

# Body Language and nonverbal communication in Mediation

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*This article is a practical guide for dealing with body language as a mediator. It is based on a constructivist understanding of body language that considers the majority of nonverbal signals as well as their interpretation as subjective; not universal. Building on this approach and the interdependence between inner attitude and bodily expression several tools in the three domains self-management, observation and interaction are presented.*

## **Role in face-to-face interactions**

Non-verbal signals are an essential part in every face-to-face interaction. Body language, that is the posture, facial expressions, eye movements, proximity-distance-behaviour, gestures and breathing, sends signals that are crucial to understand the meaning of what has been said, perceive the feelings of the other and that gives information about the relationship between the interlocutors. As a majority of these signals is sent and perceived subconsciously, body language plays a pre-eminent role in the decision whether we find someone trustworthy, credible or likeable. These characteristics render it crucial for us, as mediators, to develop awareness about this issue. A competent reflection of the body language of our clients as well as of our own will improve our performance by supporting our decisions such as:

- Is it advisable to intervene when the parties are talking to each other?
- Are the parties ready to proceed to the next phase/ to the collection of options?
- Is the shift of perspectives sufficient?
- Did my question get through to the parties?

- Do I need to dedicate more attention to one of the parties in order to preserve my multipartiality?

We find a constructivist approach towards body language useful. It tells us, that there are no universal meanings of nonverbal signals; but rather individually specific sets of expressions. Each person encodes its feelings in his or her personal way with **Constructivist approach** individual motions.

Consequently, for the larger part of nonverbal signals we cannot standardize their meaning. But we are able to allocate translations to the body language of one specific person. This is why already children know exactly when the mood of their parents changes. Throughout the years they memorize and recognize the body signals of their relatives and learn how to 'read' them. All in all, we have to acknowledge the subjectivity of the message and the interpretation that we might come up with. Perceiving **Individual body language is recognizable** body language as basically individually specific will help avoiding stereotyping or judging people too quickly. It supports the principle of openness and tolerance for other's perceptions that guides

every action as a mediator. As there arise misunderstandings in the realm of verbal communication, in the same way, and to an even higher degree, there is a risk to misinterpret nonverbal signals. The constructivist approach reminds us to stay humble in our interpretations and be careful in making up assumptions, particularly in the sensitive domain of emotions.

Excluded from this understanding are lexicalised

**Exceptions: lexicalised gestures and universal facial micro-expressions**

gestures which convey a specific inter-subjectively defined meaning, like the V-sign with two fingers for peace. They can be used as substitutes for words. However, it has to be stressed that even these gestures are not universal, but highly reliant on a shared knowledge and, therefore, restricted to certain regional, social or temporal boundaries. Other exceptions are the universally distinguishable facial micro-expressions for basic

signals can be found in cultures all over the world. However, their intensity and the context, in which they are triggered, differ widely from region to region.<sup>ii</sup>

This leads us to another observation. Our usage of bodily expressions is adapted to the social norms and values inherent in our culture. As a result, it is even harder to correctly interpret the body language of foreigners. Differences in the interpretation of nonverbal signals have constantly led to misunderstandings or the feeling of unease in cross-cultural conversations. Some examples: whereas lowering your eyes might be perceived as dishonest and evasive in European cultures, in India or other Asian countries this is widely interpreted as a sign of respect and politeness; or, in contrast to Italians, who usually use expressive gestures and easily engage in heated debates, Japanese maintain their smile even in situations of anger or sadness. These examples illustrate that every culture has developed its own codes, how to express emotions, and standards, how to behave appropriately in certain situations. Even though these tendencies are observable, we should refrain from generalizing and relying on stereotypes in our interpretation. In a cross-cultural environment the constructivist approach becomes even more vital and useful. It reminds us of the fact that every individual has its personal set of nonverbal signals and warns us not to transferr our own interpretations into other cultural settings.

