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**DISCOURSE OF PROFESSIONAL MEDIATION
FOR CONFLICT RESOLUTION**

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**DYSKURS PROFESJONALNEJ MEDIACJI
W CELU ROZWIĄZANIA KONFLIKTU**

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List of abbreviations

AILaFM – *An Inside Look at Family Mediation*

BM – Business mediation

BIM - Basic Interactional Model

BMD – *Business Mediation Demo*

BGM- *Business Grievance Mediation*

BMMiA – *Business Mock Mediation in Action*

CCM – Causal Genetic Modelling

CDA – Critical Discourse Analysis

CGA – Causal Genetic Approach

Cnt - Content

Co – Cortege

CS – Communication Strategy

Cxt - Context

DA – Discourse Analysis

E - Emotion

FL – Functional Linguistics

FM – Family mediation

FMiA – *Family Mediation in Action*

FMRP – *Family Mediation Role Play*

GA - Genre Approach

I-Interaction

IAF – Illocutionary Act Form

IAT- Illocutionary Act Type

IBM – *International Business Mediation*

iWeb Corpus - Intelligent Web Corpus

MMDA - Multimodal Discourse Analysis

NOW Corpus - News on the Web Corpus

OS – Object-bias strategy

PMI – Psychological Mediation Intervention

PPFM - *Parenting Plan Family Mediation*

Rf- Referent

SFL - Systemic Functional Linguistics

SAT – Speech Act Theory

SS – Subject -bias strategy

T -Topic

Introduction

The dissertation, *Discourse of Professional Mediation for Conflict Resolution*, covers the **research problem** of discourse reconstruction in processing professional mediation, how it is organised and functions for conflict resolution, and, within it, solving a specific topic-based conflict that the parties-in-conflict cannot resolve without the mediator.

The idea for reconstructing the dichotomies that form discourse informative and contextual structure, and together with the above, determine knowledge, value, expressive and instrumental functions of professional mediation for conflict resolution comes from theoretical and empirical sources that refer to the scholarly elaboration on mediation and conflict resolution as well as life experience expressed in the academic sources and the legal context. New intracultural and intercultural legal contexts of mediation function as the catalyst for developing and investigating the research problem in the context of the European Union countries and that of Australia, China, India, or the USA.

The **field** of our research is Text Linguistics and Discourse Linguistics. As a relatively new enterprise, Text Linguistics and Discourse Linguistics are *integrative and complex interdisciplinary studies*. Therefore, our research uses the methodological perspective of triangulation from both qualitative and quantitative perspectives. Within this methodology, as we have found out during a long search for the optimal choice, it is possible to reconstruct the theoretical modelling of the family and business mediation discourse as an example.

In our study, two research frames are actualised. The first research frame is the integrative linguistic frame, which involves cognitive, pragmatic, textual, and language research approaches. The integrative linguistic frame develops the content-context structure of discourse at all three levels of its functioning — micro, meso, and macro. The second research frame involves methods in Discourse Linguistics and contemporary social sciences. This frame allows for reconstructing inner structural elements of discourse: referents and corteges, topics and interaction, communication strategies and argumentation, speech act type and speech act form, values and emotions, attitudes and attitude functions. As a result, our research focuses on the phenomenological and ideational discourse content-context and discourse as a complex activity that integrates practical and professional, communicative, behavioural, and experience-based dimensions.

As an integrative complex interdisciplinary research approach, Text Linguistics and Discourse Linguistics focus on the issues under analysis from different perspectives, namely,

from the viewpoint of cognitive and textual studies, pragmatic and linguistic studies, reality and activity-bias studies, communication studies, behavioural studies and experience gaining studies. This field presents numerous methods and techniques adequate for the applied science perspective. This field is represented by three scientific schools — the Tartu School of Semiotics (Lotman, 1990), the French School of Discourse-Analysis (de Beaugrande, 1980, 1992; de Beaugrande and Dressler, 1981; Mainqueneau, 2002; Mainqueneau and Angermüller, 2007) and Causal Genetic Discourse modelling school (Oukhvanova, 2016, 2018, 2020). All three approaches are to be represented in our dissertation as theoretical and methodological background for solving the research problem of reconstructing the mediation discourse. These approaches are the basics for the ideational representation of the research problem.

All that is said above is reflected in our research, which we conduct with two foci: discourse as a holistic macro unit and discourse as a set of meso and micro units within its representation. Otherwise, its representational stages actualise the dynamics of discourse content-context transformation, making it alive in its functionality.

The research object in our dissertation is professional business and family mediations for conflict resolution. The example of professional business and family mediations as *an intelligent activity* is based on different types of knowledge confronted as intellectual vs. practical, informative vs. interactive, verbal vs. non-verbal, and actualised vs. latent. Consequently, this intelligent activity is the focus of the discussion on an affective, behavioural and cognitive network of both thematic (referential) and interactive (relational) actualisations including emotions, values, attitudes and functions realised in the process of mediation discussions. Thus, the object is a complex transformation-open unit of reconstruction and analysis, and this is how the discourse of professional mediation is understood in the given research.

The material of our theoretical and empirical research comes from four sources: Legal Mediation Corpus Source, Mediation Corpus Source, Mediation Academic Corpus Source, and Professional Mock Mediation Online Source. The first three sources are used to get acquainted with the mediation theory, whereas the fourth source is used for empirical research. The material for our empirical research comes from Professional Mock Mediation Online related to family mediations [28, 29, 30, 31, 32] and business mediations [33, 34, 35, 36].

The subject matter of our research is the phenomenological, ideational, and activity-based mediation structure for conflict resolution. The first phenomenological structure is represented by the referential reality of the object of mediation, i.e., the parties-in-conflict, including their everyday reality and the reality of each party. It includes (1) the way they structure

reality by producing an individual sense of reality and its elements in interconnection as well as (2) individual sense production of both parties-in-conflict/consent as such and verbal reality, which they produce and which is the representation of the conflict from its phenomenological part. The second ideational structure is embedded in mediation's cognitive, language, paradigmatic, and textual layers. The ideational structure represents the meaning reconstructed from mediation discourse through dichotomies. The activity-based structure of mediation for conflict resolution is based on social and legal mediation activity and interaction in the mediation process. The subject matter is rooted in the categories of mediation textual action, transphrastic mediation social and legal context (contextualisation), interaction (the mediator's and the parties'-in- conflict/consent relationship evaluated), the mediator's and the parties'-in-conflict/consent orientation, referential/ thematic reconstruction in individually represented structures, mediation format and genre representation and paradigmatic including patterns of meaningful representation.

The objective, goal, and tasks of our research refer to four aspects of the objective related to what we want to do: the goal to show how much we intend to do and tasks to show what we need to do. **The objective** of our dissertation, related to interdisciplinary research, is:

- *firstly*, to raise awareness of mediation as a preventive measure against conflict development in the conflict management and resolution process,
- *secondly*, to bridge the existing gap between conflict and conflict resolution,
- *thirdly*, and this is central in the practical part of the research, to reconstruct and visualise a successful sequential and functional model of family and business mediation discourse and, within it, family and business mediation discourse characterized by conflict resolution accepted by the parties-in conflict,
- and, *finally*, to contribute to improving institutional communication in the mediation process of conflict management and resolution.

The goal of our research is to study the sample of professional mediation discourse, which consists of family mediation and business mediation to find out how it is organised and how it functions with the qualitative and quantitative procedures applied. Within it, we focus on mediation linear organisation and its dichotomic content - context structure to be reconstructed and the dichotomic structures of communication strategies and argumentation, illocutionary act types and forms, and values and emotions as well as attitudes and attitude functions to be described. Therefore, we use the methods of reconstruction, interpretation and description just as final modelling to find out variational and key category based models and to reconstruct organisational and functional specifics of the discourse under research taken as a holistic unit of study. Our research consists of theoretical and practical tasks. The **theoretical tasks** aim

- 1) to reconstruct and describe a theoretical model of the family/business mediation discourse within its discourse community and collective vs. individual self-identity discourse type representations grounded onto (a)) the theory of discourse community (Swales, 2020), (b) the theory of genre (Bhatia, 2012), and (c) the theory of collective identity (Oukhvanova, 2020),
- 2) to build and describe a theoretical model of family/business mediation discourse within its **discourse-built space**-dimension representations, i.e., linear/syntagmatic, systemic /paradigmatic, conceptual/epistemic, and value-based/hierarchy/axiological orientation), and conceptual/emotion and attitude-based / hierarchy / psychological orientation),
- 3) to build and describe a theoretical model of family/business mediation discourse within its **discourse-built time**-dimension representations, both verbal -communicative and experience-storing activities, and non-verbal (practical and behavioural).

The theoretical tasks are related to the presentation and description of all fields and the methods they give to cover the theoretical background of the research (Chapter 1, Chapter 2, Chapter 3).

The aim of the **practical tasks** is

- 1) to **collect** the database
- 2) to **organise** and describe the database
- 3) to **analyse** the database
- 4) to **discuss the results** of the analysis
- 5) to **draw conclusions**

The practical tasks involve presenting case studies (Chapters 4, 5, 6) to reconstruct variational models of conflict and conflict resolution as a discursive professional practice and reconstructing the inherent/repeated/recurrent categories in the variational models of mediation for conflict resolution as a discursive professional practice to set the prototypic model.

The **methodology** of our research is based on the multi-method research or mixed method (e.g. Creswell, 2014, 2015; Leavy, 2017). In our dissertation, the qualitative methodology covers the qualitative linguistic, philosophical, pragmatic, and psychological methodologies related to six perspectives: **holistic, positive, interpretative, critical, post-modernist, and integrative**. In this qualitative methodology, we apply the mixed operational method as a form of the multiple-method analysis, including the method of reconstructing the meaningful categories and the theoretical modelling of discourse built on integrating the

reconstructed categories in the mediation process, which are the first. The other methods include content analysis, context/frame analysis, referential analysis, cortege analysis, communication strategy analysis, argumentation analysis, speech act analysis, value analysis, emotion analysis, and attitude analysis. The modelling method is based on Habermas's meaningful model of action, and discourse community analysis modelling from the perspectives of Swales (1990) theory, the Critical Discourse Analysis (Scollon, 2001) and the Causal-Genetic Approach (Oukhvanova, 2018, 2020) are topical for our research. The quantitative analysis uses mathematical and statistical techniques not only to identify family and business mediation patterns at particular stages of the mediation process, but also to answer research hypotheses and specific questions described in Chapter 3.

The topicality of this study is conditioned by several factors. Firstly, mediation is a worldwide institution used for conflict resolution in all spheres of human activity. Secondly, the mediator is exposed to conflict documentation processing and conflict management to reach an agreement between the parties-in-conflict in the specified domains with the mediation standards followed and respected. The mediator is obliged to follow the inherent mediation standards to ensure the quality of mediation that leads to conflict resolution. To reach the goal of mediation, the mediator should share his/her knowledge and experience to set higher standards of professional mediation communication at all levels. Therefore, during the mediation process, the mediator is expected to process the ideational, textual, and interpersonal language functions of the parties-in-conflict to manage their conflict and facilitate the parties-in-conflict to reach the conflict resolution, which has not been elaborated from the integrative and holistic perspective. Thirdly, the pragmatic nature of the research enables the improvement of mediation practice with mediation design, format and genre taken into account.

The limitations of the study are triple. The first limitation refers to generalising the results from the material under analysis that comes from the mock mediation corpus designed for the professional mediators in the mediation community of practice to develop the mediator's skills due to confidentiality clause in the international and national laws related to mediation practice worldwide. This confidentiality clause is the underlying factor that mediation can be studied only from the mock mediation functioning as a practical teaching tool to simulate real-world conflict resolution and develop conflict resolution skills of the mediator (Foltz, 2024). To overcome the limitation of confidentiality, we design our research to be complex and integrative based on professional mock mediation sources within the mixed research method. The second limitation involves the results which do not represent the whole mediation population. To manage this limitation, we provide the statistical and correlational results to

generate guidelines for future research directions. To increase the objectivity of research, we operate within the mixed research method and base our research problem on three research hypotheses and ten research questions, appropriate methods, tools, and complex and integrative perspectives (see Chapter 3).

The structure of our dissertation consists of the theoretical and empirical parts, which are preceded by the Introduction and succeeded by the Conclusions. The theoretical part comprises three chapters, whereas the empirical part comprises three data analysis chapters that report and discuss the results. The first two theoretical chapters review the literature related to mediation and discourse. The third theoretical chapter provides the methodological background and describes the operational methods for analysing the collected data. We discuss the results of our empirical research in Chapters 4, 5, and 6.

The first theoretical chapter, *Mediation with underlying conflict - an interdisciplinary perspective*, focuses on mediation as a professional activity and a process. Mediation as a professional activity concentrates on the linguistic perspective on mediation, philosophical perspective on conflict (e.g., Hegel, 1807/1931, 2018; Kant et al., 1990a, 1990b, 1990c), communication perspective on conflict (e.g., Coser, 1956; Ruben, 1978; Walton and McKersie, 1965; Blake and Mouton, 1964; Thomas and Kilmann, 1974), psychological perspective on conflict and mediation (e.g., Firestone, 1989; Freud, 1949; Freud, 1966, Goleman, 1985), and psychological perspective on emotions and attitudes in mediation (e.g., Kleinginna and Kleinginna, 1981; Plutchik, 1962, 1980, 1991; Katz, 1960; Eagly and Chaiken, 1993; Haddock and Maio, 2008). Mediation as a process is discussed from an interdisciplinary angle, i.e., linguistic perspective on the mediator, typology of mediation practices (e.g., Silbey 1993; Bush and Folger, 1994; Noce et al., 2002; Coben, 2004; Menkel-Meadow, et al. 2006), current international law on professional mediation (e.g., Esplugues, 2014a, 2014b, 2015; Ervasti, 2014, 2018; Mediation Directive, 2008; Korobkin 2005), Discursive Psychology on mediation (e.g., Potter and Wetherell, 1987; Edwards, 1997; Edwards and Potter, 1992), and philosophical perspective on values and feelings in mediation (Scheler, 1973).

The second theoretical chapter, *Architecture of discourse*, provides the literature review under three sections: discourse theories of both phenomenological and ideational character, discourse as an idea and activity, and integrative theories of discourse. The first section includes the ontological approach to the definitions of discourse (e.g., Baker and Ellece, 2011; Oukhvanova, 2016, 2018, 2020), semiology and semiotic theories (e.g. Saussure, 1916, 1959, 1983; Peirce, 1931-1958, 1992a, 1992b, 1955a 1955b; Eco, 1984; Morris, 1971; Barthes, 1967; Sebeok,

1989, 1994), lingua-semiotic theories (e.g., Vygotsky 1963, 1978; Lotman et al., 1973; Halliday, 1978, 1994; Halliday and Matthiessen, 2004) and critical discourse approach (CDA) (e.g., Fairclough, 1995a, 1995b; Stubbs, 1983; van Dijk, 1991; Wodak, and Meyer, 2001). The second section covers text theory as a part of discourse theory (Conte, 1989a; Conte et al. 1989b; de Beaugrande, 1980, 1992; de Beaugrande, Dresseler, 1981; Gonçalves, 2018; Renkema 1993; Swales 1990), communication modelling theories (e.g., West and Turner, 2018; Barge, 2009; Schramm, 1954; Barnlund, 1970; Witmot, 1977, 1986; Frymier, 200), pragma dialectic models of argumentation (e.g., van Eemeren and Grootendorst, 1984, 1992, 2004; Ihnen Jory, 2016), speech act theory (Austin, 1962; Searle, 1969), narration and representation theories (Grice, 1975; Herman, 2002, 2005), discourse community representation theory (Swales, 1990), and genre theory of discourse (Swales, 1990; Bhatia, 2012). The third section relates to integrative theories of discourse as activity, Habermas's (1979, 1984, 1987, 1989) theory of social action, Fairclough's (1989, 1995a, 2015) theory of textual action and Oukhvanova's (2016, 2018, 2020) causal-genetic integrative perspective, approach and theoretical modelling of different types of discourses.

The third chapter, *Methodological approaches to practical analysis*, consists of two sections, i.e., the discussion of the methodological background and the description of the research design. The first section embraces six methodological perspectives of research, qualitative and quantitative research paradigm, and reconstruction as a primary research method and a method of argumentative discourse. The second section contains the description of the research sample, practical research problems, techniques of research data collection, and the research procedure of empirical analysis.

The fourth empirical chapter, *Reconstruction and modelling of professional mediation discourse within its dichotomy-organisation and functioning- family and business mediation*, focuses firstly on the content-context reconstruction based on discourse representation via textual categories actualized in dichotomy-built clusters, secondly on the referent-cortège clusters reconstruction, and thirdly on the reconstruction of the dichotomy “object-subject targeted strategies” as a verification analysis. Chapter 4 finishes with the integrative functional model of mediation discourse as a phenomenon, idea, and activity within Causal Genetic Approach (CGA) and Causal Genetic Modelling (CGA).

The fifth chapter, *Reconstruction of mediation process as a communicative action- family and business mediation*, focuses on the relationships between mediation topics and interaction, mediation communication strategies and argumentation, and Speech acts in mediation, with an emphasis on illocutionary act types and illocutionary act forms.

The sixth chapter, *Reconstruction of mediation process as a cognitive, affective and behavioural action - family and business mediation*, is based on axiological discourse analysis and psychological discourse analysis. The former concentrates on the reconstruction of values and emotions in the mediation process, whereas the latter on the reconstruction of attitudes and attitude function in mediation.

Chapter 1

Mediation with underlying conflict

- an interdisciplinary perspective

Mediation is one of the institutional approaches in the social and legal sciences that has been evolving since antiquity. As a professional activity, it has been operating within a country-specific legal framework with the ultimate objective of reaching conflict resolution. As such, it has become a lens through which conflicts and disputes are viewed and processed in the modern world. This chapter, therefore, concentrates on the basic underlying principles of mediation that involve linguistic, social, philosophical, psychological, and legal perspectives. In mediation architecture, we use the interdisciplinary perspective, which integrates knowledge and methods from multiple academic disciplines to gain deeper insights into complex issues. In the context of studying mediation, a multidisciplinary approach might involve collaboration between psychologists, sociologists, economists, and other experts.

The literature review is based on three mediation corpus sources: Mediation Corpus Source, Mediation Academic Corpus Source, and Legal Mediation Corpus Source. The architecture of mediation with conflict as an underlying factor is constructed in linguistic, philosophical, social, and legal sciences. The literature review from linguistic, social, and philosophical perspectives aims to capture the underlying factors of conflict mediation interaction within psychological and legal constructs. Therefore, this chapter reviews the core framework of mediation to provide a clear vision of mediation as an institution. The psychological aspects theoretically discussed arguments and principles of mediation reflect the ideas and cognition of mediation reality and show how dynamic this area of research is.

1.1. Mediation as a professional activity

The nature of mediation for conflict resolution finds its roots in conflict communication. The term *conflict resolution* is defined as “the reduction of discord and friction between individuals or groups, usually through the use of active strategies, such as conciliation, negotiation, and bargaining” [1]. Since antiquity, mediation for conflict resolution has been developing to become a professional and communicative activity that occurs in all science disciplines and all spheres of human life where conflict arises. This subchapter reviews the literature on mediation as a professional activity from linguistic, philosophical,

communicational, and psychological perspectives. The architecture of mediation as a professional activity for conflict resolution is based on the Mediation Corpus Source and Mediation Academic Corpus Source. The first perspective to discuss is a linguistic one.

1.1.1 Linguistic perspective on mediation reconstructed from Mediation Corpus Source

One of our research mediation corpus sources consists of the current English Language Corpora, from which we reconstruct the meaning, background, definition, frequency, and collocations to present the architecture of mediation in its linguistic dimension.

The term *mediation* derives from the Proto-Indo-European language from the **medhyo* - meaning 'middle' [6]. In the English language, the term *mediation* was borrowed in the 14th century from the Latin word *mediātiō*, which means "division in the middle" [6]. The English verb *mediate* comes from the nouns *mediation* or *mediator*, meaning 'reaching an agreement through mediation' in the 16th century or 'acting as a mediator' in the first decade of the 17th century [6]. In the French language, the word *mediation*, published in the French Encyclopaedia in 1694, describes "a human intervention between two parties" [7]. This historical meaning of mediation is exemplified in the Biblical discourse.

The phenomenon of mediation occurs in the Biblical discourse both in the Old Testament and the New Testament of *The Holy Bible: New International Version (HBNIV, 1984)*. In the Old Testament Biblical discourse, the noun *mediator* and the verb *mediate* occur in the books of 1 Samuel and Job, whereas, in the New Testament Biblical discourse, they occur in the books of 1 Timothy and Hebrew. In the Book of 1 Samuel of the Old Testament Biblical Discourse, the question of mediating is articulated, e.g.

If one person sins against another, God may mediate for the offender; but if anyone sins against the LORD, who will intercede for them?" His sons, however, did not listen to their father's rebuke, for it was the LORD's will to put them to death (1 Samuel, 2:25)

in the context of human sins against God. The Book of Job continues this motif of mediation in the context of potential human sins. In this Old Testament Biblical discourse, both the verb *mediate* and the noun *mediator* occurs in the Book of Job (9:33, 33:23). In his direct address, Job challenges God to respond to his plea, saying "If only there were someone to mediate between us, someone to bring us together" (Job, 9:33). Elihu, the bystander, suggests that it should be an angel to perform the role of a mediator and tell Job what is right for him, e.g. "If

there be for him an angel, a mediator, one of the thousand, to declare to man what is right for him" (Job, 33:23). From the Old Testament perspective, it is an angel that may become the mediator between God and man. This perspective changes in the New Testament Biblical discourse. It is "the man, Christ Jesus", who is the mediator between God and man, i.e. "[f]or there is one God, and there is one mediator between God and men, the man, Christ Jesus" (1 Timothy, 2:5). In the New Testament Biblical discourse, Jesus becomes "the mediator of a new covenant with man"(Hebrews, 9:15) and " those who are called may receive the promised eternal inheritance, since a death has occurred that redeems them from the transgressions committed under the first covenant (Hebrews, 9:15). Another argument for Jesus to be the mediator of a new covenant refers to "the sprinkled blood that speaks a better word than the blood of Abel" (Hebrews, 12:24). Jesus Christ obtains this ministry of mediation,, because he mediates a new covenant better as it is based on better promises, i.e. "as it is, Christ has obtained a ministry that is as much more excellent than the old as the covenant he mediates is better, since it is enacted on better promises" (Hebrews, 8:6). As exemplified, the phenomenon of mediation is not a new concept but deeply rooted in the past.

Nowadays, the word *mediation* has several meanings. It is defined as " the process by which someone tries to end a disagreement by helping the two sides to talk about and agree on a solution" [9] or as "intervention in a dispute to resolve it; arbitration [8] or as "the act of mediating; intercession" [9]. Those meanings of the word *mediation* show that mediation is a process, an intervention, and an act of mediating. In all those meanings related to mediation, there is action embedded. Thus, mediation is a process in which two parties and the mediator take action and reach conflict resolution.

In different professional contexts, the term *mediation* has at least two meanings. In the broad context of business activity, the term *mediation* refers to " [a] settlement of a dispute or controversy by setting up an independent person between two contending parties to aid them in the settlement of their disagreement" [9]. In the narrow context of business activity, the term *mediation* is defined as the "use of an independent, impartial, and respected third party (called the conciliator or mediator) in settlement of a dispute, instead of opting for arbitration or litigation. Unlike an arbitrator, a mediator has no legal power to force acceptance of his or her decision but relies on persuasion to reach an agreement. Also called conciliation" [11]. Based on the above-presented definitions, it is possible to state that the fundamental objective of mediation is to reach a conflict resolution with the assistance of the mediator as the third party in the mediation process.

In the professional context of psychology, *APA Dictionary of Psychology* defines the term *mediation* as

n. in dispute resolution, the use of a neutral outside person—the mediator—to help the contending parties communicate and reach a compromise. The process of mediation has gained popularity, particularly for couples involved in separation or divorce proceedings (see divorce mediation) [12].

In the language of psychology, the term *mediator* is defined firstly as “an unseen process, event, or system that exists between a stimulus and a response, between the source and destination of a neural impulse, or between the transmitter and receiver of communications” and secondly as “a person—for example, a lawyer or psychologist—who helps contending parties communicate and reach a compromise. See also divorce mediation” [13].

In the context of International Law, the term *mediation* means "an attempt to reconcile disputed matters arising between states, esp. by the friendly intervention of a neutral power" [9]. The legal dictionary states that in International Law, the term *mediation* is defined as “the friendly interference of one state in the controversies of nations. It is recognized as a proper action to promote peace among nations” [10].

In our dissertation, we follow the architecture of the mediation institution with the mediation terminology as stipulated in article 3 of Directive 2008/52/EC of the European Parliament and of the Council of 21 May 2008 on certain aspects of mediation in civil and commercial matters (*Journal of Laws of the EU L* of 24 May 2008). For us, the term *mediation* means

a structured process, however, named or referred to, whereby two or more conflicted parties to a dispute attempt by themselves, voluntarily, to reach an agreement on the settlement of their dispute with the assistance of the mediator. This process may be initiated by the conflicted parties or suggested or ordered by a court or prescribed by the law of a Member State (Article 3 of Directive 2008/52/EC of the European Parliament and of the Council of 21 May 2008 on certain aspects of mediation in civil and commercial matters (*Journal of Laws of the EU L* of 24 May 2008)).

In Article 3 of *Directive 2008/52/EC of the European Parliament and of the Council of 21 May 2008*, the term *mediator* is defined as

any third person who is asked to conduct a mediation in an effective, impartial, and competent way, regardless of the denomination or profession of that third person in the Member State concerned and of how the third person has been appointed or

requested to conduct the mediation (Article 3 of Directive 2008/52/EC of the European Parliament and of the Council of 21 May 2008 on certain aspects of mediation in civil and commercial matters (*Journal of Laws of the EU L* of 24 May 2008)).

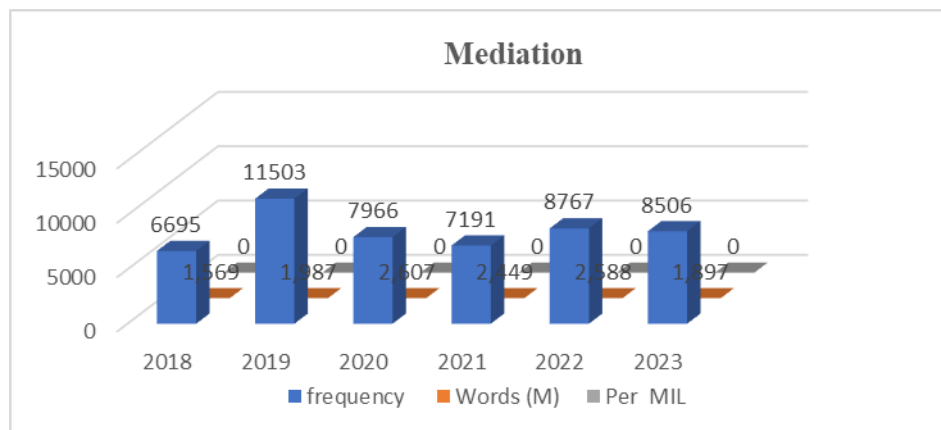
In our dissertation, those two terms, i.e. mediation and the mediator become the key terms with the definitions stated above.

In this subchapter of our dissertation, the Mediation Corpus Source consists of two corpora, namely the NOW Corpus, i.e., News on the Web [22], and the iWeb Corpus, the Intelligent Web Corpus [23]. The former is composed of 19.6 billion words of data [22], whereas the latter is the iWeb Corpus with 14 billion words located in 22 million web pages coming from 95,000 websites [23]. We use such a Mediation Corpus Source as both the NOW Corpus and the iWeb Corpus are balanced and systematic. The texts in both corpora are collected according to specific principles related to genres, registers, and written or spoken modes.

