

## **NEGOTIATION: THE OPPOSING SIDES OF VERBAL AND NONVERBAL COMMUNICATION**

**MELINDA G. LINCOLN**

*George Mason University, Fairfax, Virginia  
and Montgomery College, Rockville, Maryland*

### **ABSTRACT**

Recognizing and understanding the importance of verbal and nonverbal cues in the negotiation process leads to balanced resolution efforts and consensual agreement among conflicting parties. Aligning opposing viewpoints, de-escalating conflicts, and bridging differences become apparent through the effects of nonverbal communication on human emotions reflecting status, power, and influence. Effective negotiation procedures dispel the conveyance of the intended message and the presentation of that message in lessening altercations. The interaction and essential implementation of verbal and nonverbal communication strengthen the success of the negotiation process.

Effective negotiation invests the commitment and the willingness of two conflicting parties to apply verbal and nonverbal cues with third-party involvement in bringing about possible solutions. Although supporting the shared goal of successful resolution, nonverbal communication offers an opposing side in the process of addressing conflict and employing peaceful alternatives. Often what is not verbally stated but inferred through body movements, distance, and timing correlate to the victory or demise of significant negotiation. By identifying the problematic issues, narrating the sequence of events, using active listening skills, applying problem-solving techniques, diffusing the escalating conflict, and working toward a mutually acceptable agreement, the disputants rely on their ability to communicate, both verbally and nonverbally, in facilitating a negotiated or consensual settlement.

The interaction of nonverbal cues as they relate to the negotiation process focuses on the examination of facial expressions, gestures, head nods, foot movements, open and closed body positioning, eye contact, touching, posturing, and physical appearance. The particular inferences associated with nonverbal cues often “speak louder than words” when attempting to align opposing viewpoints, de-escalate conflicts, and find a commonality bridging people’s differences in a harmonious pattern. The effects of nonverbal communication on negotiation procedures are strongly exemplified in areas of human emotion. In working through conflict, nonverbal cues most notably affect happiness, sadness, fear, surprise, anger, disgust, contempt, pride, embarrassment, guilt, and jealousy. These emotional factors play an important role in escalating conflicts, prioritizing issues, employing active listening techniques, and communicating effectively. The interplay of nonverbal communication in conflict practices is too often nestled in cultural diversity that is used to accentuate individual differences rather than enhancing human strengths. These nonverbal cues are evidenced in the workplace, the classroom setting, and in the routine of everyday life.

### **PRACTICES OF NEGOTIATION**

Negotiation is defined as a “conciliatory process, or act of bringing together conflicting parties to settle their disputes, in a consensual and private setting with minimal third-party involvement” [1, p. 314]. Mediation, therefore, is described most simply as facilitated negotiation [1]. The mediator or impartial third party facilitates negotiations between disputants in their search for a resolution of their dispute. The disputants remain responsible for negotiating a settlement. The mediator’s role is to assist the process in ways acceptable to the disputants. This may include providing a forum for negotiations, convening the negotiations, helping the disputants find areas of common ground for resolution, offering alternatives, supervising the bargaining, and then drafting the final settlement [2].

Mediation occupies the space between negotiation and arbitration along a continuum of dispute resolution processes and is usually a voluntary process entered into by disagreeing parties to reconcile their differences [1, p. 155]. The arbitrator, unlike the mediator, renders a determination in settlement of the dispute after giving the parties an opportunity to present their evidence and arguments [1, p. 28]. The mediator, however, assists in the negotiations and is empowered to intervene in the dialogue and use his/her powers of persuasion to help the parties reach a mutually acceptable outcome without ordering a formal court decision prescribed by law [1, p. 276].

The experienced mediator relies on effective communication skills and the presence of nonverbal cues in helping the parties to actively listen and appreciate their varying viewpoints. Role-plays and improvisations help the parties address one another’s perspectives from a different angle. The parties are urged to suppress their emotions and feelings as they identify and clarify the issues on the table.

Through paraphrasing or restating the goals of the session and what has been discussed, the mediator helps the parties work out the details of the negotiations and formulate a working agreement that is in the best interests of the disputants.

