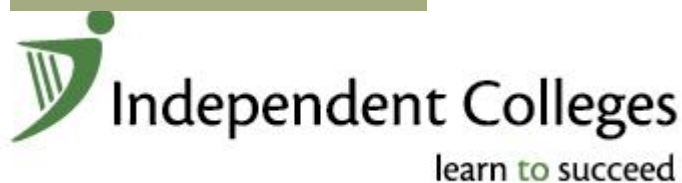


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**Conflict resolution skills: the relation between nonviolent communication and mediation**

**Conflict resolution skills: the relation between nonviolent  
communication and mediation**

By

CAROLINA BARBOSA BARRETO  
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A dissertation presented to the

FACULTY OF LAW  
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# Abstract

This research was born from the need to deepen the knowledge about non-violent communication (NVC), bringing a positive reflection on how these communication skills can be valuable for everyone and especially for mediators, who work directly with conflicts. To do so, through the contributions of several authors were used, in particular, Marshall Rosenberg, creator of NVC. This research proposes to address the issues of nonviolent communication and mediation in conflicts, verifying whether these methodologies are connected and/or complementary. Another relevant question for this study arose from the question about the mediators' conflict resolution skills and personal qualities, valuing cooperation and collaboration. This study therefore springs from what expected qualities of mediators contemplate and integrate non-violent communication, which focuses on dialogue to bring connection and compassion.

Through an online survey aimed at mediators was possible to investigate whether they primarily know about nonviolent communication, understand their challenges in their practices, whether mediators use NVC and whether this has somehow changed the way they mediate. The questionnaire gained more clarity with the data acquired by drawing meaningful conclusions and suggestions.

**Keywords:** conflict, mediation, nonviolent communication, communication.



# Introduction

There are two critical factors which are relevant in the basic level of all human experience: interpersonal communication and conflicts. Viewed through the lens of communication, it “means through which relationships are initiated, negotiated, maintained and ended” (Knapp and Daly). Conflict is a part of everyone’s life in the workplace, relationships, family, neighbourhood and many other configurations and interactions, also varies according to the extent where some of them affect them very deeply. Conflict can be defined as “a disagreement between two or more individuals or groups, with each individual or group trying to gain acceptance of its view or objectives over others" (David L. Austin (1972)).

Littlejohn (1999) considers, “communication is difficult to define. The word is abstract and, like most terms, possesses numerous meanings” (p 6 ). One of these definitions is “a process through which we try to understand individuals and have them to understand us. The process is dynamic and continually changing in response to the situation.” (Andersen, 1959).

Dialogue is a coordinated movement, their action finds the way one expresses and the other responds. Dialogue integrates, like emotions, the look, gestures and sometimes other forms of expression that are more important than words. in Wittgenstein's words, "to imagine a language is to imagine a way of life".

On language and the relational use of words, Bakthin (1984) emphasizes that when we say a word, we cannot determine how it will affect the other person and what it may be expressing to the

recipient. Communication needs to be polished at all times and not taken for granted, as for a healthy dialogue the understandings need to be shared.

Through dialogue we can have transformations and possibilities that do not exist in conflicting situations. Within this theme between conflict and dialogue, mediation emerges as a process to manage conflicts engaging a conversation through a guided process.

From this perspective, this paper seeks to offer a broad view of an aspect of communication, exploring the steps of nonviolent communication, mediation and mediator skills and critical thinking of how mediation is an opportunity for dialogue.

In the first chapter of this research, an analysis of studies is discussed throughout a literature review with the aim of providing what non-violence and nonviolent communication. Afterwards, it is discussed the steps of nonviolent communication and how they are applied in our social interactions. The literature reviewed, shall be reflected on how the nonviolent communication methodology can help mediation, as a tool that offers opportunities for (self) reflection, listening and development of the dialogue itself, to finally address the relationship between NVC and conflict mediation.

Some aspects are elucidated on the topic of mediation skills, such as empathy, active listening and emotional intelligence. It is worth pointing out that NVC has become popular around the world, which can be effectively applied at all levels of communication in the most diverse situations. The survey was raised involving mediators, investigating their practices and mediators' results collected when nonviolent communication is applied. Focused on determining the importance and

applicability of nonviolent communication between mediators, the main objectives of this research are:

- 1) Analyse mediators whether they know Nonviolent communication; it has impacts and results.
- 2) Investigate the main problems and challenges faced by mediators;
- 3) Investigate whether they consider that there is adequate NVC information and training.

A total of thirty nine mediators from Brazil and Ireland have collaborated with the research. In the second chapter, the methodology used to develop this survey is explained, using qualitative and quantitative strategies.

The presentation of the data collected in the survey is in the third chapter, based on the questionnaire previously mentioned. In chapter 4, the results of the analysis based on the mediator's responses will be expressed in more detail, followed by their discussion in chapter 5.

Finally, reaching a conclusion, seeking to recapitulate the main objectives of this research, describing the achievements within the study as well as promoting critical thinking about NVC, based on reality through genuine responses of mediators.

# Chapter 1 - Review of the Literature

## 1.1 - The nonviolent and nonviolent communication

Understanding nonviolence is essential to capturing nonviolent communication, because violence is so internalized in our daily lives that, generally, might be difficult to recognize.

Violence can be unconsciously naturalized through a number of contemporary reflections. In the scope of communication, communicating assertively and avoiding judgment is a part of a great dialogue.

“Certain ways of communication alienate communicators from a natural state of compassion, putting preconception about rightness, wrongness, and being judgmental with others which drives people away. It seems to validate just the negative feelings and thus perpetuate the circle. Moreover, these assumptions lead people to label other people in ways that “diminish human connection,” and to confuse “a person’s behavior – the particular acts a person chooses to take—with who the person is” (Connor and Killian).”

Gandhi is known for non-violent campaigns of civil disobedience, becoming an international symbol of peace and human rights. Gandhi collaborated for a more spiritual dimension of nonviolence as well as a multifaceted alternative way of life. The non-violence comes from the word *ahimsa*, used in Buddhist and Hindu literature texts, although its meaning extends for Gandhi as a "a way of transforming relationships so as to bring about a peaceful transfer of power, effected freely and without compulsion by all concerned". Therefore, Gandhi says the non-violence is “the basic law of our being”.

He also argued that passive violence, that is, in which the suffering is of an emotional nature, is what fuels physical violence. So that passive violence is the driving force behind a circle of violence, insofar as it feeds back to a series of other negative feelings that result in more violence, both physical and emotional.

Therefore, non-violence is more than a communication process, it is about a philosophy of life that directly influences the individual's praxis. The idea is to manifest positive attitudes within us of negative attitudes, which culturally dominate, allowing all that is positive in us to surface.

Marshall Rosenberg learned about violence at an early age. He grew up in Detroit, Michigan. Around the summer of 1943, he experienced a tragic episode of violence where his neighborhood was situated in the center of the violence. Having experienced these events motivated him to study psychology, he puts in a meaningful question “what happens to disconnect us from our compassionate nature, and what allows some people to stay connected to their compassionate nature under even the most trying circumstances”.

Nonviolent Communication was influenced by the work of psychologists Carl Rogers and the movement non-violence social policy, led by Mahatma Gandhi and championed by leaders around the world, such as Martin Luther King Jr.

Carl Rogers founded humanistic psychology and believed that empathy, genuineness, and unconditional positive regard are necessary and sufficient to effect positive change and applicable to all human relationships, not just working with clients. Carl Rogers discovered and developed as

therapy what we call *person-centered-approach* (PCA). As opposed to a value system, PCA is a set of skills which can be used as a tool by people with a wide range of values in order to construct satisfying, successful relationships.

After getting to know his professor's research closely, Marshall Rosenberg became interested and developed a method for simple interpersonal communication, which would allow the perfecting of human relationships with great ease to increase empathy.

### 1.1.2 - Overview about Nonviolent communication

Marshall Rosenberg wrote several books, however “Nonviolent Communication, a language of life”, is his largest and most outstanding book. He founded the Nonprofit Center of Nonviolent Communication ([www.cnvc.org](http://www.cnvc.org)) a “global organization that supports the learning and sharing of Nonviolent Communication (NVC), and helps people peacefully and effectively resolve conflicts in personal, organizational, and political settings”. The core activities are promoting NVC training, creating or assisting in the creation of NVC educational materials, Certification Program, International Intensive Trainings and so on NVC has been widely taught in corporations, classrooms, prisons and mediators centres worldwide.

NVC is a specific approach to communicating - both speaking and listening - as it guides us to “give from the heart, connecting us to ourselves and others in a way that enhances compassion”. Marshall states that it is innate to human beings to “enjoy giving and receiving in a compassionate manner” (p. 1). And from that, he idealized what is meant by Nonviolent Communication - NVC. Marshall Rosenberg (2006) observed that human beings have wild thoughts of which are innately bad, triggering the idea of deserving. That is, what qualifies the attitude of a person (her to herself

or her to another) who can be seen under two biases: punishment - deserves to be punished if what is not done is done either - or reward - deserves to be rewarded if what is expected is done.

Thus, violent communication is established by comparing, judging or when there is no responsibility. Blame, insults, labels, comparison are all forms of judgment and every criticism, judgment, diagnosis, and expression of anger is the tragic expression of an unmet need.

Marshall Rosenberg emphasizes that communication becomes more violent and dangerous when the authorship of behavior is not assumed, thoughts, and feelings; placing a "blame" on other people or hypotheses. According to him, "all violence comes from the belief that other people cause our pain and therefore deserve punishment" (Rosenberg, p. 147).

This denial of responsibility is called by Marshall (p. 15) as "life-alienating communication". Marshall considers that "we can replace language that implies lack of choice with language that acknowledges choice" (Rosenberg, p. 21).

Only by becoming aware of the responsibility can one obtain a real connection of the individual with himself and with a society, leading to a compassionate communication. This process of reformulating is guided in such a way that they exchange information, express themselves honestly, and listen with empathy to what is being said.

"Instead of habitual, automatic reactions, our words become conscious responses based firmly on awareness of what we are perceiving, feeling, and wanting. We are led to express ourselves with

honesty and clarity, while simultaneously paying others a respectful and empathic attention”.  
(Rosenberg, p. 3)

NVC combines thinking with language, as well as using power design to fulfill a specific intention. The intention is to cultivate a sense of connection with others and with oneself so that compassionate giving can take place. Thus, NVC is self-knowledge and for it to flow naturally it is necessary first to learn to be nonviolent (and communicate nonviolently) with yourself to then interact with others. This can be seen as an ongoing reminder to keep our attention on a place where it is more likely we will receive what we are seeking.

In fact, it is extremely important to have the opportunity to make a habit of empathy to recognize ourselves in each other and listen. In our daily life, we notice a visible imbalance between how many people are willing to express themselves and how few are willing to listen, and this happens in various spheres of our lives. It is reasonable to assume that when there are potential conflicts, communication is more difficult.

According to Marshall Rosenberg, all human action arises from the desire to satisfy legitimate needs; however, it is better to direct them to avoid violence since this blocks or limits human potential. That is why the NVC is necessary to express emotions in a non-violent way.

The author indicates that the NVC seeks to help individuals meet their needs without frustrating other people's needs; it teaches listening, expressing feelings and making observations.



From these principles, nonviolent communication can be used both as a clinical psychotherapy, in conflicts as well as self-help technique and self-acknowledgment, especially in finding harmony with others.

### 1.1.3 - The NVC process

The steps in NVC come as a way to fully express ourselves and reach better outcomes.

NVC can be seen as more than a process at a deeper level of human relations, which facilitates communication more intensely and cultivates mutual recognition of affective needs, leading to greater compassion and peaceful conflict resolution.