The frequency distribution of the term *mediation* covers the period from 2018 to 2023 and is presented by year and country (cf. Oberda, 2018b). The frequency distribution by year is presented in Figure 1 below:

Figure 1

The frequency of Mediation by year between 2018-2023 the NOW Corpus source [22]

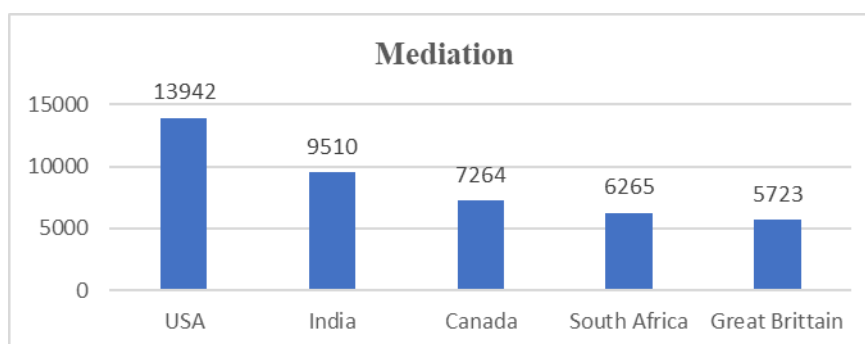


As presented in Figure 1, the frequency of the term *mediation* occurrences fluctuates in the range from 6695 to 11503 in the period between 2018 and 2023. The frequency of the term *mediation* is distributed in the years with the numbers, i.e. in 2018 - 6695, 2019 - 11503, 2020 - 7966, 2021 - 7191, 2022 - 8767, and 2023 - 8506. The other criterion of the words (M), as

presented in Figure 1 in the subsequent years is distributed by year as follows: 2018 – 1,746, 2019-1,987, 2020-2,607, 2021-2,449, 2022-2,588, 2023-1,897. The visualisation of the Per Mil criterion is reflected by year and number as follows: 2018 – 4.27, 2019-5.79, 2020- 3.05, 2021- 2.94, 2022 – 3.39, 2023-4.48 [21]. The frequency distribution by country is presented in Figure 2 below:

Figure 2

The frequency of Mediation by country between 2018-2023 the NOW Corpus source [22]



The frequency of the term *mediation* has the highest value in the USA -13942. The second position is occupied by India – 9510. The third position belongs to Canada,, i.e. 7264. Then we have South Africa – 6265 and Great Britain – 5723. The frequency distribution of the term *mediation* by countries shows that the phenomenon of mediation occurs in all continents nowadays. Since mediation has become a universal phenomenon worldwide, we concentrate on the linguistic knowledge architecture (Bedford, 2021) of the term *mediation* reconstructed from the Mediation Corpus Source.

The linguistic knowledge architecture (Bedford, 2021) of the words *mediation* and *mediate* starts with their definitions and morphological structures. The word *mediation* is defined in the iWeb Corpora firstly as "the act of mediating" and secondly as "negotiation to resolve difference conducted by some impartial party" [23]. The second definition corresponds to the definition of the term *mediation* provided by *the APA Dictionary of Psychology* [12]. The verb *mediate* is defined firstly as “act between parties with a view to reconciling differences” [22] and secondly “occupy an intermediate or middle position or form a connecting link or stage between two others” [23]. The morphological structure of the word *mediation* is derived from the verb *mediate* and suffix *-ion*.

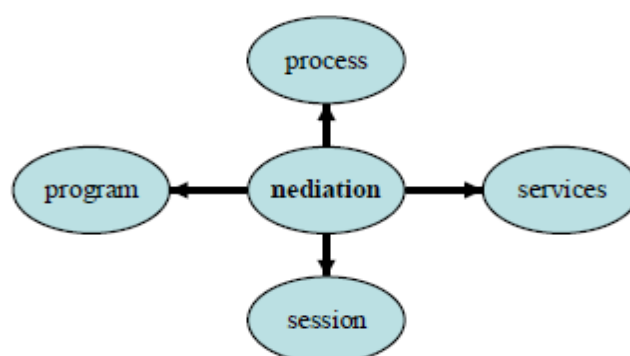
The second element in the linguistic knowledge architecture (Bedford, 2021) of the words *mediation* and *mediate* is that of their synonymous structures at the micro-level. The noun *mediation* is synonymous with *arbitration*, *conciliation*, *facilitation*, *intercession*,

intermediation, and negotiation [22, 23]. The verb *mediate* has such synonyms as *arbitrate, facilitate, intercede, intermediate, intervene, negotiate, and umpire* [22, 23]. As keywords, they occur, e.g., in the context of psychology in such topics as *activation, expression, interaction, inhabitation, protein, tissue* [22, 23], in the context of law in such topics as *court, attorney, arbitration, lawyer, judge, proceedings, hearing, litigation*, or in the context of business activity, in such topics as *dispute, resolution, agreement, settlement, and negotiation* among others [22, 23]. The term *mediation* occurs in the texts published online on the following websites: *uslegalforms.com, ourfamilywizard.com, nationalparalegal.edu, and communityos.org. legalline.ca, poole.gov.uk, bible.org jrank.org, and others* [23].

The third construction element of the linguistic knowledge architecture (Bedford, 2021) of the word *mediation* builds the structure of mediation collocates. The noun collocates of the word *mediation* are presented in Figure 3 below.

Figure 3

The word mediation as the Head premodifier Source: The NOW Corpus source [22], the iWeb Corpus [23]



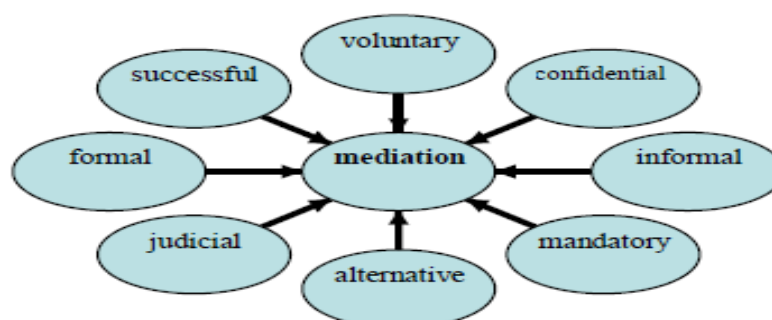
The noun *mediation* pre-modifies such nouns *process, sessions, services, and program*. The mediation process is important for migrants speaking several languages to obtain integration and communication with the local cultural and religious community. Usually, before the mediation process starts, the parties sign the confidentiality agreement, especially when the parties involve the employer and the employee [23]. The mediation sessions recorded in the NOW Corpus refer to private mediation sessions usually ordered by the court or held by police, which last for a specified period before the court trial starts [23]. To facilitate mediation, different mediation services are provided either free of charge or "with fees for traditional legal services" [23]. In the process of mediation, the mediation program is set up to resolve cases

more efficiently, evaluate the causal reasons for mediation, and resolve the conflicts more quickly [23].

The collocation architecture of the noun *mediation* as the Head is presented in Figure 4 below:

Figure 4

Collocation network with adjectives as premodifiers of the Head mediation Source: The NOW Corpus source [22], the iWeb Corpus [23]



Mediation is pre-modified by such adjectives as *alternative*, *confidential*, *formal*, *informal*, *judicial*, *mandatory*, *successful*, and *voluntary*. All those adjectives show that mediation as an alternative for dispute resolution may have formal or informal modes. Whatever the mode of mediation is selected, mediation always displays the features of confidential and voluntary actions. It should be successful in resolving a conflict between the parties involved. Although according to the EU Regulation [19] mediation is voluntary in legal disputes, in the USA, in the discussed period, mediation occurs to be mandatory. In 2010, while discussing the foreclosure and homeowners' turn to mediation Jeff Schweers informed the *USA Today* that

The Florida Supreme Court issued an administrative order in December requiring all its 20 circuit courts to adopt rules for mandatory mediation on all residential for enclosures, based on a task force's recommendations. # The 18th Circuit Court in Brevard County, Fla., made mediation in March 2009, before the state Supreme Court's order [23].

The issue of mandatory mediation imposed by civil procedure rules before the cases are heard in court is subject to heated debates, e.g., in CBS FACE THE NATION: Interview With Mick Mulvaney; Interview With Tom Cotton; Interview With California Congresswoman Jackie Speier; Tax Cut Proposals; Roy Moore's Political Fu [23]. In EU legislation, the fundamental

feature of mediation is strongly emphasised as its voluntary character is a cornerstone of mediation in the whole mediation process [19].

The verb collocations with the noun *mediation* are presented in Table 1 below.

Table 1

The word mediation - Verb collocates [22, 23]

Word	Verb
mediation	resolve, attend, agree, participate, conduct, settle, refer, request

The structure of the verb collocates shows that mediation collocates with different verbs, including the verbs of action, e.g., participate, attend, conduct.

The fourth constructional element of the linguistic knowledge architecture (Bedford, 2021) related to the word *mediation* is based on clusters in which this word occurs, see Table 2 below.

Table 2

Mediation clusters [22, 23]

Position	Mediation clusters
mediation ●	mediation process, mediation services, mediation program, mediation session
● mediation	in mediation, to mediation, for mediation, through mediation, family mediation, business mediation, peer mediation
mediation ●●	mediation and arbitration, mediation or arbitration, mediation and conciliation, mediation and conflict
●● mediation	arbitration and mediation, negotiation and mediation, through the mediation
mediation ●●●	mediation and conciliation service, mediation and conflict resolution, mediation is a process, mediation and dispute resolution, mediation information and assessment, mediation of Jesus Christ
●●● mediation	conflict resolution and mediation, judicial arbitration and mediation, parties to the mediation, prior to the mediation, conclusion of the mediation

The word *mediation* appears in the clusters related to *business, law, economy, religion*, and other spheres of life in which conflict or dispute occurs, which cannot be resolved by the parties in question and need the institution of the mediator [22, 23].

The fifth construction layer of the linguistic knowledge architecture (Bedford, 2021) refers to the meaning relationship of the word clusters. In our dissertation, we concentrate on the mediation and conflict cluster, which is at the centre of our attention in the subsequent subchapter.

1.1.2 Philosophical perspective on conflict

The ontology of mediation is concerned with the epistemology of conflict that involves the nature, origin, and knowledge of conflict. As mediation's existence is conditioned by conflict, the discussion of the relationship between conflict and mediation starts with the concept of conflict and its existence in human reality. This initial discussion includes the issue of how conflict entities exist on all fundamental levels of human private and professional life. The philosophical architecture of conflict as an underlying factor of mediation is constructed from the Mediation Corpus Source.

The nature of conflict has been studied since antiquity by various philosophers who have tried to classify and explain the global conflict between states and political systems, the local conflict between groups in social settings, or the interpersonal and intrapersonal conflict between or within individuals (cf. Oberda, 2020f).

The theoretical research into the nature of conflict from the philosophical perspective commences with the first construction layer of the linguistic knowledge architecture (Bedford, 2021) that leads to the etymology of the term *conflict*. In the early fifteenth century, the word *conflict* as a verb of action was borrowed from the Latin word "conflictus, the past participle of *confligere* " to strike together, be in conflict "from assimilated form of *com* "with, together" + *fligere* "to strike" [14]. As a noun it was borrowed from " Old French *conflit* and directly from Latin *conflictus* "a striking together," in Late Latin "a fight, conflict," noun use of past participle of *confligere* "to strike together, be in conflict," from assimilated form of *com* "with, together" + *fligere* "to strike" [14]. The meaning of the word *conflict* as "a struggle, a quarrel" comes from mid fifteenth century. The extension of the meaning into "discord of action, feeling, or effect, clashing of opposed principles, etc." is from 1875 [14]. From the psychological sense, the meaning of the term *conflict* as ""internal mental or spiritual struggle" (against temptation, etc.)" comes from the fifteenth century [14], however as ""incompatible urges in one person" is

from 1859” [14] In the eighteenth century the phrase *conflict of interest* was registered in the written texts [14]. The etymology of the term *conflict* shows the origins and syntactic and semantic developments of this term. It also reveals the semantic shift of the original meaning of the word *conflict* as an armed encounter into a metaphorical one to talk about internal conflicts in interpersonal and intrapersonal relationships. Therefore, the etymological origins of the word *conflict* are far from modern figurative and abstract-oriented meanings that make conflict a fluid and ambiguous concept open to various definitions.

The semantic development of the term *conflict* follows the philosophical perspective which finds its origins in the conflict between Logos and Psyche or the soul and the body. As noticed by Wilson (1991, p. 21), the conflict in Plato's *Phaedo* can be reconstructed in “the themes of Socrates' death as a tragedy and the battle between the soul and the body, with both themes moving in opposite linear directions”. Plato's perception of intrapersonal conflict between the soul and the body is further discussed by Aristotle in *Poetics*, who discusses the opposition of mythos (plot) and ethos (character) and states that conflict occurs either in the sense of struggle within a person or in the sense of the clashing of opposed principles" (Belfiore, 2000, p. 64). In the above-mentioned opposition, Aristotle is primarily concerned with the universally logical events of the plot rather than illogical character-related conflicts associated with the logical events (Belfiore, 2000). Contrary to Aristotle's views on the role of conflict in tragedy, Hegel places character conflict as a central focus of tragedy (Roche, 2006). To continue the literary discussion of tragedy conflicts, Hegel focuses on conflicts between characters' ethical justifications and the resolution towards the rational good (Roche, 2006).

In the philosophy of Heraclitus of Ephesus, the conflict between the forces that make up the cosmos is omnipresent (Barnes, 1982; Hussey, 1982; Kirk, 1952). The opposing forces of summer and winter, day and night, fire and water, are interconnected and imperceptible to the senses (Kirk, 1952). They form the hidden harmony or the ordering principle of the world, called by the Greeks the Cosmos (Hussey, 1982). In Heraclitus' theory of knowledge, the conflict between man, who even intuitively grasps this hidden harmony or the ordering principle of the world, and people deprived of the profound harmony of the Spirit is important (Hussey, 1982). This conflict leads to a conflict between outstanding individuals and the crowd, i.e., people who belong to the universal or mass mentality.

According to Guthrie (1972), Socrates shows that man is often exposed to a conflict between what we now call conscience and the pursuit of external success. In the philosophy of Socrates, the only true resolution of this conflict is to place inner success above outer success, i.e., any achievement in the outer world, e.g., material, social, pleasure, etc. Sometimes,

prioritising inner success over outer success can mean risking one's life. Socrates himself confirmed his views by refusing to escape from prison and accepting a death sentence, only to lose nothing of the spiritual quality of his soul (Kraut, 1984). This is also the source of the conflict between Socrates and later Plato with the sophists, who saw no conflict between external success and the higher purpose of the human soul (Kraut, 1984).

Burges (1854) states that Plato also emphasises the conflict between the essential, spiritual goal of the human soul, which is the return to a happy life in a spiritual world of eternal ideas, and the mass mentality that the sophists wanted to embody. According to Plato, this mass mentality is most clearly expressed in a democratic system, in interests, demagogues, i.e. people with decidedly noble and superficial souls, incapable of deep knowledge (Burges, 1854). As far as the conflict in the human soul is concerned, it is the conflict between the feelings of love aroused in us by Aphrodite, the heavenly, and the feelings aroused by Aphrodite, the deceitful (Burges, 1854).

In Epicurus's philosophy, the traditional philosophical conflict between passion and reason takes a very simple and clarified form. According to Epicurus, the inherent happiness that Cadiz experiences in childhood is eradicated from our souls through fears (Asmis, 1984). These are a) the fear of suffering, b) the fear of not achieving happiness in adulthood, c) the fear of the gods, and d) the fear of death (Asmis, 1984). Only after overcoming all these fears does the happiness we felt in childhood, that is, our inherent happiness, return to our psyche.

Augustine (1950) strongly emphasises the conflict between those belonging to the State of God and those belonging to the earthly state. No one can be sure to which state they belong, but they must do everything that Jesus and the apostles recommended so that God would count them among the elected, i.e., the state of God. Centuries later, this subject is continued by Protestants, who emphasise very strongly this conflict described by Augustine (1950) and the impossibility of changing the human state with human efforts unless the man is in the state of God (Weber, 2002, 2011). According to Luther's successors, only divine grace can do this. People do not know if they are in the state of God; however, through symptoms such as health, prosperity, good material condition, an honest life, and social recognition, they can perceive God's blessing. The first generations of Protestants sought these goods not for themselves but as evidence of God's favour. After a few or a dozen generations, it became apparent that material prosperity and all that it affords began to be seen as goods valuable in themselves. Thus, according to Weber (2002, 2011), modern capitalism was born, as described brilliantly by the founder of European sociology.

Miel (1969) states that Pascal concentrates on the conflict of reason and heart. Reason cannot prove the existence of God, nor can it prove the non-existence of God. Meanwhile, the human heart needs absolute existential support and a basis for morality. Pascal's (2002) solution to this conflict is to rely on personal revelation, which is a profound existential experience of the spiritual basis of human existence and which gives Pascal an understanding of other revelations: the biblical prophets, the apostles of Jesus, and the saints. According to Pascal (2002), it is only in this way that the power of reason linked to the emotions striving to realise one's desires can be neutralised, which should be considered as bringing peace to one's interiority, i.e., resolving the conflict.

Hegel's (1807/1931, 2018) philosophy of nature concentrates on the identity that is characterised by the opposition between subjectivity and objectivity perceived as a process reconstructing the unity of the opposing factors. The unity of identity is obtained in the form of the opposing factors. The unity underlying the opposing factors is reconstructed in terms of subject-object relations which are characterised as subjective subject-object relations or objective subject-object relations. Hegel's (2018) description of the process underlying the unity of the internal opposing factors leads to a philosophy of nature as well as a philosophy of spirit. In the process of observing nature, Hegel (2018, p. 146) notices that "[t]he *motionless being* and the *being in relationships* come into conflict with each other, and the thing in the latter is something different from the thing in the former, since, in contrast, the individual is what preserves himself/herself in relations with others. However, what is incapable of this and *chemically* becomes something other than it is *empirically* confuses cognition. It thereby brings it into the same conflict about whether cognition is to stay put with one side or with the other, since the thing itself is not consistent, and these two sides come undone in it".

Hegel's (1807/1931, 2018) philosophy of nature, logic, and phenomenology of spirit outlines the fundamental conditions of human knowledge. To obtain knowledge, according to Hegel (2018), the mind does not grasp the objects in the world as the meaning of objects derives from ideas or concepts that are between mind and matter, but the information that enters the mind through the senses is immediately mediated by concepts. Hegel's philosophy of logic reveals the process of fitting phenomena into universal categories that reside neither in objects nor in the mind but in the third dimension of collective consciousness Spirit. He shows how those various categories of thought are dialectically interrelated through thesis-antithesis and synthesis, and how the conceptual oppositions or conflicts responsible for our perplexities and conflicts can be resolved on the basis of those fundamental categories.

There thereby arises in consciousness the opposition between the *known* and the *not known*, just as in substance, there was an opposition between the *conscious* and the *unconscious*, and the absolute *right* of ethical *self-consciousness* comes into conflict with the *divine* right of *essence* (Hegel, 2018, p. 269).

In Hegel's (2018) philosophy related to nature, logic, and phenomenology of spirit, the existence of conflicts in human nature between reason and sensibility provides more insight into how to reach unity between the opposing elements. Reaching the harmony between consciousness and sensibility becomes a long-term task, the culmination of which goes to infinity. The absolute harmony between consciousness and sensibility is not possible to obtain. However, it is considered to be an absolute task to solve the conflict (Siemek, 2003).

Kant et al. (1990a, 1990b, 1990c) state that the conflict occurs between the subjective desires of the human psyche and the categorical imperative formulated by human reason. Kant et al. (1960, 1996) indicate that people should act according to the universal law, i.e. act as you would wish all men to act (Sikora, 2009; Tatarkiewicz, 2001). The solution to this conflict is to habituate one's psyche to act by the categorical imperative.

In contemporary philosophy, the idea of conflict often takes very subtle forms and requires a serious interpretation of the whole work of a particular philosopher. In our dissertation, we only concentrate on two philosophers, i.e. as examples. One is very clear about the idea of conflict in the philosophy of Henri Bergson and Jean-Paul Sartre.

Bergson discusses a universal conflict between reason and intuition (Tatarkiewicz, 2001). This is the conflict between the superficial self and the deep self, the conflict between closed morality and open morality, and between static religion and dynamic religion. It often develops into a conflict between an open society and a closed society (Kołakowski, 1985). This conflict means that people's images of the world are often chaotic and very different. According to Bergson, this conflict is only resolvable for those who choose to supplement their rational cognition of the world and people with intuition (Kołakowski, 1985). This is most easily achieved by artists and people with a similar sensibility to artists (Sikora, 2009).

In Jean-Paul Sartre's philosophy, man has within him a conflict between the desire for freedom and the flight from freedom (Kroński, 1947). Psychologically speaking, it is a conflict between the desire for freedom and simple human conformism, which makes us want to avoid responsibility for the consequences of our decisions, especially those that would go beyond what is commonly accepted in our community. When this conflict is apparent, most people pretend that they have no freedom and do not see the conflict between their authentic choice and their conformist insertion into the community in which they function. This behaviour is

what Sartre calls 'bad faith', and he believes that it leads to an inauthentic personality (Gromczyński, 1969).

Very subtle facets of human conflict, especially the inner, moral-existential-psychological conflict can be found in the views of Max Scheler, Martin Heidegger, Simone Weil, Ernst Cassirer, Karl Jaspers, Martin Buber, Josef Tischner and many other contemporary philosophers, but this is a topic for a separate discussion. Therefore, our focus of attention is on the communication perspective on conflict and mediation.

1.1.3 Communication perspective on conflict and mediation reconstructed from Mediation Academic Corpus Source

In the twentieth century, the conflict communication theoreticians further developed the philosophical views on conflict. Early social science conflict communication theoreticians concentrated mainly on interpersonal conflict communication. Since conflicts occur in the family between family members, at university between students and teachers, at work between employees and supervisors, or in any other social groups between their participants, the communication theoreticians focus their attention on the common elements inherent in the concept of conflict. Coser (1956) describes a struggle over values, status, power, and resources that occurs between two or more opponents. The perception of conflict by Coser (1956, 1967) results in one of the early social science definitions of the term *conflict* as "a struggle over values and claims to scarce status, power, and resources, in which the aims of the opponents are to neutralize, injure, or eliminate the rivals" (Coser, 1956, p.8). Shelling (1960, p. 5) shows that conflict involves "bargaining situations in which the ability of one participant to achieve his ends is dependent on the choices or decisions that the other participant makes". As indicated in those early definitions, conflict is a struggle in a bargaining situation based on the participants' choices and decisions.

As defined in terms of struggles, oppositions, or bargaining situations, conflict develops during a dynamic process in which the structure, and the participants' attitudes and behaviours are constantly changing (Galtung, 1969). As a multi-dimensional social process, conflict is a common and essential feature of human existence (Duffield 2001). It is a philosophical category that denotes the clash between opposing powers striving in all things to manifest and fulfil themselves (Rauche, 1994). As such, conflict is necessary for our understanding and appreciation of reality and human action (Rummel, 2003). As a distinct category of social behaviour and activity, conflict is perceived as a pursuit of incompatible interpersonal or

international goals by different groups or individuals (Miall, et al., 2005) and follows Boulding's (1977) view of conflict as a goal-directed activity the aim of which is to improve the participant's position among the others. Thus, in the early conflict communication theory, conflict is defined as a struggle, an opposition, a situation, an event, a goal-directed activity, or a dynamic multi-dimensional social process that offers potential for interpersonal and personal development.

In the seventies of the twentieth century, conflict communication theoreticians expressed their views on conflict not as a destructive phenomenon but rather as an inevitable and necessary social process that leads to growth and development. Hawes and Smith (1973) as well as Ruben (1978) emphasise that communication and conflict are interlinked and interdependent. Hawes and Smith (1973) claim that conflict is an essential means to understand communication, whereas Ruben (1978) states that communication is an essential means to understand conflict. As the nature of conflict leads to the different conceptualisation of communication and the nature of communication leads to the different conceptualisation of conflict, we follow the basic assumption that conflicts should be worked through (Folger et al., 2005) to improve communication along the three basic dimensions, namely goal, strategy, and time (Hawes, Smith, 1973).

Following the prospective and retrospective approaches to conflict, Hawes and Smith (1973) discuss the conceptualisation of conflict as the outcome of the individual contradictory goals combined with the applied destructive or constructive strategy in the episodic or continuous temporal dimension. Hawes and Smith's (1973) view of the goal dimension is based on the linear approach to communication expressed in the following sequence Sender→ Message→ Receive = Effect. Hawes and Smith's (1973) view of strategy as a second dimension refers to conflict resolution. This view is in line with the earlier approaches to conflict as a positive factor in social growth and development. No longer is conflict perceived as a destructive force but a constructive one to stimulate cohesiveness (Coser, 1956), to facilitate change (Litterer, 1966), or to generate creative solutions to conflicts (Hall, 1969). Time is the third dimension discussed by Hawes and Smith (1973) about strategy. The conceptualisation of conflict depends on whether conflict is episodic or continuous as this temporal dimension influences the choice of the strategy and alternation of goals.

Another communication scholar, Ruben (1978) develops the opposite approach to communication-conflict relationships. In contrast to Hawes and Smith's (1973) perspective on conflict and communication, Ruben (1978) argues for a transactional view of communication that rejects the linear approach to communication expressed by Hawes and Smith (1973). What

is more, for Ruben (1978, p. 209) although conflict is associated with the feelings of stress or pain, it is "viewed as *sine qua non* of learning, creativity, biological and psychological growth and differentiation for the individual. As a social conflict may be a precondition for war and political and economic strife, so, also, should it be regarded as the lifeblood of social change, choice, and social evolution'".

Ruben's (1978) system theoretic perspective differentiates between conflict and para-conflict. Considering constructive and deconstructive outcomes, Ruben (1978) states that conflict occurs at the level of action, whereas para-conflict at the level of symbolic process, which is individually conceived or experienced. At the level of action, Ruben (1978, p. 209) states that "from a system perspective, one is led to the view that determinations as to whether conflict is good or bad, functional or dysfunctional, useful or not, should be based not upon *how it feels* so much as upon efforts to assess the extent to which conflict serves a system's (individual or social) over -time adaptative ends vis a vis its environment". At the level of the symbolic process, conflict is either constructive or destructive, as it is based *on how it feels* (Ruben, 1978, p. 209). This second path of conflict study is "the study of para-conflict, which is predominately self- and socially-reflexive in nature, and focuses upon human symbolic processes of labelling, categorizing and abstracting experience, and the bio-behavioral consequences of those symbolic processes" (Ruben, 1978, pp. 209-210). The study of conflict as an action is "the dominant focus for communication-conflict scholars and others who have regarded conflict in an objectified manner" (Ruben, 1978, p. 210), whereas the study of para-conflict that focuses on "the activities of persons who subscribe to the former perspective has yet to be explored" (Ruben, 1978, p. 210).

From the system theoretic perspective, Ruben (1978) conceptualises the relationship between conflict and communication. In his conflict communication theory, communication is viewed as continual and inevitable, whereas conflict is viewed as prospective, constructive, and continuous. His actual conceptualisation of conflict is based on the discrepancies between the demands and capabilities of a living system as well as the demands and capacities of the environment. The nature of conflict is revealed in the relationship between the identified, discussed, and known conflict, and the conflict functions at the level of action. What is more, "the conflicts- discrepancies between the needs and capacities of a living system and the demands and capabilities of its environment exist at the level of action" (Ruben, 1978, p. 209).

The conflict communication theoreticians develop the conflict theory in the form of early conflict models out of which we concentrate on integrative negotiation models, the dual-concern models, and mediation competency models. Although those model differ in their basic

presumptions that underly the conflict communication theory, they all concentrate on conflict as an action.

Integrative mediation models comprise the distributive negotiation models as well as integrative negotiation models and strategic bargaining models. The distributive negotiation theory focuses on distributive processes based on the competitive approach to problem-solving with the *win-loss* negotiation outcome. The integrative negotiation theory is summarized by the *win-win* negotiation outcome and as such it follows the joint problem-solving approach rather than competition. The strategic bargaining models are mainly based on strategies understood as broad plans of action for problem-solving and tactics as specific messages to enact the strategy (Putnam, 1988). In those integrative negotiation models, Putnam and Wilson (1982) distinguish three conflict management styles. The first is described as a non-confrontation or obliging style that approaches conflict by avoiding or minimising disagreement. The second is the solution-oriented or integration style that searches for creatively innovative integration solutions. The third is presented as the control or dominating style that is related to the individual demand for position expressed through argument or nonverbal signals to reinforce the demand.

