



Robert Jenks - NEGOTIATION TIP 51

There are several powerful advantages to the use of silence in negotiations. Harvard Law School and Harvard Business School Professor, Guhan Subramanian, notes that in a recent Negotiation Briefings article. (“When Silence is Golden”, Negotiation Briefings , Vol 19, Number 2, February 2016, Program on Negotiation At Harvard Law School).

Subramanian notes that often negotiators tend to formulate responses while listening as opposed to really hearing the totality of what their counterpart is saying. He suggests you can counter this by taking a few moments to pause and reflect on what you’ve heard, assess the opponent’s position and formulate an appropriate response. Combined with active listening skills, this can elicit more and indeed in depth communications from the other side that gives you greater insight.

Subramanian also notes that when confronted with outrageous positions as anchors, silence may be used to defuse it without direct confrontation. And he feels the power of a pause allows you to assess and counter the many other psychological biases that confront negotiators either intentionally or not. He cites William Ury in his book, “Getting Past No” (Bantam, Revised Edition, 1993) where Ury urges negotiators to “go to the balcony” to take another look at the matter from a different perspective. A brief pause can give you that perspective. Sometimes we can’t see the forest for the trees.

Professor Charles Craver of George Washington Law School maintains that silence is a powerful negotiation technique that most negotiators overlook in their ardent zeal to avoid the awkwardness of silence. They either zealously articulate their own position in response as soon as the other side takes a breath, without regard to what they have heard; or follow up offers by anxious re-articulation or modifications of positions when the other side hesitates to respond.( Effective Legal Negotiation and Settlement, Sixth Edition, 2009, Charles B. Craver, Matthew Bender and Company, 122).

Craver says many negotiators fear silence. He suggests negotiators make their point, send the intended message and then be quiet. Pause; wait to see what the other side responds with. Don’t keep adding on. If the negotiator notes that the other party is nervous in silence, use a pause after they speak to get them to cough up more information or even concessions. (Craver 122, 123)

Therefore, only speak with intentionality. Guard your lips. Don’t be afraid of silence. After listening, take a breath, indeed several breaths and assess how you want to respond. Listen to what they may add. After speaking, wait to hear a response before chasing your words with others. Use silence as a tool.