**Cross-cultural differences**



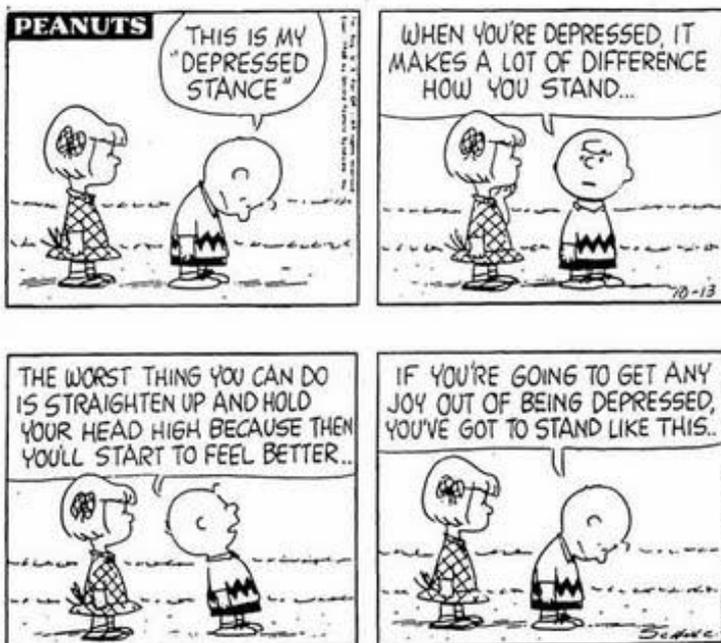
human emotions.<sup>i</sup> As studies have shown, these

Consequently, in the realm of body language a mediator has good reasons to stick to the principle: 'nothing can be taken for granted.' A considered dealing with body language in mediation touches upon three dimensions of the process: self-management, observation and interaction.

### 1. Self-management

Our body language expresses our inner attitude, our thoughts, feelings and our mood. Our body reacts to the mental activities, consciously or unconsciously, and reflects whether we are stressed, happy or fearful. Certain postures, mimics or gestures are therefore related to a certain state of mind.

#### **Interdependence between inner attitude and expression**



Because of this strong relation, it is also possible to use this connection the other way round: we can use our body language to influence our mind. If we control our breath, relax our muscles we might be able to reduce stress or inner tensions. Smiling into the mirror can lighten up

our mood and straightening our back might make us feel more confident. This interaction between body and mind can be used in mediation in order to support our tolerant and open attitude as well as to overcome challenging situations.

Some of the basic principles of mediation are the understanding that the conflict parties are best able to solve the conflict, that mediators act fairly and unbiasedly and create

#### **Maintain neutrality and all-partisanship**

a supportive and trustful atmosphere. All these requirements for a successful mediation rely on the openness, tolerance and optimistic attitude of the mediator. Our body language is one tool that might help us safeguard this attitude. By consciously taking up a relaxed, open and confident position it will automatically be easier to accept the ownership of solutions by the parties and to listen attentively.

Leading a mediation can be a strenuous undertaking that demands the concentration of our attention and open-mindedness in the choice of

#### **Access your energy resources**

questions and methods. As a result, it is essential to be able to access all of our energies over a longer period of time. Using our body as an instrument that helps us to stay focused and alert is a valuable technique. We can practice and draw on our personal "energy posture" in difficult and strenuous situations (see box).

### ***Finding and employing your “Energy Posture”***

**Step 1:** Put yourself into a situation in which the following statements apply:

“I feel full of energy.” “I feel secure.” “I have a good relation to my environment.” “I am in control.”

**Step 2:** Now become aware of and observe:

- How do I sit?
- What is the position of my feet? To what extent is there contact to the floor?
- Do I lean back or forward? Do I have contact to the back of the chair? Is my back straight?
- In what position rest my hands?
- How is the posture of my head?
- How do I breathe?
- How tense are my muscles?

(Consider asking some people how they perceive this posture. If you receive negative feedback, think about ways to alter small components to enhance the positive effect but be careful to preserve the comfortable feeling.)

Memorize this posture so that you can easily reconstruct it and let the corresponding feeling re-emerge!

**Step 3:** Put yourself into a body posture that matches the feeling of “everything is lost”. Then, develop/create a way to switch from this posture into your “energy posture” in several steps. Practice the change until it feels natural. It is helpful to repeat the exercise some days later.

### ***2. Observation and collecting information about parties***

During a mediation attentive observation of the parties’ behaviour is just as important as active listening. It can give valuable hints about the emotional intensity with which the conflict parties engage in the conflict or indicate progress in the mediation process. Nonverbal expressions of the parties might support or contradict things that have been said or make thoughts or feelings perceivable that the parties cannot or do not want to voice.

#### ***Subjectivity of interpretation***

However, one has to realize that the interpretation of body language is highly subjective. An exercise that we use in seminar groups reveals reliably that

the amount of interpretations of one body postures equals nearly the number of participants. In our eyes, this is not because they are not well enough trained in “reading” people, but it underlines the fact, that different people associate different feelings to the same bodily expression. What some people perceive as defensive and insecure is a relaxed posture for others. This leads us to the conclusion that we cannot impose our interpretation on others and assume that we know exactly how they feel by observing their body language. We are aware of the fact that we can never know what is going on inside of someone’s head. We want to present two methods that are helpful for the observation

of body language in mediation in view of the aforementioned subjectivity.