### **INTERACTION OF NONVERBAL CUES**

Attention needs to be paid to the presence of nonverbal cues in a conflict. A “discrepancy often exists between what the speaker is thinking or feeling and what he or she is actually saying” [3, p. 119]. Communication is likely to be misinterpreted or discredited by the very message someone thinks s/he is communicating, due to that person’s nonverbal cues. A sense of distrust, negativity, or inappropriate feelings may develop when a sense of not saying or not meaning what one says is questioned. For example, if nervousness or hesitancy is expressed through body language or lack of eye contact, a feeling of insincerity and incompatibility may become apparent. A disparity between the conveyance of the intended message and the presentation of that message becomes evident and may lead to eventual conflict. “Body language is often unwilling—but it can be controlled” [3, p. 100]. By acknowledging the presence of nonverbal cues and their tendency for misinterpretation, conflicting parties can attempt to realign their communication skills and help to defuse conflict [3].

Nonverbal communication plays a significant role in the dynamics of the negotiation process. According to experts in the communication field, about 55 percent of received information originates from the nonverbal communication that accompanies a spoken message, including body movements and facial gestures; 38 percent comes from the voice, pitch, tone, and sounds; and only 7 percent draws from the content of the message (see Figure 1) [3, p. 100].

A discrepancy between nonverbal and verbal content can be lessened and even eliminated by applying gestures, tones, and body movements in a nonthreatening way. Misconstrued communication is avoided by directing nonverbal cues and body language in the following positive ways: 1) indicate a smile of friendliness rather than using a cold, hostile tone of voice, clenched fists, or a movement indicating anger or dislike; 2) proclaim a message of trust and a close, warm relationship without presenting a hesitant manner and shifting eye-contact, suggesting a lack of confidence or sincerity; and 3) show self-confidence and efforts at reconciliation by shaking hands without being aggressive through angry stares, halting mannerisms, and physical acts of aloofness and indifference [3].

### **KINESIC MOVEMENTS<sup>1</sup>**

Kinesic or body movements and positions generally include gestures, movements of the body (limbs, hands, head, feet, and legs), facial expressions (smiles), eye behavior (blinking, direction and length of gaze, and pupil dilation), and

<sup>1</sup>The study of communication and messages received through body movements is called kinesics.

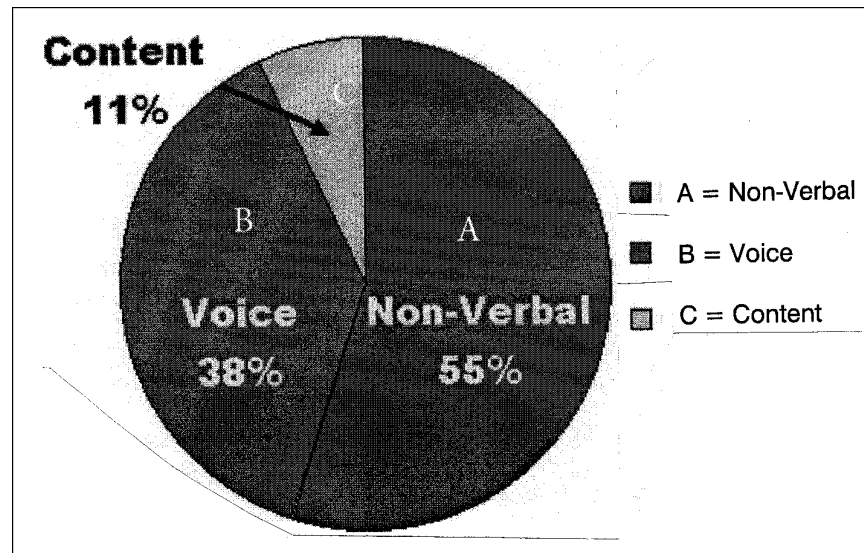


Figure 1. Discrepancy between nonverbal and verbal communication.