This model, which shares concepts used in mediation and conflict resolution, highlights that our use of words can help us compassionately connect with ourselves and others. This allows us to restructure our way of expressing ourselves and thinking to broaden our understanding building more effective and harmonious relationships.

According to Marshall Rosenberg, the four components of NVC are:

1 - Observations

2 - Feelings

3 - Needs

4 - Requests

These four steps will allow us to systematically order and present what needs to be conveyed to your interlocutor at the moment when there are emotions involved that could obscure the message.

The first step is to *observe* what is actually happening, without judgment or comments.

Afterwards, we realize what the feelings are aroused through observation, leading to a deeper analysis of discovering which needs are linked to feelings. To, finally, then place an order clear, objective, specific and achievable.

For the beginning of the NVC process to start in a compassionate way, it is necessary observe clearly (specifically, according to each moment and context) without adding any evaluation, judgment or disclaimer. By dictionary definition, observe means “notice. Watch something carefully” and evaluate is “a form of an idea of the amount or value of”.

It is a fact that everyone judges, since this is inherent to human beings, the difference is on what is made of these judgments. They will serve to make a deep analysis of myself (because I am judging) or will be used to label and classify the other?

Having this (self) reflection is in itself a way to communicate not violently with itself, as it is leaving the to "do things automatically" of violence, leaving a paradigm of violence a compassionate paradigm. Therefore, “NVC is a process language that discourages static generalizations. Instead, observations are to be made specific to time and context, for example, ‘Hank Smith has not scored a goal in twenty games’, rather than ‘Hank Smith is a poor soccer player’”. (Marshall pg. 32).

The second component concerns *identifying and expressing feelings*, which is not easy, because the education received from childhood is to hide the feelings to avoid judgments and evaluations. Also, it is common to confuse feelings with thoughts, and we need to expand our repertoire of

words to clearly describe our emotional states. Marshall describes “the benefits of strengthening our feelings vocabulary are evident not only in intimate relationships but also in the professional world” (Marshall, pg. 39).

When we express our needs indirectly through the use of evaluations, interpretations, and images, others are likely to hear criticism. And when people hear anything that sounds like criticism, they tend to invest their energy in self-defense or counterattack. If we wish for a compassionate response from others, it is self-defeating to express our needs by interpreting or diagnosing their behaviour. Instead, the more directly we can connect our feelings to our needs, the easier it is for others to respond to us compassionately.

(Marshall. Pg 53)

Feeling is a demonstration of how you feel, sensitivity; while thoughts is the act or effect to consider; reflection; idea. One is on the practical level and the other is on the theoretical plane, so it is important for CNV to develop itself.

Distinguishing feelings from thoughts leads us to involve the other by saying how he has made him feel the episode described in the previous step. In this part, we leave the objective vision and use our self-observation to identify and tell you in simple words what we are feeling at this moment. At this point, the empathic capacity of our interlocutor comes into play, which cannot be taken for granted and is necessary for the conversation to be two-way.

The third step is to recognize what the *needs* are behind the awakened feelings. The more you

can identify the needs, and express your needs, the better it will be through compassionate communication.

Therefore, need means accepting responsibility for what it does to generate your own feelings. In general, people are satisfied when needs are met, and as long as they are not, the relationship is over, triggering a vicious circle where responding to violence is more important than understanding the reasons for that violent act.

Needs do not change, as they are indispensable and, in that sense, they are universal. We have to be sure of the need to be able to take the last step of the NVC and do the specific request.

The fourth and final component of the NVC is *request*. The big question is *what we would like to request of others in order to enrich life for us*. Marshall B. Rosenberg explains that the request must be a positive action, that is, you ask for what you want instead of what you do not want.

When ordering, avoid vague or abstract phrases, the clearer and more objective it is, the greater the chance of having the request granted.

Order is not a requirement. The listener cannot place the request thinking it will be rewarded if you do or attend out of guilt, regret, or fear. More importantly, when a person is making a request, you should make sure the person understands it is a request, not a demand. About this step, Rosenberg wrote “the more we have in the past blamed, punished, or “laid guilt trips” on others when they haven’t responded to our requests, the higher the likelihood that our requests will now be heard as demands.” (Rosenberg, pg. 79).

Therefore, CNV aims to meet personal and collective needs on a real and sustainable basis. CNV appears to reside in each individual's understanding of their responsibility (by the words they use, the actions they take, and the feelings they express) and in following these four components through compassion, honesty, and respect.

## 1.2 – Mediation

The alternative forms of dispute resolution are born as response to society's difficulties in having access to justice due to the increase of litigations brought to the Judiciary, the increasing delay and financial costs and psychological problems spent in the Common Justice. Emphasizing that, in addition to reduce the number of demands that go to the Judiciary, such methods have as main scope the promotion of social harmony and well-being among individuals of a society. As social reality evolves, we are challenged to view mediation from different perspectives, extending its application to other areas. However, it remains a flexible concept, a concept that adapts according to the type of conflict, the parties involved, and the methods and types of mediation used to resolve the conflict.

Mediation is an effective method of settling questions without the need to go to court. It includes an unbiased third party - a go-between (mediator) - who helps the two sides agree. The mediator's role is to help parties arrive at an answer for their concern and show up at an outcome that the two parties are satisfied to acknowledge. Mediator tries not to be biased. They are fundamentally liable for creating successful interchanges and building bargains between the parties (Szczecińska,

2016). A mediation meeting's focal point is to arrive at a presence of mind settlement pleasant to the two players for a situation. Accordingly with mediation, the dispute is addressed proficiently. There is a third party included, yet have no active job, for example, no decision-making; consequently, there is no assurance of responsibility, arrangement customized to parties' requirements (Szczecińska, 2016).

Primarily, the main parties, the injured and the defendant, share their encounters. This has been tracked down without anyone else is an incredible and positive interaction for the two players. The harmed party does not feel like their injuries are reducible to money, and the litigant has a chance to assume individual liability for the issue. Second, the arrangement is set about making things right, not concerning a distributed exchange. If the parties are urged to make things, the sharpness of understanding something that cannot be esteemed is avoided. The outcome is frequently a more joyful complaint and decreased financial-related issues for the parties involved (Szczecińska, 2016).

Regarding the vision of mediation theorists, their concept also varies according to the idea one has of it, taking it as a process, an intervention, an instrument or as a system. Garcia, referring to the vision of mediation that some authors such as Díez, Tapia, Bosqué, and Dandideri have, can be considered as "realistic legal or natural law visions," defining mediation as "1) a transformative process, 2) of communication circular, 3) that places people off-center in their center, 4) and orders the flow of the conflicts that confronts them 5) to the finding of the same right thing, 6) avoiding the relapse in the spiral of revenge".

As such, Borisoff and Victor (1998) define mediation as a "form of alternative dispute resolution that is often sought when the disputing parties are unable to resolve their differences on their own. ” During the procedure, the mediator assists the parties (called disputants) develop dialogue and (self) reflection, using techniques and tools specific for this. The goal is that the mediators can re-establish the communication that suffered some kind of noise, and so, if it is the will of both, compose an agreement that meets the needs and possibilities of each one of these parts. It is important to highlight that mediation is appropriate whenever there is any type of continuous or successive relationship between the parties - that is, one that will last over time, as the parties will still have a relationship with the other in the future (for example: in family conflicts, neighborhood conflicts, etc.).

It is crucial to look through the Mediation Act (2007), divided into six parts, which provides all information about mediation. The principles of mediation are characterized by some fundamental elements and all of them are contemplated in the Mediation act (2007), which are: impartiality, confidentiality and neutrality of the mediator, mutually acceptable (the voluntariness of the process). The mediator develops options and alternatives to try to reach a fair agreement that fits the needs of the parties involved. The mediator does not have the power to decide on a solution to the problem, and the parties themselves must reach a mutual agreement, as is specifically clear in the section "Role of mediation"; it describes "the outcome of the mediation shall be determined by the mutual agreement of the parties and the mediator shall not make proposals to the parties to resolve the dispute". The mediator has no decision-making authority, and this fact makes mediation attractive to many disputing parties because they may retain ultimate control of the outcome. how parties are empowered to resolve their own conflicts.

## 1.3 - Mediator skills

Communication is an essential element in conflict resolution. We could define the mediation process as the one consisting of providing the parties in conflict with quality communication resources so that they can solve the conflict that they bring up. Throughout the process, the parties speak of reproaches, positions, opinions, desires, needs, feelings, and the mediators must help them to express themselves constructively and to be listened to in such a way that the communication they establish can help them resolve the conflict. At the root of most conflicts, we can find poor communication. Therefore, as Soares (1996) provides us, communication is an important element in conflicts because:

- 1) Quality communication is a necessary tool to get to the base of conflicts and find satisfactory solutions to the parts.
- 2) Poor communication can itself be the cause of conflict.

The great contribution of mediation to the conflict is the replacement of the traditional conception of "win-lose" in disputes by "win-win," since this change of conception affects not only the results but also the process itself. The interesting thing about this process is that it discovers the importance of interests in disputes. With a good analysis of each of the parties, it is possible to develop a solution that satisfies both (Nosek and Durán, 2017).



### 1.3.1 – Empathy

From the Greek *en-pathéia*, according to the Oxford dictionary, empathy means “the ability to imagine and understand the thoughts, perspective, and emotions of another person. In counselling and psychotherapy empathy is often considered to be one of the necessary qualities enabling a successful therapeutic relationship.”. According to Goleman (1995) empathy is anchored in self-awareness; if we look openly at our own emotions and feelings, we will be better able to interpret and understand the feelings of others. It is the ability to understand how another person feels, to see themselves in the other’s situation in everyday life. The key to intuiting someone else’s feelings is the ability to read non-verbal messages, such as tone of voice, appearance, facial expression and so on.

It should be noted that, far from any sentimental contagion, empathy cannot be confused with sympathy, compassion, or pity. Likewise, there are many ways to express sympathy, including empathic reflections, empathic questions, interpretations of intimate experiences and empathic conjectures. Thus, in psychotherapy, empathy can be understood as a complex construction that consists of a variety of different acts used in different ways (Elliot et al., 2011).

Taking the time to understand a person so intimately that their emotions, ideas, and motives can be easily understood by another is an admirable goal when communicating with someone. Empathy is the result of the process the perceiver uses to accurately understand the point of view of the communicator. Empathetic listening is of major interest to all those who wish to communicate well and manage conflicts as well as possible.

For Susheela (2020), "In mediation, demonstration of empathy by a mediator stands on one foot. But bringing empathic connection between the disputing parties stands on a different pedestal." In other words, bringing the disputing parties together is an important first step towards solving their conflict, once this powerful connection is developed there remains nothing more to be done. There will no longer be two sets of parties facing each other. There will be only one set of parties. Each one will be sitting next to the other understanding that it is their problem, and it needs to be resolved.

### 1.3.2 - Active Listening

In mediation, one of the most used techniques to promote communication and facilitate the dynamics between the parties is active listening. According to Richard Salem, active listening (or empathic listening or reflective listening) is a way of listening and responding to another person, improving mutual understanding and trust. In other words, it is an essential and determinant skill for the success of a negotiation or mediation.

Among its benefits, empathic listening: a) builds trust and respect among those involved; b) allows parties to release their emotions and reduce tensions; c) encourages disclosure of information; and d) creates a safe and conducive environment for problem solving. In the words of Renee Gendron, active listening allows parties to feel comfortable disclosing their experiences and emotions in a constructive way.

A person's active listening is their willingness to hear and understand, according to Hoppe (2018). In essence, it involves paying full and careful attention, avoiding premature judgement, reflecting understanding, clarifying information, summarizing and sharing. Gabbay, Faleck and Tartuce teach that active listening is an important technique to be applied by the mediator, who must actively participate in the conversation between the parties, being receptive to listening and maintaining eye contact with the participants.