The first technique describes the memorizing of typical body language of one person. Whereas we do not believe in a universal catalogue of

**CALIBRATION** nonverbal signals that is applicable

to everyone, we do think that people develop their personal set of expressions that are recognizable in varying situations. This method is called 'calibration'<sup>iii</sup>. It is based on the idea that specific mental activities (thinking about something positive/ negative, searching for solutions, remembering) and emotions trigger a set of bodily signals, called physiologies (see box). In situations in which we can be quite sure what the person is thinking we can

**Relate nonverbal signals to state of mind** memorize his or her nonverbal expression. The storytelling-phase of the mediation is a good

occasion to calibrate how it looks like if the person thinks about something pleasant or worrying. But even while welcoming the clients and making small talk one can already observe their body language. During the mediation, calibration allows us to recognize alterations in the body language of our interlocutors that might indicate changes in their inner attitude,

**Recognize alterations and repetitions of signals** like a readiness to move on to another phase in the mediation. If the person shows the same set of nonverbal

signals in the phase of collecting options as he or she did when talking about the escalation of the conflict, we should consider that he or she is not yet ready for an agreement.

#### What to observe when calibrating

- Posture: back (hunched or straight), head (inclined?), position of arms and legs, hands, direction of toes, muscle tension
- Face: (movement of) eyes, eyebrows, blinking, wrinkles, lips, corners of mouth, jaw (tense or relaxed)
- Breathing: pace, deep or flat
- Movements: gestures with hands, ideomotor (subconscious) movements

The triad Observation-Interpretation-Intervention is an additional tool that we recommend as a basic guideline with regard to body language. It should help us to

become aware of and separate the different steps of processing nonverbal signals. The subconscious process that is set off by every perception will still take place, but the tool will help to reduce the subjective bias by forcing ourselves to drag the process into the sphere of awareness. Thereby, it can protect us from misinterpreting and irritating our clients.

First of all, we attentively observe the nonverbal signals of the other. We try to be as comprehensive as possible and describe only his behaviour without interpretation. ("She folded her arms and straightened her back. Her hands are under tension. Her lips are tight together. She is staring in one corner of the room.")

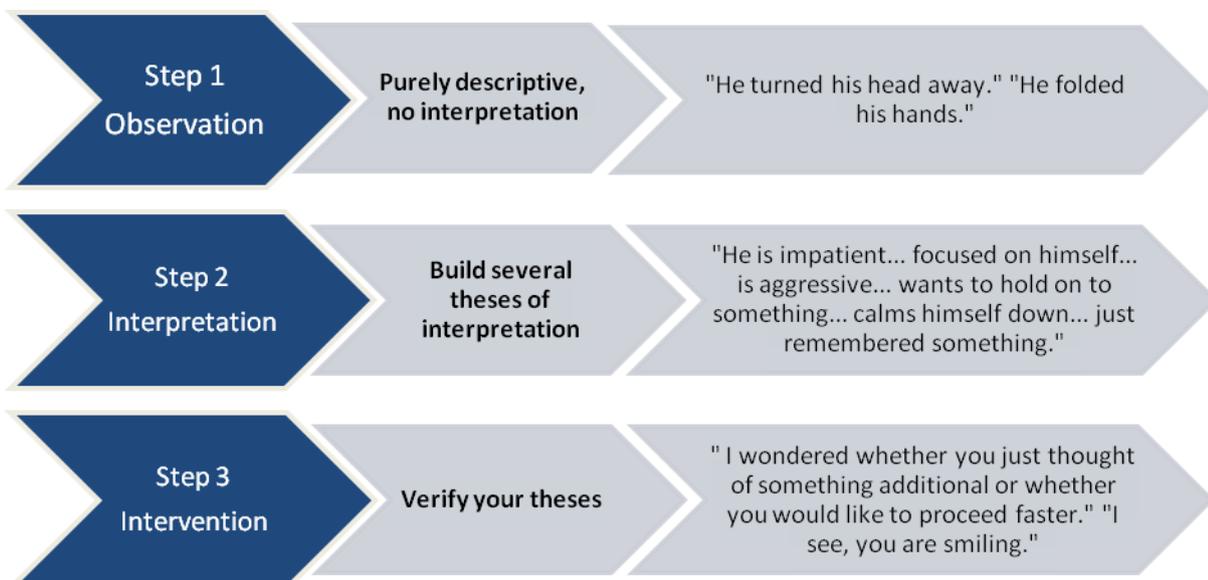
Only in the second step we develop several theses out of these observations. By separating the two steps that are usually mixed up as

**TRIAD  
OBSERVATION-  
INTERPRETATION-  
INTERVENTION**

subconscious perception, we disassociate ourselves from the situation. We are able to come up with numerous differing possible interpretations. ("She is angry or feels under attack. She might also try to stay focused and listen attentively. Maybe she is wrestling with herself whether she should reveal something or apologize.") In this step we are guided by the constructivist approach that our interpretation is only subjective and that we cannot know what the person is thinking. Nevertheless, we can check whether we recognize features that we have calibrated beforehand.

