategic silence is much more than the absence of words. Depending on the context, it can be validating and supportive or challenging and threatening. Like every other intervention that a mediator may employ, it is most effective when it is used purposefully. On the eve of our annual summer conference when the institutes, workshops, meetings, and social gatherings are a veritable cornucopia of conversation, it seems fitting that we consider the humble act of silence.

There are any number of silence types. To begin with, we should distinguish *strategic* or *tactical* silence from the non-thinking variety. Although we all lapse into periods of the latter, it is the former that is the subject matter of this column. One of the most common types of silence is the kind that is **observant**. In order to understand the client's state of mind as he or she comes into the process, it is both appropriate and effective to listen and observe the client's demeanor. This kind of silence allows us to begin learning what we need to know if we are to be skillful in developing a meaningful process. Clients provide far more information to the mediator than the facts of their story. Their initial communications reveal values, principles, positions, and interests. This type of silence provides valuable time to organize and strategize the appropriate path to an agreement.

A different kind of silence is the type that makes a **statement**. This can occur in many situations during the course of the mediation. The circumstance that comes most readily to mind is the client blow-up. One party makes a statement or uses body language to push the buttons of the other and the parties go off in high conflict. Silence by the mediator can make the statement that the parties will not be rescued from a crisis of their own creation. As with any intervention (passive or active) the context must be considered. In remaining

silent, the mediator may need to be prepared to deal with the client perception that the mediator is weak or passive. At the same time, the mediator has a powerful opportunity to demonstrate capacity for process management. Following the John Haynes school of mediation-by-inquiry, the mediator might ask how effective the bilateral verbal assault was in resolving their obvious perspective differences. In response to the predictable negative reply, the mediator might bring the parties back to some of the fundamental process anchors to demonstrate their use and purpose in maximizing the use of mediation time. The impact of such an understated approach is significantly enhanced by its stark contrast to the vacuum that follows their war of words.

A close cousin of the statement silence is the variety that can be described as **contemplative**. This type can be used as a pregnant pause in the process, a moment to reflect, cogitate, conceptualize or consider. Used for its form rather than its content, it can be the bridge between what was being discussed and what will be offered next for consideration by the parties. This silence naturally draws the clients' attention into its wordless space, clearing the air and redirecting their focus toward the desired objective. The longer the pause, the deeper the clients are drawn into the void and the more dramatic becomes the impact of whatever information is imparted immediately thereafter.

Silence that is combined with facial communications is **expressive** silence. A smile, a frown, a furrowed brow all create a meaningful non-verbal communication. Rolling the eyes, looking away, staring at a distant focal point are types of expressive silence the can serve the purposes of the facilitator in managing the process.

Finally, while it is nice to assume that we are always strategic and purposeful, the fact remains that some of our silence is **detached**. The most distinguishing characteristic of this type is the fact that it comes out of our subconscious rather than conscious intentions. Where is the mediator who has never gone over a shopping list or the lunchtime errand sequence and not at the same time adopted a facial expression that strongly suggested an expressive, contemplative, observant silence was actually at work there. Intended or not, it too conveys a message to the clients who observe it that the mediator is bored, uninterested and wasting the clients money.

If you have never consciously done so before, consider experimenting with silence to gauge the types, the circumstances and the comfort level you have with all the varied species of this golden tool.