It is recommended that the mediator demonstrate objectivity and fairness while placing themselves in a non-judgmental position during the mediation process, giving equal opportunities of time and attention to those involved in the conflict. From the party's perspective, active listening, among other possibilities, promotes contact with feelings, encourages the disclosure of information, clarifies the true interests involved, and encourages the negotiation process. From the mediator's perspective, it establishes a trust-based relationship between the mediator and the parties, clarifies their interests, and serves to verify the level of openness in each step of the process.

### 1.3.3 - Emotional Intelligence

Emotional intelligence is a vast study subject, reinforcing the relevance of interdisciplinarity in the current scenario. The journey of Emotional Intelligence began in theoretical assumptions in the 1980s by PhD Reuven-Bar On, who used the term emotional quotient (EQ), while the neuroscientist Howard Gardner, PhD, opened space for talking about personal intelligences. In the 1990s, professors Peter Salovey and John Mayer, from universities of Yale and New Hampshire, first introduced the term “emotional intelligence” to the scientific community.

Salovey and Mayer are considered one of the pioneers introduced the term “emotional intelligence”, which they defined as “the ability to perceive accurately, appraise and express emotion; the ability to access and/or generate feelings when they facilitate thought, the ability to understand emotion and emotional knowledge; and the ability to regulate emotions to promote emotional and intellectual growth.”

The importance of emotional intelligence has grown tremendously in recent years, along with people's interest in it. The skill of learning how to deal with your own emotions and those of other people, either in a conflict or not, gives balance to relationships, building relationships, and succeeding at work, including in the context of mediation. Daniel Goleman is an important theorist who popularized Emotional Intelligence around the world. He refers to Emotional Intelligence “as a capacity for recognizing our own feelings and those of others, for motivating ourselves and for managing emotions well in ourselves and in our relationships”.

It is important to establish the difference between Intelligence quotient (I.Q) and Emotional quotient (E.Q). The first, the intelligence quotient, is a widely recognized term spread around the world, as the most traditional IQ tests. They are made to classify people according to their ability to process information. Suspecting that the I.Q. was not the only way to define the success of one person, Daniel Goleman, proposed the concept of Emotional quotient, directly linked with Emotional Intelligence. Furthermore, emotional intelligence is not the opposite of I.Q, but rather a competence different than I.Q.

Daniel Goleman contributed in several ways about Emotional Intelligence. He includes five basic emotional and social competencies. The first aspect is *Self-awareness*, which is the ability to identify your feelings at any given time and use those feelings as a guide to your decision making; *self-regulation* refers to dealing with your emotions and recovering from emotional distress; *motivation* is the ability to move towards our goals and persevere in face to frustrations; *empathy* is sensing what people are feeling and cultivating rapport with diverse types of people and *social skills*, such as handling emotions, accurately reading social situations, and negotiating and resolving conflicts.

#### 1.4 -Mediation as an opportunity for reflection and dialogue

We can say that most of the conflicts established in our relationships are the result of communication failures existing between people. These faults created, directly or indirectly, can represent divergences - in thought and action - but depending on how if you see this conflicting phenomenon, it could represent an opportunity, a situation that promotes the individual's personal and social growth.

It is in the midst of this more assertive view of the conflict that the mediation procedure appears as a form of self-composition, where the individual has the possibility of think of creative and workable ways to solve it better. In this sense, mediation sees divergence as something natural and positive, as an opportunity for self-reflection and social responsibility.

In mediation, those involved in the conflict have the possibility to resolve it by acting in a way: participatory (assuming your responsibility so that it is unnecessary that a third party resolves the

conflict - in most cases this role is up to the Judge); criticism (when looking at the conflict from the outside, perceiving its action differently, analyzing the what is position/condition and what is need/interest); and collective (analyzing not only the individual needs, but promoting a meeting that allows the perception of the other's needs, in order to look at them in an empathetic and compassionate way). In other words, it can be said that, it is from the conflict phenomenon, that new possibilities of “disaccommodation” of the individual arise (that in some way feels uncomfortable, due to the situation they are experiencing). Which can generate transformations resulting from reflection on this context and possible behavior changes.

In this sense, these transformations of individuals are social interactions, which Paulo Freire (1987) refers to as dynamism to society itself, a process this one described as “action-reflection-action”. That is, from a simple conduct of the individual, a process of self-reflection and analysis can be initiated, resulting in a new action that is considered critically, taking into account not only its values as an individual, but as an element of a social group, by which he is also responsible. This participation/accountability of the individual promotes a more comprehensiveness of the conflict itself, leaving a view where this dispute is seen in a more destructive (where the end of the problem represents the extinction of social ties that pre-existed the conflict situation) moving to a more constructive view of the conflict (when at the end of this, there is a strengthening of the socio-affective ties that pre-existed the dispute). Therefore, mediation seeks exactly this last vision, the constructive one, by encouraging litigating parties to creatively devise solutions that allow reconcile apparently antagonistic interests. Looking forward to the future, without attribution of blame, but putting yourself in the position of co-authorship and responsible for the situation experienced, which strengthens the individual's social ties as a citizen.

Mediation seeks to fully resolve the conflict, thus giving a bias sociological to this, because in this way, a social pacification can be reached. Especially considering that the conditions established in the disputes that reach the judiciary represent the real needs and interests of the individual. So that if these are not met/satisfied, new processes will form, giving rise to a scenario of hypertrophy of this Power.

In this sense, mediation acts beyond the rights protected by the State, because it considers the emotional aspects and needs of those involved in the conflict, for only in this way can it resolve it satisfactorily. Therefore, it is stated that inside of this self-composition method, we seek to overcome failures in communication so that the parties can together find a solution to the conflict. It is necessary to work on self-esteem and the empowerment of the mediator, in order that all involved have the same possibility to propose and question which is brought into the mediation session. This empowerment is not something external to the individual, where power is given to someone so that the individual is able to perform a certain task without needing permission from other people. It is an empowerment as Paulo Freire said, where power does not come from outside, but from within the individual himself, is a conquest of him, that is, the subject starts to feel legitimate and able to act and resolve the conflict that has arisen. Although this change occurs from the individual, it is not individualistic, for On the contrary, it is a collective change, as it is the result of a negotiation aimed at promoting a mutual sense of justice, where the will of a single side is not satisfied, but what is best for both is built in that situation. So the culture of litigation (of dispute, of winning and losing) begins to give way to the culture of social pacification, where everyone wins, because the focus is on conflict resolution, not more in finding guilty. In this sense,

the mediator works as a facilitator of this communication, not being able to decide, suggest and much less resolve the dispute that belongs to the parties. To him it is necessary to create a safe and secure environment for dialogue to develop, the (self) reflection, the establishment of an empathic relationship and the (self)responsibility for the conflicting fact, factors that are closely related to communication itself are not violent.



## Chapter 2 - Research Methodology and Methods

Epistemologically speaking, this study is a mix of qualitative and quantitative research and uses an inductive empirical approach from a specific observation to a general conclusion. It is a mix of these approaches once qualitative and quantitative research are not incompatible opposites. A qualitative perspective is more concerned with understanding an individual's perceptions of some issue whereas quantitative research collects facts and studies the relationship of one set of facts to another. They use 'numerical data and, typically ...structured and predetermined research questions, conceptual frameworks and designs' (Punch 2005: 28).

The objective of this research was to evaluate and provide a comprehensive view through responses from a questionnaire designed specifically for mediator professionals. The questionnaire was written and developed in English and also a document translated into Portuguese as support once this questionnaire was also shared in Brazil.

We start from the idea that nonviolent communication is aligned with important values for the mediation process and with qualities highly expected from mediators such as empathy, dialogue, compassion, active listening, paraphrase and also has a strong link with emotional intelligence, as it is a systematized way to communicate sustainably with others. Moreover, our investigation of nonviolent communication was motivated by the fact that there is little research on this subject. Coming from a deduction that nonviolent communication as a good tool for mediators who deal directly with conflict situations, based on this online questionnaire developed on the SurveyMonkey platform, we analyze mediators' attitudes on the topic of nonviolent

communication in these important aspects, such as if they know about NVC, and attempt to understand how it affects the practice of mediators. Another objective was also to investigate what are some common problems and challenges they face as mediators, and whether this would be related to any difficulties in communicating, managing the emotions, or relational issues with the parties. A brief explanation of how the research was conceived and carried out, and how the methodology was used and the data collected, analyzed and discussed will be presented in this Chapter.

For a better understanding of the object of this research, in the questionnaire we obtain information on topics such as the nature of the interviewee's work, the length of experience carried out and what kind of mediation they primarily work. The results of the questionnaires were analyzed according to the literature discussed in the previous chapter. The objective of this research is to deepen the investigation in the field of communication and conflict resolution.

## 2.1 - Research design

The research design reflects the strategy that was chosen to integrate the different components of the study in a cohesive, understandable and logical way and constitutes data collection, measurement and analysis (Saunders et al., 2007). According to Jahoda, Deutch & Cook “A research design is the arrangement of conditions for the collection and analysis of data in a manner that aims to combine relevance to the research purpose with economy and

procedure”.<sup>2</sup> Research design is the plan, structure and strategy and investigation concave so as to obtain ensured to search question and control variance”.

This study followed the research onion model, which was developed by Saunders et al. in 2007. This model describes the stages that a researcher must go through when designing a practical methodology. As part of the analysis and reflection, themes related to selection and collection emerged developed based on the below image. The following sections describe the philosophy, approach, strategy, time horizons and data collection methods that were chosen to carry out this research. This figure illustrates the process, which is described in the subsequent sections.

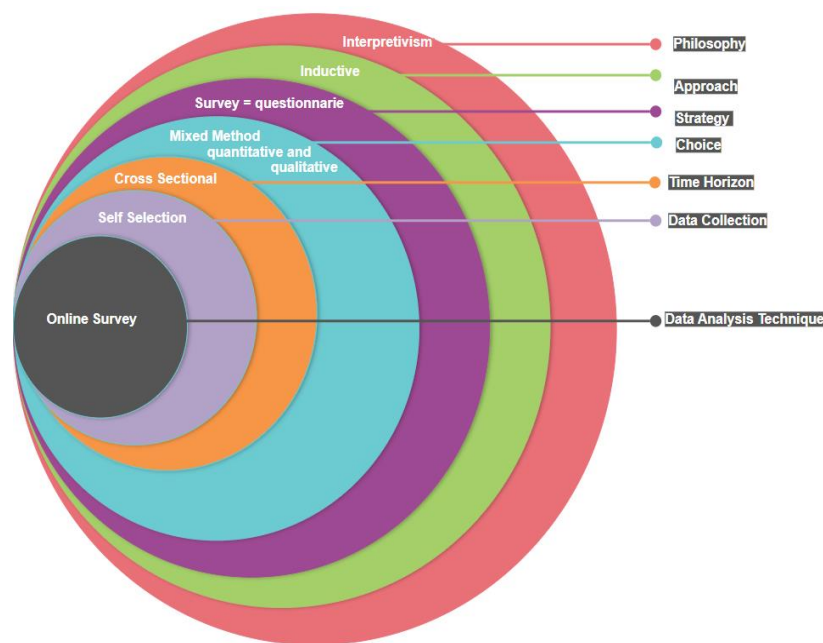


Figure 1 The Research "onion" (adapted from Saunders et al, 2007, p.132)

## 2.2 - Research philosophy

Research philosophy is concerned with the nature, source and development of knowledge. In simple terms, research philosophy refers to how data about a phenomenon should be collected, analyzed, and utilized.

In this research we are investigating what mediators think and do about a specific topic, what kind of problems they face and how they deal with them. It is a research where our aim is to understand and the predictions are weak. Accordingly, the philosophy adopted in this study is interpretivism, since the researcher emphasizes qualitative analysis over quantitative analysis. Moreover, in an interpretivist approach, it is important for the researcher as a social actor to appreciate differences between people.