Finally, we can check our theses by addressing the client. Our motivation should be real interest in the feelings of the client and not to tell him

how he feels. In the sensitive domain of body language the intervention should be checked carefully not to contain any context that could embarrass the other or make him feel patronized. Confronting the client with a detailed description of his posture or behaviour might give him the feeling of being caught doing something. In a question to the party we could rather combine several theses or only voice an observation. ("Could it be that you are dissatisfied with what you've just heard or are you maybe only reflecting the progress of the mediation?" or "I see, you are nodding.") The intervention should present an opportunity to the party to reflect on his or her thoughts and feelings. In this sense, it is similar to the technique of mirroring<sup>iv</sup> emotions.



### ***Nothing can be taken for granted***

In a team-mediation the group had already advanced to the phase of collecting options. The parties proceeded well in proposing creative ideas. But one woman, the head of staff, was constantly shaking her head and moved her eyebrows together. After a while most of the others started to get nervous and looked over to her with concern. The mediator was not sure what to make of her reluctant behaviour because he thought she had been very satisfied with the process so far. He decided to address her behaviour by checking one possible explanation and asked the head of staff: "Are you dissatisfied with the options that have been suggested so far?" She shook her head more empathetically: "No, not at all! I was just already thinking ahead. I wonder how we could manage to implement these ideas."

Calibration and the triad observation-interpretation-intervention were useful tools in this situation. The intervention reduced the strained atmosphere, prevented misunderstandings and therefore strengthened the cohesion of the group.

### ***3. Interaction***

Nonverbal communication has a strong effect on the emotional relationship between the mediator and the clients. As mentioned above, body language is a crucial factor that decides about sympathy and trust. It is essential in the creation of an open and trustful atmosphere.

The mediation will only be successful, if the

#### ***Convey 'E-A-R' with your body***

mediator is able to convey empathy, acknowledgement and recognition to the parties.

To create and maintain this supportive relationship a conducive body language is needed. Giving the parties the feeling to be understood is a basic principle of mediation. This undertaking cannot be managed through summarizing and mirroring alone. Did you ever



observe your body language when you were having a nice conversation with your best friend? It is very likely that the two of you had a very similar posture and moved simultaneously. When we feel a good connection to our interlocutor, if we feel safe and comfortable in his surrounding and engage in an intense exchange, we usually mirror the other

***PACING***

without even realizing it. It is this phenomenon, called *pacing*<sup>v</sup>, that we make use of. Copying some elements of the parties' body language can help us to better connect with the parties. By discreetly incorporating some characteristics of the other's body language, e.g. adapting his posture, facial expression or imitating specific ideomotor movements<sup>vi</sup> one is usually able to build up an emotional connection to this person. This state of being in the same rhythm and having a strong contact to the other is called 'rapport' by practitioners of NLP. However, be careful not to bluntly copy the person's behaviour. Try to make the movements look authentic and in coherence with the rest of your body language. Again, we have to stress the interdependence between inner attitude and body language. On one hand, pacing the clients will reflect back on you and your attitude. It will



help you remain open and attentive. On the other hand, if you strongly dislike the other person, you will probably not be able to pace him or her convincingly. This should be a sign for you to reflect on your multipartiality. In most cases, pacing results in a strong connection on a subconscious level. Be aware of it and avoid losing your multipartiality by having a stronger relation to one of the clients than to the others. To avoid that someone feels excluded you can alternately pace each of the mediation parties or simultaneously integrate expressions from each party into your own movements.