Walton and McKersie (1965) propose the integrative bargaining model in which negotiators apply problem-solving strategies to reach the final goal. They describe the theoretical framework for understanding labour negotiations in terms of a general interaction system. Walton and McKersie's (1965) theory is developed and applied to labour-management negotiations in international relations and civil rights situations. In the integrative bargaining model, Walton and McKersie (1965) distinguish four sets of activities that account for all the behaviours in negotiations. The first set of negotiation activities shows the features of competitive behaviours known as "distributive bargaining" negotiation. The second type of activity is based on problem-solving behaviours denoted as "integrative bargaining" negotiation. The third kind of activity affects the attitudes of the parties to one another and is known as "attitudinal structuring" negotiation. The fourth set of activities refers to the behaviours of the negotiator to achieve consensus within his organisation and is named intraorganisational bargaining negotiation.

Conflict communication management style theory shows two dimensions in which the goal-concern dimension and the people-concern dimension are distinguished. This dual result and people-concern become the input for the development of the *managerial grid model* based on five basic conflict styles by Blake and Mouton (1964). The conflict styles include *forcing*, *confronting*, *smoothing*, *withdrawing*, and *compromising* people or result-oriented styles as presented in Table 3 below.

Table 3*Conflict-style managerial grid based on Blake and Mouton (1964)*

Conflict style	Result concern	People concern
forcing	high	low
confronting	high	high
smoothing	low	high
withdrawal	low	low
comprising	moderate	moderate

Blake and Mouton's (1964) dual concern in conflict communication is based on two behavioural dimensions. The people concern dimension in the conflict management style is based on human needs, interests, and areas of personal development when the decision to accomplish a task or resolve a conflict is taken into account, whereas the result concern dimension emphasizes concrete objectives, results, organizational efficiency, and high productivity when the decision to accomplish a task or resolve a conflict is taken into account.

Thomas and Kilmann's (1974) conflict mode instrument is developed along two axes. Along the vertical axis identified as assertiveness, and the horizontal axis as cooperativeness, Thomas and Kilman (1974) arrange five different styles of conflict, namely *competing*, *avoiding*, *accommodating*, *collaborating*, and *compromising*, in which participants express their willingness or unwillingness to discuss and negotiate their goals in a mutually understandable manner. The relationship of those styles with the dimensions of assertiveness and cooperativeness is presented in Table 4 below.

Table 4*Conflict mode instrument based on Thomas and Kilmann (1974)*

Conflict style	assertiveness	cooperativeness
competing	assertive	uncooperative
collaborating	assertive	cooperative
compromising	partially assertive	partially cooperative
avoiding	unassertive	uncooperative
accommodating	unassertive	cooperative

Mediation competency theory is based on the participation of the third party to help the conflicted parties manage the conflict. Based on the earlier conflict communication models, the

communication mediation theory focuses on the strategies, tactics, phases as well as communication patterns of the competent mediator. Putman and Poole (1987) as well as Putman (1988) state that mediation competency theory focuses on persuasion, coercion, and influence. Jones (1988) pioneers the study of conflict communication and mediation, concentrating on the different phase theories of negotiation and mediation as well as differences in the communication functions during agreement mediation and no-agreement mediation. According to Jones (1988), the process of agreement mediation gradually progresses from differentiation to integration by means of the strategies of information exchange, problem-solving, and finally resolution behaviours. The process of no-agreement mediation is focused on information exchange throughout mediation with the de-emphasis on problem-solving and resolution behaviours. Folger and Jones (1994) provide new insights into the process of mediation by examining it from a communication perspective, concentrating on the mediation structure and contextual factors for the mediator to perform facilitation, substantive direction, and procedural control functions (cf. Oberda, 2020d).

1.1.4 Psychological perspective on conflict and mediation reconstructed from Mediation Academic Corpus Source

The psychological definition of the term *conflict* is “the occurrence of mutually antagonistic or opposing forces, including events, behaviors, desires, attitudes, and emotions” [14]. *APA Dictionary of Psychology* specifies the meaning in context in the following way:

e.g., in psychoanalytic theory, it refers to the opposition between incompatible instinctual impulses or between incompatible aspects of the mental structure (i.e., the id, ego, and superego) that may be a source of neurosis if it results in the use of defence mechanisms other than sublimation. In interpersonal relations, conflict denotes the disagreement, discord, and friction that occur when the actions or beliefs of one or more individuals are unacceptable to and resisted by others. [14]

The psychological definition of the term *conflict* underlines its intrapersonal and interpersonal dimensions. In human life, conflict occurs in the person and among people. As it is based on the antagonistic or opposing forces, it may develop in the body and mind of the person as well as in the interaction with other persons. The intrapersonal development of conflict may lead to neurosis if the defence mechanism is not based on sublimation (Maslow, 1943). The interpersonal development of conflict may lead to the destruction of positive interaction if the resolution to the interpersonal conflict is not found in due time.

The psychological conflict theory is based on "any conceptual analysis of the causes and consequences of interpersonal conflict" [15] or "more specifically, a sociological approach that stresses the inevitability of conflict in any setting in which resources are unevenly distributed among interactants" [15]. The psychological conflict theory discusses conflict in two dimensions, i.e., intrapersonal and interpersonal dimensions, both at the level of emotion, frequently referred to as emotional conflict, as well as the level of unconsciousness as unconscious conflict. The term *emotional conflict* is defined as "a state of disharmony between incompatible intense emotions, such as love and hate or the desire for success and fear of failure, that causes distress to the individual" [12]. The term *unconscious conflict* is the key concept in Freud's (1901) psychoanalysis (Ellenberger, 1970) responsible for producing symptoms of neurosis. Emotional conflict occurs in the presence of opposing emotions related to a given situation or event that might be accompanied by physical discomfort, pain, or tension that can be episodic or chronic. Unconscious conflict manifests itself in guilt as a result of the opposition between a wish and a moral imperative.

Conflict is a phenomenon that causes anger and fear, i.e., something that people avoid and remove beyond consciousness. It affects all people worldwide, and it interferes with their daily activities. To obtain peace of the body and mind, people use several defence mechanisms such as displacement, denial, identification, projection, rationalisation, and repression (Firestone, 1989; Freud, 1949; Freud, 1966; Goleman, 1985). In case of conflict, people subconsciously start avoiding situations that are associated with the source of their emotional conflicts. What is more, they even shut down their conscious awareness to move the conflict beyond their consciousness. This defence mechanism related to denial and repression is well known as suppression, and it is based on a conscious decision not to think about it. In contrast to denial or repression, suppression is done almost instinctively when people replace unpleasant thinking with thoughts that do not produce stress.

In the humanistic psychology developed by Maslow (1954, 1962) the theory of conflict and conflict resolution is interwoven with the human potential movement toward self-actualization and sublimation. In his humanistic theory of psychology, Maslow (1943, 1954, 1962) presents a systematic theory on motivation and personality derived from the synthesis of holistic, dynamic, and cultural approaches. In his theory, Maslow (1943, 1954, 1962) concentrates on the psychological approach to science, the holistic and dynamic approach to personality, and the role of hierarchy of needs in human motivation and conflict resolution. The top position in Maslow's (1943) hierarchy of needs is self-actualisation, which defines a person's self-fulfilment and realisation of his or her potential. On the path to self-actualisation

through the accomplishment stages of biological needs, safety needs, belongingness, and esteem needs (Maslow, 1943), the concept of sublimation plays an important role as a conflict defence mechanism.

Sublimation is recognised to be one of the positive defence mechanisms which involve transforming the energy connected with an unacceptable impulse into one that is more socially acceptable (Maslow, 1962; Adler 1964, 1982; Fromm, 1951, 1964). In the context of humanistic psychology, the undesired emotions of anger and fear can also be sublimated into altruistic impulses, from which one may derive the vicarious pleasure of helping others. In addition to individual motivations to reach the level of self-actualisation, conflicts may occur between different motivations that exert a strong influence on human behaviour.

The nature of conflict is embedded in the human condition and is revealed in intrapersonal and interpersonal relations (cf. Oberda, 2020c). As a deeply rooted problem lasting for a long time (Burton, 1990), the concept of conflict corresponds to the hierarchy of human needs (Maslow, 1943) as the sustainability of life from the physiological level to the self-actualisation level may be disturbed when the needs are not satisfied at any level. In the intrapersonal dimension, a conflict occurs when the person is missing any of the basic needs e.g. physiological needs to survive, namely oxygen, water, food, and warmth. Then, the person may experience internal moral conflicts. In interpersonal relations, meeting the needs may address other conflicts in society (Maslow, 1943), especially when people need water, food, clothing, or shelter to survive.

Both in intrapersonal and interpersonal relations, the concept of conflict is a contest or struggle within a person or between people with opposing needs, beliefs, ideas, values, or goals. The core of the conflict is the opposition between needs, beliefs, ideas, values, or goals or the incompatibility of subject positions (Diez, et al. 2006, p. 565). The nature of conflict is not always characterised by violence. Although conflict may escalate to lead to destructive results, especially in spatial and temporal perspectives, it may also be present generally in peaceful situations, e.g., in business organisations in which the parties dealing with their incompatibilities may achieve a new organisational form that leads to a constructive, peaceful change. Whether destructive or constructive, the nature of those oppositions or incompatibilities affects both individuals and societies as they come into being only through discourse.

Conflicts are, first and foremost, discursive (Jabri, 1996; Bonacker, 2005; Diez, et al., 2006). Oppositions and incompatibilities are recognised as such when a reference to them is made. Despite the material side of the conflict, e.g., the distribution of property, including the intellectual properties or the clash of interests, the material side does not constitute the conflict

until it is discursively constructed to become a conflict matter. Since the heart of the conflict is the reference point of the articulation of oppositions and incompatibilities, it is necessary to indicate that oppositions and incompatibilities inflicted by conflictual discourse may lead to physical, psychological, or emotional deconstruction or construction, depending on the manner of development, i.e., whether they are developed by violence or peaceful means.

The mediation of conflict resolution *as an intelligent activity* is based on different types of knowledge intellectual and practical, informative and interactive, verbal and non-verbal, actual and potential (latent). Thus, the object is a complex transformation-opened unit and this is how Discourse is understood in the given research.

Psychological debates on mediation mainly concentrate on mediation models, mediation analysis, and the mediation effect. Those three entities are inseparable in the mediation process. In each mediation process a certain model is applied, the analysis is conducted either covertly or overtly, and the mediation effect is easily detected. Therefore, most psychologists while discussing mediation models, address the limitations of different mediation approaches concerning the measurements of the mediation effect and mediation relations developed in the mediation process (Bauer, et al., 2006; Fairchild, McDaniel, 2017; Freedman, 2001).

In psychology, the conceptual model of mediation seems to be straightforward as it is dominated by the stimulus-organism response model (Hebb, 1966). However, the actual application of the mediation mechanism to generate the expected effects is not so straightforward (Bullock et al., 2010). What is more, difficulty arises when the discussions of specific models based on a set of assumptions are involved (Agler, De Boeck, 2017; Baron, Kenny, 1986; Imai, et al., 2010; Jo, 2008; Kraemer et al., 2002; Pavlov, 1926). Then, multilevel discussions are conducted concerning the statistical significance for testing mediation relations between total effect, indirect effect, or direct effects.

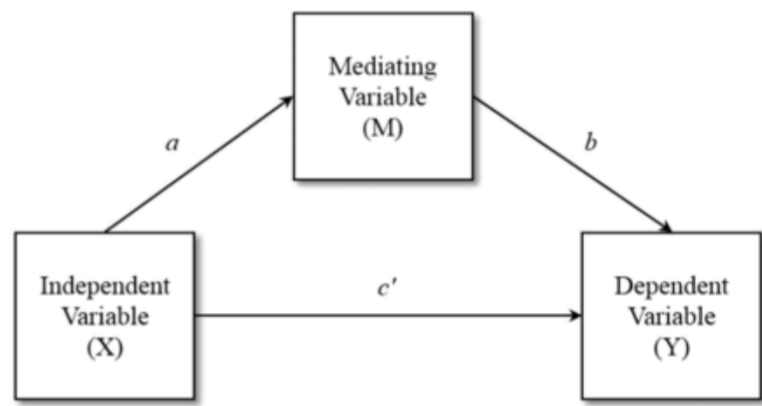
One of the first mediation models is the Psychological Mediation Intervention model (PMI) considered to be a form of single-session psychotherapy described by Schwebel et al., (1985). This model is presented as a flexible approach to interpersonal conflicts. In this PMI model, the dual objectives are stated, namely, the resolution of the immediate conflict and the alternation of interactional patterns to resolve the difficulties. The PMI model is contrasted with such forms of mediation as divorce mediation, issue-centered mediation, and neighbourhood mediation (Schwebel, et al., 1985).

In the psychological literature, the mediation models comprise the Single -Mediator Model and the Multilevel Mediation Model (Fairchild, McDaniel, 2017; Kenny, et al., 2003). The Single – Mediator Model has its origins in the three-step mediation model created by

Hyman (1955, p. 258). This single-mediator model includes three variables, namely a single independent variable (X), a mediating variable (M), and a single dependent variable (Y). The attempt to correlate and parametrize the Single -Mediator Model is visualised in Figure 5 below.

Figure 5

Single -Mediator Model

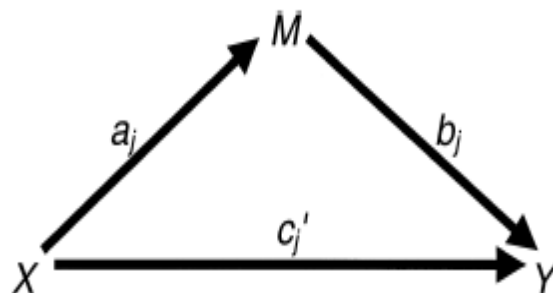


Path diagram of a single mediator model, where the product of the a and b coefficients defines the indirect effect of X on Y through M . The c' coefficient denotes the direct effect of X on Y , controlling for M . In linear models with continuous outcomes, an estimate of the total effect of X on Y is parameterized as follows: $c = ab + c'$. (Fairchild, McDaniel, 2017, p. 1262)

The Multilevel Mediation Model (MacKinnon, 2014) investigates a chain of relations among variables. The Multilevel Mediation Model includes different levels of analysis including the exposure to the psychological intervention. The different levels of analysis aim at revealing causal mediation relations as visualised in Figure 6 below.

Figure 6

Multilevel Mediation Model (Kenny, et al., 2003, p. 117)



In the Multilevel Mediation Model, Level 1 of the mediation model concentrated on the effect of X on Y partially mediated by M . In this model, the Level 2 unit j , X causes M , i.e., path aj , whereas M causes Y , i.e., path bj , and X causes Y , i.e., path cj' (Kenny et al., 2003, p. 117).

In psychological studies, the origins of mediation theory refer to behaviourism and stimulus-response theories. Behaviourism is a systematic study of human behaviour to understand how reflexes are produced as a result of a response to the given stimuli in the environment. The earliest behaviourism derivatives are in the Thorndike (1898) theory of the effect law, from which stimulus-response theories developed within educational psychology. Based on the principles of conditioning (Pavlov, 1926) and the Law of Effect (Thorndike, 1911, 1914), mediation theory refers to the approach related to learning. It is generally assumed that behavioural responses (R) followed by satisfactory results become patterns that are likely to reoccur in response to the same stimuli (S).

As defined by Sutherland (1995, p. 267) the mediation theory is based on the hypothesis that "internal responses (or fractional ones see fractional, antedating goal, response can be conditioned to stimuli and can themselves control (mediate) overt responding. The idea was current in the 1930s and 1940s in a forlorn attempt to save behaviourism and stimulus-response theory. Compare semantic generalization".

Although the basic stimulus-response scheme is unmediated, in the case of human individuals the scheme becomes mediated when thinking about the response is involved. With Skinner's theory of reinforcement, the current mediation theory is still essential in educational and cognitive psychology. Nowadays, the mediation theory refers to learning as between the stimulus and the response. There occur mediating processes, the explanation of which is necessary to justify the response. Such an approach to mediation theory is defined by Reber and Reber (2001).

As indicated above, in the literature of educational and cognitive psychology, mediated generalisation, as well as semantic generalizations, are discussed. The mediated generalization occurs when stimulus generalization is not "brought through perception, but mediated by some other process such as semantic generalization" (Sutherland, 1995, p. 20). Semantic generalization, on the other hand, is a form of stimulus generalization "in which a learned response to a particular stimulus (1) comes to be elicited by another stimulus that resembles it not in its stimulus properties but in its meaning as when a learned response to the word shoe or an image of a shoe, comes to be elicited by the word lace or by the image of a shoelace" (Colman, 2009, p. 684).

The psychological plane of human cognitive and/or expectational dissonance operates as part of the conflict helix (Rummel, 1976, 1977) that may generate opposing interests and goals embedded in human body and mind, which is discussed by Berkowitz (1962), Bernard (1924), Buss (1961), Cattell (1957, 1965, 1972), Cattell, and Horn, (1959), Cattell and Warburton (1967), Fromm (1973), Heider, (1958), or Horney (1945) among others. The nature of conflict reveals itself in the communication.

1.1.5 Psychological perspective on emotions and attitudes in mediation

The history of psychological discourse on emotions as part of the study of human behaviour and mental processes goes back to the various ancient civilisations in which Egyptian, Persian, Greek, Chinese, and Indian philosophers express their views on the human mind and body (Okasha, 2005; Sheehy, et. al 2002). The historical account of psychological discourse is primarily focused on the concepts and theories that form the essential content of discourse related to such psychological issues as, e.g., depression and thought disorders (Okasha, 2005) or to the theory of humours as regulating human behaviour (Sheehy et al. 2002).

From a historical perspective, the psychological discourse related to emotions originated in the Hippocratic Collection from the Classical period of Greece (Jouanna, 1999). Hippocrates' theory of four temperament types is further developed by Kant (1798/1974), who develops Hippocrates' views on temperament into emotionality and energetic arousal (Jouanna, 1999, p. 24). Kant's (1798/1974) theory on the human emotional constitution becomes the foundation for the development of all temperament and personality models (Kagan, 1997; Kant, 1798/1974; Thomas, Chess, 1977).

The evolutionary theories related to the psychological discourse on emotions start with Darwin (1872), who discusses the expressions of animal and human emotions (Darwin, 1872/2009). Following his theory of the evolution of species, Darwin (1872) argues that emotions evolve through the inheritance of the inborn character, and their verbal and non-verbal expressions should be studied universally across various cultures (Darwin, 1872/2009). Darwin's (1872) theory on emotions is further developed in the psychological discourse by evolutionary psychology (Darwin, 1872/2009; Gaulin, McBurney, 2003) or neuropsychology (Damasio, 1998; LeDoux, 1996).

The psychological discourse on emotions acquired a new dimension in the last decade of the nineteenth century. James (1884) introduces a new theory of emotions later developed

into the James-Lange theory based on the premise that emotion is the consequence rather than the cause of the bodily experiences associated with its expression (James, 1884; Lange, 1885).

In the James-Lange theory (James, 1884; Lange, 1885), a stimulus causes a physiological response, and an emotion follows the response. This theory has received criticism throughout the years since its introduction (Bard, 1928; Cannon, 1927, 1931). Nevertheless, Dalgleish (2004) states that modern neuropsychologists and neurologists follow the components of the James-Lange theory in which "bodily feedback modulates the experience of emotion" (Dalgleish, 2004, p. 583). What is more, James (1890) lays the foundations for the discussion of the relationship between consciousness, emotion, and habit.

Although the psychological discourse on emotions has its origins in pre-modern history, the term *emotion* dates back to "1570s, 'a (social) moving, stirring, agitation,' from Middle French *émotion* (16c.), from Old French *emouvoir* 'stir up' (12c.), from Latin *emovere* 'move out, remove, agitate,' from assimilated form of *ex* 'out' (see *ex*) + *movere* 'to move' (from PIE root **meue* 'to push away'). Sense of 'strong feeling' is first recorded in the 1650s, and extended to any feeling by 1808. Dixon (2003) states that the term *emotion* refers to passions and affections in academic discussions. Smith (2015) indicates that the modern concept of emotion entered the English language in the 1830s before people experienced passions or sentiments.

Since its occurrence in the academic discussion, the term *emotion* has been functioning with a wide variety of definitions. Kleinginna and Kleinginna (1981) attempt to resolve the terminological confusion concerning emotions, and they discuss various emotion-related categories. Kleinginna and Kleinginna (1981) open their discussion with traditional categories of affect and cognition (cf. James, 1884; Morris, 1979), then they concentrate on physical categories corresponding to external emotional stimuli, physiological mechanisms, and emotional/ expressive behaviour (James, 1884, 1890; 1894), as well as the categories of disruptive or adaptive effects (Carr, 1929; Peters, 1970), categories of the multi-aspect nature of emotional phenomena (Lazarus, 1975) and those that overlap emotion and motivation (Plutchik, 1962, 1980, 1991). After the discussion of various categories of emotions, Kleinginna and Kleinginna (1981, p.355) propose the following definition:

Emotion is a complex set of interactions among subjective and objective factors, mediated by neural-hormonal systems, which can (a) give rise to affective experiences such as feelings of arousal, pleasure/displeasure; (b) generate cognitive processes such as emotionally relevant perceptual effects, appraisals, labeling processes; (c) activate widespread physiological adjustments

to the arousing conditions; and (d) lead to behavior that is often, but not always, expressive, goal-directed, and adaptive.

Kleinginna and Kleinginna's (1981) definition of the term *emotion* emphasises its complex interactional nature of subjective and objective factors, which are mediated by neural and hormonal systems. Moreover, the functions of emotions are indicated as firstly, they give rise to affective experience (cf. Oberda 2018a, 2020b, 2020e). Secondly, they generate cognitive processes, and thirdly, they lead to expressive goal-directed and adaptative behaviours.

To understand the nature of emotions, we follow *the APA psychology dictionary*, which defines the term *emotion* as

n. a complex reaction pattern, including experimental, behavioral, and physiological elements, with which the individual tries to deal with the personally significant matter or event. The specific quality of emotions (e.g., fear, shame) depends on the special significance of the event. For example, if the meaning is associated with a threat, fear will probably arise; if the meaning involves disapproval from another person, it is likely to be a shame. Emotion usually involves feeling, but it differs from feeling overt or covert involvement in the world [8].

However, to understand the emotions involved in the process of mediation we concentrate also on the functions of emotions in the mediation process. Moreover, we reconstruct attitudes from psychological perspective to discover the relationship between emotions and attitudes in mediation process.

The psychological tendency is expressed in evaluative judgments about the object, person, or concept as inherent in attitudes. The term *attitude* is defined in *the APA psychology dictionary* as follows

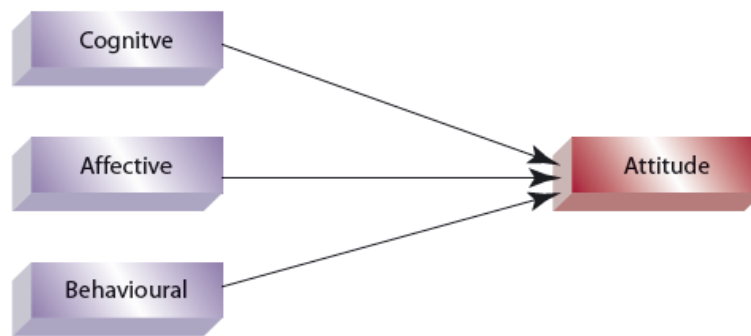
a relatively enduring and general evaluation of an object, person, group, issue, or concept on a dimension ranging from negative to positive. Attitudes provide summary evaluations of target objects and are often assumed to be derived from specific beliefs, emotions, and past behaviours associated with those objects. [6]

The *APA dictionary* definition of the term *attitude* corresponds to the definition provided by Eagly and Chaiken (1993, p. 1) who state that attitudes stand for "a psychological tendency that is expressed by evaluating a particular entity with some degree of favor or disfavor" and Katz (1960, p. 168) defines attitude as "the predisposition of the individual to evaluate some symbol or object or aspect of his world in a favorable or unfavorable manner". All the above definitions emphasize the fact that attitudes are expressed by evaluation ranging from negative to positive or from unfavourable to favourable. The nature of attitudes is composed of three components,

frequently referred to as ABC's of attitudes, i.e. affective, behavioural, and cognitive (Katz, 1960; Eagly and Chaiken, 1993; Haddock and Maio, 2008). The multi-component model of attitudes from Eagly and Chaiken's (1993) perspective is presented below in Figure 7.

Figure 7

The multi-component model of attitude (source: Haddock and Maio, 2008, p. 115)



The affective component of attitudes refers to emotions and feelings associated with an object towards which the attitude is formed. As Haddock and Maio (2008, p. 115) state, "[a]ffective responses influence attitudes in a number of ways. A primary way in which feelings affect attitudes is due to affective reactions that are aroused in the individual after exposure to the attitude object ". The affective component of attitudes that deals with feelings and emotions is brought to the surface through verbal or non-verbal communication, as are the remaining two components. The behavioural component of attitudes consists of past behavioural tendencies associated with an attitude object (Haddock and Maio, 2008, p. 115). The behavioural component of attitudes not only refers to the inferred conclusions from the "past behaviours associated with an attitude object" (Haddock and Maio, 2008, p. 115) but also reflects the intention of the person either in the short-run or long run. The behavioural component of attitudes is expressed verbally with the use of lexical and syntactic layers of spoken or written language. Bem's (1972) self-perception theory indicates that "individuals often do not know their own attitudes and, like outside observers, have to engage in attributional reasoning to infer their attitudes from their own behaviour" (Haddock and Maio, 2008, p. 116). The cognitive component of an attitude refers to " thoughts, beliefs, and attributes associated with an attitude object"(Haddock and Maio, 2008, p. 116). As it refers to thoughts, beliefs, and attributes, the cognitive component of attitude is the belief segment or opinion of an attitude and it is directly related to the general knowledge of the person (Katz, 1960; Eagly and Chaiken, 1993; Haddock and Maio, 2008). Similarly to the other components of attitude, the cognitive

component of attitude is expressed both verbally and non-verbally in the process of communication. Thus, the cognitive component of the attitude is information or knowledge bias, whereas the affective component of the attitude is an emotion or feeling bias, and the behavioural component of the attitude reflects human actions and behaviours towards an attitude object. The structure of attitudes shows their complexity, and, it reveals the direct relation between attitudes and verbal or nonverbal behaviours. Since attitudes are important elements to achieve the objective of success, they are included in this dissertation to show how they influence the process of professional mediation (cf. Oberda, 2020e, 2021).

Katz (1960, p. 168) discusses the emotional and cognitive layers of attitudes to show how they are linked with the value systems, namely,

Attitudes include both the affective, or feeling core of liking or disliking, and the cognitive, or belief, elements which describe the object of the attitude, its characteristics, and its relations to other objects. All attitudes thus include beliefs, but not all beliefs are attitudes. When specific attitudes are organized into a hierarchical structure, they comprise *value systems*.

Katz (1960) discusses the nature of attitudes referring to their dimensions. Katz (1960, p. 168) states that "[t]he *intensity* of an attitude refers to the strength of the *affective* component. " He also differentiates two additional components, namely "the *specificity* or *generality* of the attitude and the *degree of differentiation* of the beliefs" (Katz, 1960, p. 168). Following Krech and Crutchfield's (1948) theory, Katz (1960, p. 168) claims that "[d]ifferentiation refers to the number of beliefs or cognitive items contained in the attitude, and the general assumption is that the simpler the attitude in cognitive structure the easier it is to change." Katz (1960) exemplifies this statement with the attitude change if the cognitive structures are related to no defence in depth. Katz (1960) also indicates the relation of attitudes towards actions or overt behaviours. As Katz (1960, p 169) explains it with the following exemplification

while many people have attitudes of approval toward one or the other of the two political parties, these attitudes will differ in their structure with respect to relevant action. One man may be prepared to vote on election day and will know where and when he should vote, and will go to the polls no matter what the weather or how great the inconvenience. Another man will only vote if a party worker calls for him in a car.

The attitudes perform four major functions, which Katz (1960, p. 170) groups as follows

1. *The instrumental, adjustive, or utilitarian function* upon which Jeremy Bentham and the utilitarians constructed their model of man. A modern expression of this approach can be found in behavioristic learning theory.
2. *The ego-defensive function*, in which the person protects himself from acknowledging the basic truths about himself or the harsh realities in his external world. Freudian psychology and neo-Freudian thinking have been preoccupied with this type of motivation and its outcomes.
3. *The value-expressive function* in which the individual derives satisfaction from expressing attitudes appropriate to his values and to his concept of himself. This function is central to doctrines of ego psychology, which stress the importance of self-expression, self-development, and self-realisation.
4. *The knowledge function* based upon the individual's need to give adequate structure to his universe. The search for meaning, the need to understand, the trend toward better organization of perceptions and beliefs to provide clarity and consistency for the individual, are other descriptions of this function. The development of principles about perceptual and cognitive structure have been the contribution of Gestalt psychology.