Epistemologically speaking, the philosophy can be defined as interpretivism, positivism, among other styles. According to Myers (2008), “interpretive researchers assume that access to reality (given or socially constructed) is only through social constructions such as language, consciousness, shared meanings, and instruments”.

According to Collins (2010), Interpretivism is “associated with the philosophical position of idealism, and is used to group together diverse approaches, including social constructivism, phenomenology and hermeneutics; approaches that reject the objectivist view that meaning resides within the world independently of consciousness”

According to Walliman (2016, p. 12): “Positivism can be described as the application of the

natural sciences to the study of social reality. An Objective approach that can test theories and establish scientific laws. It aims to establish causes and effects.” Our research could be viewed as positivist from this perspective. Nevertheless, because positivism pertains more to scientific methods, its use in this research can be considered; however, this philosophy does not match the purposes of the study due to the likely outcomes.

## 2.3 - Research approach

The type of approach used in a research paper can be either deductive or inductive. The eductive approach is where the researcher must develop a theory or hypothesis (or hypotheses) and launch a research strategy to prove the assumption. In the inductive method, data is collected and an approach is developed as a result of data analysis (Saunders et al., 2007; Walliman, 2016; Bell & Waters, 2018).

According to Saunders et al. (2007, p. 120), the induction approach emphasizes: gaining an understanding of the meanings humans attach to events; intimate knowledge of the research context; the collection of qualitative data; a more flexible structure to allow changes of direction as the research progresses; the realization that the researcher is part of the research process; and less concern with generalizations.

Using inductive reasoning, a theory is developed while using deductive reasoning, a theory is tested or proved. For this research an inductive study was chosen, as it intends to develop a theory

that a certain type of communication would positively impact mediation practices. Both the literature review and the research have been conducted in this direction.

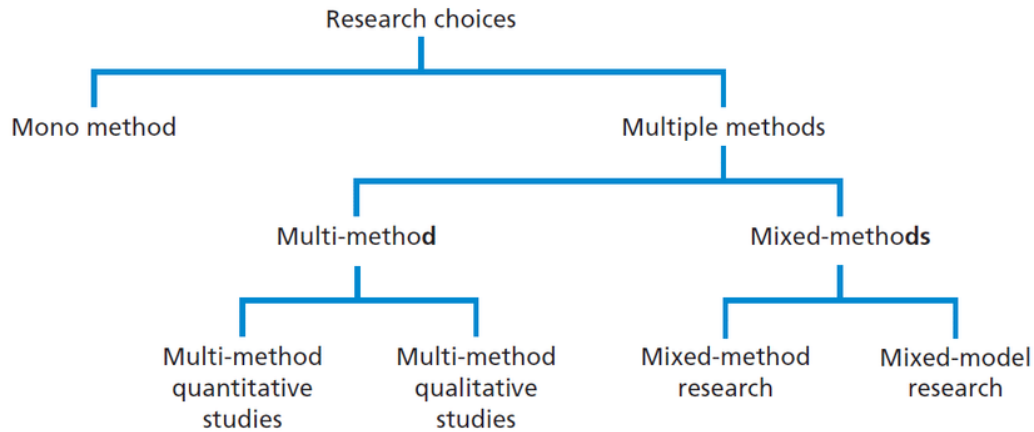
## 2.4 - Research strategies

According to Saunders et al. (2007), Walliman (2016) and Bell and Waters (2018), the objective of qualitative research is to understand a phenomenon through the collection of narrative data, studying particularities and individual experiences. The qualitative research method gathers data that is presented as a narrative, such as in open questionnaires, interviews and observations not coded in a numerical system—it is used to understand underlying reasons, opinions and motivations.

According to Saunders et al. (2007), no research strategy is better or worse than any other; the most important thing is whether your chosen strategy will allow you to answer your research questions and reach your goals.

Therefore, mixed-method research can be used, such as quantitative and qualitative data collection techniques and analysis procedures, at the same time or in sequence. Mixed methods is the general term used when both quantitative and qualitative data collection techniques and analysis procedures are utilised together in a research project (Saunders et al., 2007).

The figure below illustrates strategies that can be adopted for the research.



*Figure 2 Research choices (Saunders et al., 2007)*

The strategy used in this research was Mixed - Method following the qualitative and quantitative. The literature review is qualitative, where the authors and concepts were analysed about the topic to reach an understanding and develop an idea. Furthermore, applying a survey in the form of questionnaires with open and closed questions to mediators, using quantitative and qualitative methods for the data collected and analyzed. Therefore, the analysis of the responses obtained influences the qualitative approach, so the strategies in this research are balanced.

## 2.5 - Time horizon

The time horizon refers to the determined time of your search when data is collected. Whether it concerns a specific time interval (only once), or several time intervals (repeatedly), the answer may vary according to its purpose. It is called transversal, during a specific period, or longitudinal, when the research is carried out over various periods of times (Saunders et al., 2017).

The time horizon defined for this article is a cross-sectional style, where we analyze data from mediators at a specific point in time. Longitudinal data can take even more time to come to a conclusion, as it may take months and even years. The dissertation was also affected by the timetable provided for its completion. This deadline was established for the collection of data and information regarding the research question. The survey started on October 3, 2021 and ended on October 23, 2021.

## 2.6 - Ethical considerations

The ethical involves moral positions that are taken by researchers, which are explicit in this research. The survey was guided honestly and followed ethical parameters. Furthermore, it was faithful to objective and specific aspects, including data design, analysis, and interpretation without prejudice to respondents and sources. We followed special guidelines during this study, including protecting the privacy of the collected data. Information was obtained in the most reliable way about the respondents through their answers.

This research will be kept confidential, used only in this dissertation, and will not be published on any other platform. Researchers obtained informed consent from participants, and any personal or confidential information was not collected during the study. The research policies were defined and those involved were previously informed about the consent form.

The credibility and value of a study depends on the information obtained being ethical, as well as ethical and moral research techniques used during its compilation. The research must be guided



by ethics, regarding both access to information and the research object itself. Ethical research is related such issues as how the researcher formulates and clarifies the research topic and design, obtains access, collects data, processes, stores and analyses the data and, in the end, writes the conclusions according to current ethics and morals (Saunders et al., 2007; Walliman, 2016; Bell & Waters, 2018).

## 2.7 – Sample

When conducting any research for the purpose of collecting information, or using a specific case study, the following questions will arise: In what way, or through what method, does the collected information represent the chosen subject of research? How does one choose the sample of participants in the study? (Walliman, 2016).

When using the word ‘population’ in a survey, it does not necessarily mean a specific number of people. Population is the collective term used to describe the total number of people being studied (Walliman, 2016). The population must be a reasonable number for analysis, otherwise, we will not have enough data to present in the next chapter. Therefore, the number of responses (or size of the sample) to your investigation will necessarily depend on the amount of time dedicated to data collection.

The sample was randomly chosen in the study from the category of mediators from different countries, expertise, and years and expertise. All of them being a target audience. An initial sample

of thirty-nine mediators agreed to respond to the survey, which was based on open and closed questions.

## 2.8 - Data collection and Data analysis

The data collection process for this study was based on consistent and grounded information from both primary and secondary sources. Questions were specifically designed to elicit information about the research question.

Once a researcher has decided on a refined topic and specific objectives, the method of how to collect the evidence required is then considered. So, the main question is not what kind of methodology should be used, but what do I need to know and why? Then the researcher must decide how best to obtain this information and, once obtained, what should be done with it? (Bell & Waters, 2018).

Firstly, the literature review will be done, to have an understanding of the mediation as well as the main skills for mediator, and Nonviolent communication. as an attempt to think about these two themes around conflicts and communication. A link containing the questionnaire, created specifically for the research project on a Survey Monkey platform, was sent by email to “The Mediators’ Institute of Ireland (MII)” and “Impar Institute of Mediators” in Belo Horizonte, Minas Gerais, Brazil. The email was sent to both Institute which was kindly shared with the mediators. The research objectives can be classified as exploratory explanatory. It is exploratory because it aims to simply explore a subject in order to provide the basis for a more thorough investigation. It is explanatory in terms of connecting identified ideas and factors in order to understand the causes

and effects of a given phenomenon. This is the part where researchers try to explain what is actually going on (Saunders et al., 2007; Bell & Waters, 2018).

Participants were selected at random but all worked as mediators. The survey was sent with the consent form where they were all informed about confidentiality and data protection issues.

As mentioned before, this study used a combination of two types of data collection techniques, quantitative and qualitative. The analysis first considered qualitative data in order to understand the research subject through the collection of narrative data, studying the particularities of the answers to the questionnaire, as well as a literature review based on books, articles, and the websites of organisations. Quantitative data was then collected after analysing the results of the questionnaires in order to understand the phenomenon through numerical data, which can point out preferences, behaviours and other actions of individuals belonging to a specific group or society (Saunders et al., 2007; Walliman, 2016; Bell & Waters, 2018).

## 2.9 - Research Limitations

Although the mediators showed interest in answering the questionnaires, some of them skipped some questions, and this might have impacted the research. There is a possibility that the number of mediators sample was not large enough to be significant. Finally, some research questions can be considered insufficient, although specific and related to the research subject.

No ethical issue is considered relevant as a limitation for this research. As the topic addressed in this research is subjective and is concerned with the daily practice of mediators and nonviolent

communication, another methodology such as the case study could be appropriate to explore the issue more deeply.

According to Thomas, the case study method is a kind of research that concentrates on one thing, looking at it in a detail. Case studies focus on the particular rather than the general. However, the survey questions were carefully chosen to cover the issue as thoroughly as possible.

## Chapter 3 - Presentation of Data

The cross-sectional study was defined by observational, behavioural and performance research, which analysed the data collected over a period of time in a sample population of a subset. The information collected in the cross-sectional study is from mediators in Brazil and Ireland. The study variables did not change throughout the investigation. The cross-sectional study was concrete, using a qualitative and quantitative approach as mentioned in research methods, descriptive and transversal. The link containing a survey (composed on SurveyMonkey platform) with twenty questions, exclusively based on the research subject and addressed only to mediators, was sent by email. In order to find the target audience, this email was sent to different mediation institutes in both countries. There is no particular reason in terms of collecting data or comparison why this research was only shared in Brazil and Ireland. However, it should be noted the researcher is Brazilian.

All questions were concise and checked by the supervisor before forwarding them to the research participants. Due to the variety of data obtained, the quality of the research results and conclusions are in line with the central research theme. Each participant was provided with a brief introduction to the research aim and given essential information, such as the ethical and moral issues relating to data protection. All questions were answered and remain on the platform Survey Monkey and in the research's email. The open-ended items had unlimited space for writing and an indefinite time limit. In this way all participants would feel comfortable expressing their feelings, thoughts and personal experiences while responding.

In the first part of the survey there are some general questions, such as age, gender, which country they live, what kind of mediation they primarily work and which style of mediation is your professional practice. The questions 1 to 10 are more general questions, going through this professional background. The question number 11 aims to find out if they have ever heard about nonviolent communication, where they can answer “yes| or “no”. The question number 12 to 17 is concerned with NVC, therefore it would only be available to people who have heard of NVC in the previous question. In questions 18 to 20, participants are asked whether they think that NVC can support people in conflict, whether they would be willing to participate in the training to learn more about NVC, and whether they consider that there is adequate information, training and workshops readily accessible on the NVC. If in the question they answer yes, the questionnaire goes to other questions related with their professional practices and NVC.