Being able to establish a rapport to the clients is the basis for the second technique: *leading*<sup>vii</sup>. If you have established an emotional connection and trust between you and the parties you can try to help them access their constructive and creative energies. Just as you adapted the body language of the parties with the pacing technique you can give

## **LEADING**

the party the opportunity to copy you. If you have been successful in establishing a rapport and the client has an inner motivation to uphold this contact, he will accept your nonverbal invitation. You can, for example, open your arms if you have crossed them when you were pacing the other. If he feels like opening up, he will see this as an incentive and react to it. Sometimes, it

**Inviting the parties to move (on)** takes several attempts before the mediation party will 'follow' you. Leading can be especially

useful if the parties signalize that they want to proceed to another stage of the mediation or make a step towards de-escalation. As already mentioned above, different inner attitudes usually correspond to different sets of nonverbal signals, so-called physiologies. Leading aims at supporting the parties to make the next step by taking up a new physiology. Leading is a fascinating and useful tool; not manipulation. If the other has no own motivation to make a next step or become more open-minded you cannot direct him into the posture you want. Leading is only an invitation, an incentive for the other.

All these techniques that use body language as a conscious means of communication rely heavily on your inner attitude. Consciously controlling your nonverbal signals usually uses up a lot of

**Making us of the interdependence** your attention and energy. If you are not truly interested in what the clients are telling your

or if you really do not like one of the parties your body language will give it away sooner or later. But if you have an open and empathetic state of mind, you might find yourself pacing the other

without even trying. However, as we have already stressed repeatedly in this article, the interdependence between body language and inner attitude also works the other way around. Becoming aware of your body posture and movements and correcting them in order to convey empathy, recognition and acknowledgement will influence your thoughts and remind you that it is your task to accept and respect the perspective of all mediation parties.

## ***Mediation with feet<sup>viii</sup>***

There is an interesting observation scientists have made<sup>ix</sup>: the control over our movements sinks the lower the part of the body. Most people are used to fake facial expressions like a smile or a sad face. But it needs a bit of training to control what your hands are doing while you speak. And the majority of the people hardly ever thinks about or directs their feet. This observation results in another discovery: Feet and legs have the biggest impact on our evaluation of the others truthfulness. Subconsciously, we rely on these limbs as the most reliable nonverbal signal.

Mediators can make use of this discovery. By consciously employing your feet you can multiply the positive effect of an open and understanding posture. Just like your direction of sight or turning your upper body towards someone, a foot pointing towards the person signalizes attention. You can consciously position your feet to support your credibility and hold or withdraw a connection towards your clients. It is especially useful in order to maintain your all-partisanship and initiate contact between the parties. Here are some examples in which situations the feet can be used.

This example shall illustrate how to use your feet in the mediation in order to Initiate and maintain contact:

Turn the tips of your toes into the direction of the party. Use both of your feet (tip of the toes) to enter into contact with both parties at the same time. Staying in this position will help to uphold the contact with both. While you are speaking to one party and direct your eyes towards her, one foot and on hand, showing into the direction of the other party, will help to uphold the contact with both. It will keep the party in the process and prevent feelings of being forgotten or neglected.

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<sup>i</sup> Ekman, Paul and Friesen, Wallace V.: Unmasking the face. Malor Books, 2003.

<sup>ii</sup> Ekman, Paul: Emotions revealed. Times Books, 2003.

<sup>iii</sup> The term was coined by practitioners of Neuro-Linguistic-Programming (NLP). The founders of this approach identified and distinguished specific techniques in the work of successful psychotherapists. A special thanks goes to Christian Rosenblatt, from whom I learned so much about NLP in the years of our cooperation. For further information we recommend publications by Thomas Rückerl.

<sup>iv</sup>With the technique of mirroring you confront the parties with what you guess they are feeling from what you have observed and heard so far. This can help to express emotions when the parties do not articulate them and help them to reflect upon their emotions.

<sup>v</sup> This term originates from NLP literature.

<sup>vi</sup> Ideomotor movements comprise behaviour that is unconscious. It could be something like stroking one's hair into place, fidgeting with watch or jewellery, "cleaning movements" etc.

<sup>vii</sup> This term originates from NLP terminology.

<sup>viii</sup> Thanks to Sabine Mühlisch who introduced me to the secrets of nonverbal communication and the particularities of feet postures. For more information

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Mühlisch, Sabine: Mit dem Körper sprechen,  
Wiesbaden: Gabler, 1997.

<sup>ix</sup>Ekman/ Friesen, Nonverbal leakage and clues to  
deception, Psychiatry 32:88-105 (1969).

Photo credits:

- 1) Facial Microexpressions, available at  
<http://davesdays.wordpress.com/2011/04/15/the-invention-of-lying-and-how-to-deal-with-it-part-2/>
- 2) Charlie Brown Cartoon, available at  
<http://shambolicconfusion.buzznet.com/user/photos/depressed-stance-charlie-brown/?id=4808416>
- 3) Pacing pictures private archive.