The attitudes related to the instrumental function "are either the means for reaching the desired goal or avoiding the undesirable one or are affective associations based upon experiences in attaining motive satisfactions" (Katz, 1960, p. 171). The ego-defensive function of the attitude refers to defending self-image. Although people, in general, employ defence mechanisms in interactive communication, there is, however, a difference in its intensification. Some people may have more defensive attitudes than others. "Value-expressive attitudes not only give clarity to the self-image but also mold that self-image closer to the heart's desire" (Katz, 1960, p. 174). The knowledge function of the attitude gives meaning to the universe in which people dwell. It explains their interests and specific needs to understand the complexities in which they emerge. All those functions may result in attitude change.

In the adjustment approach to the study of attitudes, Katz (1960) draws attention to motivational factors underlying the processes to change attitudes. Katz's (1960, p. 167) basic assumption is "that both attitude formation and attitude change must be understood in terms of the needs they serve and that, as these motivational processes differ, so too will the conditions and techniques for attitude change". In Katz's (1960) theory, the change of attitude is related to the four above-mentioned functions. The adjustment function is subject to change when four conditions are satisfied, namely, the need for deprivation, creation of new needs and levels of

aspiration, shifting rewards and punishment, and emphasis on new and better paths for need satisfaction. At the level of ego-defensive function, the change is possible if three conditions are satisfied: firstly, the removal of threat; secondly, the release of feelings, i.e., catharsis; and thirdly, the development of self-insight. In value-expressive attitudes, three conditions are relevant for the attitude change. The first condition refers to dissatisfaction with the self-concept, whereas the second condition refers to the appropriateness of a new attitude for the self as well as the control of all environmental supports to undermine old values. The knowledge-related attitudes are subject to change firstly in case of "ambiguity created by new information or change in environment" (Katz, 1960, p. 192) or "more meaningful information about problems"(Katz, 1960, p. 192).

1.2 Mediation as a process

In modern times, the nature of mediation as a practical process takes a series of actions to achieve a result, and a series of changes happen and contribute to the final result, which, in our case, is conflict resolution. Mediation is a practical process contributing to cohesiveness, creativity, and individual and social growth. As a professional activity discussed in subchapter 1.1, mediation contributes to conflict resolution through a cohesive, creative, and rational process. The architecture of mediation as a process is constructed from Mediation Corpus Source, Mediation Academic Corpus Source, and Legal Mediation Corpus Source.

1.2.1 Linguistic perspective on the mediator

The linguistic evidence based on the etymology of the term *mediation* is presented above in subchapter 1.1.1. shows the origins of the mediation process in ancient times [1, 13]. The idea of third-party participation in conflict management is in Greek mythology and embodied in the Greek goddess of justice called Themis. As the goddess of wisdom, also called Euboulos, Themis protects the just and punishes the guilty (Guirand, 1987). As a good counsellor, also called Soteira- the protectress, she presides over public assemblies and advises the judges to give their verdicts (Guirand, 1987).

The third-party participation in conflict management is noticeable in the myth of Persephone and Hades, which reveals the ancient faith in conflict resolution and mediation practice. This mythological family conflict of interests involves such parties-in-conflict as Rhea, Zeus, Hades, Persephone, Demeter, and the mediator, the Greek Goddess of Justice,

Themis [17]. During the mediation process, both Rhea and Zeus are present, although they are not explicitly involved in the conflict [17]. Themis, the mediator, serves as an impartial mediator with the prior consent of all involved parties. The rationale for this choice is that Themis is the Goddess of Justice, and she should serve impartially in the best position [17].

The location of the mediation is her hometown, namely the ancient city of Delphi, which is considered to be the centre of the Earth. Conducting mediation in the centre of the world is symbolic of offering the conflicted parties a middle ground for conflict resolution [17]. We may state that the choice of localisation subconsciously makes the conflicted parties more open to the final agreement. Moreover, as Delphi is also the centre of moral discipline and spiritual clarity expressed in the worship of the God Apollo, the place offers moral discipline at another level of symbolic interpretation. Themis, the Goddess of Justice, mediates and controls the conflict situation to such an extent that when the tensions are high between the primary parties (Demeter Hades) and the peripheral ones (Zeus and Rhea) Themis decides to separate them [17]. The mediation is conducted between the primary parties in the form of an open dialogue, which finally results in the agreement. Ancient Greek mythology, as well as Greek philosophy, serve as the foundation for the modern mediation movement.

As indicated above, the origins of the mediation concept are recorded in Greek mythology, which includes stories of conflict between the Gods and their impact on Earthly human life. The functions of the mediator are performed by Themis, the Greek Goddess of Justice. Donleavy and Shearer (2008, p. 1) present Themis as a 'divine and natural' energy of 'right order' that applied equally to the gods and humans. Notably, she is a Titan and is thus archetypally a 'hidden goddess of an older race'. Her name, Themis, means "an ancient, divine law, a right order established by nature itself for the living together of gods and humans" (Donleavy and Shearer, 2008, p. 1). With all her divine and human abilities, Themis becomes a mediator between the opposing forces, namely the spiritual and the physical, the individual and the social, and the earthly and the divine.

As indicated above in subchapter 1.1, mediation as a third-party intervention in the context of conflict existed in ancient culture. Plato's and Aristotle's philosophies aim at improving human relationships with others and themselves, therefore they emphasise the role of knowledge stored in human conscience and accumulated from previous generations (Wilson, 1991, Belfiore, 2000). The responsibility for improving communication through the control of passion and eliminating conflicts in 'master-slave' relations is discussed by Plato (1993). The role and function of the *mediator* were performed by the person known as *proxenetas* in Ancient Greece and as a *conciliator*, *intercessor*, *internunciatus*, *interlocutor*, *interpolator*, *interpres*,

philantropus, *medium*, and finally *mediator* the function of the *mediator* in Roman civilization. The legal function of the mediator is recognised in *Justinian's Digest* of 530-533 CE, which is confirmed in the Legal Mediation Corpus Source.

The linguistic architecture of the term *mediator* is constructed from Mediation Corpus Source, and it shows that the etymology of the term *mediator* dates back to the fourteenth century. The term *mediator* comes from "mid-14c., *mediatour*, "one who intervenes between two parties (especially to seek to effect a reconciliation)," from Late Latin *mediator* "one who mediates," agent noun from the stem of *mediare* "to intervene, mediate," also "to be or divide in the middle," from Latin *medius* "middle" (from PIE root **medhyo-* "middle"). Originally applied to Christ, who in Christian theology mediates between God and man (see subchapter 1.1.1). Meaning "one who intervenes between two disputing parties for the purpose of effecting reconciliation" is first attested late 14c. Feminine form *mediatrix* (originally of the Virgin Mary) from c. 1400" [16]. The etymological trace of the term *mediator* includes the reference to the Christian religion in which Jesus Christ performs the function of the mediator between God and man and the Virgin Mary as the mediator between man and Her Son.

The institution of mediation has been developing around the world since the times of antiquity to acquire legislative sanction in the twentieth century. In the 1960s, the modern mediation movement began in the United States although its origins are to be found in the US President's mediation with striking workers, thus e.g. in 1838 when President Martin Van Buren facilitated a settlement of a strike by shipyard workers, the first government mediated labour settlement in America or 1902 when President Theodore Roosevelt mediates settlement of the anthracite coal strike [18]. The mediation movement initiated in the 1960s reached other continents and has been developing in such countries as the United Kingdom, Sweden, Australia, Canada, Germany, and France. At the end of the twentieth century, mediation as ADR development was recognised at an international level. As a result, its progress occurs nowadays in all types of law practice, including, e.g., administration law, business (corporate) law, civil law, criminal law, family law, immigration law, intellectual property law, international law, labour law, military law, or real estate law. To indicate the international character of the institution of mediation we refer to the *Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power Adopted by General Assembly resolution 40/34 of 29 November 1985* which state in article 7 that "informal mechanisms for solving conflict, including mediation, conciliation, and customary or practice justice local, should be used, where appropriate, to facilitate reconciliation and to obtain compensation for victims. "

1.2.2 Typology of mediation practices

Mediation practice for professionals reconstructed from the Mediation Academic Corpus Source is defined from two perspectives, namely social practice as well as legal practice. The social practice of mediation is described by mediation models proposed by Silbey (1993), Bush, Folger (1994), Noce, Bush, Folger (2002), Coben (2004) Menkel-Meadow, Love, Schneider (2006). The legal practice of mediation is discussed by Esplugues (2014a, 2014b, 2015), Ervasti (2014, 2018), Mediation Directive, 2008, and Korobkin (2005).

From a social perspective, the mediation movement has been increasingly popular in the USA. Bush and Folger (1994) noticed that nobody is capable of anticipating how the mediation movement evolves and what it represents in order to gain popularity as an alternative process for resolving disputes over the past three decades. With the growth and institutionalization of mediation, the mediation movement has become diverse and pluralistic. Bush and Folger (1994) discuss their research findings in mediators' practice as well as their experience as mediators with a focus on the clearly articulated theoretical models of conflict and communication, in which conflict resolution in the form of final agreement is paramount.

Bush and Folder (1994) present an alternative theoretical framework for understanding conflict and mediation based on the problem-solving model, the harmony model, and the transformative model. The problem-solving model is grounded in the psychological and social perspective on interpersonal conflict. Any conflict is represented by the problem of the opposing incompatible needs and interests of the conflicted parties to be solved. The mediator's goal in this model is to identify the needs and interests of the conflicted parties as well as the options for solving the problem. This problem-solving framework is based on individual ideology, according to which the artists are motivated by self-interests and satisfaction. The harmony model has its roots in peace-making, and power-controlling is based on the harmony ideology in which social groups should function. The transformative model is based on the relational ideology that follows the social and communicative views on human conflicts. In this view, conflict indicates a crisis in interpersonal interaction. What is more, this crisis follows the conflict spiral that leads to self-destruction and annihilation of the conflicted individuals. The transformative model is based on the premise that although conflicts are negative and destructive, they also give the parties-in-conflict the potential to use their capacity to change the quality of their interactions to reflect personal strength and openness to others. Those empowerment and recognition shifts are the basis requirements for the mediator to achieve the final mediation objective.

Coben (2004) continues the discussion of empowerment and recognition. He agrees that the transformative framework gives the capacity to regain “confidence in self (the *empowerment* shift) and openness or responsiveness to the other (the recognition shift” (Coben, 2004, p. 78). This transformative model, however, assumes that “this *transformation of the interaction* itself is what matters most to parties in conflict-even more than the resolution on favourable terms” (Coben, 2004, p. 78). The discussion of justice, norm-generating, and educating, as well as equality, impartiality, and neutrality as shared values, leads to a moral and ethical discussion of the mediator's responsibility and accountability towards the conflicted parties' versions of reality. In conclusions. Coben (2004, p. 85) refers to the position of the mediator, who should explore the conflicted parties' “doubts about the strongly held values”, declare “a process commitment to mutual respect and the value of conversation”, take “a more “justice-friendly approach in the second-generation codification of mediation ethical standards” and finally to present “a variety of values and ideas” as well as to make “the argument for them”.

Noce et al. (2002, p. 39) define mediation as "a social process in which a third party helps people in conflict understand their situation and decide for themselves what, if anything, to do about it" and state that mediation "has a long history and roots in many cultures". Within the mediation social practice, "practicing mediators have tended to construct and express their own "lay" theoretical frameworks by relying upon (1) "mythology," (2) "imported" theories, and (3) skills and techniques that were presumed to be theory-free" (Noce, et al., 2002, p. 42). The mythology of mediation (Kolb, Kressel, 1994; Silbey, 1993) follows the mythic world of mediation in which the mediator is impartial and neutral in the process of mediation and imposes no views on the disputing parties. This mythology of mediation is functional as it "fills the void created by the absence of articulated theory by providing at least some sort of "intellectual and emotional scaffolding" for mediators" (Noce, et al., 2002, p. 44). The imported theories cover all the theories imported from

other domains: primarily negotiation theory,²³ but also various therapeutic theories²⁴ and even various theories from the physical sciences. Imported theories are useful because they, too, provide a certain amount of much-needed grounding for the practitioner. However, because none of these theories were developed expressly to explain third-party interventions in conflict, the theories became somewhat distorted when imported and adapted to the goals of third-party intervention.²⁶ (Noce, et al., 2002, pp. 44-45).

The third type of mediation theory refers to "theory-free" skills and techniques and is goal-oriented. To achieve the goal, the mediator applies specific skills and techniques within the individual style variations. After discussing the above-mentioned types of mediation theory, Noce et al. (2002) present the conflict theory about Bush and Folger's (1994) mediation models, i.e., the problem-solving model, the harmony model, and the transformative model. Noce et al. (2002) emphasize the impact of promoting theoretical clarity in the mediation field firstly to highlight differences in values, goals, and practices, secondly to pursue the elaboration of value-based theoretical distinction as the thoughtful and constructive comparison is essential for the continued growth in the mediation field. The conclusion that Noce, et al. (2002, p. 65) draw refers to the understanding of mediation "as a value-based practice rooted in different theoretical frameworks for understanding conflict". Noce et al. (2002) conclude that the open value-based dialogue will shape the mediation's future and its continued viability.

Menkel-Meadow et al. (2006) provide a distinctively new approach to mediation practice, policy, and ethics. The comprehensive current coverage focuses on the mediator's skills in the mediation process. The new approach to the institution of mediation concentrates on the mediation law and policy, case examples, and practice guidelines for lawyer mediators, lawyer representatives in mediation, and non-lawyer mediators, Menkel-Meadow et al., (2006) explore mediation in the transactional and international arenas, and examine the ethical guidelines and dilemmas to show the mediation is both the promise and potential for conflict management. The problem-solving theoretical framework includes both analytical and behavioural approaches expressed in various gender, race, and cultural contexts. The carefully selected case studies are supported by theoretical research based on critical articles and empirical studies. In addition to the theoretical elaboration on mediation, Menkel-Meadow et al. (2006) offer the extensive Teacher's Manual that contains a suggested syllabus, teaching notes, and lists of supplemental materials, such as videos and transcripts.

The legal practice of mediation refers to different normative concepts stipulated in civil, criminal, and commercial mediation worldwide. It examines mediation within the context of alternative dispute resolution (ADR) and the functions of mediation within the legal systems. Since legislation systems differ in all countries, the law underlying mediation is stipulated differently in its temporal and spatial contextual reality. In the Nordic countries, for example, Nylund et al. (2018) and Ervasti (2014, 2018) discuss the systemic legal aspects of mediation. In particular, they concentrate on understanding the organisation of mediation in different contexts with its reflection on the use and practices of mediation. Both Nylund et al. (2018 and Ervasti (2014, 2018) examine the role of the mediator and mediation process in terms of its

outcomes. The focus of the mediation research is on its legal position within other alternative dispute resolution mechanisms. Ervasti (2014) discusses how rules on court-connected mediation are implemented and practiced in the Nordic countries. He offers insight into the court-connected mediation and its practical application by the Nordic lawyers.

Esplugues (2014a, 2014b, 2015) concentrates on civil and commercial mediation in Europe from smaller to broader perspectives. The discussion of civil and commercial mediation starts with cross-border mediation (Esplugues, 2014a) and then it reaches the times after the Transposition of Directive 2008/52/EC (Esplugues, 2014b) to finish in global comparative perspective (Esplugues, 2015). In contrast to civil or commercial litigations or other alternative dispute resolution mechanisms, the institution of mediation is no longer an "alternative" to litigation as it is an integrated part of national schemes of justice (Esplugues, 2015). In this broad sense, mediation occupies a very important position in many legal systems in the European Union and other countries all over the world. As a result, mediation is 'growingly accepted in many places of the world, and it is more and more present on the legal agenda of many States. But at the same time too many important differences exist worldwide not only about the legal framework developed, its scope and solutions provided, but also regarding the commitment to the institution by national governments and its real use by citizens'(Esplugues, 2015, p. 81).

1.2.3. Current international law on professional mediation reconstructed from Legal Mediation Corpus Source

As indicated above, the institution of mediation finds its origin in the USA and is legally stipulated in the *Uniform Mediation Act* (2003) to extend to other countries all over the world. In Australia, the *Mediation Act* No. 29 (2005) was passed to be valid in all fields of law. In the European Union, the institution of mediation is legally sanctioned in Directive 2008/52 / EC of the European Parliament and of the Council of 21 May 2008 on certain aspects of mediation in civil and commercial matters (Journal of Laws of the EU L of 24 May 2008) for all EU member states to respect and honour. What is more, all the EU member states include the institution of mediation in the country's legislative system. In 2010, Canada, China, and Russia passed the mediation acts to include mediation as ADR, namely Canada in *Commercial Mediation Act* (2010), China in *Law on People's Mediation* on 28, August 2010, and Russia in *Federal Law No.193-FZ of 27 July 2010 on the Alternative Dispute Resolution with the Participation of an*

Intermediary (Mediation Procedure). In 2017, Singapore passed the *Mediation Act* (2017) to allow professional pre-court mediation practices.

Family mediation is an alternative dispute resolution (ADR) measure in which the mediator assists the parties involved in a dispute in reaching an agreement. Instead of going to court, the Ministry of Justice of the member states of the European Union is responsible for the implementation of the policy of family mediation as stated in the *EU Directive on certain aspects of mediation in civil and commercial matters* from 21 May 2008. In Article 3 (a) of the EU Mediation Directive, the term *mediation* is defined as "...a structured process, however, named or referred to, whereby two or more parties to a dispute attempt by themselves, voluntarily, to reach an agreement on the settlement of their dispute with the assistance of a mediator" [19].

In light of the *EU Mediation Directive* from 21 May 2008, mediation is quicker and less costly than litigation [19]. In the Preamble to the *EU Mediation Directive* Paragraph 6 to the above-mentioned Directive, mediation "can provide a cost-effective and quick extrajudicial resolution of disputes in civil and commercial matters through processes tailored to the needs of the parties. Agreements resulting from mediation are more likely to be complied with voluntarily and are more likely to preserve an amicable and sustainable relationship between the parties. These benefits become even more pronounced in situations displaying cross-border elements"[19].

As a result of the *EU Directive on certain aspects of mediation in civil and commercial matters* from 21 May 2008, several Member States have now passed mediation laws to regulate internal and cross-border family mediation [19]. In Poland, for instance, the Act of 10 September 2015 was passed amending certain Acts about the promotion of amicable dispute resolution methods (Journal of Laws of 13 October 2015) [20]. In Ireland, the Mediation Act (the "Act"), was signed into law on 2 October 2017, to consider mediation as a means of resolving a dispute [21]. In this Act, there are separate specific provisions for the involvement of children in mediation in family law disputes [21]. In Germany, the Mediation Act came into force on 28 June 2012 to promote mediation and other alternative dispute resolution (ADR) procedures [20]. The above-mentioned acts on mediation [17, 18, 19, 20] define the basic duties of the mediator, some limitations in the mediator's function, and the mediation procedure to be performed outside the court.

As family mediation frequently occurs in the course of separation and divorce it involves the regulation of such issues as parental responsibility related to future parenting

arrangements, the resolution of financial spousal and child support, and the compensation and distribution of assets and debts. Family mediation is also very effective in working out divorce arrangements and settling international or cross-border conflicts and disputes related to the exercise of access rights and child abduction.

The principle of confidentiality makes it difficult to study conflict in mediation. The principle of confidentiality is regulated in the legislation of the countries in which mediation is one of the Alternative Dispute Resolution (ADR) methods. This principle of confidentiality is of prime importance in all types of mediation including commercial, business, family, and criminal mediations as the parties in conflict do not want their trade, family, or offence secrets to be disclosed to the public or even to the court worldwide.

In the member states of the European Union, the principle of confidentiality is regulated in the legislation of each state to follow Article 7 of the *European Union Directive 2008/52/EC*.

Given that mediation is intended to take place in a manner that respects confidentiality, the Member States shall ensure that, unless the parties agree otherwise, neither mediators nor those involved in the administration of the mediation process shall be compelled to give evidence in civil and commercial judicial proceedings or arbitration regarding information arising out of or in connection with a mediation process, except:

- (a) where this is necessary for overriding considerations of public policy of the Member State concerned, in particular when required to ensure the protection of the best interests of children or to prevent harm to the physical or psychological integrity of a person; or
- (b) where disclosure of the content of the agreement resulting from mediation is necessary to implement or enforce that agreement.

In the USA, the *Uniform Mediation Act* (2003) approved and recommended for enactment in all the States focuses on confidentiality in section 8 as follows “ Unless subject to the [insert statutory references to open meetings act and open records act], mediation communications are confidential to the extent agreed by the parties or provided by other law or rule of this State”.

In Canada, the institution of mediation is stipulated in the *Commercial Mediation Act* (2010) with an emphasis put on the principle of confidentiality Sched. 3, s. 8 (1, 2). Section 8 (1) stipulates any disclosure of information between parties, namely “[a] mediator may disclose to a party any information relating to the mediation that the mediator receives from another

party unless that other party expressly asks the mediator not to disclose the information’., whereas Section 8 (1) specifies the duty to keep confidential i.e. (2)

[i]nformation relating to the mediation must be kept confidential by the parties, the mediator, and any other persons involved in the conduct of the mediation unless,

- (a) all the parties agree to the disclosure, and if the information relates to the mediator, the mediator agrees to the disclosure;
- (b) the disclosure is required by law;
- (c) the disclosure is required for the purposes of carrying out or enforcing a settlement agreement;
- (d) the disclosure is required for a mediator to respond to a claim of misconduct; or
- (e) the disclosure is required to protect the health or safety of any person.

In Russia, the mediation procedure is stipulated in *Federal Law No.193-FZ of 27 July 2010 on the Alternative Dispute Resolution with the Participation of an Intermediary (Mediation Procedure)*. The principle of confidentiality is defined in Article 5 as follows:

Article 5. Confidentiality of Information Relating to Mediation Procedure

1. During the conduct of a mediation all information relating to this procedure shall be kept confidential, save as otherwise provided by the federal laws and otherwise agreed by the parties.

2. Without the consent of the parties, the mediator shall not disclose the information relating to the mediation procedure, which came to his knowledge in the course of the conduct of this procedure'.

Under this law, Article 6 specifies the conditions for disclosure of mediation-related information by the mediator, namely, "If a mediator has received mediation-related information from one of the parties, he may disclose this information to the other party only with the consent of the party which provided the information’.

In Singapore, the *Mediation Act* (2017) is in force with confidentiality of the mediation process to enjoy statutory protection. In the *Mediation Act* (2017) the principle of confidentiality is stipulated in section 9 in which restrictions on disclosure are specified. The term *disclosure* is defined in this section, subsection (4) as ‘‘permitting access to the information’’ to law enforcement agency or regulatory authority. The term *law enforcement agency* ‘‘means any authority or person charged with the duty of investigating offences or charging offenders under any written law’’ whereas the term *regulatory authority* ‘‘means

anybody or organisation in Singapore charged with the public function of regulating entities or individuals, whether under any written law or otherwise’’. Under this section, all communications (including oral statements) and all records and notes relating to the mediation shall be confidential and shall not be disclosed in any proceedings before a court or otherwise. Section 9 (1) states that “[s]ubject to subsections (2) and (3), a person must not disclose any mediation communication relating to a mediation to any third party to the mediation’’. Section 9 (2) of this *Mediation Act* (2017) determines the context in which this principle shall be subject to disclosure. All parties of mediation should express their consent for the mediation to be disclosed. Additionally, the disclosure

is necessary to prevent or minimise -

- (i) the danger of injury to any person; or
- (ii) the abuse, neglect, abandonment, or exploitation of any child or young person (within the meaning of the Children and Young Persons Act (Cap. 38)).

Section 9 (3) of this *Mediation Act* (2017) determines the context in which the disclosure of mediation communication is possible for enforcing or disputing the settlement agreement, allegation, or complaints or for the court's legal purposes.

In Australia, the *Mediation Act* No. 29 (2005) the principle of confidentiality is defined in Article 10. The registered mediator shall not disclose any information obtained in a mediation session, otherwise, he/she is exposed to the penalty in the form of the cancellation of registration and 50 penalty units. The disclosure is possible when required by or under a Norfolk Island or Commonwealth law, with the consent of the parties, with the consent of the person who gave the information, or if there is reasonable ground that a person's life, health, or property is under serious and imminent threat and the disclosure is necessary to avert or mitigate the consequences of its realisation. Another important reason for disclosure is the necessity to report to the appropriate authority the commission of an offence or prevent the likely commission of an offence.

In all countries worldwide, the principle of confidentiality is the central concept of mediation, which occurs on two levels. On the first level, the principle of confidentiality means that any type of mediation is conducted in private and privacy is of prime importance. The contents of the mediation will only be publicised if the parties agree or the committed crime. On the second level, the principle of confidentiality allows parties to communicate with the mediator without any risk that the mediator may pass information from one party to the other. The mediator may pass the information obtained from one party to the other only when the

consent of the party providing the information is given. This includes any agreement concluded after a successful mediation. Furthermore, it should be stated that all mediations are conducted on a "without prejudice" basis, which means that any information obtained during the mediation proceedings shall not be used against the party in the subsequent court proceedings. Therefore, no complete transcript of the mediation process exists as it is not permitted by law.

The international legal field of mediation is not static. In this field, values developing in time and space show that "social justice values are different from instrumental efficiency values" (Herrman, 2006, p. 6). What Herrman (2006, p. 6) states is that by the twenty-first century, "the efficiency value far outweighed the social justice value as a driving force behind mediation program development and program legitimization". Since efficiency value is a driving force behind mediation program development (Wing, 1998, Herrman, 2006) and justice instrumental value emerges as a stimulating force in some communities (Schoeny, Warfield, 2000) the recognition and representation of those two value types are not neglected in the professional experience share.

Involved in the Mediation Skills Project (MSP), Herrman (2006, p. 6) explores "the meaning and behavioural manifestation of effective mediation" to discover the underlying differences between skill and skilfulness as well as between effectiveness and skill. In this project, Herrman (2006) combines the theoretical framework with empirical evidence functioning as a rationale for the existence of values, skills, and effectiveness. With the interdisciplinary approach and the emphasis on external and internal factors Herrman (2006, p. 6) organises the discussion of the data coming from professionals sharing their knowledge and experience along the categories of dialogue, contextual frames, internal dynamics based on two types of factors, namely the logical factors leading the mediator to obtain most of the short and long-term gains as well as the psychological factors that include "cognitive and motivational frames inherent in interactive and social processes".

In the Dialogue stage, which constitutes the first part of the Mediation Skills Projects, Herman (2006) presents the analytic and organisational outcome of the resource material with an emphasis put on the dynamics of mediation during problem-solving interactions. The goal of this section is

to intensify alertness, perhaps even suggest lines of inquiry, for practitioners and trainers to use to help practitioners and their clients identify how they arrived at mediation and assumptions that might unlock problem-solving capacities or spin a conflict in the negative direction (Herman, 2006, p.8).

The proposed model of mediation empirically grounded is a flexible open model, which is not prescriptive but descriptive based on the experience of the professionals who draw the mediator's attention to numerous factors that influence the mediation process as well as numerous markers that distinguish the mediation outcome. In this approach, the professionals sharing the experience do not provide all the answers as they are "a part of a living dialog about research and mediation practice" (Herman, 2006, p. 8).

The contextual frames of mediation and negotiation are structured in the cultural and institutional frameworks that facilitate conflict management and problem-solving. The cultural and institutional contexts refer to the judicial environment related to business settings. The judicial environmental setting refers to the mediation and negotiation practices in the United States and Europe in which court and business institutions shape the legal and business rules, norms, and standards related to mediation practice worldwide. The procedural characteristics of mediation are represented in various cultural contexts, e.g., the family conflict settings, the workplace conflict settings, or business and other civil settings. Another important issue is related to criminal settings in which mediation combined with other court programmes may lead to the reduction or prevention of offences, criminal conflict resolutions, and integration of offenders into a social community.