Source: [3, p. 100].

posture [4, p. 9]. Gestures, for example, used for emphasis to show size, distance, and shape and those that recreate bodily actions (pantomimes) are nonverbal. American Sign Language, however, is linguistic and verbal, using adaptors and illustrators to convey nonverbal messages. The voice becomes nonverbal when it communicates analogically through grunts, screams, giggles, or vocal inflection during speech, but not when it reflects the spoken word. Many messages are nebulous or fall into a gray area of being both verbal and nonverbal [5, pp. 4-5].

Messages of power and dominance are often exploited at negotiation sessions using conflict resolution practices. High-power figures can manipulate and control others seeking solutions to conflicts on the international to interpersonal levels. Individual or group status reveals itself through kinesic movements. Positioning at uneven tables of negotiation can relinquish more individual space to those holding more power, whereas tension, serving another person, lowering one's body, or bowing in the presence of another reflects subordination. Larger and more frequent gesturing communicates power, including pointing, or lowering the protruding jaw and eyebrows, which are also perceived as rude and angry behavior, respectively. Relaxation is a sign of dominance, while smiling is seen as a submissive behavior. Happy, confident expressions and eye contact are powerful whereas fearful or confused expressions, averting eye contact, and blinking are subordinate [5, p. 330].

## PROXEMICS<sup>2</sup>

Interpersonal distance, body orientation, and tactile communication or haptics<sup>3</sup> also serve as important nonverbal indicators of power and status in conflicting situations. Lower status people generally allot high-profile individuals more personal space and power. Eisenberg and Smith maintained that the power to defend one's own territory and the right to invade another person's space are certain signs of dominance and prestige [6], while the prerogative to invade someone else's space lies with people of high power and status [5, p. 317]. Closer distances convey dominance, although excessive dominance is viewed as a personal violation. Subordinates, divorcing spouses, disputing employees and employers, parents and children, doctors and patients, doctors and nurses, lovers and friends must all be careful not to "cross the line" or step into another's territorial boundaries and take the chance of escalating conflicts. Personal grievances and getting back at the other person often cloud the issues and result in destructive vendettas and lose-lose situations for all parties involved. Attempts at effective compromise and resolution practices diminish until a mutual respect and a willingness to cooperate among all parties are restored in a safe atmosphere of voluntary negotiation.

Body orientation between two communicators moves between the most direct position of face-to-face contact to a more indirect position of angling or leaning forward or backward toward an individual. Persons of high status receive the most direct contact, while women and persons of lower status receive the least notice by other persons. Communication through the sense of touch is considered to be the most intimate and the most powerful form of nonverbal communication [5, p. 318].

During the sharing of narrative mediation by the disputants, hurt feelings, emotions, and intimate feelings are often revealed in the form of anger, distrust, disgust, threats, and insults through the detailing of events relating to a physical, abusive, or emotional altercation. Sometimes the respondents still feel or relive intimate moments with the conflicting party, reflecting companionship, love, reassurance, friendship, and bonding. Intimate and isolated feelings, as well as a plethora of hopes and dreams, need to be tabled before the mediator can move the parties toward identifying and acknowledging the true issues to be resolved. Nonverbal cues are recognized and analyzed by an experienced third party to bring the respondents together on the issues and help them achieve a "win-win" solution.

<sup>2</sup>Proxemics is the study of interactive communication at close distances between individuals.

<sup>3</sup>Haptics or tactile communication is identified through the power of touch and reflects the most intimate of the nonverbal codes arousing professional, social, or intimate sexual feelings [5, p. 50].

### **CHRONEMICS<sup>4</sup>**

The concept of time is an important commodity with most individuals. Everyday lives, including activities, appointments, vacations, meetings, and school- and work-related hours revolve around having precious little time or having too much time on our hands. The possession of time, however, forms a close association with power and status, and directs our communicative behavior within the environment [5].