### 3.1 - Questionnaire

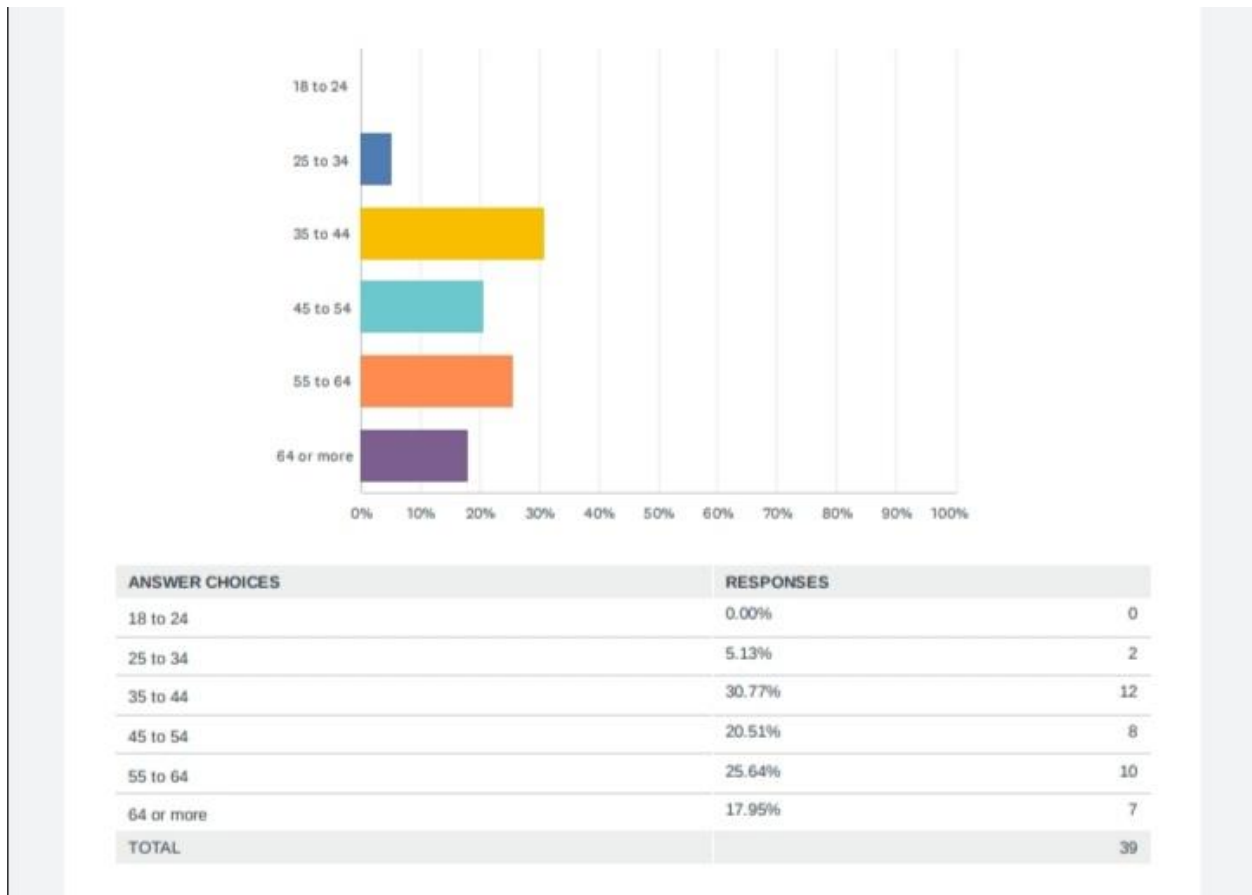
This section illustrates the questions and their answers through graphics, explaining the issues raised in the primary studies, the conclusions reached in their disclosure. Even though the number of contributions was lower than expected, once this questionnaire was shared with approximately 600 mediators in Ireland, all the mediators showed engagement.

The twenty questions as follows: **Age of participants**

Question 1 - What is your age?

The results show that most participating professionals had an average age of between 35 and 44

years, representing 30.7% (12 participants) of the sample. Moreover, 25.6% (10 participants) aged between 55 to 64 years, thereafter aged between 45 and 54 years which represents 20.5% (8 participants). In contrast, 17.9% (7 participants) were between 64 years or more, and only 5.1% (2 participants) aged between 25 to 34 years.

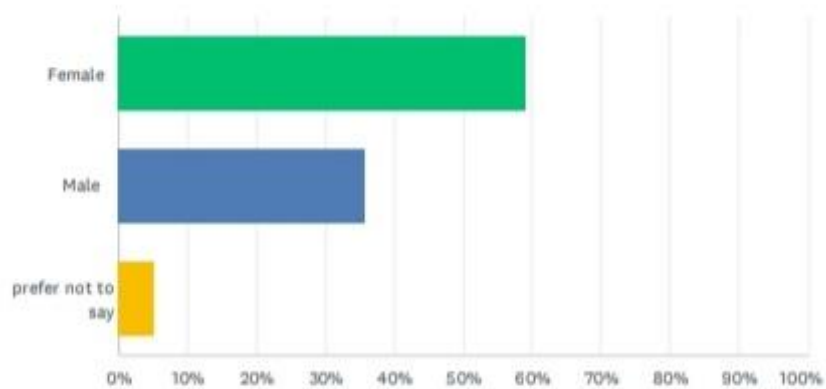


*Figure 3 Question 1 - What is your age?*

## **Gender of the participants**

Question 2 - What is your gender?

The survey identified that 23 participants are women which represents 58.9% and 35.9% (13 participants) are men. The survey also contained the option “I” and 2 participants chose not to say (5.2%). The option has been included to prioritize the privacy and comfort of mediators over everything else that gives them an opportunity to anonymise personal data. Above all, this option is being widely included in questionnaires. By requiring gender information via structured fields, Hasson argues that users are restricted to a fixed array of choices and, as a result, can inhibit individualised expressions of identity.



ANSWER CHOICES	RESPONSES	
Female	58.97%	23
Male	35.90%	14
prefer not to say	5.13%	2
TOTAL		39

Figure 4 Question 2 - What is your gender?



## **Country**

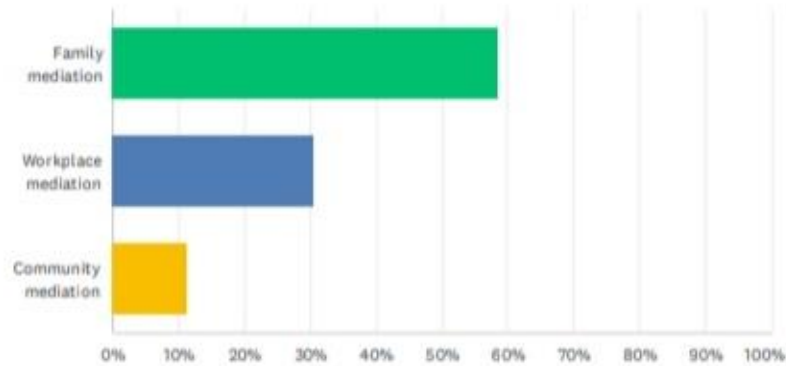
Question 3 - In which country do you live?

The third question was what country do they live in. Regarding the country of mediators, 7.8% (3 participants) were in Brazil and 92.1% (34 participants) were in Ireland. The questionnaire was shared among mediators only in these two countries.

## **The kind of mediation they primarily work in**

Question 4 - What kind of mediation do you primarily work in?

The survey showed that 58.3% (21 participants) work primarily in Family Mediation, another 30.5% ( 11 participants) work in Workplace Mediation and 11.1% (4 participants) work in Community Mediation. We included the option “Other, please specify” and we collected six responses which are relevant: “health services”; “civil and commercial”.



ANSWER CHOICES	RESPONSES
Family mediation	58.33% 21
Workplace mediation	30.56% 11
Community mediation	11.11% 4
<b>TOTAL</b>	<b>36</b>

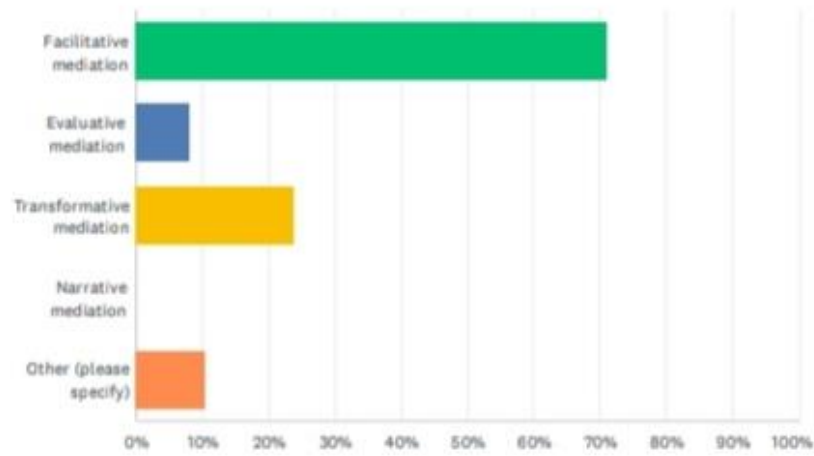
#	OTHER (PLEASE SPECIFY)	DATE
1	and workplace	10/12/2021 3:08 PM
2	Use da skills in my everyday life	10/11/2021 9:36 PM
3	General	10/11/2021 9:11 PM
4	health services	10/11/2021 12:37 PM
5	peacemaking, workplace, community	10/11/2021 11:49 AM
6	Civil & commercial	10/11/2021 11:30 AM

Figure 5 Question 4 - What kind of mediation do you primarily work in?

### The main types of mediation

Question 5 - According to the main types of mediation, which style is your professional practice?

Regarding main types of mediation, 71% (27 participants) answered Facilitative mediation, 23.7% (8 participants) answered “Transformative mediation”, 8.1% (3 participants) answered “Evaluative mediation” and 10.8% (4 participants) answered “other”. As appears in the graph below, these are the answers.



ANSWER CHOICES	RESPONSES
Facilitative mediation	71.05% 27
Evaluative mediation	7.89% 3
Transformative mediation	23.68% 9
Narrative mediation	0.00% 0
Other (please specify)	10.53% 4
Total Respondents: 38	

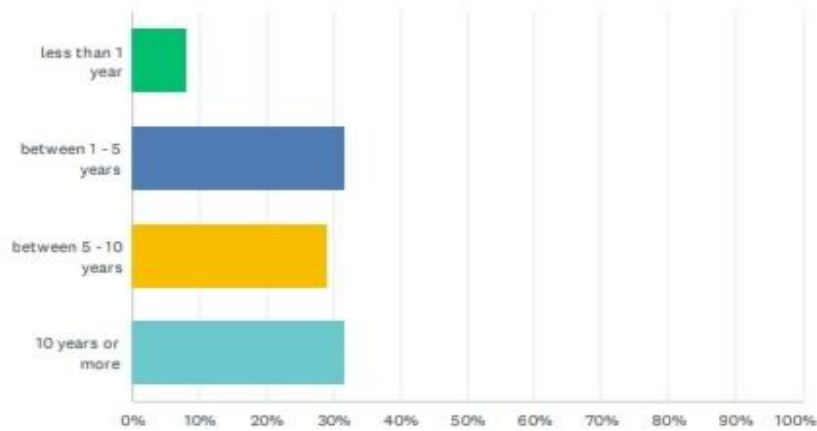
#	OTHER (PLEASE SPECIFY)	DATE
1	I don't categorise my type'	10/13/2021 6:47 PM
2	just basic mediation, not catetgorizabgle as above	10/12/2021 3:08 PM
3	All of da above in my simple everyday life	10/11/2021 9:36 PM
4	Understanding both sides and evaluation	10/11/2021 8:15 PM

Figure 6 Question 5 - According to the main types of mediation, which style is your professional practice?

## How long do they work as a mediator

Question 6 - How long have you been working as a mediator?