The interactional dynamics of mediation are reconstructed along such constructs as power expressed by control or self-determination, accountability, or emotional distress. The interplay of those constructs leads to an increase in mediation dynamics as the dialogue conducted in highly emotional conflict settings shapes problem-solving interaction, not necessarily with the consent or agreement outcome. As indicated by Herrman (2006), the results of MSP show that emotion-oriented communication in mediation reveals the psychological nature of emotions in conflict and mediation. The dynamics of power are reconstructed in family and guardianship mediations in which two persons, usually mother and father, whether natural or adopted, exercise their powers by trying to convince the other party of his/her standpoints.

With the described interactional dynamics of mediation, the participants of the MSP concentrate on the role of the mediator in this structure of interactional mediation dynamics. Herman (2006) states that the mediator should improve the ability to identify the conflicted parties' identity-based emotions and help the conflicted parties understand their emotional experience of the conflict. Not only emotional identity is taken into account to facilitate the mediator's practice, but also the social identity. The professionals share their experience on the social identity in the mediation interaction process and discuss the way the social identity of the

conflicted parties influences the dynamics of mediation. The mediator's attention is drawn to the role of social identities in the contexts of interpersonal and intergroup interactions, the complex interplay between social and emotional identities, and the comprehension of this interplay.

1.2.4 Discursive Psychology on Mediation reconstructed from Mediation Academic Corpus Source

APA Dictionary of Psychology defines the term *discursive psychology* as “the study of social interactions and interpersonal relationships with a particular focus on understanding how individuals construct events via written, spoken, or symbolic communication” [13]. The definition reveals the function of discursive psychology to study social interactions and interpersonal relationships with a view to understanding how events are constructed in human communication. As indicated in the above definition, discursive psychology is the study of human interaction in the process of communication. Discursive psychology shifts its focus from cognition, the inner operations of the mind, (Edwards, Potter, 2005), and its underlying abilities (Chomsky, 1965; Potter, 2003) to interpersonal and intrapersonal interactions.

The origins of discursive psychology go back to the establishment of the Discourse and Rhetoric Group (DARG) (Tileaga, 2012) during the late 1980s (cf. Oberda, 2020a). Potter and Wetherell (1987) show that human attitudes differ depending on the social context. Instead of viewing discourse as a reflection of human thoughts and intentions, Potter and Wetherell (1987) suggest that discursive psychology should be a framework in which thoughts and beliefs can change in the social contexts if they are a part of contexts. The stance of discursive psychology is based on the Discourse Action Model (Edwards, Potter, 1992). For a change to appear, the Discourse Action Model focuses on analysing recorded speech and its rhetorical characteristics (Edwards, Potter, 1992). The main idea of this model is that the focus of discursive psychology is “on action, not cognition” (Edwards, Potter, 1992, p. 154).

Discursive psychology examines human interactions in natural and experimental settings to investigate how individuals engage in actions through verbal, written, or symbolic communication (Potter, Wetherell, 1987; Edwards, 1997; Potter, Edwards, 2001; Potter, 2003). In cognitive and experimental psychology, conversations are viewed as ways to understand the human mind and mental content. In discursive psychology, conversations are social interactions that mirror inner states of cognition and affection. Conversations are verbal speech acts in social interactions with their interpersonal and intrapersonal dimensions. In the field of

discursive psychology, conversations are mainly seen as actions. This view of conversations as actions, particularly as a course of action, is significant for the mediator to alter attitudes during family mediation (cf. Oberda, 2019).

Within discursive psychology theory, Wiggins (2017, p. 37) defines the term *discursive psychology* as "a theoretical and analytical approach to discourse that treats talk and text as an object of study in itself, and psychological concepts as socially managed and consequential in interaction". This theoretical and analytical approach to discourse is based on three core principles that define discourse. According to Wiggins (2017, p. 53), discourse is "both constructed and constructive"; it is "situated within a social context" and is "action-oriented". The first core principle refers to discourse being both constructed and constructive of the world. It is constructed through such cultural resources as words, intonation gestures, and other cultural expressions. It is constructive of different versions of the world reality in which "we talk about people, events, actions, and organisations" (Wiggins, 2017, p. 58). The second core principle states that discourse is situated in three different contexts, namely

- Within a specific *interactional context*: for example, chatting with friends, talking to a doctor in the hospital, discussing issues in a classroom or online forum.
- Within a rhetorical framework, there are always alternative versions of reality that discourse counters, even if these are usually not made explicit.
- Within the turn-taking sequence of interaction: it is situated in relation to what precedes and what follows the talk or text. (Wiggins, 2017, p. 65).

The final core principle of discursive psychology follows the previous two and consequently, it refers to functions and actions accomplished by the discourse. As stated by Wiggins (2017, p. 71) "the discourse (talk and text) acts on and in the context in different ways".

The Discourse Action Model in discursive psychology starts with verbal communication in the interpersonal interaction during the temporal sequence. As Wiggins (2017, p. 71) states, mental processes enable us to talk, however, "what we say is not a direct route to what we think". Moreover, Wiggins (2017) notices that discourse displays both temporal and contextual variations. People are involved in the social practices in interaction in which their thoughts, feelings, or bodily sensations are conveyed in the discourse considered to be the primary means through which they create their social worlds (Potter, 1996, 1998a, 1998b; Wiggins, 2017). Therefore, discursive psychology is concerned, first and foremost, with social interaction. This primary focus for research is concerned with both the structure and the content of interaction (Potter, 1996, 1998a, 1998b). Discursive psychologists and researchers analyse how, when, and

what is said to determine how people produce their identities, responsibilities, and behaviours in a specific context. Therefore, the classic focus of discursive psychology is to provide a comprehensive answer to the question of how attitudes are formulated in spoken and written texts, as well as their format and rhetorical impact (Potter, 1996; Wiggins, 2015). In contrast to CA or DA, discursive psychology treats psychological concepts dealing, e.g., with attitudes, emotions, or identities as a public and practical concern in mediation rather than a private concern (Potter, 1996, 1998a, 1998b, 2003, 2005). With an action-oriented approach discursive psychology concentrates on a broad range of psychological concepts starting with the description of consciousness (te Molder, Potter, 2005; te Molder, 2015; Wooffitt, 2005), dispositions (Edwards, 1995, 1997, 2000, 2006a), emotions (Nikander, 2000) or attitudes, beliefs, opinions and perceptions (Potter, Puchta, 1999, 2002, 2004).

The Discourse Action Model in discursive psychology analyses spoken and written texts as forms of mediated interaction. In this approach, the human mind is treated as a Skinnerian 'black box' engaged in cognition, which not only is manifested in talk-in-interaction subject to conversation analysis (Drew, 2005; Shaw, Kitzinger, 2007) but also in understanding cognitive phenomena involved in interaction. In this model, the focus of attention is future-oriented and reconstructed on the shared understanding of action potentials. In the mediated interaction, the general direction for change is clarified as different perspectives and orientations are to be made explicit, and different positions are to be mediated. As Elden and Chisholm (1993, p. 135) state, a process of visioning is followed by action, namely, the process of mediation,

which enables participants to envisage a possible future they previously had not considered and then set into action to achieve it. This could be seen as the intentional use of a systematic, proven method in the social construction of reality.

The objective of the mediated interaction is not to obtain a win-lose outcome but to explore possibilities in the form of dialogue. The future orientation in mediated interaction gives the framework for planning, reflecting, and evaluating at all stages of the mediated actions. In the process of mediated interaction the techniques of need analysis, dialectical inquiry, or evaluation.

1.2.5 Philosophical perspective on values and emotions in mediation

In the philosophical and psychological discussion of the system of values in mediation, we follow the *APA Dictionary* definition of the term *value* as indicated below i.e.

2. a moral, social, or aesthetic principle accepted by an individual or society as a guide to what is good, desirable, or important.

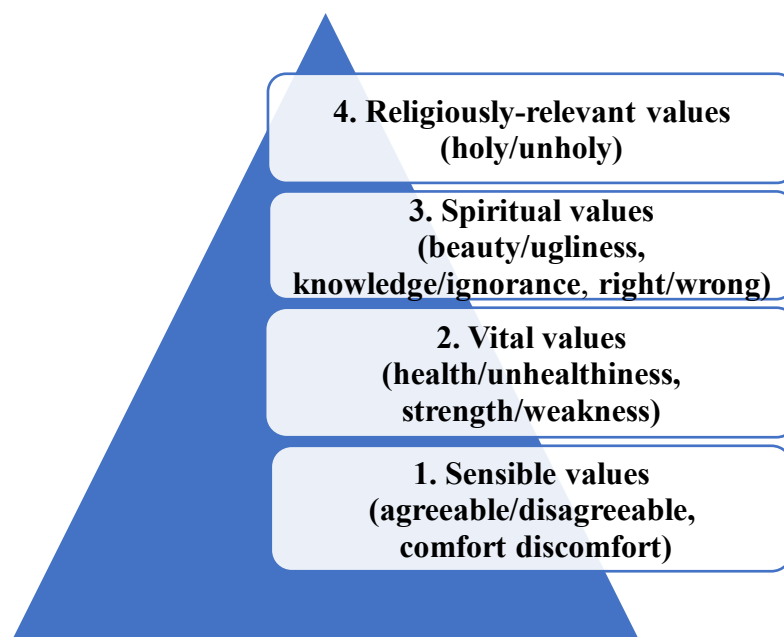
3. the worth, usefulness, or importance attached to something [5].

The system of values in mediation functions both as a moral and social principle that operates at the level of the individual orientation as well as that of the parental society.

In the discussion of the value system related to professional mediation for conflict resolution, we follow the theory of Scheler's (1973) phenomenology related to material value ethics. Following Scheler (1973), we accept his standpoint that axiology is prior to knowledge, however, it is subject to knowledge through essential interconnections with value-feeling. Scheler's (1973, pp. 104-110) system of essential interconnections between values and their corresponding disvalues is presented in Figure 8 below.

Figure 8

Ranks of values with their positive and negative interconnections (source: based on Scheler, 1973, pp. 104-110)



The first rank of values includes sensible values that "represent a sharply delineated value-modality" which incorporates "values of things [Sachwerte], values of feeling-functions, and values of feeling-states" (Scheler, 1973, p. 105). This rank is related to the objects that give pleasure or annoyance, and mental state values, i.e., the feelings of sensations. The second rank of values, i.e., vital values is composed of life-related values that correspond to such mental states as the state of health or illness, power or weakness, and are attributed to man as an active and conscious person to indicate strength or weakness of his/her character. At this rank, the states associated with vital values are courage, fear, anger, etc. The third rank of values is related

to spiritual values, which include moral, cognitive, or aesthetic values. Spiritual values include righteousness and lawlessness, knowledge of the truth, beauty, and ugliness. The highest rank of values refers to religious values, the realisation of which completely absorbs the human subject. They include the sacred and the unholy (sinful). Religious values are a person's values that can be attributed to something treated as absolute. These values are accompanied by states of happiness and despair.

Scheler (1973, p. 26) specifies the order of the higher and lower values (cf. Figure 8 above) that are different from the positive or negative natures of values.

- I. 1. The existence of a positive value is itself a positive value.
2. The non-existence of a positive value is itself a negative value.
3. The existence of a negative value is itself a negative value.
4. The non-existence of a negative value is itself a positive value.
- II. 1. Good is the value that is attached to the realisation of a positive value in the sphere of willingness.
2. Evil is the value that is attached to the realisation of a negative value in the sphere of willingness.
3. Good is the value that is attached to the realisation of a higher (or the highest) value in the sphere of willingness.
4. Evil is the value that is attached to the realisation of a lower (or the lowest) value in the sphere of willingness.

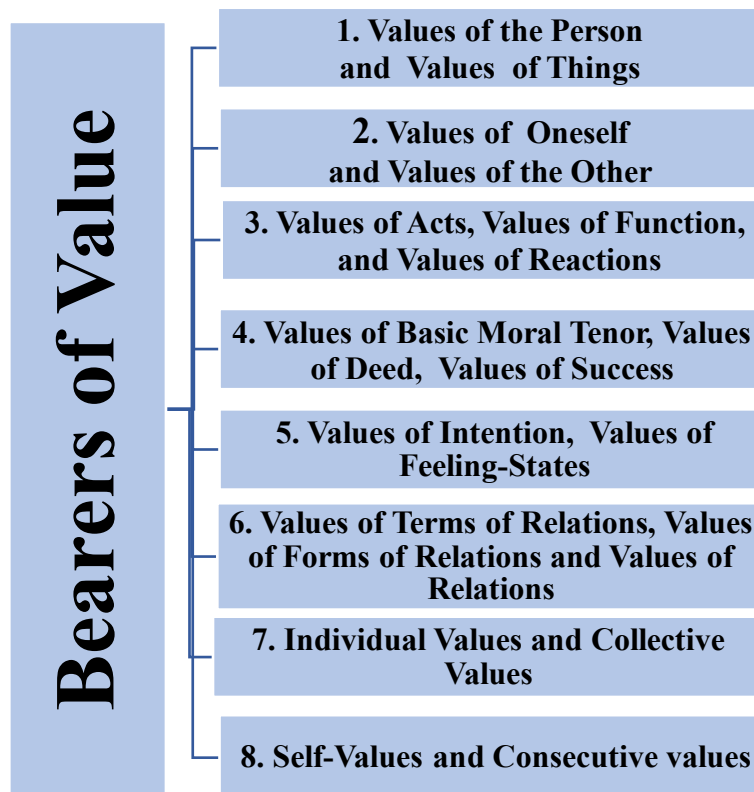
Scheler's (1973, p. 26) discussion of the existence or the non-existence of a positive and negative value in point I is followed by his discussion of the realisation of positive or negative value in the sphere of will in point II above.

In Scheler's (1973) theory of value, a non-formal ethics of values is developed from the perspective of phenomenological experience. Scheler (1973) investigates the structure of consciousness that includes the structures of mental acts, i.e., the acts of feeling, thinking, and willing as well as their inherent objects, i.e., values, concepts, and projects. In Scheler's (1973, p. 51) theory, phenomenological experience is "in principle non-symbolic and, hence, able to fulfil all possible symbols". Scheler (1973, p. 51) states that "[p]henomenological experience is at the same time *"immanent"* experience". Phenomenological experience "contains *no* separation between what is "meant" and what is "given" " and "nothing is *meant* that is not *given*, and nothing is given that is not meant. It is precisely *in* this *coincidence* of the "meant" and the "given" that the *content* of phenomenological experience alone becomes *manifest* [kund werden]" (Scheler 1973, p. 51).

In the theory of values, Scheler (1973) distinguishes eight essential bearers, the typology of which is given in Figure 9 below.

Figure 9

Typology of the Bearers of Values (source: based on Scheler, 1973, pp. 100-103)



In Scheler's (1973, p.100) terms, the values of the person ' ' pertain to the person himself, without any mediation. Values of things pertain to things of value as represented in "goods", which may be material, vital, or spiritual. Material goods include goods of enjoyment or usefulness. Vital goods correspond to all economic goods, whereas spiritual goods are "also called cultural goods" (Scheler, 1973, p. 100) that include science and art. The division of values of oneself and the values of the others "has nothing to do with the former division" (Scheler, 1973, p.100); however, "[f]or values of oneself and values of the other can be values of persons and values of things, as well as "values of acts," "values of functions," and "values of feeling-states"" (Scheler, 1973, pp.100-101). In his deliberation related to the values of oneself and the values of others, Scheler (1973, p. 101) states that "the act of realizing a value of the other is of *higher* value than the act of realizing a value of oneself ". The bearers of values related to acts, functions, and reactions involve acts of cognition and feeling, i.e., love and hate, the functions of feeling, hearing, and seeing, as well as the reactions expressed in responses to other persons,

such as co-feeling or revenge. In Scheler's (1973) hierarchy the values of acts and the values of functions are higher than the values of reactions. The fifth type of value bearers include the values of the basic moral tenor and the values of deeds, both of which are "moral values as opposed to "values of success" " (Scheler, 1973, p.101). Both values of the basic moral tenor and values of deeds and bearers of values between them are intention, resolution, and performance. The sixth type of value bearers relates to values of intention and values of feeling-states. In this case, "[a]ll values of intentional experiences are *higher* than those of mere states of experience, such as sensible or bodily feeling-states.

The heights of the values of experiences correspond here to the heights of the experienced values”(Scheler, 1973, p.101). The next type of values bearers involves the values of terms of relations, the values of forms of relations, and values of relations. The core meaning of those value bearers is explained by Scheler (1973, p.102) as follows

In all relations among human persons, there are, first, the persons themselves as bearers of values; second, the forms of their relations; and third, the relations as given experiences within this form. All these are bearers of values. Thus, there are the persons as “terms” of, say, a friendship or marriage relation; then there is the “form” of such a relation, and, finally, the (experienced) “relation” of persons within such a form.

As far as the last bearers of the values are concerned, i.e., the bearers of individual values and collective values Scheler (1973, p.102) elaborates further

The distinction between individual values and collective values has nothing to do with the above bearers of values or the distinction between "values of oneself" and "values of the other." If one turns to values oneself, such values may be individual values or collective values proper to one as a "member" or "representative" of a "social rank," "profession," or "class"; or they may be values of one's individuality. This holds also for values of the other.⁷⁴ This division does not coincide with the distinction drawn among values of relational terms, values of relational forms, and values of relations. Here we have differences among bearers of values that lie in the whole of an experienced “*community*,” by which we mean only a *whole experienced* by all its “members.”

Scheler's (1973) exemplification of this distinction refers to the Christian sense of love, which may be individually oriented i.e. self-love, or neighbour oriented i.e. love of the other. The bearers of the collective values refer to the values of a society or life-communities to which an

individual marriage or a family belongs. The eighth type of value bearers are self-values and consecutive values. In this type of value bearers, there are

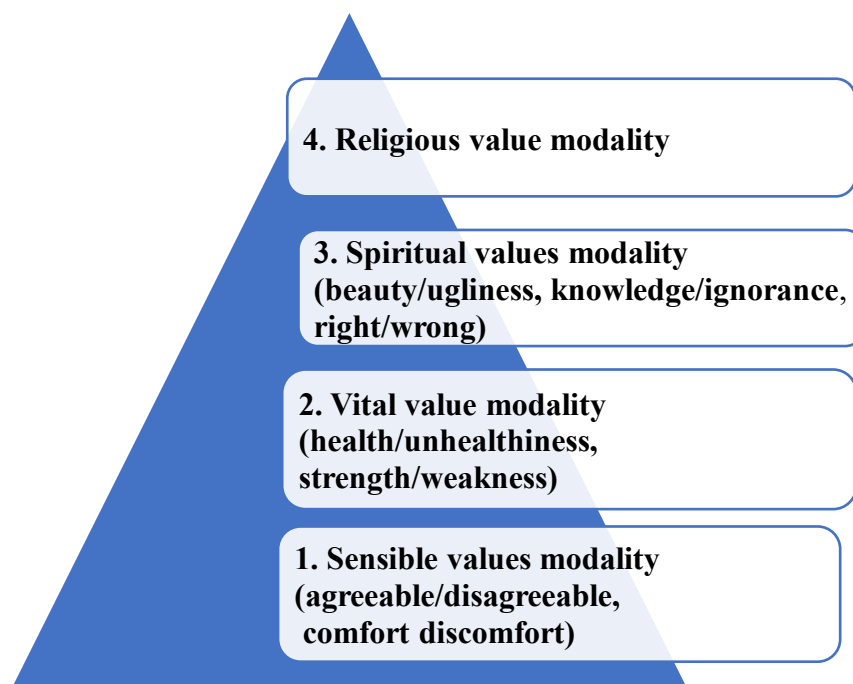
values which retain their value-character independent of all other values. There are also values which by essence possess a '*phenomenal* (intuitively feelable) relatedness to other values which is necessary for their being "values." The former I call *self-values*; the latter, *consecutive values* (Scheler, 1973, p.101).

As indicated above, the bearers of self-values are independent of the other values, whereas the bearers of consecutive values have phenomenal relatedness to other values.

The next issue discussed by Scheler (1973, p. 104) is value modalities, which are defined as "the system of qualities of non-formal values". Value modalities occur in the intuition of values and the intuition of preferences. Scheler (1973, pp. 104-110) elaborates on value modalities with the following order of value modality ranks, see Figure 10 below.

Figure 10

Ranks of value-modalities (source: based on Scheler, 1973, pp. 104-110)



At each rank of value modalities, there are " values of *things* [Sachwerte], values of *feeling-functions*, and values of *feeling-states*" (Scheler, 1973, p. 105). The first rank of modality, i.e., sensible value modality is "a sharply delineated value-modality" as indicated above (Scheler, 1973, p. 105). This modality is relative since certain things or events might be agreeable to some persons and disagreeable to others. The preference of the agreeable to the disagreeable is based on the essential contents of these values and the nature of sensible feelings. The second

type of modality related to vital values differs from the first type of modality, as the values of things are self-values to which consecutive values correspond. The third type of modality, i.e., spiritual value modality, differs from the vital value modality in terms of "an original modal unity" (Scheler, 1973, p. 107). The fourth type of modality refers to the religious values related to the absolute sphere

and reveals itself in the clear evidence that vital values "ought" to be sacrificed for them. The functions and acts in which they are apprehended are functions of *spiritual* feeling and acts of *spiritual* preferring, loving, and hating. They are set off from like-named *vital* functions and acts by pure phenomenological evidence as well as by their *own proper lawfulness* (which *cannot be reduced* to any "*biological*" lawfulness) (Scheler, 1973, p. 107).

The spiritual values and their modality include firstly the purely aesthetic values, secondly, the right and wrong values related to the idea of the objective order of right, the idea of the state and the idea of the life-community, and thirdly, the values of "the *"pure cognition of truth,"* whose realisation is sought in *philosophy*" (Scheler, 1973, p. 108). The fourth religious value modality differs from the above-presented modalities as the values occur only in "the "absolute sphere" (Scheler, 1973, p. 108). In contrast to the above modalities in the religious value modality,

[t]he feeling-states belonging to this modality range from "blissfulness" to "despair"; they are independent of "happiness" and "unhappiness," whether it be in occurrence, duration, or change. In a certain sense, these feeling states indicate the "nearness" or the "remoteness" of the divine in experience (Scheler, 1973, p. 109).

As we indicate in Figure 9, those modalities have the order ranks valid for the values of goods, namely modality of vital values is higher than that of sensible values and spiritual value modality is higher than the vital value modality and the religious value modality is higher than spiritual value modality.

The theory of value modality presented by Scheler (1973) is in line with the stratification of the emotional life. Scheller (1973, p. 383) defines the person as

the concrete and essential unity of being of acts of different essences which in itself [...] precedes all essential act-differences (especially the difference between inner and outer perception, inner and outer willing, inner and outer feeling, loving and hating, etc.). *The being of the person is, therefore, the "foundation" of all essentially different acts.*

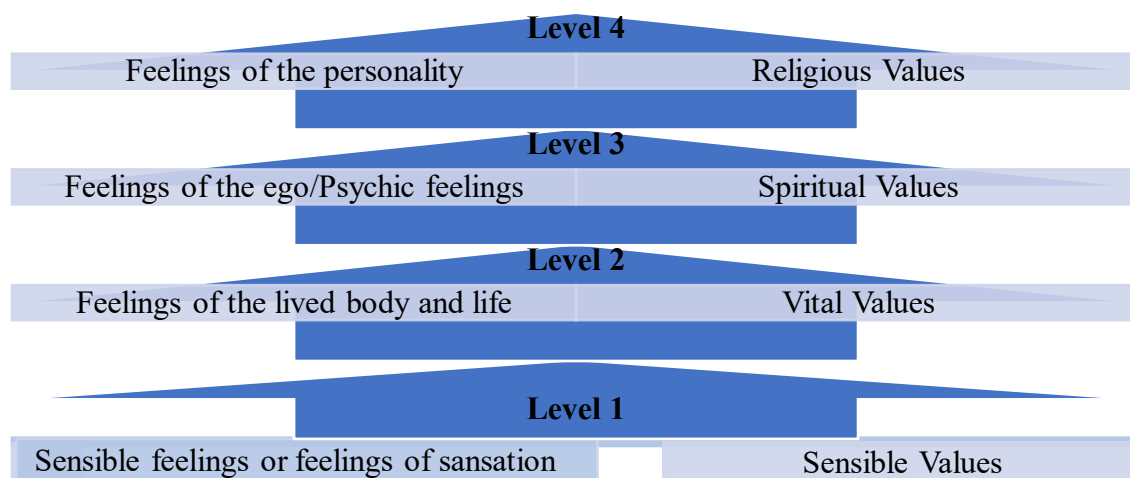
Since the person is the foundation of different acts, he/she acts "vis-à-vis values"(Scheler, 1973, p. 174). The stratification of the emotional life is based on the level of depth related to feeling-function and emotional acts

break into experience from a deeper source in the ego, and the fulfillment of the intentions contained in them gives us — when we are concerned with values— a deeper *contentment*. Feeling-states are attached to a deeper level of the ego and, at the same time, *fulfill* the center of the ego in a more prosperous way. In the wake of this, they cast their light in varying degrees on other contents of consciousness and color them (Scheler, 1973, pp. 331-332).

Scheler (1973) finds “this phenomenal character of the “*depth*” of feeling to be essentially connected with four well-delineated *levels* of feeling that correspond to the structure of our entire human existence”(Scheler, 1973, p. 332). The stratification of the emotional life of the person is presented in Figure 11 with the corresponding ranks of values.

Figure 11

The stratification of the emotional life with relation to values (source: based on Scheler, 1973, pp. 328-344)



All feelings presented in Figure 11 possess relatedness to the ego states and functions; however, "this general relatedness of feelings to the ego is, in each of the above four types of feelings, a fundamentally and essentially different relatedness"(Scheler, 1973, p. 333). Sensible feelings are characterised by extension and localisation in specific parts of the human body. They occur as a state but not in acts or functions. Whereas sensible feelings are extended and localised in the human body, vital feelings are feelings of the human body which have “a functional and intentional character” (Scheler, 1973, p. 340). Psychic feelings display increasing proximity to

the ego expressed in any language. If psychic feelings are motivated through the interconnections of understanding they may lead to changing emotional states of the human body. Spiritual feelings are never states but streams. As Scheler (1973, p.343) states, spiritual feelings ““permeate” all special contents of experience. Their peculiarity can also be seen in the fact that they are *absolute* feelings that are not relative to extrapersonal value-complexes or their motivating powers”. Additionally, Scheler (1973, p.343) explains

[a]nd for this reason they are the metaphysical and religious self-feelings par excellence. They can be given only when we are not given to ourselves as related to a special area of our existence (society, friends, vocation, state, etc.), and when we are not given to ourselves as existentially and valuatively relative to an act that is to be executed by us (an act of cognition or will). They are given when we are given as absolute: “we ourselves as selves.”

Scheler's explanation of the highest self-feelings occurs in the social context of human existence as an act of cognition or will.

1.3 Conclusion

In this chapter, we have constructed the architecture of mediation as a professional activity and a process from Mediation Corpus, Legal Mediation Corpus, and Mediation Academic Corpus sources. The structures and semantics of the architecture of mediation and its underlying factor, i.e., conflict, are studied from linguistic, philosophical, communicational, and psychological perspectives in the legal framework worldwide. Mediation is the national and international institution for conflict resolution in all spheres of human activity in which conflict occurs and is impossible to dissolve by the parties in conflict alone. In this mediation architecture, the third party, i.e., the mediator, performs the crucial role in the conflict resolution process.

With all those perspectives, we have more insight into the nature of mediation and conflict and their underlying factors. The mediation and conflict-related literature review shows that mediation is an international institution worldwide. Although it functions on all continents in different cultures, the mediation principles are identical as stipulated by law in various countries with the confidentiality clause, which makes the practical research more complex and complicated.

With the above discussion of mediation perspectives and theories, we accept the notion of mediation as the knowledge architecture constructed on the structured process semantically

oriented to conflict resolution. The core element in this knowledge architecture of mediation is the mediator who facilitates conflict resolution in intrapersonal and interpersonal mediation. In our dissertation we follow the definitions of mediation and the mediator as stipulated in Article 3 of *Directive 2008/52/EC of the European Parliament and of the Council* of 21 May 2008 and *APA Dictionary of Psychology*.

In subchapter 1.1, we have discussed mediation as a professional activity from linguistic, philosophical, communication, and psychological perspectives on mediation and its underlying factor, i.e., conflict. We have concentrated on conflict mediation not only from the interpersonal dimension but also from the intrapersonal one. The reason for reviewing the literature from the intrapersonal dimension is that the outer or external conflicts are deeply rooted in the intrapersonal dimension. This discussion is necessary for our empirical study of conflict in the family and business mediation in chapters 4 and 5. Since both interpersonal and intrapersonal conflict are outcomes of negative emotions and attitudes, we have also concentrated on those psychological aspects of human structure.

