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Mindfulness 101: Nonviolent Communication

By Scott L. Rogers


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The practice of law calls on us to engage in challenging conversations, often with people we regard as adversaries and perceive as being difficult. Many of these conversations involve counterparties to disputes, although they can also involve clients, colleagues, friends, and family. While there are certainly times these interactions go smoothly, they can also derail at times, leaving us (and others) feeling frustrated, angry, disappointed, and anxious.

There are many methods for developing communication skills and, in this month's column, we'll look at Nonviolent Communication (NVC), an approach developed by [Marshall B. Rosenberg](#), a psychologist, mediator, author, and teacher, that offers a process for resolving conflict within people, in relationships, and across society. While NVC does not explicitly discuss mindfulness or involve mindfulness meditation, it expresses the very heart of mindful communication. Today we'll get a glimpse of NVC by exploring one of the first steps it teaches for when we find ourselves in an unpleasant and challenging interaction.

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Separating Observation from Evaluation

Mindful communication involves cutting through the clutter of our own biases, judgments, and assumptions and operating from a place of greater clarity. An important skill when communicating with others is to separate our observation of what a person is doing or saying from our evaluation of them. This is easier said than done because we often lump the two together, which can affect the quality of the conversation and the path to resolution. Rosenberg offers the insight that “[w]hen we mix observation with evaluation, we decrease the likelihood that others will hear our intended message. Instead, they are apt to hear criticism and thus resist whatever we are saying.”

You can probably remember a recent conversation that started out well enough and quickly headed south. Often, this catches us by surprise, as if we didn't see it coming. Along with others resisting our message, our overlooking the evaluation can interfere with our getting a clear read on messages communicated to us. For example, opposing counsel may reject a counteroffer. The message is clear, but all too quickly we add on unhelpful judgments, analyses, or inferences that confuse matters for us and for them. Along with having rejected the counteroffer for the reason stated, we infer they are “being difficult,” “trying to control the process,” “unwilling to compromise,” “still angry because of the last case,” and so on. This evaluative element, often lurking beneath awareness, can prove to be a greater impediment to productive communication than

the cause over which we disagree. Merely being aware of the evaluative component and distinguishing it from a more descriptive read on the message communicated goes a long way.

The tendency to mix observation with evaluation is not limited to adversarial contests. It can emerge when someone doesn't say hello when they walk in the room, when driving behind a bicyclist, when honked at, when the salesperson is glued to his cell phone, and when we come home from work and see the garbage overflowing.

So, why parse observation from evaluation? One reason is that *how we feel* and *the ways we react* can be influenced by the evaluation. Importantly, the intention is not to refrain from evaluating; it is to discern the difference between the two. The philosopher Jiddu Krishnamurti understood this when he wrote: "The ability to observe without evaluating is the highest form of intelligence."

So, how do we do this? It begins by keeping a lookout for judgments slipping into our narrative of what is *actually* taking place. For many of us, it is difficult to make observations of people and their behavior that are free of judgment and criticism about them (or ourselves, for that matter). By becoming more alert to the tendency to do so, we may begin to respond in a more constructive way, one more connected to our needs and interests. For example, with regard to the garbage, we are less likely to lead with, "I can't believe how irresponsible you are" and more likely to build on our observation, "When I came home and saw the garbage full, I . . ." which tends to be a better starting point.

To help navigate this complex, ambiguous, and sometimes volatile terrain, NVC sets forth a series of practical steps that shifts the focus from what the other person says and thinks to more telling and reliable indicators such as what the person is feeling and may need. If you are interested in learning more about NVC, there are informative books such as Rosenberg's *Surprising Purpose of Anger: Beyond Anger Management: Finding the Gift* (Puddle Dancer Press, 2005) and *The Heart of Social Change: How to Make a Difference in Your World* (Puddle Dancer Press, 2004), and useful and engaging videos such as [The Basics of Nonviolent Communication](#) (2015).

Given the adversarial nature of the practice of law and how quickly words become swords and hostility takes hold, the insights and lessons of NVC can save time, money, and grief. NVC can also help build more collaborative and supportive relationships. More often than we may realize, the underlying dispute or disagreement is far more workable when seen and heard clearly for what it is. As author and teacher Sharon Salzberg reminds us, it is helpful to be able to tell the difference between what happened and the story we tell ourselves about what happened. So, the next time you find yourself getting worked up in the middle of a conversation, you *owe* it to yourself to see what it is like to "observe without evaluation." You may be surprised at how it changes your estimate of what happened and opens the door to a more fruitful and satisfying dialogue . . . even if just a little.

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