

The Influence of Nonverbal Language on Mediation

(Abridged Version)

La influencia del lenguaje no verbal en la mediación

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Abstract: Mediation is a process that assigns meaning through the discourse of the disputants whereby signals that are verbally sent become rare indicators to dig for full communication. If reading nonverbal language was not taken into account, we would lose approximately 93% of the total information conveyed by someone; for this reason, it is necessary to know the most recurrent gestures to, thus, foster mediators' communication skills in order to substantially improve their discourse and understanding. This paper focuses on arguing why nonverbal language is crucial for the mediation process on the basis of the analysis of the theoretical framework of the matter and its implications for mediation.

Resumen: La mediación es un proceso que asigna significado mediante el discurso de los mediados donde las señales que se transmiten verbalmente son indicadores escasos para profundizar en la comunicación al completo. Si no se tuviese en cuenta la lectura del lenguaje no verbal, perderíamos aproximadamente un 93% de la información total que transmite una persona, por esta razón es necesario conocer los gestos más recurrentes y de esta forma potenciar las habilidades comunicativas del mediador para una mejora sustancial en su discurso, en su comprensión. El objetivo de este artículo se centra en argumentar el porqué el lenguaje no verbal es fundamental para el proceso mediador a partir del análisis del marco teórico de la cuestión y qué implicaciones tiene para la mediación.

Keywords: Paralanguage, Kinesic, Kinesics, Proxemics, FACS (Face Action Coding System).

Palabras clave: Paralenguaje, cinésica, Kinesia, Proxémica, FACS (Sistema de codificación de acciones faciales).

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Nonverbal language, also known as kinesics, is, in Julius Fast's words: «...the science based on nonverbal communication patterns» (2005). In his research, Albert Mehrabian (1972) argues that the nonverbal element accounts for 55% of the communication process, 38% corresponds to voice (intonation, delay, pace...) and only 7% pertains to verbal or articulated language. Therefore, we can underline that nonverbal language has a great impact on how we relate to each other, becoming a main pillar for mediation as the latter is based on a communication process made up by verbal and nonverbal messages.

If reading nonverbal language were not taken into account, we would lose approximately 93% of the total information conveyed by a person; it is therefore necessary to know the most recurrent gestures to, thus, foster mediators communication skills to substantially improve their discourse. According to Soares (2004), quality communication might be a necessary tool to get to the root of a conflict and, in turn, bad communication might be, per se, a cause for conflicts.

A mediator's training and information should be focused on both words and gestures in order to determine a full message, to understand it and to put it into a context, given that an isolated gesture does not express relevant pieces of information. From all the above, the aim of this paper is to focus on arguing why nonverbal language is crucial for the mediation process.

An analysis of nonverbal language was carried out, studying the variables that can impact communication, focusing on the skills mediators should have and the repercussions on important moments in the mediation process such as welcoming, a moment of emotional blunting or conflict escalation. These generate the nonverbal skills mediators usually resort to and use when facing these situations, in order to profoundly understand the origin of the emotions expressed by the body.

Theoretical Framework Communication

According to Pease (2010), communication is a process that gives meaning to the signals sent by a person, which requires a transmitter and a receiver. However, Cabrera and Pelayo (2002) affirm that people understand each other not only by speaking. Communication has some elements that require a broader view, necessary to understand our discourse and the discourse of the other people. In addition to intentionality, we constantly transmit and manifest emotions with our body gestures, even when we are silent, given that we speak with our body too. According to Albaladejo (2007) it is an unaware process. However, knowing how it works can help us to perfection and control it thanks to training, thus, favoring our communication skills as medi-

ators and managing to create a relaxed environment at the mediation table.

Human beings, hence, face constant ups and downs of verbal and nonverbal signals, and these two processes are a whole within the communication framework, revealing at the same time codes and feelings, remembering that the way we move our hands, we walk or we look might be determining to generate a trust environment for the disputants.

In addition to the interactive approach presented by the above mentioned authors, Soares provides a definition that summarizes and unifies the content presented, arguing that communication «exists between two or more human beings who interact through the digital and analogic components of communication; and this takes place within a context» (Soares, 2003, p. 80).

This definition greatly impacts the nonverbal component as a support of an articulated discourse, which falls into the category of analogic components, i.e., all those pieces of information conveyed by gestures, as compared to the digital component which consists in the expression of words both oral and written.

Nonverbal language can be reflected on different parts of our body (eyes, face micro-expressions, hand movements, body posture, tone, delays, pace, etc.) which turns out to be consistent with the verbal process on occasions or it can convey contradictory or contrary messages in other occasions as we reveal with our body how we really feel even if we try to nuance emotions with words. Under these circumstances, nonverbally transmitted information will prevail due to the impact and the weight it has on the verbal discourse.