In subchapter 1.2, we have focused on theories related to mediation as a process in which the mediator performs the key role. Both diachronic and synchronic approaches to mediation show that the institution of the mediator can be traced back to ancient times, and nowadays, it is regulated by international law on all continents of the world. Discursive psychology with the Discourse Action Model gives insight into how to study the text or discourse as a form of mediated interaction. The future orientation in the Discourse Action Model gives the framework for the potential transformation of conflict into conflict resolution. The theory of Scheler (1973) should help us identify the values and related feelings of the parties-in-conflict or the parties-in-consent to provide the holistic architecture of mediation discourse.

Chapter 2

Architecture of Discourse: Literature review

The architecture of discourse comprises numerous discourse theories and approaches to discourse analysis. Some of them are attached to the phenomenological areas of study, while others follow the ideational perspective. It is evident that they form a functional dichotomy, proving that the interdisciplinary paradigm for today's research explores the boundaries between phenomenon and idea-bound studies. Moreover, the functional or activity-bias approach to research unites them as such making one to reflect in the other and vice versa.

In this chapter, we cover the theories and approaches that lead us to understand how the notion of discourse is treated and how different visions of discourse are reflected in corresponding discourse theories. While covering it, we need to find out which of these theories and approaches could be helpful to us in application to our particular research object, e.g., a particular type of discourse – the discourse of family mediation actualised as parenting plan mediation. In fact, for discourse analysis, this research object is, to a great extent, a new one.

For theoreticians, discourse is embedded in the physical, emotional, and spiritual dimensions of the human being. It has accompanied man since his/her birthday as a phenomenon, an idea, and an activity. It has been evolving in temporal and spatial dimensions as a personal and social entity. Because of this complexity, discourse reconstruction carried out by thinkers, philosophers, and researchers in different research fields is far from being an easy enterprise.

2.1 Discourse theories of both phenomenological and ideational character

In this subchapter, we concentrate on the ontogenesis of discourse in its physical and psychological developments to study the discourse lifespan in terms of causation, survival value, and evolution. Our literature review focuses on pro-discourse and discourse theories actualised in philosophy, linguistics, and social sciences.

2.1.1 Ontological approach to the definitions of discourse

To understand discourse we commence the literature review of discourse with the definition of the term *discourse* in both Language for General Purposes (LGP) and Language for Specific Purposes (LSP) with the etymology of the term included.

The etymology of the term *discourse* goes back to the Proto-Indo-European root **kers-* to run [3]. In Europe, the term *discourse* is borrowed from Latin *discursus* which originally meant "a running about", then it extended its meaning to "conversation in Late Latin and "reasoning" in Medial Latin [3]. Morphologically, the Latin lexeme consisted of the prefix *dis-* 'apart' and the verb *curre* 'to run', namely the verb *discurrere* and the noun *discursus* [3] in the fourteenth century. The origins of the term *discourse* go back to the Latin lexeme '*discursus*', the meaning of which originally denoted 'conversation, speech'. In Hoad's (1986) explanation, the meaning of the term *discourse* as 'a process of understanding, reasoning, thought' was borrowed to British English from Latin *discursus* via French *discours*. The verb *discourse* means "hold discourse, communicate thoughts or ideas, especially in a formal manner" dates back to the 1570s [3].

Currently, the concept of discourse is used in the language system. The original meanings of the Middle English noun *discourse* are preserved in English as a Language for General Purposes (LGP) to mean either 'verbal communication; talk; conversation' or, in its archaic use, 'the ability to reason or the reasoning process'[4]. In the Language for Specific Purposes (LSP), the term *discourse* has two more meanings. As a literary and literary critical term, *discourse* means "a formal treatment of a subject in speech or writing, such as a sermon or dissertation" whereas as a linguistic term discourse means "a unit of text used by linguists for the analysis of linguistic phenomena that range over more than one sentence" [4]. According to *Collins Cobuild English Dictionary for Advanced Learners* (Sinclair, 2001), in linguistics, discourse is 'natural spoken or written language in context, especially when complete texts are being considered'.

As a unit of spoken or written text in context, the term *discourse* is a concept in linguistics that includes sociolinguistic and psycholinguistic studies as well as critical linguistic studies. The classification of discourse functions related to the subject matter of discussion and the behaviour of the speaker or the writer becomes the object of discourse analysis (DA) in social, linguistic, and philosophical studies (Crystal, 2008). A broader perspective of the term *discourse* through its communicative function is accepted in linguistics as the term *discourse* is also defined 'as a dynamic process of expression and comprehension governing the

performance of people during linguistic interaction” (Crystal, 2008, p. 174). A narrower perspective is accepted in critical linguistic studies in which the emphasis is put on a classification of discourse function as “the relationship between discourse events and socio-political and cultural factors” (Crystal, 2008, p. 174). According to Crystal (2008), the linguistic perspectives on discourse contribute to the distinction between discourse linguistics and text linguistics. The former includes both linguistic and non-linguistic factors in the discourse analysis, whereas the latter consists in analysing the content and form of the text according to semantic and syntactic rules. Although the ontological and epistemological differences are noticeable between discourse linguistics and text linguistics, as Crystal (2008) states, there is a considerable overlap in these two domains.

In the psychological literature, the term *discourse* functions in line with the *APA Dictionary* definition, namely as “areas of written, spoken and marked communication, both formal (debate) and informal (conversation). The term is most commonly used in linguistics, in which discourse analysts focus both on language study (sentences, speech acts, and lexicons) as well as on the rhetoric, meanings, and strategies underlying social interaction ” [24].

In discourse studies, Baker and Ellece (2011, p. 30) state that discourse is a term “with several related and often quite loose meanings”. Their discussion of the term *discourse* points to the general usage as, e.g., ‘language in use’ (Brown, Yule, 1983) or “‘language above the sentence or above the clause” (Stubbs, 1983, p.1). With such a broad understanding of the concept of discourse, Baker and Ellece (2011, p. 31) point out that discourse is also used “to refer to particular contexts of language use” and as such “it becomes similar to the concepts like the genre or text type” therefore some discourse researchers conceptualize, e.g., media discourse as language use in the media. Additionally, to such understating of the term *discourse* by the researchers, Baker and Ellece (2011, p. 31) state that “‘some writers have conceived of discourse as related to particular topics”, which “‘sometimes suggest a particular attitude towards a topic”. As a result, “[d]iscourses are therefore contradictory and shifting, and their identification is necessarily interpretative and open to contestation, particularly as it is difficult to ‘step outside’ discourse and view it with complete objectivity “ (Baker, Ellece, 2011, p. 31).

In the discussion of different types of discourses, Kress (1985, p. 6-7) states that

[d]iscourses are systematically-organised sets of statements that express an institution's meanings and values. Beyond that, they define, describe, and delimit what it is possible to say and not possible to say (and by extension – what it is possible to do or not to do) with respect to the area of concern of that institution,

whether marginally or centrally. Discourse provides a set of possible statements about the given area and organises and gives structure to the manner in which a particular topic, object, or process is to be talked about. In that, it provides descriptions, rules, and permissions, and prohibits social and individual actions.

Since discourses can be related to particular topics or objects, we can discuss colonial discourse (Williams, Chrisman, 1993), environmental discourse (Hajer, 1997), media discourse (Fairclough, 1995b), or political discourse (Chilton, 2004).

Foucault (1972) defines the term *discourse* from the ideological perspective, which gives rise to further exploration. For Foucault (1972, p. 49), discourses are “practices which systematically form the objects of which they speak”. Parker (1992, p. 5) expands Foucault’s definition to state that discourse is a “system of statements which constructs an object”. Burr (1995, p. 48) categorises Foucault’s definition of the term *discourse* as

a set of meanings, metaphors, representations, images, stories, statements, and so on that in some way together produce a particular version of events [...].

Surrounding any one object, event, person etc., there may be a variety of different discourses, each with a different story to tell about the world, a different way of representing it to the world.

Following this perspective, Potter and Wetherell (1987) show that discourses often include conflicting opinions about the subject matter, and they reveal internal inconsistency in the ideas presented. Therefore, discourses are “contradictory and shifting, and their identification is necessarily interpretative and open to contestation, particularly as it is difficult to ‘step outside’ discourse and view it with complete objectivity” (Baker, Ellece, 2011, p. 31).

In our dissertation, we generally follow the APA definition of the term *discourse* presented above; however, for more specific discourse analysis purposes, we follow the definition of discourse presented in the framework of the Causal Genetic Approach (CGA) Oukhvanova’s (2016c, p. 8). In this approach, discourse is

a complex system with a set of self-organized functional subsystems dynamically interconnected and revealed as an 8D semiosis and 3D genesis transformer. 8D *semiosis* (time-biased dimensions in one) is composed of (1) referents in informative interconnection actualized by being (re)assessed, (re)structured, (re)textualized, and (re)coded, and (2) communicants in interaction actualized by being (re)assessed, (re)textualized syntagmatically, (re)structured in formats, (re)verbalized in genres. 3D *genesis* (space-bias dimensions) is discourse as a

phenomenon, idea, and activity, each being a system in a system and thus is to be studied as such (Oukhvanova, 2016, p. 8).

In our dissertation, we apply the CGA framework, including its definition (Oukhvanova, 2016, 2018, 2020), as indicated in the following chapters.

2.1.2 Semiology and semiotic theories

Discourse as a phenomenon has been subject to semiotic and lingua-semiotic theories as well as speech act theories and communication modelling theories. Semiology with a focus on language in communication activity is concerned with the holistic perspective of meaning structure and meaning-making practice with a verbal sign as a basic unit of analysis. The term *semiology* used by Saussure (1916, 1959, 1983) characterises the science that studies both verbal and non-verbal signs in the same way as linguistics studies verbal sign system. Semiotics focused on signs and their intentional and unintentional meanings, as well as the meaning-making practice and different types of knowledge (Pierce, 1931-1958, 1992a, 1992b, 1955a 1955b). Lingua-semiotic theories include discourse theories of meaning/content making.

Signs and significations have been recognised as an important part of human history since ancient times by philosophers such as Plato, Aristotle, and Augustine of Hippo. Plato and Aristotle explore the relationship between signs that occur in the world of nature and symbols that occur in the world of culture.

With Plato and Aristotle, words are analyzed from a double point of view: (a) the difference between signifier and signified and (b) the difference between *signification* and *reference*. Signification (that is, meaning) says *what* a thing is, and in this sense, it is a function performed also by single terms; in the act of reference, one says, on the contrary, *that* a thing is, and in this sense reference is a function performed only by complete sentences. Throughout his whole work on logic and language, Aristotle is reluctant to use the term *sign* (*sēmeion*) for words (Eco, 1984, p. 27).

Eco (1984) investigates and reconstructs the science of signs with the relationship between the sign and the thought in the writings of Plato and Aristotle in ancient times, those of Ockham and Bacon in medieval times, those of Hume and Locke in the seventeenth century, and the writings of Kant, Peirce, and Wittgenstein (1953) in modern times. The aim of this historical research is based on "his belief that our perception and interpretation of signs are based on a series of inferences (abductions) which go beyond the linear relation of signifier and signified

and that a sign does not follow the equation 'a = b' but rather the relation 'a' stands for ' _ ' (Cobley, 2001, p. 186).

The sign theory is grounded in Saussure's (1916, 1959, 1983) view on language as a social phenomenon divided into *langue* defined as an abstract language system structured of signs and *parole* as the actual realisation of the abstract system through individual use. Saussure's (1916, 1959, 1983) views on the linguistic sign characterised by the relationship between the form named *significant* (signifier) and its 'concept' or *signifié* (signified) give the foundation for semiology later developed into semiotics. Hjelmslev (1943/1969) refines

the Saussurian definition of the two aspects of the language sign by recognizing two fundamental levels or planes of language, one of 'expression' and one of 'content.' Each one of these, he believed, was possessed of a 'substance' and a 'form'. Hjelmslev's contribution to linguistics included his theory of the semiotic function, which he defined as existing between the twin aspects of the signifying act - between signifier and signified (according to Saussure) or between expression and content (according to Hjelmslev). Finally, Hjelmslev extended his semiological studies to incorporate non-verbal language systems such as traffic lights or the chimes of Big Ben (Bronwen, Felizitas, 2000, p. 3).

Saussure (1916, 1959, 1983) deepens the verbal sign vision with language paradigmatic meaning and the parole syntagmatic system meaning. Saussure's (1916, 1959, 1983) theory on the language sign gives input for developing semiotic studies.

The originally defined by Saussure's (1916, 1959, 1983) semiology as the theory of the sign systems and their organisation is assimilated to semiotics by Sebeok (1976, 1989, 1994) and developed by Greimas (1987). By incorporating semiology into semiotics, Sebeok (1994) states that semiotics, as the theory of signification, is concerned with the production of meaning. As meaning is not inherent in objects, it is reconstructed by the subject capable of grasping its significance and constructing its signification from the underlying structures that result in meaning production (Bronwen, Felizitas, 2000). Greimas (1987) distinguishes clearly between semiology as a study of sign systems and semiotics as a study of the process of meaning generating. Greimas (1987) distinguishes two levels of meaning production in the process of signification. The first level of language refers to the text that is transposed into another level of language, i.e., the metalanguage. Under the influence of Chomsky's (1965) generative transformational theory, Greimas (1987) develops Saussure's (1916, 1959, 1983) and Hjelmslev's (1943/1969) into a structural version of semiotics, i.e., generative semiotics in which he shifts the focus of semiotic discipline from signs to systems of signification.

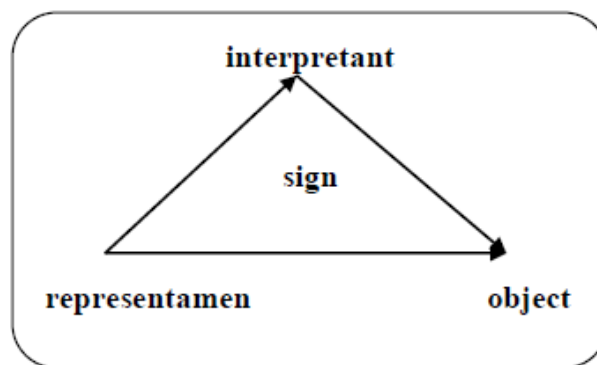
Peirce's (1992a, p. 394) theory of signs is constructed on his belief that the whole universe is "perfused with signs". Peirce (1992a, p. 394) explains that

[i]t seems a strange thing, when one comes to ponder over it, that a sign should leave its interpreter to supply a part of its meaning; but the explanation of the phenomenon lies in the fact that the entire universe,— not merely the universe of existents, but all that wider universe, embracing the universe of existents as a part, the universe which we are all accustomed to refer to as ‘the truth,’ – that **all this universe is perfused with signs if it is not composed exclusively of signs.**

Peirce's (1992a) conception that all the universe is composed of signs functions within his theory of signs. In contrast to Saussure's (1916, 1959, 1983) dyadic theory of signs as composed of the *signified* and the *signifier*, Peirce's (1992a) sign triad consisting of a sign/representamen, an object, and an interpretant, see Figure 12 below.

Figure 12

Pierce's triadic model of the sign (source: Peirce, 1992a, p. 2.228)



Peirce's (1955a, p. 8.332) triadic sign theory is based on mediated relation as "a sign mediates between the interpretant sign and its object" in such a way "as to bring the interpretant into a relation to the object, corresponding to its relation to the object". The interpretant of a sign is not equal to the interpreted sign as it is mediated or interpreted, which means something new. In this sense, the interpretant is a response that initiates a new sign process. In the interpretant sequence, the interpretant is a sign that determines another interpretant and develops the sign process. As a result, the meaning of a sign is a response, in which an interpretant calls for another interpretant (Peirce, 1955a). In the classification of interpretants, Pierce (1955a, p. 4.536) distinguishes between "feeling, exertions and signs" as well as emotional interpretants, energetic interpretants, and logical interpretants. As indicated above, in Peirce's (1931-1958, p. 2.228) terms

a sign or representamen is something which stands to somebody for something in some respect or capacity. It addresses somebody, that is, creates in the mind of that person an equivalent sign, or perhaps a more developed sign. That sign which it creates I call the interpretant.

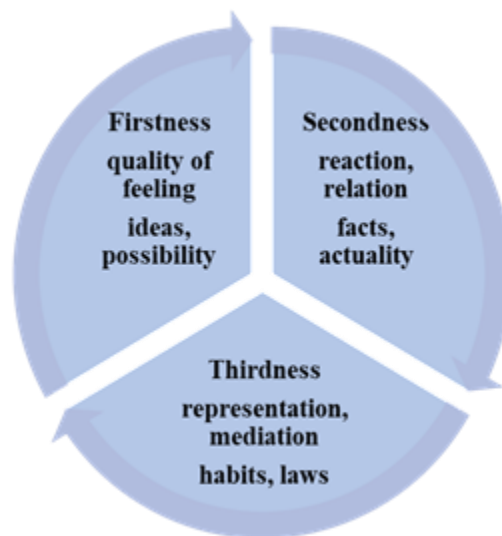
In Peirce's (1931-1958, 1955a, 1992a) semiotic theory, the sign is a representamen that conveys information to human minds and underlines human cognition. Since a sign is "something by knowing which we know something more" (Peirce, 1931-1958, p. 8.332) it implies an endless process of cognition that follows the sign or representamen chain. In other words, in Peirce's (1931-1958, 1955a, 1992a) semiotic theory, all mental operations are sign operations. As such, the sign operations mediate between the interpretant and its object. Within Peirce's (1992a) triadic sign theory, an object is the second component that means anything represented in a sign. The third component of Peirce's (1992a) sign theory is interpretant presented as a response.

The components of Peirce's (1992a) sign triad with its dynamic relation between signs or representamen, interpretant, and object leads to an unlimited or infinite semiotic process. The continuity of this semiotic process subsists in the dialectical relation among icons, indexes, and symbols. An icon is a sign that interrelates with its object due to its resemblance or similarity. A symbol is a sign interrelated with its object in a conventional way. An index is a sign interrelating with its object through actual, imagined, or physical causal connection. This semiotic process is a process of signs generating signs in a meaningful way. The conceptualisation of signs and sign processing leads from feeling to cognition as an underlying category of conceptualisation.

Within the conceptualisation of sign processing, Peirce (1955a) distinguishes three categories, namely firstness, secondness, and thirdness, the interplay of which renders signs meaningful. The category of firstness consists of what there is as it is without any reference to anything else. It refers to empirical consciousness through the five empirical senses. (Boje, 2018). The category of secondness refers to what there is as it is with a reference to something else. This category is the actual object in the here-and-now situational event, which is independent of what is perceived in sensory consciousness (Boje, 2018). The category of thirdness relates to what there is as it is capable of bringing it into the relation with the first and second entities as well as into the relation with each of them, see Figure 13 below.

Figure 13

Pierce's categories of firstness, secondness, and thirdness (source: Peirce, 1868, 1955a)



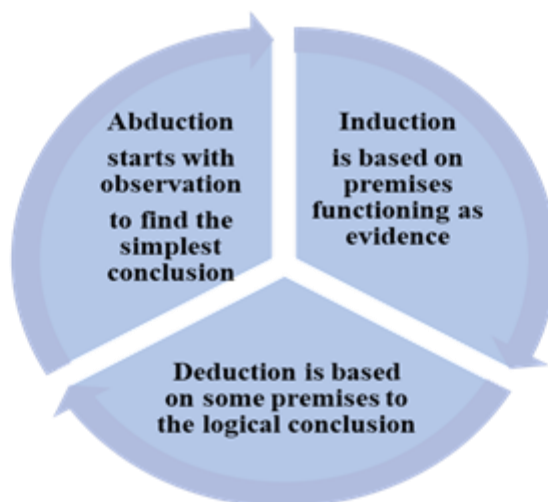
In terms of the category characterisation and experience, firstness refers firstly to the quality of feeling through five senses as well as to ideas, chance and possibility. The category of secondness refers to reaction and relation in its typical characterisation and to facts and actuality as a universe of experience. Thirdness involves representation and mediation in terms of its typical characterisation. In terms of experience, thirdness refers to habits and laws.

The contemporary semiotic theory is also grounded in Peirce's (1907, 1955a 1955b, 1992b) theory of inference. The inference originally divided by Aristotle into deduction and induction (Smith, 2018) is modified by Peirce (1908, 1955a 1955b, 1992b). In Aristotle's philosophy, deduction means inference that derives logical conclusions from known and true premises (Smith, 2018). Induction is an inference that derives universal conclusions from particular premises (Smith, 2018). Peirce's (1908, 1955a 1955b, 1992b) theory of inference modifies the original division of inference theory. While discussing the steps in reasoning, Peirce's (1908) reasoning types are based on abduction, induction, and deduction. Abductive reasoning is a logical operation that introduces a new idea. Abduction starts with observation to find the simplest possible conclusion. Inductive reasoning is a type of reasoning based on premises functioning as evidence. Therefore, the conclusion of inductive reasoning is probable

based on the given evidence. Deductive reasoning is a process of reasoning based on some premises to reach a logical conclusion as visualised in Figure 14 below.

Figure 14

Pierce's reasoning cycle (source: Peirce, 1907, 1955a 1955b, 1992b)



Influenced by Peirce (1955), Morris (1971), Jakobson (1960), and Sebeok (1989, 1994) present a global and holistic approach to the life of signs and sign life, which extends the science of signs not only to study the life of signs within social life (Saussure, 1916, 1959, 1983), i.e. communication in culture to “the study of communicative behaviour in biosemiotics perspective” (Cobley, 2001, p. 257). In studying language use, Morris (1938, 1946, 1964, 1971) concentrates on the relations and connections between signs and objects. The study of the relationships of signs to other signs is the subject of syntactics, whereas the study of the connections between signs and objects is the subject of semantics (Morris, 1938). The semantic and syntactic dimensions of signs and objects show that the meaning of signs functions in connection to objects, which is “the relation of signs to the objects” (Morris, 1938, p. 6) both at the lexical and propositional or sentence levels. Morris (1946) explains that the sign or the signan has its significatum or signification. Significatum, designatum, or signification is what the sign or the signan refers to (Morris, 1938, 1946, 1971). “The significatum of the sign” (Morris, 1971, p. 94) is distinct from the denotatum i.e. something, which “exists as referred to the object of reference” (Morris, 1938, p. 5).

Morris's 1938 pragmatic study of language in use “deals with the biotic aspects of semiosis, that is, with all the psychological, biological, and sociological phenomena which occur in the functioning of signs” (Morris, 1938, p. 30). This phenomenological approach of Morris (1938) indicates the necessity to apply broader concepts of language to model and

organize the discourse field. Morris (1938, 1946, 1971) deals with all kinds of signs within human language and behaviour. To describe semiotics as a science of behaviour, Morris (1946) consolidates the relation between biology and behaviour. The study of connections between signs and objects leads to Morris's (1964) views on the relationship between signs and values, which reflects a close connection between the fields of semiotics and axiology. As Morris (1964) states, the term *meaning* has a dual nature, namely, it has signification, i.e., a semantic meaning, and it has significance, i.e., evaluative meaning.

The philosophical and pragmatic perspectives in semiotic theories on signs and significations concentrate on the language study from a functional point of view concerning language use, phenomena, and processes. Since "human language is more than the pattern of signification: it is its very foundation", it is necessary 'to reverse Saussure's formula and assert that semiology is a part of linguistics' (Barthes, 1967, p. 8). The semiotic research perspective of language use also focuses on the complexity of human beings and their behaviours. In this sense, the discussed semiotic theory becomes an interdisciplinary coherent and integrated discourse approach that touches on cognition, culture, and society for making linguistic choices in discourse production and interpretation. This functional perspective on language and language use with cognitive, social, and cultural touches aims to investigate meaning generation in dynamic mediated interaction.

2.1.3 Lingua-semiotic theories

Lingua-semiotic theories include discourse theories of meaning/content making, namely the scaffolding theory (Vygotsky, 1986) the semiotic theory of the Tartu-Moscow School (Lotman, et al. 1973; Lotman, 1992), the Systemic Functional Linguistics (SFL) (Halliday, 1978, 1994; Halliday and Matthiessen, 2004).

The scaffolding theory of Vygotsky (1987, 1978, 1986) is based on the concept of scaffolding that operates through semiotic interaction between signs or elements. The significance of dynamic scaffolding is emphasised in Vygotsky's (1987, 1978) theory of learning and intellectual development through language. In human mental development, Vygotsky (1987, 1986) underlines the role of experience with external linguistic structures for intellectual progress as a result of discourse production. A linguistic scaffolding occurs when, e.g., a child is 'talked through' by an external agent, e.g., a teacher, to succeed in solving a problem that is beyond his/her ability. Later on, the internal speech of a child, which is a reconstruction of the external agent's talk from the memory scaffold that guides and shapes the

child's behaviour. Thus, "the role of language is to guide and shape our behavior - it is a tool for structuring and controlling action, not merely a medium of information transfer between agents" (Clark, 1997, p. 195).

For the representatives of the Tartu-Moscow School, semiotics is a science that investigates the functional correlation of different sign systems. (Lotman et al., 1973). In this approach, the hierarchy of sign systems is recognised as functioning within the text of a given culture (Lotman et al., 1973). To define the term *culture*, Lotman et al., (1973, p. 43) state that in defining culture as a certain secondary language, we introduce the concept of a 'culture text', a text in this secondary language. So long as some natural language is a part of the language of culture, the question of the relationship between the text in the natural language and the verbal text of culture arises.

The relation between "the text in the natural language and the verbal text of culture" (Lotman et al., 1973, p. 43) is additionally studied "in the textual space defined as the sum total of potential texts" (Lotman et al., 1973, p. 45).

Spatial and temporal dimensions of discourse are indicated by Lotman (1992, p. 3), who puts the text into contact with culture and history created and received space as both culture and "the cognition of history became semiotic". Moreover, since text creation and text reception are communicative processes, Lotman (1992) discusses the distinction between the created text and the received text that might be in another form or other sign systems. To reconstruct the meaning of the text, Lotman's (1978, 1992) approach is parametric based on different possibilities of textual analysis depending on the static or dynamic aspects of languages. From the static perspective, Lotman (1978/2019) states that languages are divided into discrete and continual, with iconic-spatial meanings, as language signs come first, and meanings are created based on the meanings of signs. In the case of the dynamic perspective, the text comes first, and the meaning emerges from the heterogeneous elements integrated into a holistic text (Lotman, 1978/2019) to generate the meaning.

Systemic functional linguistics (SFL) developed by Halliday (1994), Halliday, and Matthiessen (2004) recognise "the powerful role language plays in our lives and sees meaning-making as a process through which language shapes, and is shaped by, the contexts in which it is used" (Schleppegrell, 2012, p. 21). Within SFL, the meaning of the text in context is explored through a comprehensive text-based grammar that accounts for the speaker's or writer's choices that are functional. The meaning of the speaker's or writer's text performs three abstract functions known as *metafunctions*, namely ideational, interpersonal, and textual (Halliday, 1994; Halliday and Matthiessen, 2004). Those three metafunctions occur in every text as

our language simultaneously construes some experience (ideational metafunction), enacts a role relationship with a listener or reader (interpersonal metafunction), and relates our messages to the prior and following text and context (textual metafunction). SFL provides constructs and tools for exploring these three kinds of meanings and their interaction in discourse (Schleppegrell, 2012, p. 21).

The interaction in discourse is structured along three areas identified by Halliday (1994). The ideational dimension is similar to the ideological focus on the relation between language and social structure. The interpersonal dimension defines how the relationship is structured in the language through monologue or dialogue and how the identities in discourse are constructed. The textual dimension of SFL considers the structure and form of the text as well as its genre.

The lingua-semiotic theories focus on representative units of analysis actualised in communication, in behavioural activity as well as in the format and genre setting. The actualisation of the representative units in linguistic verbal and non-verbal behaviour is connected with the Speech Act Theories which show how to perform verbal actions in the communication process subject to various modelling theories.