Individuals of more affluent means may have more control and power over the duration of time they wait for goods and services over individuals on welfare, in state health-care facilities, or those remaining in employment lines. As status increases, waiting time tends to decrease. "The person who can get a doctor's appointment on short notice is either very important or near death" [5, p. 321]. Chronemic patterns of "turn-taking" talk time are also evidenced with persons of power and status. Dominant individuals will talk more and for longer periods of time. They may also attempt to control communication in situations where the other person is never given the chance to speak or to express his/her feelings. They may ask questions in a rhetorical manner, never expecting a response, and impose their will or point of view on others. Power in conflicting situations tends to escalate tension and cause greater resentment. The high-status person may easily initiate a conversation or discussion and terminate it, at will, by walking away, directing the focus of the dialogue, or using gestures to end the meeting. High-status organizations, institutions, and businesses award individuals more control and power over time, thus enabling them to gain further power and prestige over others and within the organizations [5].

### **EMOTIONAL FACTORS**

Persons with power and greater maneuverability tend to influence the direction of negotiation or conflict resolution alternatives. Their input, comments, perspectives, and influence can determine the terms of financial support, availability of visitation privileges, division of material goods and services, among others, and set the tone of the negotiations through fear, intimidation, or reprisal involving conflicting parties. Emotional factors play a significant role in the development of working through altercations and arriving at a workable solution for all parties. A fine line is drawn between the strong bonds of love and hate when the party's relationship sours or becomes upset by outside forces. As negotiation procedures unfold, an experienced facilitator will successfully enable the participants to park their emotions and hurt feelings while they concentrate on identification of the issues and finding solutions to the problems.

<sup>4</sup>Chronemics is the study of the way we structure time and the meanings we attach to time during interpersonal interaction [5, p. 63].

Although emotions are relevant in relationships and run the gamut of hot and cold feelings, their impact on the individuals can be binding, devastating, and long-lasting. Disputants sometimes attempt to manipulate and hold onto the other party through nonverbal emotional power plays that can affect the direction of the negotiations. Anger, surprise, fear, sadness, disgust, and contempt are perceived and interpreted through eye contact, facial expressions, open and closed body movements, head nods, and gestures. The subsequent wounding of human pride and frailty can bring negotiation attempts to a complete termination, enabling manipulation and power to escalate conflict and opposing perspectives. The goal of the parties focuses on ways of hurting one another rather than on finding ways to successfully deal with the situation in a win-win atmosphere of cooperation.

### **ENVIRONMENT**

Physical surroundings affect the way individuals interact with others non-verbally. In cities, where space is more limited and crowding exists, people tend to move into others' personal territories. Violent crimes and violations of personal rights are noted in police reports and crime statistics. In the workplace, employees may feel too rushed or too busy to get to know the people with whom they work on a daily basis. Passing someone in the corridor or sharing an elevator may result in a blank stare, nodding of the head, tipping of the head, looking down at the floor or toward the ceiling, or ignoring eye contact with fellow employees altogether. Harsh feelings may develop into altercations, followed by the need for resolution services. Human resource departments have instituted mediation service programs in many businesses and corporations for conflicts that develop in the workplace between the employers and the employees. Greater productivity, financial gains, and more harmonious interactions among the working force are seen as definite benefits to lessening conflicts and providing coping skills and strategies to personnel through negotiation and resolution practices.

Before communication effectively helps to heal the conflict and the anger by the disputants, nonverbal signs or signals of aggression need to be broken down and turned into constructive remarks leading to opportunities of creative dialogue and valuable discussion among the conflicting parties. Disputants need to show positive body movements and positions by facing one another without turning away or tapping their fingers or fists on the table, indicating frustration, boredom, or total indifference. Foot-stomping or consistent tapping on the floor, playing with a purse, a book, a watch, or twirling one's hair is also discouraged because these nonverbal behaviors indicate a sense of nervousness or a lack of patience with the other person or with the resolution process itself. They also act as distractions that may limit discussions and/or personal accounts of narrative mediation, and impose time restraints.

One of the most difficult nonverbal acts of conciliation for many of the participants to observe is shaking hands with the other person, signaling that the

conflict is over. The participants will more readily imply that the altercation will never happen again because they want to stay out of trouble and relieve stressful situations. When asked, however, whether the olive branch can be extended in a sincere manner by looking at one another directly and offering a handshake, faces suddenly tighten up, posture stiffens, eyes widen, and hands often disappear in pockets or behind backs.