Based on the survey, 31.9% (12 participants) answered between one and five years and as well as 31.9% answered ten years or more working as a mediator. In a sequence, 28.9% (11 participants) worked between five to ten years and 7.9% (3 participants) less than one year.



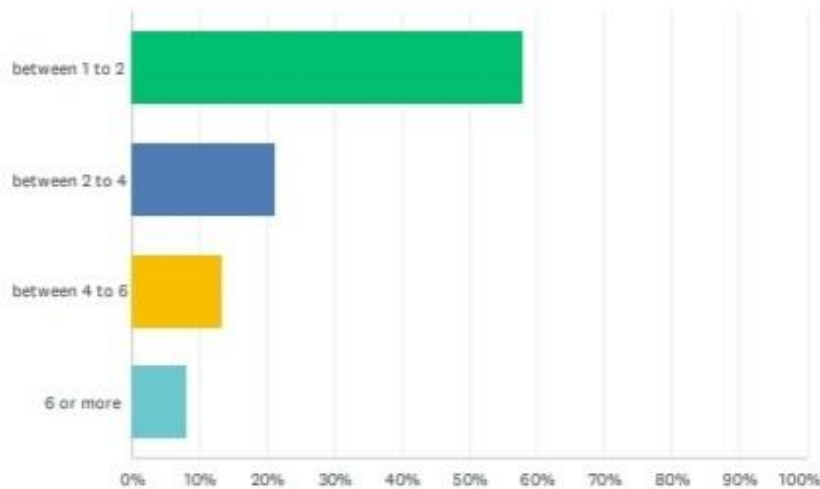
ANSWER CHOICES	RESPONSES
less than 1 year	7.89% 3
between 1 - 5 years	31.58% 12
between 5 - 10 years	28.95% 11
10 years or more	31.58% 12
TOTAL	38

Figure 7 Question 6 - How long have you been working as a mediator?

## How many mediations per week

Question 7 - On average, how many mediations do you practice per week?

This question concerned on average how many mediations they practice per week. 57.9% of participants (22 participants) answered between one and two mediations per week. 8 participants, which corresponds to 21.5%, answered between two and four mediations. 13.2% (5 participants) between four and six and finally, 3 participants (7.9%) between six or more mediations per week.



ANSWER CHOICES	RESPONSES
between 1 to 2	57.89% 22
between 2 to 4	21.05% 8
between 4 to 6	13.16% 5
6 or more	7.89% 3
TOTAL	38

Figure 8 Question 7 - On average, how many mediations do you practice per week?

### **Some common problems or challenges you face as a mediator**

Question 8 - What are some common problems or challenges you face as a mediator?

The purpose of this open question was to find out what types of problems mediators face the most, and we found different responses. Although the responses were varied, there were some common points as far as parties were concerned. Four participants answered this question in different ways but all of them are related to the reluctant parties to participate in mediation, hostility and convincing parties to participate willingly. Two other participants answered the challenge of being impartial. Of the thirty three participants who answered this question, some more relevant answers were:

(I) “The biggest challenges are making people from the same job involved in a conflict understand that their needs differ from each other and accepting that the other person has the right to have different needs.”

(II) “Managing clients emotions and expectations, making the time for peer supervision, protecting the time for Reflective Practice”

(III) “each participant seeing the other side of the story”

(IV) “Keeping who I am, my thoughts and beliefs and values out of the room. Not taking the mediation home with me.”

**A specific technique or strategy to support in these challenges mentioned above**

Question 9 - Do you have any specific technique or strategy to support you with these challenges?

The other open question was how mediators handled these problems and challenges in mediation.

The following are some responses:

(I) “Yes. I teach a self-knowledge technique to those involved in the job conflict. It is a technique based on the study of Pythagorical Numerology and Enneagram. I calculate and build the Enneagram about the personality of each person involved and that makes it easier for them to perceive the differences inherent in each personality and thus accept the needs of others.”

(II) “Reflective listening”

(III) “Listening, giving them a voice to express feelings and have them heard”

**The most important conflict skills to practice in order to have a successful mediation**

Question 10 - In your opinion, what are the most important conflict skills to practice in order to have a successful mediation?

Following the previous question, 17 participants answered that active listening is highly important for a successful mediation. Empathy and patience was also cited as being an important skill. Only one participant mentioned that it is important to be impartial. Some of the most relevant answers are below:

(i) “Empathy, active listening and constructive engagement”

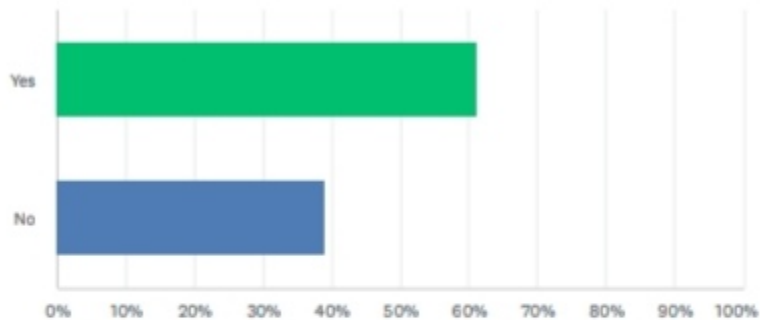
(ii) “Hear what is really being communicated read more than the words non verbal communication”

(iii) “1. Knowing how to listen to conflicting parties. 2. Recognize manipulation attempts that try to denigrate the mediator's work. 3. Re-examine sacred issues such as religious and moral values. 4. Emphasize gains over losses in discussions.”

**Have mediators heard about Nonviolent communication developed by Marshall Rosenberg**

Question 11 - Have you ever heard about Nonviolent Communication (NVC) developed by Marshall Rosenberg?

According to the responses, 61.1% (22 participants) have heard about Nonviolent communication whereas 38.9% (14 participants) answered that they had not heard about it.



ANSWER CHOICES	RESPONSES	
Yes	61.11%	22
No	38.89%	14
TOTAL		36

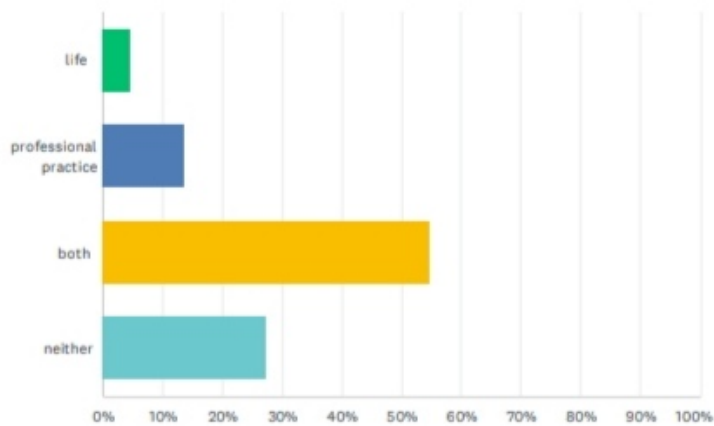
Figure 9 Question 11 - Have you ever heard about Nonviolent Communication (NVC) developed by Marshall Rosenberg?



## The practice of Nonviolent communication

Question 12 - If you answer “yes” for the question above, do you practice NVC in the following:

For the mediators who answered “yes” to the question above, the next question was where do they practice NVC.; life, professional practice, both and neither were the four options. Only one mediator (4.5%) indicated that he/she practiced NVC in life, in terms of your personal relationships, family or whatever interactions do not involve work. 3 mediators (13.6%) answered they practice in their professional practices. In contrast, 12 participants (54.5%) answered “both” and 6 participants (27.2%) answered “neither”.



ANSWER CHOICES	RESPONSES	
life	4.55%	1
professional practice	13.64%	3
both	54.55%	12
neither	27.27%	6
TOTAL		22

Figure 10 If you answer “yes” for the question above, do you practice NVC in life, professional practice, both and neither

### **For who answered “neither” why they do not practice NVC**

Question 13 - If you answer "neither", why do you not practice NVC?

We collected 11 responses for this question. 4 participants mentioned that it is because they do not know enough about it. Below are some of the most relevant answers concerning this question:

(i) “Practice the principles in other ways find the way it is presented a bit patronising as presented it does not address the real world of workplace conflict, though it may of course be useful for other types of conflict resolution”

(ii) “It is an interesting variation on other older models which have existed around the space of mediation but it does not bring anything new to my professional practice”

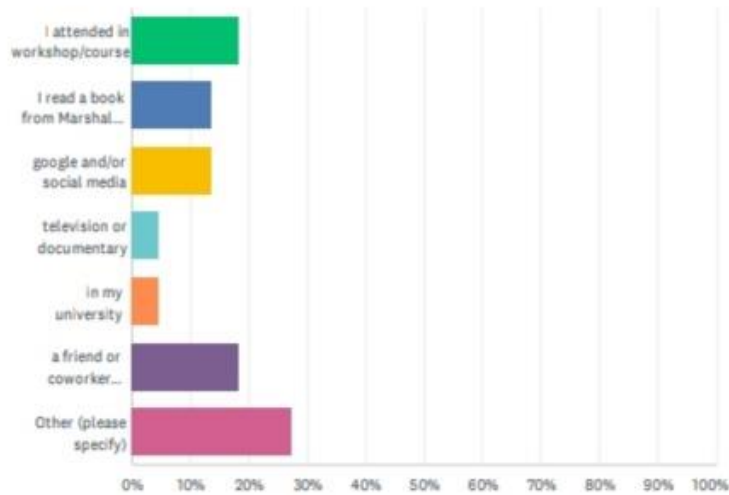
(iii) “Have been given the opportunity to study NVC on many occasions, but absolutely truthfully speaking, it looks boring to study!”

### **The first time mediators heard about NVC**

Question 14 - Where was the first time you heard about NVC?

This question offered different options for participants as to where they heard about NVC. Most mediators (27.3%) heard about NVC in different places or situations than the options presented, so they assinalled the option “other”. These are two relevant answers, one participant answered “Trained with Marshall in 1995” and the other participant wrote “activist circles, and during mediation training”. 18.2% (4 participants) and the same percentage answered the option “I attended a workshop/course” and "a friend or coworker introduced me."

Equally, 13.6% ( 3 participants) answered "I read a book from Marshall Rosenberg" and "google and/or social media". Finally, only one participant (4.5%) answered "television or documentary" and another one participant (4.5%) answered "in my university". As shown in the graph, these are the answers.



ANSWER CHOICES	RESPONSES	
I attended in workshop/course	18.18%	4
I read a book from Marshall Roseberg	13.64%	3
google and/or social media	13.64%	3
television or documentary	4.55%	1
in my university	4.55%	1
a friend or coworker introduced me	18.18%	4
Other (please specify)	27.27%	6
<b>TOTAL</b>		<b>22</b>

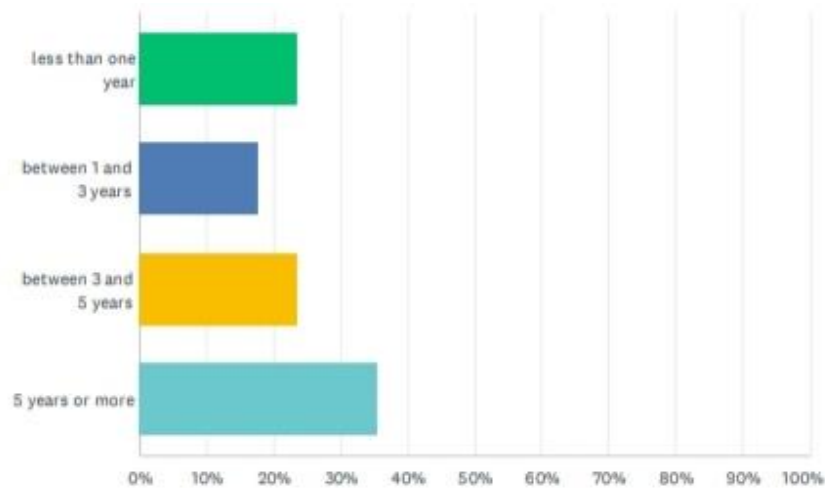
#	OTHER (PLEASE SPECIFY)	DATE
1	activist circles, and during mediation training	10/12/2021 3:11 PM
2	Trained with Marshall in 1995	10/11/2021 12:43 PM
3	when I worked in the uk it was part of the training we delivered	10/11/2021 12:01 PM
4	professional support regarding child with ADHD	10/11/2021 11:59 AM
5	through Clients	10/11/2021 10:47 AM
6	nunca ouvi falar	10/3/2021 10:56 PM

Figure 11 Question 14 - Where was the first time you heard about NVC?