2.1.4 Critical discourse approach (CDA) and genre approach (GA)

The architecture of Critical Discourse Analysis (CDA) represents various discourse theories, discourse methodologies and discourse definitions, some of which are quoted in 2.1.1. The architecture of Critical Discourse Analysis is constructed on the theoretical concepts of discourse theory and critical theory. In this architecture, the key terms are discourse and criticism. As Craig (1999, p. 220) states in CDA “discourse is distinguished from *texts*, which are specific utterances, images, or writings. Discourse is an overall form of knowledge and an arena that delimits certain expression”. Criticism as revealed in the critical theory is associated with negativity and disapproval (Craig, 1999). Habermas (1972), however, states that critical knowledge is a process through which individuals develop reflexivity and allow for the escape from any forms of domination. In his critical theory of knowledge and human interests, Habermas (1972) considers self-reflection as science starting with Freud’s psychoanalytic critique of meaning and finishing with psychoanalysis and social theory related to Nietzsche’s reduction of cognitive interests.

Glynnos et al. (2009) classifies the Critical Discourse Analysis on the three classification dimensions, i.e. ontology, focus and purpose. The ontology of Critical Discourse Analysis has its roots in realistic semiotic as a dimension of social relations. The object of analysis refers to

political and social discourses, In CDA, the linguistic parameters refer to text, whereas the non-linguistic parameters to social context of text. The distinction between text and context is based on the objective and subjective dichotomy. In CDA, the text is objective, and the context is subjective. Subjectivity in CDA plays cognitive role. The purpose of CDA is to analyse the macro and micro levels of social structures.

Critical Discourse Analysis studies texts in cultural, historical, political and social contexts. In this way, CDA shows how discourses have been developed or have developed in the temporal and spatial dimensions. Fairclough (1995a, 1995b) for examples analyses the organisation and structure of texts in relation to their contexts. What is more, to understand texts and contexts, Fairclough (1995a, 1995b) analyses intertextuality, i.e. he analyses the texts implicated in other texts together with various contexts in which texts occur. Through an analysis of intertextuality the meaning of discourse is generated to show the relationship between texts and social structures.

In Critical Discourse Analysis (CDA), Fairclough (1995a, 1995b) incorporates the SFL meta-functions into his analytical framework. Fairclough's (1995a) approach to CDA is based on three levels of analysis, i.e. the text analysis, the processes of text production and reception which he calls discursive practices, as well as social context in which the text is created and received. In Fairclough's (1995a) analytical framework, the meaning of the text itself is determined through its ideational, interpersonal, and textual meta-functions through discursive practices based on rules and conventions of the text processing in terms of its production, circulation, and interpretation. The meaning of the text and discursive practices are confronted with the broader meaning of discursive formations and interdiscursivity to show the ideological and social effects. Finally, a consideration of a specific social context provides the understanding framework and meaning of the discourse, i.e. the text in context.

In Multimodal Discourse Analysis (MMDA) the text is "a multimodal semiotic entity in two, three or four dimensions" (Kress, 2012, p. 36), the meaning of which is the outcome of the "semiotic work of design" and the processes of "composition and production". As language is one of the resources for making meaning, the other modal resources available in culture are taken into account to provide the integrated discourse meaning. As signs carry the meaning of identity, the meaning of all modes should be reconstructed and interpreted to discover the integrated meaning of the sign identity. In MMDA the features of meaning are "shared among all modes – intensity, framing, foregrounding, highlighting, coherence and cohesion, forms of genre, etc. – even though they will differ from mode to mode" (Kress, 2012, p. 47).

The meaning of content as expressed by language is the main focus of critical discourse analysis (Stubbs, 1983; van Dijk, 1991; Wodak, and Meyer, 2001), which is primarily qualitative in nature with the corpus linguistic analysis (Baker, 2009; Baker and McEnery, 2005; Baldry and Thibault, 2006), which is primarily quantitative. The corpus-based discourse analysis (Stubbs, 1996) concentrates on the meaning of the discourse content from three main approaches i.e. textual, critical, and contextual (Hyland 2009). The textual approach focuses on language choices, meanings, and patterns in the text (Swales, 2004). The critical approach is based on CDA (Fairclough, 1995a, 1995b), which includes SFL methods discussed above.

Causal-Genetic theory, also known as Causal-Genetic Approach or Causal-Genetic perspective or Causal-Genetic analysis is the area of lingua-semiotic communication research that investigates relationships between cognitive, linguistic, textual and social domains related to idea, phenomenon and activities. The investigation into the cognitive, linguistic, textual and social relationships has been conducted for the last decade of the twenty century and the two decades of the twenty first century in different types of discourse, e.g., the discourse of elite media, the discourse of media lobbying, the discourse of integration, the discourse of business negotiation, the discourse of migrants, or the discourse of conflict management among others (Ухванова-Шмыгова, 1993; Oukhvanova, 2018, 2020).

In CGA, genre is discussed as one of four operational categories of the content-cortege production (Oukhvanova, 2018, 2020). The ontology of the genre category is traced back to the Middle Ages, when discourse functioned in the institution of Church and University as specific content-focused genres, i.e. ‘sermon’ or ‘dissertation’, which have survived until modern times with the same informative or referential and interactive or cortege content. In CGA, genre is understood as paradigmatic systematization of signs. In the process of communication, genre represents the participants, therefore it is an individual-biased content parameter.

The meaning of the genre macro-structure is processed by ‘going to and fro’ and by ‘both inductive and deductive thinking’ (Oukhvanova, 2020, p. 122). This processing of the genre macro-structure through macro-structure units leads to ‘a specific vision and understanding how context and content interplay’ (Oukhvanova, 2020, p. 130). The genre macro-structure includes the idea of multiple genres embedded in discourse. Therefore, our task in this dissertation to reconstruct the combined genres in mediation.

2.2 Discourse as an idea and activity

Discourse is an idea based on essential keywords functioning as representatives of ideas within discourse. In discourse research studies, one of the major objectives is to identify and validate ideas from textual discourse so that they are grouped and mapped to visualise idea flow within discourse. To understand how ideas flow within discourse, key ideas are monitored and mined with the text to determine its ideational function (Halliday, 1994; Halliday and Matthiessen, 2004).

As a linguistic meta-function, the ideational function refers to the content or idea expressed in discourse (Halliday, 1994; Halliday and Matthiessen, 2004). Moreover, this ideational function is reflected in discourse and interpersonal and textual functions. While the interpersonal function represents social relations between the participants in an interaction, the textual function represents a coherent organisation of a language as a message through the network of text-internal relations. The ideational function is the use of language to convey information or ideas through discursive practice. Therefore, to comprehend discourse as an idea we refer to five discourse theories, namely, the text-related theories, interaction and CGA cortege theories, the narration and representation theories, the discourse community representation theories and genre theories.

2.2.1 Text theory as a part of discourse theory

As a branch of linguistics, text linguistics is concerned with the analysis and description of spoken and written texts in the communicative context. Crystal (2008, p. 148) states that "there is considerable overlap between the domains of discourse analysis and text linguistics" as both are preoccupied with "the formal account of the linguistic principles governing the structure of texts". Hoey (1983) states that the overlap refers to similarities in the organisation of spoken and written texts. This overlap refers to textuality, which is subject to discourse and text-linguistic studies. Although the text is the object of discourse and text analyses, the difference is seen in the perspectives as the text is seen as a product of text linguistics and a dynamic process of communication investigated by linguistic techniques (Crystal, 2008).

Conte (1989) and Koch (1997) differentiate three types of linguistics with text linguistics being one of them. The other two types of linguistics refer to transphrastic analysis and text grammar that analyse a text beyond the sentence level and discuss all different linguistic phenomena including the meta-functions. Those two approaches, i.e., transphrastic

analysis and text grammars function in discourse analysis (van Dijk, 1972; 1977, 1980); however, the former concentrates on the quantitative difference between the text seen as the extension of the sentence, and the latter refers to a qualitative difference in which the text is viewed as a whole linguistic unit based on linguistic signs (Gonçalves, 2018). Within this broader framework that includes both transphrastic analysis and text grammar, text linguistics concentrates on the general aspects of structural and functional constituents, i.e., textuality (Halliday, 1994; Halliday and Matthiessen, 2004).

In the text theory, Halliday (1978, 1994) emphasises that all texts are meaningful in the context of the situation. Grammatical categories that are structural and functional are also semantic, as a change in syntactic structure changes the text's meaning (Chomsky, 1965). As grammatical categories are also essential to determine the meaning of the texts, the investigation of those categories provides the answer to the question of how text grammar conveys the meaning.

As the text theory is a part of discourse theory, de Beaugrande and Dressler (1981) and Renkema (1993) provide seven criteria for determining a sequence of sentences or clauses to be a text in discourse studies. De Beaugrande and Dressler (1981, p. 3) define texts in terms of their textuality, namely:

A text will be defined as a communicative occurrence that meets seven textuality standards. If any of these standards is not considered to have been satisfied, the text will not be communicative. Hence, non-communicative texts are treated as non-texts.

According to de Beaugrande and Dressler (1981), the seven standards of textuality include text-centered cohesion and coherence, intentionality, acceptability, informativity, situationality, and intertextuality. Similarly to de Beaugrande and Dressler's (1981) seven standards of textuality, Renkema's (1993) criteria to decide whether a sentence sequence is qualified as a text corresponds to cohesion, coherence, intentionality, acceptability, informativeness, situationality, and intertextuality. De Beaugrande and Dressler's (1981) seven standards and Renkema's (1993) criteria constitute the principle of communication.

The concept of cohesion, which corresponds to the idea of textual parallelism and repletion stressed by Jakobson (1960), is discussed by Halliday and Hasan (1976), de Beaugrande and Dressler (1981) as well as Renkema (1993). In Halliday and Hasan's (1976, p. 23) text theory, the term *text* is defined as

a passage of discourse which is coherent in these two regards: it is coherent concerning the context of the situation, and therefore consistent in the register, and it is coherent concerning itself and therefore cohesive.

This definition of the text includes two criteria of the text perception, namely cohesion and coherence, which are also mentioned by de Beaugrande and Dressler (1981) as well as Renkema (1993) in their standards or criteria of textuality. In Halliday and Hasan's (1976, p. 4) text theory, cohesion occurs "when the interpretation of some element in the discourse is dependent on that of another". It concerns the composition of linguistic items to create a meaning sequence based on the grammatical rules of the language. Renkema (1993, p. 35) defines cohesion as "the connection which results when the interpretation of a textual element is dependent on another element in the text". Halliday and Hasan (1976) discuss lexical cohesion and identify two types of lexical cohesion, i.e., reiteration and collocation. The former includes antonymy, hyponymy, metonymy, repetition, and synonymy. The latter involves co-occurrence in a given context. Grammatical cohesion refers to the structural rules that underly the composition of words, phrases, and clauses at the phonological, morphological, syntactic, semantic, and pragmatic levels. In their text theory, Halliday and Hasan (1976) discuss five categories of cohesive devices to create coherence in the texts. Those cohesive devices include reference, ellipsis, substitution, lexical cohesion, and conjunction.

Coherence, identified by Renkema (1993) as well as de Beaugrande and Dressler (1981), is another category underlying the main organisation of the functional connectedness or identity of the text frequently. It is frequently referred to as the textual world that consists of concepts and relations. De Beaugrande and Dressler (1981, p. 4) define this term 'concept' as "a configuration of knowledge (cognitive content) which can be recovered or activated with more or less unity and consistency in the mind", and the term *relation* as the links between the concepts "which appear together in a textual world". Within the textual configuration of concepts and relations, coherence gives mutual access and relevance to the text content due to the communicators' prior knowledge of the world (de Beaugrande, Dressler, 1981). In the perception of the text content, de Beaugrande and Dressler (1981) differentiate between meaning and sense, with the former designated for conveying knowledge through language expressions and the latter with the knowledge conveyed by those expressions. Therefore, coherence involves the communicator's knowledge of the world, as coherent communication is mediated through the use of speech acts (Crystal, 2008).

In discourse studies, the relationship between cohesion and coherence is described by de Beaugrande and Dressler (1981), Van Dijk and Kintsch (1983), and Werlich (1976). In their

perspective, cohesion applies to smaller units of language in the text, whereas coherence applies to the textual world of concepts and relations. In this way, cohesion is limited to the linguistic markers and viewed as a discourse product that builds a coherent representation of the reconstructed textual world (Van Dijk, Kintsch, 1983; Werlich, 1976). Coherence refers to the concepts and relations underlying its meaning. Therefore it is perceived as a discourse process of constructing and reconstructing a coherent mental representation of what is said in the discourse (Van Dijk, Kintsch, 1983; Werlich, 1976), which naturally leads to the category of intentionality.

The concept of intentionality "has played a central role both in the tradition of analytic philosophy and in the phenomenological tradition as [...], some philosophers go so far as claiming that intentionality is characteristic of all mental states" [3]. From a philosophical perspective, intentionality is "the power of minds and mental states to be about, to represent, or to stand for, things, properties and states of affairs. To say of an individual's mental states that they have intentionality is to say that they are mental representations or that they have contents" [3]. In discourse linguistics, the term *intentionality* refers to the text producer's attitude and intentions to communicate successfully.

Successful communication clearly demands the ability to detect or infer other participants' goals on the basis of what they say. [...] By the same token, text producers must be able to anticipate the receiver's responses as supportive of or contrary to a plan, for example, by building an internal model of the receivers and their beliefs and knowledge (de Beaugrande, Dresseler, 1981, pp. 132-133).

The text producer's intention is embedded in the text to attain a goal specified in a plan. For successful communication to occur, both the text producer and the text receiver, i.e., the author and the listener or the reader, rely on Grice's (1975) cooperative principle based on the maxims of quality, quantity, relation, and manner.

The criterion of acceptability involves the text listener's or reader's attitude to the producer's text relevance. As de Beaugrande and Dresseler (1981, p. 7) state, "this attitude is responsive to such factors as text type, social or cultural setting, and the desirability of goals". In the standard of acceptability, apart from the issue of grammaticality of the text produced according to the rules of the language grammar, the interference with the listener's or the reader's general knowledge as well as the textual world should be taken into account. Thus, e.g., the grammatically correct complex structure of the text may prevent the listener's or the reader's acceptance due to their limitations on text processing abilities.

Another dimension of textuality is informativity/informativeness. De Beaugrande and Dressler (1981, p. 8–9) point out that informativity "concerns the extent to which the occurrences of the presented text are expected vs. unexpected or known vs. unknown/certain". In discourse studies, the concept of informativity refers to the notion of probability. De Beaugrande and Dressler (1981) state that the more probable occurrences of the text are expected to appear in any particular context in comparison to those which are less probable occurrences. In case of any unexpected or unknown occurrence of the text, the listener or the reader is involved in a motivational search (de Beaugrande and Dressler 1981) based on a special case of problem-solving to find out the meaning of those unknown or unexpected text occurrences and continue a process of communication. The negative result of the problem-solving mechanism leads to the statement that the text seems to be nonsensical. In this case, the interaction between the text author and the text listener or the reader leads to the reconstruction of the text content meaning and sense and successful communication.

Situationality is another criterion of textuality. De Beaugrande and Dressler (1981, p. 9) state that situationality "concerns the factors which make a text RELEVANT to a SITUATION of occurrence". Therefore, this criterion of textuality is oriented to the text listener or the reader, whose tasks involve depicting the factors that are relevant to the context of the situation. In case of any problems that arise from the occurrence of apparently irrelevant items in the text, the listener or the reader is directly engaged in the application of the problem–solution mechanism to make those irrelevant items appear relevant.

Intertextuality refers to the issue that the use of a certain text depends on knowledge of other texts. This interdependence of texts is included in the notion of intertextuality, which is responsible for the evolution of texts and their types and genres. Due to the evolutionary development of texts, certain characteristics and patterns reoccur, and it is possible to group them along the text types or genres. Such text types as parodies, critical reviews, or reports are the best examples of intertextuality as they are responses to the arguments of other texts. In this case, they are highly reliant on intertextuality and prior communication through linguistic interaction.

2.2.2 Communication modelling theories

In the field of interpersonal communication theory, the term *communication* is defined as "a social process in which individuals employ symbols to establish and interpret meaning in their environment" (West, Turner, 2018, p. 5). This definition of the term *communication* is

followed by the communication definitions of the key terms such as *social process*, *symbols*, *meaning*, and *environment*. West and Turner (2018, p. 5) state that the social process involves "people and interactions" and it is "ongoing and unending". A symbol is "an arbitrary label or representation of phenomena" (West, Turner, 2018, p. 7). If symbols are concrete, they represent the objects, whereas if they are abstract, they stand for a thought or an idea. For West and Turner (2018, p. 7), meaning is "what people extract from a message", and it is central to the communication process as without shared meaning in communication, individuals are not capable of "speaking the same language or interpreting the same event". which may represent ideas or things. West and Turner (2018, p. 8) define *environment* as "the situation or context in which communication occurs. The environment includes several elements: time, place, historical period, relationship, and a speaker's and listener's cultural backgrounds". The definition of the term *communication* is visualised as presented in Figure 15 below.

Figure 15

Key Terms in Defining Communication (West, Turner, 2018, p. 6)



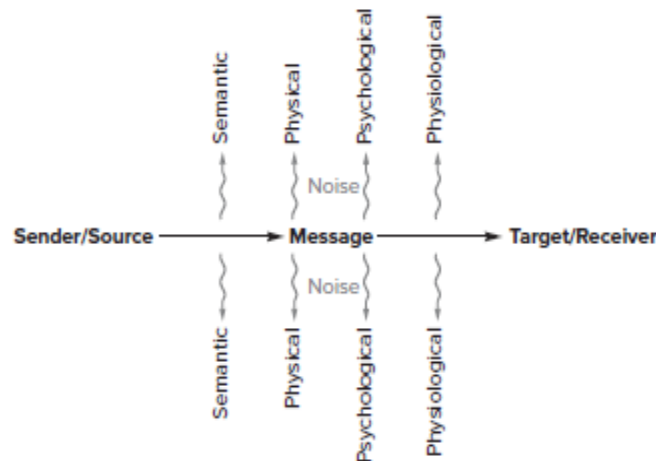
Communication as a research field has been studied since ancient times, and its ontology includes the traditions developed in the fields of "rhetoric, semiotics, phenomenology, cybernetics, sociopsychology, social-cultural theory, and the critical approach (Craig, 1999, p. 143). As a process of expression, interaction, and influence, communication focuses on human behaviour expressing psychological mechanisms and states to produce "a range of cognitive, emotional and behavioural effects" through interaction with other individuals (Craig, 1999, p. 143). As a process of creating, interpreting, and mediating the meaning or multilayers of meaning, communication is always a learned behaviour (Bandura, 1977, 1986), expressed

through verbal, nonverbal, and textual modes to communicate through codes, symbols, and systems of language.

Shannon and Weaver's (1949) linear communication model shows communication as a linear process, as shown in Figure 16 below.

Figure 16

Linear Model of Communication (West, Turner, 2018, p. 9)

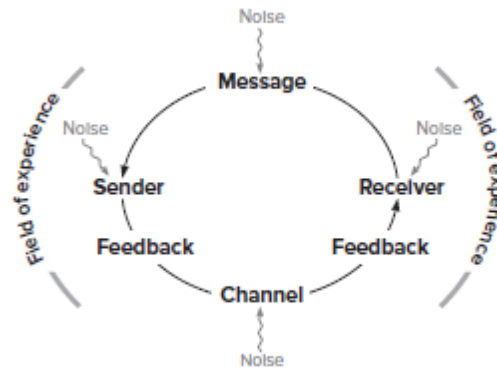


The sender, i.e., the speaker or the writer transmits a message to the receiver, i.e., the listener or the reader. A message consisting of signs, symbols, words, or behaviours in a communication interaction is transmitted from the source to the target through a communication channel or a pathway that corresponds to "the visual, tactile, olfactory, and auditory senses" (West, Turner, 2018, p. 9). In the message transmission channel, different kinds of noise occur that pertain to semantic noise i.e. the language used by the sender, physical noise outside the receiver, the psychological noise that includes, e.g., prejudices or predisposition and physiological noise that refers to biological states of the sender or the receiver. Shannon and Weaver's (1949) linear communication model is the one-direction model, which shows an action of transmitting and receiving the source message

Schramm's (1954) interactional model is the two-direction model which shows that communication is a two-way communication process between individuals as indicated in Figure 17 below.

Figure 17

Interactional Model of Communication (West, Turner, 2018, p. 11)



In this model, the individual may perform the role of the sender or the receiver during their interaction. In this model, the response to a message is an indicator of the change in the roles and it shows that the provided feedback is conveyed through verbal or nonverbal modes of communication after the message is received. The sender's field of experience overlaps with the receiver's field of experience for the communication to occur and it influences the sender's and the receiver's ability to communicate with each other.

Barnlund's (1970), Witmot's (1977, 1986), and Frymier's (2005) transactional model shows the dynamic character of the communication process between the communicators, i.e., the message sender and the message receiver as well as their shared field of experience as shown in Figure 18 below.

Figure 18

Transactional Model of Communication (West, Turner, 2018, p. 12)



This model shows that the process of communication is a cooperative action in which the communicators create, interpret, and mediate the meaning of the message to achieve effective interaction. The understanding between communicators is achieved through feedback and the shared meaning is mediated in a dynamic communication process.

Although all the discussed models of communication i.e. linear, interactional, and transactional (Shannon and Weaver, 1949, Schramm, 1954, Barnlund, 1970, Wilmot, 1987, 1994, Craig, 1999, Frymier, 2005, West and Turner, 2018) illustrate the meaning-making process, Barnlund's (1970), Wilmot's (1977, 1986) and Frymier's (2005) transactional model takes the interactional model (Schramm, 1954) a step further to show the dynamic relational communication between communicators. In contrast to linear and interactional models of communication, the transactional model "assumes reciprocity, or shared meaning" (West, Turner, 2018, p. 13). This transactional model fulfils Jakobson's (1971/1960, p. 130) criterion that "a message sent by its addresser must be adequately perceived by its receiver. Any message is encoded by its sender and is decoded by its addressee. The more closely the addressee approximates the code used by the addresser, the higher the amount of information obtained".

Communication in the mediation process is based on such activities as "(1) framing, (2) strategizing, and (3) managing relationships" (Barge, 2009, p. 678). As indicated by Barge (2009, p. 678), "these are closely intertwined", however, for the sake of discussion and analysis, they should be presented separately.

Framing explores the individual viewpoints, his/her sense of the mediation situation, and bargaining position. In the process of mediation, the mediator and the parties-in-conflict/consent use the frames that influence the mediation process to reach a gain or a loss. They may finalise their mediation in the win-win, loss-loss, or win-loss outcomes. In the whole process of the mediation process, the parties-in-conflict/consent perceive

a message or proposal as a competitive or a cooperative move, whether they identify the person's reasons and motives for making a proposal legitimate or not, whether they respond to the other party's move using distributive or integrative strategies and tactics, and whether they are likely to accept an offer or not. (Barge, 2009, p. 678).

Framing manifests itself in thought and interpersonal communication. In the case of the former, frames consist of interpretations, mental representations, and reflections of reality. In the case of the latter, it consists of the communication frames between the mediator and the parties-in-conflict/consent in their social interaction. In the process of mediation, framing is an integral part of conveying and processing the data and information. The effects of framing can be seen

in the outcome of mediation when the parties-in-conflict/consent either reach the stage leading to the conflict resolution or not. In mediation, a frame defines a set of the mediator's rhetoric to encourage the parties'-in-conflict/consent certain interpretations and discourage others. For mediation purposes, framing presents conflict-related facts in such a manner that conflict resolution is required. To achieve conflict resolution or not, framing effects involve behavioural and attitudinal strategies to have a piece of information framed in the mediation discourse.

In psychological theory (Clark, 2009; Plous, 1993), framing and framing effects emphasise the importance of the individual cognitive mechanism, which serves as a perceptual filter to affect the individual sense of the mediation context. As a cognitive bias, framing reflects not only how the parties'-in-conflict/consent decide between options presented in positive or negative terms, but also how they influence their verbal activities by information search and strategy selection. In this perspective, framing becomes an interactive process in the language in use. In the case of mediation, framing shows how the mediator and *the* parties'-in-conflict/consent make proposals or counterproposals and create the frame for mediation. In other words, framing shows how they interact.

In discourse linguistics, interaction is an action occurring between two or more objects that affect one another. It follows the interactional and transactional models of communication based on the idea of a two-way effect (Schramm, 1954; Barnlund, 1970; Witmot, 1977, 1986; Frymier, 2005), which is an essential element of interaction as opposed to the linear model (Shannon, Weaver, 1949) based on a one-way casual effect. As an action, the term *interaction* is related to interactivity and interconnectivity within communication systems and organisations. The causal effect of either the double or single nature is an underlying factor of all human interactions that occur when people communicate among groups, organisations, nations, or foreign relations. As a result of those encounters, people modify their actions and reactions through accidental, regular, or repeated social interactions.

In sociolinguistics as well as in discourse linguistics theory, the term *interaction* refers to ‘‘the study of speech in face-to-face communication’’ (Crystal, 2008, p. 248). In those areas of research interaction as an approach ‘‘deals chiefly with the norms and strategies of everyday conversation, and is characterized by detailed transcriptions of taped interactions, with particular reference to features which have been traditionally neglected in the analysis of conversation, such as prosody, facial expression, silence, and rhythmical patterns of behaviour between the participants’’ (Crystal, 2008, p.248).

In discourse theory, interaction is an indispensable element of the communication process, and discourse is viewed as a dynamic process of expression and comprehension. With

social cognitive theory, interaction is also discussed as a causal agent between human cognition, behaviour, and the environment (Bandura, 1977, 1986). As cognitive function involves the ability to communicate through language, the interaction between language and thought is necessary to investigate because language determines the way people perceive the world (Whorf, 1956). In this type of language and thought interaction, language and perception interact to influence one another in a causal genetic way.

In the representation of social interaction, agency is an important aspect as it refers to participants in the action-oriented situation. The concept of linguistic agency refers to the representation of characters and objects in interaction. The explicit relationship to the verb of action determines the category of linguistic agency. The category of the sociological agency is not always realised by the grammatical role of the agent as it may be also realised by the grammatical role of the patient (van Leeuwen, 1996). As Fairclough (1989) claims, the ideological aspects should be related to the way that agency is represented.

The activity of communication in the mediation process refers to communication strategies and tactics used in mediation. As stated by Barge (2009, p. 679), strategies "refer to broad plans that include a series of moves, while tactics are the specific messages that perform the moves". Therefore, in the process of mediation, the mediator and the parties-in-conflict/consent may employ a broad integrative strategy and rely on distributive tactics at various points to achieve their overall integrative strategy. Within this theoretical line, the focus on modelling the communication strategies employed by the mediator and *the* parties'-in-conflict/consent makes it possible to understand how the parties-in-conflict become the parties-in-consent.

In the communication process, Barge (2009, p. 679) states that the dominant communication strategy model 'is stable over time and that negotiators consistently use either a distributive or integrative strategy throughout the negotiation'. As indicated by Barge (2009), the mixed strategy models used in the mediation process include various communication strategies that may alter over time long the development of mediation at different stages. Therefore, within strategizing theory and research, Barge (2009, p. 679) emphasises the importance of focusing on

- (a) articulating the communicative moves and utterances that characterize distributive and integrative strategies and tactics such as initial offers, concession making, and information management, including issues of bluffing, deception, and blustering; (b) the way the connection between strategy and tactic is managed; and

(c) the temporal and contextual elements of strategy choice and performance—how issues of timing and context influence what development of strategy.

Since the communication strategies in the dimension of time and context influence the strategy development, we choose seven communication strategies [6, 7], namely,

1. Nomination
2. Restriction
3. Turn-taking
4. Topic control
5. Topic shifting
6. Repair
7. Termination

The first communication strategy refers to Nomination, the aim of which is not only to present a mediation topic clearly and truthfully but also to concentrate on what is relevant for the topic development. The second communication strategy, i.e., Restriction constrains the verbal action in the form of response or reaction within a set of categories. The third communication strategy is related to Turn-taking, which recognises when and how to speak in turns. The fourth communication strategy is known as topic control in the mediation process, and it aims to keep the interaction of the parties-in-conflict/consent in the question and answer communication frame. The fifth communication strategy is Topic shifting which involves introducing a new topic followed by the continuation of that topic. The sixth communication strategy refers to Repair, and it is related to overcoming communication breakdown through sending more comprehensible messages. The seventh communication strategies, i.e., Termination uses verbal and nonverbal signals to end the interaction.