To sum up, and using the words of authors Fornés and Rodríguez-Escalona (2008):

Concerning human communication, a three-fold basic structure has been identified: language-paralanguage-kinesics. What we say (verbal language, the words), how we say this (paralanguage, all modifications of the voice and types of voice, plus the many quasi-lexical independent emotions) and how we move (kinesics) (pp. 12-13).

Mediation is a process whereby meaning is assigned through the discourse of those in the mediation process; however, the signals they verbally send are indicators that hardly help to deepening full communication, as the pieces that remain to be understood are the paralanguage components, i.e., all the elements that impact the voice, like the tone, the sound, whether the verbal message is broken by emotions, etc. On the other hand, body gestures, like the movement of our hands, the position of our eyebrows or where we look at. Nonverbal language can be reflected on every part of our body and it indicates if there is consistency with articulated language.

Emotions and Gestures

To know what emotion is present in a mediation session we can read gestures. Gestures related to universal emotions have a common element in all persons, which determines a pattern for its identification; this is useful in the mediation process because through emotional expression we are able to identify gestures slips, these actions that are a contradiction between what is said and what is shown, for instance, nodding while saying no. Nonverbal language prevails when facing this contradiction situation.

For the sake of mediation, it could be useful to record mediation sessions in order to view them and analyze the emotions expressed against the micro-expressions disputants show, following the FACS parameters (Face Action Coding System) established by Ekman and Friesen (1978) which enables to categorize face expressions based on the muscle movement involved.

Body Language and Personality

Visual aspects determine our image, our way of being and the way in which the disputants create an image of us. According to James (2003) they are as follow: facial expression, body language and cleanliness.

It is important to know the somatotype and the image conveyed by people with different physiques, as according to James (2008) only four seconds are enough for disputants to create their own impression about us; therefore, nonverbal language and our personality should be in harmony. We have perception biases that might mark our first impression and affect our objectivity as practitioners. An example of this is when we associate fatness to helpless people, muscles to vitality and optimism, and thinness to disease.

Nonverbal Language in Mediation

Kinesics considers different nonverbal elements to be strategic for the mediation process. Mediators have two main communication processes to perform their role:

- Verbal Language: it is formed by the various techniques and strategies specific to mediation (legitimizing, paraphrasing, reformulating, questioning...)
- Nonverbal Language: all those pieces of information that complement dialogue and that reveal that verbal language is credible and transparent. According to Davis: «The visible part of a message is, at least, as important as the audible one» (Davis, 2010, p. 19). These are crucial in the mediation process to not only know the gestural signals of the disputants but also to enrich the skills of practitioners.

Mediators must know these nonverbal communication elements to be able to identify them and the read what emotions disputants express, what are the contradictions beyond

verbal communication. They might easily lead to alternative stories based on these contradictions, they might be a guide to identify what feelings are involved in the conflict and they might help to legitimize them.

The fashion or guide to identify signals are: analyzing the proximity of disputants, analyzing gestural slips (nodding while saying yes), aspects related to submission or dominance for example who comes in first in the mediation room, who chooses a seat first, who starts talking, whether they look at each other when they talk, if they seek approval of their partners, if they appear relaxed or tight (crossed arms, frowning, tightened fist, tightened lips...), if the behavior vis-à-vis the mediators is calmed or challenging. We should also be aware of the cultural influence and the biases we might have.

This analysis allows us to identify and train ourselves as mediators on the skills necessary for full, efficient and coherent communication. For example, where we should be looking at, until what part of the body we should raise our hands to express ourselves, what is the most appropriate position or how to introduce ourselves to the disputants when we first meet, if kiss them or shake hands, if we keep a smiling or a neutral expression, if we train our voice to lead them and calm them, if we keep equally looking at the parties, if we seat facing the two of them or only facing one of them (which generates confrontation), if the table is a glass table that allows us to analyze the nonverbal language of the lower body, which is normally missed at the mediation table (we never know if the disputants touch their legs or even if they have involuntary tics or anxiety signals); all these are elements that influence and determine the degree of trust that we convey, on the one hand, and that we can detect in the disputants, on the other hand.

Conclusion

This paper explains mediators skills divided into four main blocks: facial expression (look, eyebrows, nose and mouth to express universal emotions), body language (voice, paralanguage, proxemics, types of gestures and somatotype), clothing or garments of the mediator, and cleanliness. That is, an analysis of the communication discourses including verbal and nonverbal language.

This paper provides an approach to the study of nonverbal language, its theories and believes and its position in society. Advances occurred in the field of kinesics have been presented according to several authors, and their implications for the world of mediation.

Throughout the paper the initial skills to be acquired by mediators were explained. That is, the analysis of communication discourses including verbal and nonverbal language.

It allowed us to know the theories, believes and values about nonverbal language and we were able to learn, through different

authors, about advances occurred in the emerging field of kinesics that could be exploited by the field of mediation.

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