
Kluwer Mediation Blog

Movement in Mediation

Joel Lee (National University of Singapore, Faculty of Law) · Sunday, February 14th, 2016

Ok. Let me come clean. This is going to be one of my occasional funky entries. To the left-brain, conventional, conservative readers of this blog, please skip this entry. It may only serve to aggravate you and disrupt your structured and certain world.

If you are still reading, thank you. This month's entry is a thought experiment. It will explore an idea from the field of Neurolinguistic Programming (NLP) and wonder what would happen if this idea was applied to the mediation of conflicts.

By way of fair warning, the idea of manipulation will feature from time to time in this entry. While this writer appreciates that many readers will associate negative connotations with the word, the writer would like to reframe this. To manipulate something can mean to operate or do something with skill. We can manipulate a tool to build a house or words to move the soul through music or poetry. As communicators and mediators, we manipulate through the things we say and do. In fact, we cannot not manipulate. If so, then we have a responsibility to manipulate effectively and ethically as opposed to manipulating haphazardly and causing damage, however well-intentioned.

While I have written on NLP in various entries before, it is useful to provide a brief primer on NLP. NLP can be defined as the study of the structure of subjective experience. NLP states that all human experience (which is subjective) has a structure to it. This experience is represented by one's physiology (how one holds or moves one's body), internal representation (the images, sounds and feelings we hold in our cognition) and our state (how we feel). These three aspects are systemic in that a shift in one will affect the others.

This means that when one experiences "happiness", there is a corresponding physiology, cognition and state. The same applies to less positive experiences like "sadness". This is best and humorously illustrated by the Charlie Brown cartoon found [here](#).

If we accept this to be true, then there is a corresponding physiology, cognition and state when one is feeling resourceful or in conflict or at a loss for solutions. Readers will of course recognize these behaviors in the parties that they have encountered in mediation. Most of the time, parties come to a mediation in conflict and in a stuck state. Ideally, the mediation process will take parties to a space where they can

brainstorm for options which they can eventually agree to. Put another way, they can access internal and external resources to solve their problem.

As mediators, the tools that we primarily use are those of cognition and state. For the former, we do this by getting parties to see beyond their positions to their interests, needs and concerns. We reframe their negative perceptions and manipulate their cognition towards a more positive direction. For the latter, we acknowledge the emotions of parties, de-escalate the intensity of what they feel and reframe their statements and emotions.

However, we don't seem to do very much with their physiology. The only thing we may manipulate that can affect physiology is the environment. We may decide on the shape of the table at which the mediation will occur, or where parties sit relative to one another, the chairs they sit in, the color of the room, the scent in the environment and ambient sounds.

But we never work directly on physiology. What would have happen if we were to actually manipulate physiology? This idea came from reading the book "NLP II: The Next Generation" by Robert Dilts, Judith DeLozier and Deborah Bacon Dilts. In this book, the authors talk about, among other things, the idea of Somatic Syntax. Somatic Syntax is about "how we organise our physiology in order to process and express our experience and the meaning we attribute to it".

In the book, the authors talk about Darwin's thinking path. Darwin, while at Downe House, formulated his ideas about evolution. Darwin had constructed a sand-covered "thinking" path at Downe which he would walk to think about his work. This is reflected in Robert Dilt's study of effective leaders who engage in very specific activities like running, cycling or golf to think through their problems. Put simply, a change in physiology or movement can change one's perspective and approach to a conflict.

Continuing the thought experiment then, if we wanted to apply this thinking to the conflicts we mediate (and on the assumption that parties and counsel would not be dragged kicking and screaming into this enterprise or have us institutionalized), there could be three ways to do this.

First is to have parties adopt a different physiology than what they would normally adopt when talking about the problem. For example, if they were sitting, they could stand. If their arms and legs were crossed, they could be asked to uncross them and sit with their hands on the table and feet flat on the floor. Or we could get them to configure their physiology in a mirror image to what they were sitting in. So, if their left arm were crossed over their right, one would get them to do exactly the opposite i.e. cross their right over their left.

Secondly, is to have parties physically change positions. Have them exchange seats in a literal position reversal (which may reflect a cognitive role reversal). Alternatively, one could get parties to stand away from where they were sitting to imagine looking at the two parties in the location of where they were sitting. This would be literally going to what Ury would refer to as "Going to the Balcony".

Finally, one could have them engage in motion while thinking about the problem and possible solutions. This could be simply walking around or movements associated with Edu-K (these are movements that are intended to activate both sides of the brain at the same time for the purpose of whole-brain learning) or even (gasp, dare I say it?) dance.

So, there you have it. In all its glorious funkiness. Before the men in white coats come and take me away, let me conclude with two points. First, I have not tried this in mediation. And I don't know if I could. It really does seem so off the wall that I am not sure how parties and counsel will react. That's why it remains a thought experiment. Secondly, this does not remain in the realm of theory or fantasy. These ideas have been applied in counseling, therapy and education. Perhaps one day, we might be brave (or silly or desperate) enough to try it in conflict resolution.

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The screenshot displays the 'Explore Practice Plus' interface. It features a navigation menu with a checkmark icon. The main content area shows a profile for 'Gary B. Egan' with a 'Relationship Indicator' section. Below this, there are three circular charts representing different relationship metrics. The interface is clean and professional, with a blue and white color scheme.

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