

Kluwer Mediation Blog

Order Or Chaos – What Is Your Preference?

Bill Marsh (Editor) (Bill Marsh Mediator) · Monday, April 2nd, 2012

I recently came across a new word – new to me, at least, which was irritating because I pride myself on having a pretty good vocabulary. The word is “Chaordic”. To quote Wikipedia, “The portmanteau chaordic refers to a system of governance that blends characteristics of chaos and order”. The term was apparently coined in 1993 by Dee Hock, the founder and former CEO of the VISA credit card association, and according to him it “stands for the harmonious coexistence of opposing forces”.

Wikipedia goes on to say: “The mix of chaos and order is often described as a harmonious coexistence displaying characteristics of both, with neither chaotic nor ordered behavior dominating. Some hold that nature is largely organized in such a manner; in particular, living organisms and the evolutionary process by which they arose are often described as chaordic in nature. The chaordic principles have also been used as guidelines for creating human organizations – business, non-profit, government and hybrids—that would be neither centralized nor anarchical networks”.

All this seems to ring more than a few bells in this mediator’s mind.

First of all, I have lost count of the number of times in a mediation when I have had to make a judgment call about whether a particular meeting (usually a joint one) has “got out of hand”; or rather, whether it has ceased to be valuable. And of course there is a huge distinction between those two. Mediations can become heated, of course – no problem with that, in fact I usually encourage candour from the parties, and am sometimes taken at my word! Most mediators recognize the value in letting, indeed encouraging, the parties to have their say. Equally, as a meeting heats up, you will often get worried looks for some of those present (usually advisers not parties, in my experience) who are getting increasingly uncomfortable and will be thinking that it’s time to end this particular meeting for fear of doing damage.

The real question, I find, is not whether the discussion is heated, but whether it is delivering value. Some heated discussions do, some don’t. Some calm discussions do, some don’t. Like most aspects of mediation there are no easy ways to decide (and isn’t that part of the joy of mediating?). But here are some thoughts, at least.

1. Have you prepared the parties effectively for what might take place? I mediated an intense dispute about ten days ago, where the claimant was adamant that he wanted to give the defendant a no-holds-barred account of how he saw things. Before he did so, I spent time with the defendants talking through his wish to do that. Once prepared, they could view it for what it was – a necessary

and important step for the claimant – rather than getting caught up in the heat of the moment and submitting to the instinct to disagree with everything.

This example is no more than a simple instance of enabling parties to get the most out of their interaction, and indeed of the mediation process as a whole – a fundamental part of what we do.

2. For whose benefit might the more chaotic aspects be? For the speaker, or the hearers? It may be that the benefit of chaos often lies simply in seeing what emerges. Perhaps something will be said in the heat of the moment which is valuable? Or deeply damaging? Perhaps one or more parties will benefit from knowing how strongly the other parties hold their views (allowing of course for the often-present element of “theatre”)? Perhaps the chaos will underline to the parties the need to approach the discussions in a different (perhaps more ordered) way if they are to make progress? Perhaps, perhaps, perhaps. Isn’t that part of the nature of what we mediators do? We enable a dialogue full of “perhaps’s”, to see what happens.

3. “Heated” does not equal “chaotic”. This isn’t an easy distinction to grasp when you are in a mediation and the “stuff” is hitting the fan. But any detached view will tell you that there is clearly a difference between the two. Heated discussion implies strongly-expressed views. Chaotic discussion implies an absence of structure. So if you are mediating a heated conversation, don’t assume that it is necessarily chaotic. In fact, the mere fact that parties are in a mediation implies a greater degree of structure and order than is often the case. And if it is chaotic, don’t assume that that in itself means that it is not delivering any value.

4. Individuals differ in their pre-disposition towards chaos or order. That goes for all the parties, their advisers and the mediator. There is no objectively correct balance between the two. As always, mediators try to work within the tolerances of the parties, whilst at the same time encouraging them to go beyond those. We need to engage with parties intensely to understand what tolerance they have for such things.

5. Know yourself as a mediator. A significant degree of self-knowledge is critical for all mediators, not least in the context of order and chaos. You (as a mediator) may be entirely comfortable with a session that one or more of the parties would regard as unacceptably chaotic (or heated, if they have mistaken the two). Or you may be comfortable with a session that the parties see as totally micro-managed and controlled, stifling their contributions. So if you are more comfortable with order than chaos (a.k.a. a control freak!), try letting go of the reins a little and seeing what happens. And if you are comfortable with chaos, recognize that some clients will find some of your mediation sessions at least terrifying, and quite possibly unproductive.

As always when we mediate, we are called upon to make continual judgment calls. That’s part of the expertise we are paid for, and the joy of the role. So if you have ever felt, whilst mediating, that you are walking a tight-rope between order and chaos, you are probably in exactly the right place!

One final point. The word “chaordic” has been adopted as a management and political principle, in an effort to achieve that fine balance between over-centralized control on the one hand, and anarchy on the other. Now that I think about it, that’s not a bad aim for a mediation!


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