### How long mediators applied NVC in their practices

Question 15 - If you indicated that you use NVC, how long have you applied it in your practice?

Concerning the time they use NVC, 6 participants (35.3%) answered 5 years or more; 4 participants (23.5%) answered "between 3 and 5 years"; the same amount of participants answered "less than one year" and 3 participants (17.6%) answered "between 1 and 3 years".



ANSWER CHOICES	RESPONSES	
less than one year	23.53%	4
between 1 and 3 years	17.65%	3
between 3 and 5 years	23.53%	4
5 years or more	35.29%	6
<b>TOTAL</b>		<b>17</b>

Figure 12 Question 15 - If you indicated that you use NVC, how long have you applied it in your practice?

### **The barriers, limitations, or difficulties in practice nonviolent communication**

Question 16 - If you indicated that you use NVC for the question above, what are the barriers, limitations, or difficulties in your practice of nonviolent communication? Please elaborate your answer.

Regarding this question, the mediator answered the most varied answers.. None of the answers are similar between them, except two participants answered that "I need to learn more".

Below are some four relevant answers:

(I) "It has a lot of the elements used in mediation. where one needs to take the sting out of communications, and encourage participants to speak in terms of "i" not "you" etc."

(II) "having to build the relationship with each disputant, then the Rosenberg approach becomes useful. But I have integrated so much of his approach that I no longer see it as NVC."

(III) "None - I find his DESC model exceptional. I taught it at masters level in Trinity to OB [organisation behaviour] students and at NUIM to the MSc in Conflict students."

(IV) "That is a really big question. NVC to me is a transformative way of being and relating if practised and normalised."

### **NVC change the way mediators mediate**

Question 17 - If you indicated you use NVC, would you consider nonviolent communication has changed your way of mediating a conflict? Please, elaborate your answer.

This question aimed to discover the applicability of NVC, and analyze whether this impacts the way they mediate, in which there is no value judgment. It was an open question to further explore the mediator's opinions. Follow below some answers:

(I) "The people involved in the conflict perceive the mediator's genuine willingness to help and, from this, they tend to become more empathetic with each other and this facilitates a broader observation of the troubles."

(II) "Yes - i use it all the time to detoxify the language and bring all voices into the conversation"

(III) "I mainly see the value of NVC in informal settings of disputes where conflict is fluid and not in the formal setting of mediation where you have a professional third party role. I don't think Rosenberg [whom I met some years ago] saw NVC as primarily about mediation. He devised it for interpersonal relationships where you take on a role as self-mediator in the informal cut-and-thrust of difficult and conflictual situations in which you found yourself. His emphasis on finding the right language to defuse a situation is particularly relevant. He was a great communicator himself. At the workshop, he would produce two puppets and start a type of Punch-and-Judy show."

(IV) "I've used NVC from the outset of my practice, so it hasn't changed my work as such. It's very effective so I stick with it."

(V) "I think the training framework falls into place more clearly knowing nvc so yes."

## NVC can support people in conflict

Question 18 - Do you believe the NVC can support people in conflicts?

Concerning this question, if mediators believe that NVC can help people in conflict, 85% (17 respondents) responded "yes", and 15% (3 respondents) responded "maybe".

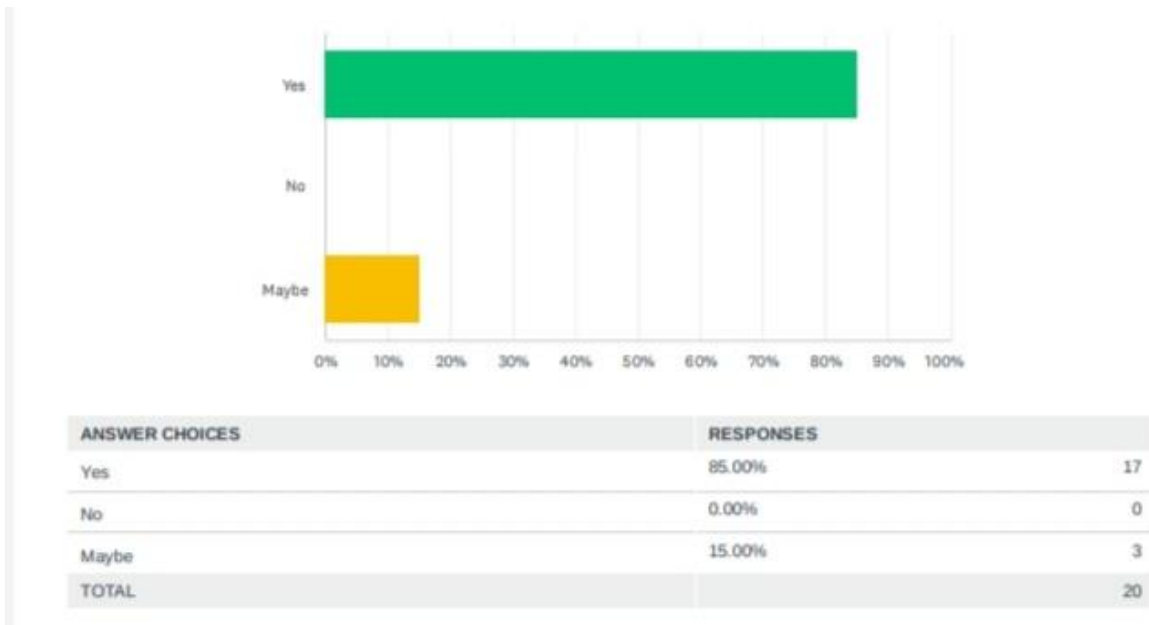
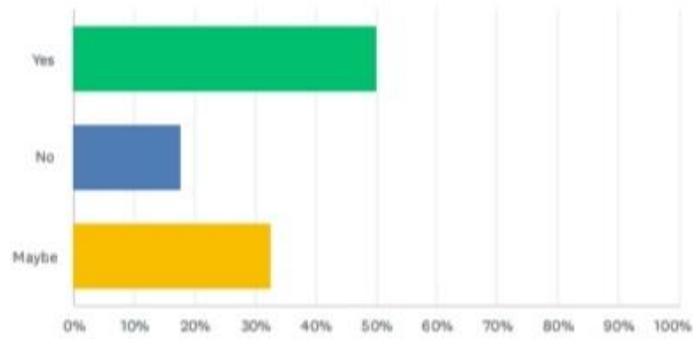


Figure 13 Question 18 - Do you believe the NVC can support people in conflicts?

## Mediators are willing to taking part in training to learn more about NVC

Question 19 - Would you be willing to take part in training to learn more about NVC?

In this question, the respondents are asked if they are interested in attending some training to learn about NVC. 50% (17 participants) answered "yes", 32.3% (11 participants) answered "Maybe" and 17.6% (6 participants) answered "No".



ANSWER CHOICES	RESPONSES	
Yes	50.00%	17
No	17.65%	6
Maybe	32.35%	11
TOTAL		34

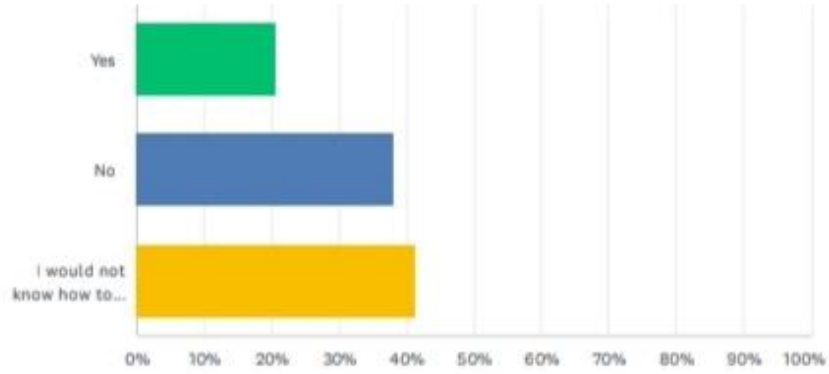
Figure 14 Question 19 - Would you be willing to take part in training to learn more about NVC?

### Adequate information about NVC

Question 20 - Do you consider there adequate information, training, and workshops readily accessible on NVC?

In this question, 41.2% (14 participants) answered “I would not know how to answer”. 20.6% (7 participants) answered “yes” and 38.2% (13 participants) answered “no”.





ANSWER CHOICES	RESPONSES	
Yes	20.59%	7
No	38.24%	13
I would not know how to answer	41.18%	14
<b>TOTAL</b>		<b>34</b>

Figure 15 Question 20 - Do you consider there adequate information, training, and workshops readily accessible on NVC?

## Chapter 4 - Data Analysing / Findings

This chapter discusses the structured analysis of data collected from the questionnaire answered by the participants. As shown, in the previous chapter, in this research, the objective was to get an understanding from the mediators' point of view on three main aspects. Respectively, challenges and problems that the mediator has were investigated; the knowledge about NVC and which ways the NVC is useful in its practices and finally, according to the opinion of the participants, if there is adequate and available training. The survey was forwarded to two Institute of mediators in Ireland and Brazil, achieving the number of thirty nine mediators in total, who engaged in responding to the questionnaire. The survey was available from 2th of October 2021 to 25th of October 2021, which was a reasonable time to gather as many respondents as possible. Observing these responses and the style described in the chapter, we can draw both qualitative and quantitative analysis.

### 4.1 – Questionnaire

Initially, the survey examined the professional background which can be observed in the graphs 1 to 7. Questions 8 to 10, dealing with challenges and problems in mediation without judging or inducing answers. The idea was to genuinely collect answers to what challenges might be present as well as keep the flow of the questions.

Most difficulties are related to the nature of conflict and communication, but NVC could not bring benefit to all challenges. We offered the chance to the participant to add his own view, however

the research Question 12 to 17 investigates Nonviolent communication and integrates the following considerations.

## 4.2 - Nonviolent Communication

The first question around this theme was “Have you ever heard about Nonviolent Communication (NVC) developed by Marshall Rosenberg?” to ensure that the entire population would be able to relate to the topic within the current sample. As represented in the Graph - Question 11, 61,1% responded “yes” and 38.9% responded “no”. We got 36 answers for this question. In agreement with this question, the public was again verified in the next questions, to comprehend in which situation they apply NVC, we got a major number of people who apply both in life and work. Question number 13 was to understand the point of view of the mediators who, even answering that they know the NVC, do not practice it. We do not consider that all answers were valid because four participants only filled in with ‘full stop’, which is not valuable to interpret. The most significant answers were because they did not know about NVC. Evidently, this would serve as a reason not to use NVC, but the lack of clear answers affected the analysis. In the next question, we asked the respondents when they first heard about NVC, and there were a variety of responses. It should be noted one participant had trained with Marshall Rosenberg in 1995. Concerned about the barriers, limitations or difficulties to use NVC, participants were asked to elaborate their answers, and it was interesting to see different answers among themselves, as well as whether NVC changed the way it mediates a conflict. The majority of participants do not consider that these changes the mediation process; they see NVC as a training that helps mediating but does not

change the process. NVC is perceived as being able to help people in conflict by the majority of mediators, as shown in Graph - question 18.

