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# Kluwer Mediation Blog

## Some Table Top Ruminations

Joel Lee (National University of Singapore, Faculty of Law) · Saturday, January 14th, 2012

It has been said one cannot ask a fish what water is. When something so surrounds us, it is often invisible to us. The same thing can be said of our environment. It exists in the background and often by-passes our conscious attention. Yet, it affects us in subtle ways which can affect our feeling of power (or powerlessness) and desire to cooperate or compete. The category of Environment comprises of, inter alia, the room, lighting, sounds, scent, colour, decoration, temperature, shape of table and seating positions.

I've been recently thinking about how the table and seating positions around it can affect a mediation. In the contexts that I mediate in, I do not have the luxury of choosing the size and shape of the table I use. I have some flexibility in choosing where the parties, their representatives and I sit. The table that is used is usually a rectangular one and I usually sit at one end of the table with the parties on either side. Occasionally, I would sit on one side of the long table and have parties sit next to one another facing me.

I began wondering what would happen if I had the luxury of choosing the table I used. As such, I would like to table (ouch, sorry) my thoughts for this entry.

There seem to be fundamentally 4 shapes of tables one will encounter. Square, Rectangular, Oval or Round (while a Triangular table is possible, it is less common). The idea, of course, is that depending on the shape of the table and how one arranges the seating positions, one can create different effects.

For example, in the business context, where one has a square or rectangular table, seating positions directly opposite one another is said to create a sense of competition whereas sitting next to one another on one side of the table is said to foster cooperation. These same considerations apply to an oval-shaped table. A round table is considered to be ideal for fostering a sense of equality and cooperation.

Do all tables have a "place of authority"? Obviously, a rectangular and oval table has the position of power at the head of the table. Conventional wisdom would suggest that in the case of a square or round table, there is no discernible position of power. This is the basis behind the idea that King Arthur and his knights were considered equals since they sat around a round table.

In the writer's experience, this may not be entirely accurate. While the square or round table may in and of itself not have a "place of authority", the power dynamics can be affected by the presence of someone with a high status. For example, in cultures where hierarchy matters, where the

mediator (assuming that she or he is perceived to be of sufficiently high status) sits determines the position of authority. Of course in cultures where the hierarchies are more flat, this effect is either lessened or negated.

The power dynamics of square and round tables can also be affected by the nature of the seat. Should one chair be different (for example being bigger, grander or more classy), then that chair would denote the “place of authority”.

Even where the chairs are identical, the location of the seat can make a difference. Drawing from the chinese culture where meals are commonly held around a round table, it is normal for the most senior or respected person in the room to sit in the chair that is in the most secure position in the room. This is usually the position where one’s back is to the wall and where one can clearly see the entrances to the room. This is of course not unique to the chinese culture and anecdotal wisdom from the frontier days of the wild west parallels this.

The practical applications of this discussion are clear. If one has the luxury of selecting the shape of the table, it is recommended that the table be round. The mediator should be seated in the most secure position in the room usually with his/her back to the wall and in a position where they can view the entrance. The mediator should also be equidistant between the parties.

If one does not have the luxury of choice and has to work with a long table (either oval or rectangle), it is suggested that parties be seated next to one another on one long side of the table in order to foster a cooperative mindset. While this means that the mediator will sit opposite on the other long side and not at the traditionally accepted “head of the table” position, this can have the benefit of promoting informality and signaling that the mediator is not there to judge but to facilitate. If it is necessary for the mediator to have more of the trappings of authority, this can be done by “power-dressing” or having a chair that is larger or higher than the parties. Needless to say, parties should be seated in chairs that are the same in all respects.

It is important to acknowledge these suggestions are not writ in stone. Circumstances may dictate the need for a different configuration. For example, if there are issues of personal safety involved, seating parties side by side would be contra-indicated. With a long table, where each party has more than one representative, it may make practical sense for the mediator to be at the head of the table with the parties on either long side of the table.

Are these table top ruminations accurate? I have not had a chance to test this in mediations with different types of tables. Perhaps those who have would be willing to share their thoughts?

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