The following example of a road rage story, using nonverbal cues and gestures to capture and hold the attention of the audience may illustrate the difficulty of conciliation:

Two motorists are driving the beltway at rush hour on their way home from work. One motorist is driving at speed limit while the fellow directly behind appears to be in a great hurry and tries to pass the first driver without success. Finally, the second driver is able to move to the left lane when the slower driver also moves to the left. This enrages the faster driver so he attempts to pass the slower driver on the right side. Once again, the slower driver inadvertently blocks the passage of the faster driver by moving into the right-hand lane. Finally, the faster driver straddles the slower driver, indicating through direct eye contact that he wants to communicate with the other driver by lowering their car windows, simultaneously. The slower driver, hesitantly, lowers his window only to be given an obscene gesture and an inappropriate and disgusting off-color term. The faster driver now speeds away.

After closing the window, the slower driver feels violated by the actions of the other motorist, and decides that no one has the right to act that way toward him. He decides to catch up to the faster driver, straddle him, make direct eye contact, and communicate his thoughts through their open windows. By a miracle, the driver does just that. Once both windows are open and the faster driver is now looking at the other driver, the slower motorist says: “. . .”

At the turning point of the narrative, ask the participants what they would do in this particular conflict situation. If they say that inappropriate actions of the drivers have induced further escalation of the conflict, continue the story:

. . . The slower motorist says: “I just wanted to say that I’m sorry and that I had no idea I was blocking your way.” The faster motorist appears surprised, judging by his open-mouth and wide-eyed look, and says, “Hey, I’m sorry, too. I shouldn’t have insulted you with my hot-tempered actions.”

Within moments, the participants through the powerful touch of metaphorically “shaking hands,” generally extend the act of forgiveness and acceptance. By finding ways to break the tension and diffuse the conflict, negotiation practices can have lasting effects on future problem-solving situations.



## ACTIVE LISTENING TECHNIQUES

Nonverbal communication plays a decisive role in the active listening process of negotiation. By acknowledging the process of listening with the intent to hear and to understand the other person's views and their perspectives, a closer bond between the disputants can be emphasized. Direct eye contact, head nods, smiles, grins, open and closed body positioning, or leaning toward or away from the speaker, caressing an arm or shoulder, wiping away a tear, or offering audible signals of agreement or disagreement suggest an immediate response by the listener that the speaker has been heard.

Often, just knowing that the other disputant hears what one has to say makes an immeasurable difference in moving forward to a possible solution and agreement. Although the effects of verbal and nonverbal communication interact with one another, the tips for active listening promote effective negotiation efforts.

## CONCLUSION

The interplay of verbal and nonverbal communication in the process of conflict resolution offers a stimulus-response pattern of effectively diffusing conflicts and bringing about negotiated agreements. Nonverbal cues and signals allow the disputants to filter their feelings and reactions openly in a safe environment of third-party intervention. By helping the parties brainstorm and solve areas of disagreement, the facilitator can emphasize the unspoken words of nonverbal communication and elicit the importance of different viewpoints and perspectives through role-plays and simulations. By addressing intimate feelings and responses through kinesic movements, proxemics, and chronemic factors, stressing power, status, and influence, third-party intervention can move the conflicting parties through dynamic developments, as the real issues are unleashed and acknowledged by the parties.

The goal of negotiation and mediation practices is to diffuse the conflict, help the conflicting parties brainstorm possible solutions, and have them mutually come to an agreement reflecting the needs of both sides. The interaction of verbal and nonverbal cues on the negotiation process serves as a paramount factor in addressing the problem, identifying the issues, and determining the solution to the conflict. Nonverbal communication intermingled with verbal communication enhances and strengthens the resolution process.

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Melinda G. Lincoln is Adjunct Professor of Communication at George Mason University, Fairfax, Virginia and Montgomery College, Rockville, Maryland. She is Mediation Coordinator for Fairfax County Public Schools.

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Direct reprint requests to:

Dr. Melinda G. Lincoln  
9608 Blincoe Court  
Burke, VA 22015