## Chapter 5 – Discussion

The data presented and analyzed in the previous chapters (chapters 3 and 4) are used to answer the questions raised at the start of the study and discuss relevant points, according to the methodology proposed.

The information gathered throughout this study has been analyzed critically and categorized. Most mediators work primarily in Family mediation - question 4, which indicates that family disputes play a major role in mediation.

In regard to Mnookin (1985) opinion, establishing and ending family relationships have evolved from strict statutory requirements and judicial scrutiny to more private decision-making. Gold (1992) argues that family dissolution is a matter of the heart as well as the law. In families, conflicts tend to be more complex and require special attention, so methods that favor dialogue and ensure a peaceful relationship between the parties are necessary. Mediation can collaborate in the resolution of various types of family conflicts, whether between husband and wife, between parents and children custody or between siblings, as the majority of these conflicts have relatives as protagonists who will have to maintain their relationships in the future. Thus, the family mediator must seek a dialogue between parties, guiding them to autonomous decision-making, restoring the bond of respect and family affection. Thus, considering that mediation aims to work the conflict in its positive sense, re-establishing affective bonds, it is clear that such procedure gains extreme relevance in these types of conflicts.

Therefore, family mediation emerges as an effective alternative in the resolution of family conflicts, as, in addition to relieving the judiciary of burdensome processes, it promotes a global understanding of the conflict within the family, stimulating dialogue between relatives and the perpetuation of relationships in a healthy way. Finally, the family mediation does not replace the judiciary, but it establishes a relationship of complementarity with it, as the agreements signed during the mediation procedure, when necessary, may be judicially ratified, so that they become judicial enforcement titles.

Mediation is one of the most effective methods for resolving family conflicts, leading to consequences for practices in the family environment. Most mediators work in a facilitative mediation style. In regard to facilitative mediation, this style can be very structured, very open ended, and either process or outcome oriented with an interventionist or passive mediator (Mayer). According to Susan Nauss Exon (2007) facilitative mediators may be referred to as 'soft,' 'touchy-feely,' 'therapeutic,' or 'potted plant'. The parties will be questioned and assisted by the mediator for the parties' searches and analysis of the resolution solutions. But it can encourage parties to think about possible solutions. The facilitator structures a process to assist the parties to reach a resolution and conclusion but always the mediator must be able to maintain neutrality and impartiality. The facilitating style is the most used and recommended in Ireland according to act 2017. Facilitative mediation may focus on problem solving, dialogue, storytelling or the potential for a personal transformation. Most of mediation literature, and probably most practitioners, roughly fall within the broadly defined category (e.g., Folberg & Taylor, 1984; Haynes, 1994; Moore, 1996) and this also explains two answers in this question, where two participants answered "I don't categorize my type", "all of the above in my simple everyday life".

This study was motivated by an understanding that NVC is a useful process to learn tools to defuse arguments, therefore we assumed that mediators were familiar with NVC. The numbers in this research showed that 61.1% have heard about NVC whereas 38.9% answered no. Question number twelve was a positive confirmation that mediators who know NVC practice in both places (work and personal life), indicating that it is unlikely to distinguish when you use NVC or not. In Marshall Rosenberg's view, NVC allows us to create a peaceful state of mind by focusing on what we truly desire rather than what we dislike about others or ourselves. Thus, NVC becomes both an ability to empathize with people and an attentive way of communicating.

When we started the study, we considered drawing some parallels between how long they have been working as a mediator, but that does not influence any of our objectives with this survey. To illustrate, we collected responses from experienced mediators who work "10 years or more" and they never heard of NVC. Based on these findings, we cannot find any relevant data.

On the other hand, questions number 8, 9 and 10 are particularly interesting in this research to achieve our objectives. Mediators appear to be tuned in to their challenges and techniques to deal with them, and almost all mediators respond to aspects related to communication with the disputants. Congruent with this question, the most important conflict resolution skill to practice a successful mediation according to some responses are "empathy, listening, active listening, patience, creating a good atmosphere". Thoennes and Pearson (1985) describes success in mediation as a function of the pre-existing characteristics of the dispute and the disputants as well as the degree to which the disputants perceive the mediators to have accomplished the primary

tasks of mediation. Certain goals must be accomplished, such as opening communication, reducing tension and anger.

Questions 12 to 17 are questions to investigate the practice of NVC among mediators. Collecting the mediators' opinions on these questions, generally NVC brings benefits to mediators, but is not perceived as something that changes the mediation. However, it is perceived as "boring" for one participant, or "does not bring anything new to professional practice". This perception is because it has 'stages', although, "it is important to keep in mind that NVC is not a set of formulas, but something that adapts to various situations as well as personal and cultural styles". Regarding the first place they heard about NVC, most participants opted for the "other" option right after "workshop", as explained in the previous chapter mostly because NVC is more informal setting, and more as a tool than something essential for mediation. mediators also have this insight in their responses.

Overall, we achieved the objective of our investigation. It was clear to us that NVC is useful for mediators, but it does not change the way of mediating.



## Chapter 6 – Conclusion

This research was firstly designed to be conducted in the observational style or case study, which could have resulted in more realistic data, being a more recommended style in subsequent studies, aiming to investigate closer and in-depth, in order to observe the results and differences of using NVC. We know that it is an extensive subject, and with few studies being carried out, Therefore, it was not possible regarding the time horizon provided to its completion together with the environment in which the researcher is situated.

We could have selected a more representative sample as well as a larger population. However, this is not seen as an impediment to achieving the goals. Although we still believe that most of the questions were well-formulated, it was quite challenging to create comparisons and analyze some answers.

Despite this, significant findings were achieved within the methodology approach, where the mediators discussed the topic and its implications. Still, it is noteworthy that the case study allows more consistency in the final findings and analyses in a deep manner, observing and investigating the changes as much as it is proven to be positive for other levels.

Among other things, we must mention we realized during this study there are a few academic publications about NVC, which motivated us even more to find out about it.

The main purpose of this study was to externalize not only the theme CNV, but to demonstrate that they are complementary ideas, that they tune and, to some extent, are imbued with similar purposes and bases. CNV occurs without mediation, but, in the authors' conception, mediation does not occur without a communication of non-violence.

It is believed that in order to achieve a culture of peace, the respect, accountability and compassion, values that work within the mediation and the CNV. These are methodologies that start to give a new meaning to coexistence in society, as they face conflicts in an edifying and transformative way.

## Chapter 7 – Reflection

Having a desire to improve my communication with others and myself led me to learn more about nonviolent communication. After reading the Marshall Rosenberg book and doing some self research, I decided with great joy that my dissertation would be around this theme.

Due to this, the literature reviewed aimed to contextualize the themes, and the investigation focused on specific goals, to identify whether the mediators were aware of NVC as well and if it is accessible. Although NVC has become popular all over the world, it was not my intention to treat this strategy as a panacea. I faced this study of NVC which assists us in communicating in a way that concretely manifests compassion and empathy with others. It might be seen as a branch of how to communicate well with others.

Exploring ways to completely review our emotions and how they influence our thoughts and behavior is self-knowledge, is something we all strive toward, so studying Nonviolent communication and Emotional intelligence, and consequently, mediation skills is such an important knowledge acquired in every sphere of life. Most people find that pretty hard to do, including myself. Therefore, this is a pertinent field to study.

My studies in Dispute Resolution at Independent College taught me that the skills of being a good mediator include empathy, active listening, paraphrasing, and basically effective communication with parties. Mediation is constituted as a way to explore the importance of language and how people communicate. In this context, conflicts can be seen as rough stones that are being polished

through the interaction between the parties. Mediation usually involves building a trusting relationship with the parties. Thus, Nonviolent communication and mediation are related not because of the structured processes, but because of their common values.

NVC is essentially a language to express themselves in a clearer manner. Also can be a very strong ally in resolving conflicts. In addition, it can help in the rapport between disputants and mediators. Rapport consists in the harmonious relationship or state of mutual understanding in which sympathy, empathy or other factors generate trust and reciprocal commitment in the case of mediation with the process itself, its rules and objectives.

Having completed this course and this dissertation, I have realized that their teachings are not only necessary for mediators, but for anyone who wishes to understand themselves better.

I faced several personal obstacles during this work, which I can say have taught me along, mainly, developing emotional intelligence as well as my communication skills.

In all relationships, it is essential to have the wisdom to deal with the obstacles that will be faced and the conflict is still one, but it can be experienced in a more pleasant way by the parties.

*“The aim of argument, or of discussion, should not be victory, but progress”*

*(Joseph Joubert)*

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# Appendix – Questionnaire

## Conflict resolution skills: the relation between nonviolent communication and mediation

### Informed consent:

This is a research project being conducted by Carolina Barbosa Barreto as part of Master Degree in Dispute Resolution in Independent Colleges Dublin. The study is being conducted under the supervision of Orla Tuohy. You are invited to participate in this research because you work as a mediator.

This research has an academic purpose only. Your participation in this research study is voluntary. You may choose not to participate. If you decide to participate in this research survey, you may withdraw at any time.

The procedure involves filling an online survey. Your responses will be confidential. We do not publish identifying information such as your name, you email address or IP address.

If you have any questions about this research study, please contact Carolina Barreto  
carolbarretob1@gmail.com

In case you feel that this research has not been able to maintain ethical principles, please contact Independent College Dublin at the contacts below:

Independent College Dublin at Block B, The Steelworks, Foley St, Dublin 1, or by email:  
info@independentcolleges.ie

This research is going to take around 10 minutes. I appreciate your participation. Thank you.

1. What is your age?

18 to 24

25 to 34

35 to 44

45 to 54

55 to 64

64 or more

2. What is your gender?

Female

Male

Prefer not to say

3. In which country do you live?

4. What kind of mediation do you primarily work in?

Family Mediation

Workplace Mediation

Community Mediation

Other (please specify)

5. According to the main types of mediation, which style is your professional practice?

Facilitative mediation

Evaluative mediation

Transformative mediation

Narrative mediation

Other (please specify)

6. How long have you been working as a mediator?

Less than 1 year

Between 1 - 5 years

Between 5 - 10 years

10 years or more

7. On average, how many meditations do you practice per week?

Between 1 to 2

Between 2 to 4

Between 4 to 6

6 or more

8. What are some common problems or challenges you face as a mediator?

9. Do you have any specific technique or strategy to support you with these challenges?

10. In your opinion, what are the most important conflict skills to practice in order to have a successful mediation?

11. Have you ever heard about Nonviolent Communication (NVC) developed by Marshall Rosenberg?

Yes

No

12. If you answer "yes" for the question above, do you practice NVC in your:

Life

Professional practice

Both

Neither

13. If you answer "neither", why do you not practice NVC?

14. Where was the first time you heard about NVC?

I attended in workshop/course

I read a book from Marshall Rosenberg

google and/or social media

television or documentary

in my university

a friend or coworker introduced me

15. If you indicated that you use NVC, how long have you applied it in your practice?

Less than one year

Between 1 and 3 years

Between 3 and 5 years

5 years or more

16. If you indicated that you use NVC for the question above, what are the barriers, limitations, or difficulties in your practice of nonviolent communication? Please elaborate your answer.

17. If you indicated you use NVC, would you consider nonviolent communication has changed your way of mediating a conflict? Please, elaborate your answer.

18. Do you believe the practice of NVC can support people in conflicts?

Yes

No

Maybe

19. Would you be willing to take part in training to learn more about NVC?

Yes

No

Maybe

20. Do you consider there adequate information, training, and workshops readily accessible on NVC?

Yes

No

I would not know how to answer