The third activity of communication in the mediation process refers to managing relationships. In the context of mediation, the management of relationships refers to how both the mediator and the parties' in-conflict/consent manage their relationships. Barge (2009) states that in the theory of communication and negotiation, agents, audiences and constituencies are distinguished. For example, in the case of family mediation, the mediator and the parties'-in-conflict/consent function as agents to represent "the positions and interests of particular constituencies" (Barge, 2009, p. 679), namely the parties'-in-conflict/consent juvenile children. Therefore, in our research into the mediation management of relationships, we focus on the mediation relationships with the constituencies to progress toward conflict resolution.

2.2.3 Pragma dialectic models of argumentation

Since there is no single argumentation theory (Schuetz, 2009, p 40) but there is ‘‘a constellation of features and concepts drawn from philosophy, rhetoric, and social theories infuses different concepts and explanations of argumentation’’ we start the discussion of the pragma dialectic models of argumentation with the definition of the term *argumentation*. In this dissertation, we follow van Eemeren and Grootendorst’s (2004, p. 1) definition of this term.

Argumentation is a verbal, social, and rational activity aimed at convincing a reasonable critic of the acceptability of a standpoint by putting forward a constellation of propositions justifying or refuting the proposition expressed in the standpoint.

This definition focuses on the aim of the activity to justify or refute propositions. Argumentation is perceived as a verbal activity expressed in the language in use. Argumentation is also a social activity directed at other people, even if it is manifested as self-deliberation in monologue, e.g., the mediator's opening monologue. As a rational activity, argumentation is based on intellectual and emotional considerations. Although it is a rational activity, emotions play a role in argumentation, and as such, they can be the cause of arguments and become arguments whether they are justified or not (van Eemeren, Grootendorst, 2004).

Argumentation theory is an interdisciplinary study, the historical origins of which are in dialectic, rhetoric, and logic (Wenzel, 1990; van Eemeren, Grootendorst, 2004; Schuetz, 2009). Since ancient times, an emphasis on logical reasoning, ‘‘rationality and reasonable communication distinguished argumentation from other kinds of communication’’ (Schuetz, 2009, p.40). Wenzel (1990) discusses three perspectives in argumentation theory that have been developing since ancient times, namely products derived from logic, processes connected with rhetoric, and procedures associated with dialectic. Schuetz (2009, p.40) states that argumentation is

a cooperative process in which communicators make inferences from various grounds and evidence; provide justifications for their conclusions or claims based on those starting points; choose among disputed options in controversies; and promote, defend, and amend positions and standpoints in response to other participants in the argumentative processes.

In contrast to formal logic, argumentation emphasizes *practical reasoning*, the everyday arguments that people use to solve disputes in interpersonal and public

contexts. Examining products, processes, and procedures provides general perspectives for theorizing argumentation.

In the context of mediation, the mediator and *the parties*'-in-conflict/consent communicate their inferences, provide the justification for their articulated needs, choose their options, and defend or amend their standpoints. As van Eemeren and Grootendorst (2004) state, argumentation theory focuses on inference, logic, and procedure-related rules.

Pragma-dialectics, as an argumentation theory, developed by such theoreticians as van Eemeren and Grootendorst (1984, 1992, 2004) and van Eemeren et. al. (1996) "relies on reasoned and orderly dialectical procedures and practical reasoning processes for resolving differences of opinion" (Schuetz, 2009, p 43). The pragma-dialectic perspective emphasizes 'how particular speech acts used in social-reasoning processes increase or decrease the acceptability of arguers' controversial standpoints in disputes' Schuetz, 2009, p 43). In conflict, pragma-dialectics stresses "both the dialectical procedures and the instrumental and pragmatic goals that arguers pursue" (Schuetz, 2009, p 43).

With the pragma-dialectic argumentation theory by van Eemeren and Grootendorst (1984, 1992, 2004) as well as van Eemeren et al. (2014), we discuss the phenomenon of argumentation in the process of mediation in the practical part. Since argumentation in mediation is expressed verbally, it is understood as "a communicative act complex consisting of a functional combination of communicative moves" (van Eemeren et al., 2014, p. 5). As an act complex, argumentation has both locutionary forces, i.e., a propositional content, and illocutionary force, i.e., a communicative function (van Eemeren, Grootendorst, 1984, pp. 29-46), and as such, it is closely related to Speech Act Theory (Austin, 1962, Searle, 1969). Additionally, it should be emphasised here that mediation is an argumentative discourse that runs through the stages of opening, argumentation, and conclusion. In the mediation context, pragma-dialectics is used to explain the interrelation of the argumentative speech acts.

Following Ihnen Jory's (2016) pragma-dialectic argumentation theory, we focus on negotiation and deliberation as genres or two context types of mediation discourse. Within this pragma-dialectical framework, we also discuss mediation as an argumentative discourse that leads to conflict resolution or not. Ihnen Jory's (2016) pragma-dialectic argumentation theory gives the background to conduct systematic, context-sensitive evaluations of argumentative discourse in mediation. Within Ihnen Jory's (2016) pragma-dialectical theory, we also focus on the contextual aspects of argumentation to distinguish negotiation and deliberation in the process of mediation and to follow the criteria for identifying them in practice discussed in Chapter 5.

2.2.4 Speech act theory

Speech Act Theory (Austin, 1962; Searle, 1969) is situated within the larger study of language in use. The origins of this theory are traced to language philosophy and philosophical investigations into language use (Wittgenstein, 1953). Wittgenstein's (1953) observation that the meaning of language is to be found in the language used in context rather than in words and grammar without the specified context. Wittgenstein's (1953) comparison of the language used to the rule-governed game serves the point that, similarly to the game, all languages are used to accomplish goals, namely to inform, promise, or suggest.

Within the Speech Act Theory (Austin, 1962; Searle, 1969), the term *speech act* is a key term, which is "an utterance defined in terms of the intentions of the speaker and the effect it has on the listener, e.g., a 'directive' (Crystal, 2006, p. 437). Speech acts are communicative acts that refer to the use of language to do or perform some action. Searle (1969, p. 7) states that "the theory of speech act starts with the assumption that the minimal unit of human communication is not a sentence or other expression but rather the performance of certain kinds of acts, such as making statements, asking questions, giving orders, describing, explaining, apologizing, thanking, congratulating." In the given context, speech acts include, inter alia, apologies, commands, compliments, cursing, declarations of marriage, gossip, promises, requests, suggestions, threats, or warnings. Within the Speech Act Theory, speech acts function as communicative acts to show how people accomplish actions with words to achieve their goals.

Austin (1962) refers to the use of language as speech acts defined as language in use to act. In Austin's (1962) speech act theory, individual words or sentences are not the basic elements of human communication but rather speech acts that are performed in uttering those words and sentences. As Austin (1962, p. 1) states, "[i]t was for too long the assumption of philosophers that the business of a 'statement' can only be to 'describe' some state of affairs, or to 'state some fact', which it must do either truly or falsely.", Following Wittgenstein's (1953) philosophical views on the language used to accomplish objectives, Austin (1962) concentrates the language used in context and divides the speech acts into 'locutionary acts', 'illocutionary acts' as well as 'perlocutionary acts' to show how to do things with words. The locutionary act refers to an utterance act, i.e., locution, which means the utterance of linguistic elements in a particular grammatical order. The illocutionary act is an active result of the meaning conveyed through the locutionary act as a speech act. The perlocutionary act is an actual and consequential effect of both locutionary and illocutionary acts. Austin's (1962) theoretical approach to

meaning, the traditional view on meaning as referents of words and sentences, is widened by showing the explicit expressions of intentions behind utterances.

Searle's (1969, 1983) speech act theory explains how spoken or written messages express the speaker's or writer's intentions. Searle's (1969) views on speech acts provide the basis for the sophisticated discussion of communication and meaning. In the philosophy of language, Searle (1969) distinguishes among the utterance act, i.e., locution, the propositional act, which is the formulation of the utterance content through reference to the object, and predication, i.e., attribution of the object characteristics as well as the illocutionary act, which indicated the way how the proposition is related to the utterance and its communicative function. The propositional content of the utterance is the statement of a proposition delivered with its illocutionary force, which is the intention or the purpose of the speaker or the writer. The illocutionary function is expressed by performative verbs as well as by adverbs, intonation, particles, or sentence mood as illocutionary indicators. Suppose the illocutionary acts have effects intended by the speaker or the writer. In that case, they are referred to as perlocutionary acts, the intention of which is to affect the behaviour of the listener or the reader and which are conveyed by the speaker or the writer.

In Searle's (1969) speech act theory, illocutionary acts fulfil four conditions to be considered successfully performed. Those conditions include the propositional content condition, preparatory conditions, the sincerity condition, and the essential condition. They occur in spatial and temporal dimensions for a speech act to accomplish its intention and achieve its purpose. The propositional content condition is expressed by a performative function not only to describe a particular reality but also to change it. The preparatory condition occurs when the speaker's or the writer's authority, as well as the circumstances of the speech acts, are appropriate to be performed successfully. The sincerity condition is fulfilled when a speech act is performed sincerely and seriously. The essential condition involves the speaker's or the writer's intention for the listener or the reader to act upon the utterance.

Searle's (1975, 1979) speech act theory includes the general classification of the functions or illocutions that the speech acts perform. Searle (1975, 1979) classifies speech acts into five macro classes, such as commissives, declarations, directives, expressives, and representatives, with functions and types of verbal actions specified below in Table 5.

Table 5

Speech act types, functions, and verbal actions (Searle, 1975, 1979)

Speech act types	Functions	Verbal actions
commissives	The speaker commits himself/herself to future actions	promises, oaths, pledges, threats, vows.
declarations	The speaker wants to bring something about in the world, to represent a state of affairs	arrests, baptisms, blessings, firings, marriages, judicial speech acts such as sentencings, declaring a mistrial, declaring an order, a decision, a verdict, a judgement
directives	The speaker makes the listener do something	commands, requests, challenges, invitations, orders, summons, entreaties, dares
expressives	The speaker expresses a psychological state	greetings, apologies, congratulations, condolences, thanksgivings
representatives	The speaker's intention is to assert the speaker's belief.	assertions, statements, claims, hypotheses, descriptions, suggestions.

Searle's (1975, 1979) speech act typology, consisting of representatives, directives, commissives, expressives, and declaratives, leads to the classification of micro classes coded for clause forms, i.e., declarative, imperative, and interrogative, as well as direct or indirect speech acts.

Speech Act Theory (Austin, 1962; Searle, 1969) is both semantically and pragmatically oriented. The double orientation is incorporated in each text, utterance, sentence, or word used for communication purposes as presented in Figure 18 below.

Figure 19

Speech Acts based on Austin (1962) and Searle (1969)



In its semantic orientation, Speech Act Theory (Austin, 1962, Searle, 1969) is concerned with the analysis of utterances that characterise speech acts. In contrast, in its pragmatic orientation, it refers to communication processes as a starting point.

Speech Act Theory (Austin, 1962; Searle, 1969) refers to the utterance spoken or written as a holistic unit for analysing and making meaning to accomplish things with words. Within the framework of the speech act theory, utterances are classified as signs or symbols of behaviour styles, verbal and non-verbal realities. The conceptualisation of these refers to locution as concept domain space, illocution as concept verbal space, and perlocution as concept evaluation in its social space. In practical terms, the speech act theory aims at categorising speech acts to explain how speakers or writers make sense of their interaction in the process of communication. Additionally, it is foundational in discourse studies as it facilitates the comprehension of the speech and writing functions in context during interpersonal communication.

In the pragmatic orientation of speech acts, Yule (1996) and Scott (2022) concentrate on the Speech Act Theory of Austin (1962) and Searle (1969). Yule (1996) discusses speech acts in the context of felicity conditions and the performative hypothesis, and he provides speech classification and the distinction between direct and indirect acts. Scott (2022) tracks the development of Speech Act Theory with the focus on the work of Austin (1962) and Searle (1969). She explores Austin's (1962) distinction between locutionary acts, illocutionary acts, and perlocutionary acts. Scott (2022) discusses Searle's (1969) four categories of felicity conditions and uses them for a classification system for illocutionary acts. She considers Searle's (1969) discussion of direct and indirect speech acts, and their contribution to the development of Speech Act Theory and pragmatics.

In linguistics, Speech Act Theory "analyses the role of utterances in relation to the behaviour of speaker and hearer in interpersonal communication" (Crystal, 2008, p. 472). Speech act is "not an 'act of speech' (in the sense of PAROLE), but a communicative activity (a LOCUTIONARY act", which is defined with reference to the speakers' intentions "while speaking (the ILLOCUTIONARY force of their utterances) and the effects they achieve on listeners (the PERLOCUTIONARY effect of their utterances)" (Crystal, 2008, p. 472). In Speech Act Theory, performative utterances or performatives are distinguished from constative utterances, or constatives (Austin, 1962; Crystal 2008; Malmkjaer, 2010). The former are used to describe doing or performing something, whereas the latter are used "to state a fact or describe a state of affairs" (Malmkjaer, 2010, p. 560).

Researchers into Speech Act Theory, e.g., Sotillo (2012), Schrifin (2005), Kaburise (2011), focus on Speech Act Theory to analyse utterances performed for specific functions. For Sotillo (2012), Speech Act Theory is an utterance-driven analysis tool for establishing a connection between language forms and functions in specific contexts. She states that Speech Act Theory allows discourse researchers to explain the intended meaning of a discourse with illocutionary acts identified and analysed. Sotillo (2012) concentrates on functional units of communication, which have the literal meaning of the utterance, i.e., locutionary or propositional meaning, the intended meaning of the utterance, i.e., illocutionary meaning, and the effect of the utterance on the listener, i.e., perlocutionary force. Schrifin (2005) states that a speech act is inferred from three properties, namely the content of the utterance, the force or mood of the utterance, which is expressed by descriptive, prescriptive, and request markers corresponding to declarative, imperative, and interrogative mood types, and the position of the utterance within a discourse. Kaburise (2011, p. 1) states that "creating linguistic meaning or achieving communication between language participants is a dynamic process involving units, such as the form, context, and function of the utterance. "In this process, there is a correlation between the form and the function of utterances" (Kaburise, 2011).

Polish scholars have contributed to the development of speech acts both at the level of the development of Speech Act Theory and the analytical research into speech acts. Komorowska (2021, pp. 104-105) provides a historical review of the theoretical and analytical development of speech act by Polish scholars.

In Polish linguistics, speech acts have been studied by numerous scholars, including Krystyna Pisarkowa (1975, 1976), Maria Honowska (1984), Anna Wierzbicka (1973, 1987), Kazimierz Ożóg (1984, 1990, 1992, 2001), Aleksy Awdiejew (1987, 2004), Renata Grzegorzczkova (1995), Ewa Komorowska (1997, 1999, 2002, 2003, 2006, 2008, 2020a, 2020b), Ryszard Lipczuk (1999), Jolanta Antas (2000), Małgorzata Marcjanik (2002, 1993), Beata Drabik (2004), Aleksander Kiklewicz (2006, 2009), Izabella Prokop (2010), Michał Post (2013), Artur Czapiga (2017) and others.

Apart from the above-mentioned scholars, Komorowska (2021, p. 105) mentions linguists who "propose a cognitive approach to speech acts, e.g., Roman Kalisz (1994, 2006), also in collaboration with Wojciech Kubiński (Kalisz and Kubiński, 1993), and Olga Sokołowska (2001)" as well as Kubiński and Stanulewicz (2001).

Polish studies on Speech Act Theory comprise the discussion on speech acts and pragmatics. Bartmiński (2001), Tabakowska (2001), Bartmiński, Niebrzegowska-

Bartmińska (2009), and Kiklewicz (2009, 2010, 2011, 2021) focus on Austin's (1962) or Searle's (1969) traditional classifications of speech acts to modify them or provide alternative classifications. Bartmiński (2001), Tabakowska (2001), and Bartmiński, Niebrzegowska-Bartmińska (2009) modify Searle's classification of speech acts by identifying standard features of the classes and combining them into pairs. The authors distinguish between constitutive acts, i.e., expressives and declaratives, or combine directives and commissives into the superclass of obligatives, as they both consist in obliging someone to take some action in the future. Additionally, the authors distinguish the third superclass – informative, which includes assertions, and a separate class of questions about information not included in Searle's classification. Kiklewicz (2009, 2010, 2021) presents an oppositional-hierarchical classification as a consequence of the mechanism of extracting pragmatic distinctive features of the speech act, revealed in comparison with other acts. Kiklewicz (2010) applies a dichotomous approach to Austin's (1962) classification of speech acts and presents them within the limits of hierarchical oppositions. The novelty of Kiklewicz's (2010, p.153) classification is based on the stratification of speech acts related to

- 1) superordinate categories (such as constatives and performatives in Austin's theory or active vs. reactive behaviour in the model of dispositional pragmatics suggested by the author); 2) basic-level categories, i.e., proper acts of speech (expositive, deliberative, descriptive, declarative, appellative, creative acts, etc.); 3) subordinate categories, i.e., sub-acts of speech, such as different types of requests: application, appeal, petition, begging, prayers, reminder, receipt, etc

Kiklewicz (2011) discusses the speech acts classification based on the pragmatic function and relevant elements of context. Kiklewicz's (2011, p. 65) classification of speech acts has "a dichotomous as well as a hierarchical character". The author distinguishes and describes 1. inventional vs. conventional speech acts, 2. communicative vs. uncommunicative speech acts, 3. polite vs. customary speech acts, 4. representative vs. performative speech acts, 5. expositive vs. verdictive speech acts, 6. causative vs. deliberative speech acts, 7. descriptive vs. declarative speech acts, 8. directive vs. commissive speech acts, 9. initiative vs. reactive speech acts, 10. extentional vs. intentional speech acts, 11. appellative vs. creative speech acts, and 12. cooperative vs. magic speech acts. To categorise speech acts, Kiklewicz (2011, p. 80) distinguishes three levels, namely,

- 1) superordinate, e.g., the level of homogenous classes in terms of the pragmatic function of speech acts;
- 2) ordinate – the level of speech acts (such as request, demand, declaration, threat, etc.);
- 3) subordinate, e.g., the level of varieties of speech acts or sub-acts.

At the superordinate level, Kiklewicz (2011) provides ten hierarchical oppositions of speech acts within their pragmatic function as shown in Table 6, below.

Table 6

Classification of speech acts at the superordinate level (Kiklewicz, 2011, p.80)

1. Intentional acts	1.1. Commu- nicative acts	1.1.1. Rep- representational acts	1.1.1.1. Expositive acts	1.1.1.1.1. Declarative acts	1.1.1.1.1.1. Initiative acts		
				1.1.1.1.2. Descriptive acts	1.1.1.1.1.2. Reactive acts		
					1.1.1.1.2.1. Extentional acts		
			1.1.1.1.2.2. Intentional acts				
		1.1.1.2. Verdictive acts					
		1.1.2. Casu- sative acts	1.1.2.1. Obligative acts	1.1.2.1.1. Directive acts	1.1.2.1.1.1. Appellative acts	1.1.2.1.1.1. Co- operative acts	
						1.1.2.1.1.2. Magical acts	
				1.1.2.1.1.2. Creative acts			
			1.1.2.1.2. Commissive acts				
		1.1.2.2. Deliberative acts					
1.2. Non-communicative acts							
2. Conventional acts	2.1. Polite acts						
	2.2. Customary acts						

Kiklewicz (2021) provides an integrated classification that distinguishes eighteen indivisible speech acts, namely: 1. phatic speech acts, 2. expressive speech acts, 3. labelling (ritualistic) speech acts, 4. customary (superstition) speech acts, 5. external descriptives speech acts, 6. internal descriptives speech acts, 7. modal speech acts, 8. metalinguistic speech acts, 9. creative speech acts, 10. questions speech acts, 11. vocative speech acts, 12. state-making directives speech acts, 13. cooperative directives speech acts, 14. esoteric speech acts, 15. suggestive speech acts, 16. commissives speech acts, 17. ethological speech acts, and 18. acquisition speech acts. Kiklewicz (2021) states that different categories of speech acts have different degrees of specification, e.g., 1) intentional acts are much more specific than correlative and phatic acts, as it underlines the functional primacy of intentional acts, and 2) among the intentional acts, communicative acts are much more specific than non-communicative acts, as it underlines the functional primacy of communicative acts.

In addition to theoretical works on Speech Act Theory, Polish scholars describe speech acts on linguistic material. Komorowska (2020), Komorowska and Stanulewicz (2025), and Rosińska-Mamej (2014, 2019), Pytel-Pandey (2011, 2012, 2013, 2015, 2020) focus their descriptions on a specific type of speech act. Komorowska (2020) describes promise as a commissive speech act in Polish and Russian. Komorowska and Stanulewicz (2025) focus on the speech act of threat to emphasise its complexity and point out that threat may be classified as a directive or commissive speech act. It may be classified as a commissive speech act when it is a negative promise and exhibits some characteristics of commissives. Komorowska (2008) focuses on directive speech acts, Senderska (2010) on compassion as a speech act, .Rosińska-Mamej (2019, 2021) on request as a speech act, and others.

2.2.5 Narration and representation theories

The phenomenon of narration and its synonymous form of *narrative* dates back to the time of antiquity, when narration emerges as an autonomous object of research and inquiry. Both philosophers and critics starting with Aristotle to Propp (1968/1928) and Lubbock (1921) to Booth (1961) are considered as pioneers of narration theory.

Abbott (2002, p. 16) reserves the term *narrative* for the combination of story and discourse components since "a story is an event or sequence of events (the *action*), and narrative discourse is those events as represented". In this approach, the representation of narration does not limit the narrative to textual actualisation of a story, i.e., to verbal texts or narrational, but extends it to discourse, understood as the ability to represent what constitutes a story (Abbot, 2002, p. 16). In Abbot's (2002) narration theory, narrative functions as the textual actualisation of a story, which is a cognitive construct, and as such, it can be defined in autonomous terms. Similarly to narrative discourse, a story is a mental representation of cognitive constructs with its entities and relations.

The narration and representation theories also have their foundation in Fisher's (1984) narrative theory based on the concept that people are storytellers. Fisher (1984, 1987) views storytelling as one of the oldest and most universal forms of communication in which people make decisions and act within this narrative framework. The idea of narrative fidelity is based on five criteria that refer to the issue of fact, relevance, consequences, consistency, and transcendence (Fisher, 1987). The issue of fact refers to the examination of the values explicitly or implicitly embedded in the story (Fisher, 1987). Relevance considers the connection between the story told and the story values perceived (Fisher, 1987). The issue of consequences considers

the possible outcomes of the perceived story values (Fisher, 1987). The last issue of transcendence involves the extent of the story values representation of the highest values in human experience (Fisher, 1987).

Cognitive narration theory (Grice, 1975; Herman, 2002, 2005) investigates the entities and relations of the story within the ranges and intersections of language, perception, knowledge, memory, and the world. With stories understood as cognitive constructs, the listener or the reader constructs their mental representation of the story worlds embedded in the narrative (Herman, 2002, 2005). The logical principle of stories and storytelling lies in the individually preferred rules and processing strategies of cognitive construction and reconstruction to create the intelligent world models of the story (Bruner, 1986, Herman, 2002, 2005). Within the cognitive narration theory, the functional modelling of narrative intelligence focuses on the understanding of narrative intelligence processes as well as the narrative generating processes (Herman, 2002, 2005).

In discourse linguistics, narration and representation theory refer not only to the creation of a mental image through art, language, and other domains where meaning can be created. As Hall (1997) states, narrative representation involves all the signifying practices and symbolic systems used for meaning production. Concentrated on meaning and sense reconstruction, discourse analysts examine how different phenomena related to people, concepts, or events and embedded in discourse are represented through language use (Labov, 1972; Sacks, 1995; Herman, 2002, 2005). As noticed by Reisigl and Wodak (2001), the language-related phenomenon e.g., prejudice is characterized by positive self-representation and negative 'other' representation, can be achieved through stereotyping. This phenomenon of double representations, i.e., positive and negative, may occur in narrative discourse implicated by social action in which social relationships are built and maintained through so-called small talks or stories.

2.2.6 Discourse community representation theory

The term *discourse community* is used by Nystrand (1982) and then further developed by Swales (1990), who conceptualises the discourse community, referring to Herzberg's (1986) definition of this concept. Herzberg (1986, p. 1) states that the term 'discourse community' signifies "a cluster of ideas: that language use in a group is a form of social behaviour, that discourse is a means of maintaining and extending the group's knowledge and of initiating new members into the group, and that discourse is epistemic or constitutive of the group's

knowledge”. Following Herzberg’s (1986, p.1) assumption that “discourse operates within conventions defined by communities, be they academic disciplines or social groups”, Swales (1990, pp. 24–27) defines a discourse community according to six characteristics which each discourse community should meet, namely:

- (1) a discourse community has a broadly agreed-upon set of common goals,
- (2) a discourse community has mechanisms for intercommunication among members,
- (3) a discourse community has participatory mechanisms to provide information and feedback,
- (4) a discourse community has, owns, and uses one or more genres to further its communicative aims,
- (5) a discourse community has acquired specific lexis and
- (6) a discourse community has members with their suitable degree of relevant content and discourse expertise.

Swales' (1990) characteristics indicate that a discourse community uses language to extend the group's knowledge of the world.

Bizzell’s (1992) discourse community representation theory differs from Swales’ (1990) theory. Bizzell (1992) claims that discourse community not only borrows the concept of speech community from sociolinguistics but also the concept of interpretative community from stylistics to interpret the community experience and regulate the world views of its members. The term *speech community* is traced back to Bloomfield (1926, pp. 153–154), who defines the term in the following way: "Within certain communities, successive utterances are alike or partly alike . . . Any such community is a speech community". From a sociolinguistic perspective, the concept of speech community is associated with forms of language acquired from the community in which the individual is brought up (Gumperz, 1968; Hymes, 1972; Labov 1973). It differs from a discourse community as a speech community involves shared community membership and shared linguistic communication, whereas a discourse community involves shared language use based around a formal or informal social group, capable of recreating and transforming its discourse and its own culture.

Porter (1992, p. 106) characterises the discourse community as "a local and temporary constraining system, defined by a body of texts (or more generally, practices) that are unified by a common focus. A discourse community is a textual system with stated and unstated conventions, a vital history, mechanisms for wielding power, institutional hierarchies, vested interests, and so on." In his view on discourse community Porter (1992) states that all new ideas created by individuals and added to the discourse community have an impact on that community

and cause its change, which may lead to the transformation of the discourse community into the community of practice.

The term *community of practice*, developed by Lave and Wenger (1991), refers to how people sharing sets of common goals interact with each other in the defined contexts to continue certain practices in the specified situations. The community of practice is "a set of relations among persons, activity, and world, over time and in relation with other tangential and overlapping communities of practice. A community of practice is an intrinsic condition for the existence of knowledge" (Lave, Wenger, 1991, p. 29). Borg (2003) indicates that the community of practice is mutually engaged into a joint enterprise that separates it from other implications of the discourse community. Eckert and McConnell-Ginet (1998, p. 491) state that the community of practice occurs in situations where "observable action and interaction do the work of producing, reproducing, and resisting the organization of power in society and in societal discourses of gender, age, race, etc'". as well as genres.

The conceptualisation of discourse community representation reveals the relationship between discourse community and genre. Hyland (2002, p. 121) states that "by focusing on the distinctive rhetorical practices of different communities, we can more clearly see how language is used and how the social, cultural, and epistemological characteristics of different disciplines are made real". Swales (1990) describes the relationship between discourse community and genres pointing out the fact that genres belong to discourse communities not to individuals.

2.2.7 Genre theory of discourse

The concept of genre has a long tradition in literary studies as it refers to different types of literary texts. Swales (1990, p. 33) defines the term *genre* as "a distinctive category of the discourse of any type, spoken or written, with or without literary aspirations." Paltridge (1997) discusses the notion of genre in relation to different research studies including folklore studies, linguistic anthropology, conversational analysis, and applied linguistics. In discourse linguistics, the concept of genre is discussed with reference to "a type of communicative event" (Swales, 1990, p. 39). Despite different approaches to the investigation into the nature of genre which range from Biber's (1988) quantitative analysis to Bhatia's (1993) qualitative analysis, Hyon (1996) identifies three main approaches to genre theory, which include the Systemic Functional Linguistics, the 'New Rhetoric' School and English for Specific Purposes approach to genre.

The Systemic Functional Linguistics approach to genre is primarily concerned with the relationship between the language and its functions in social settings. Eggins (1994) describes this relationship from the two complementary perspectives of the text. Firstly, the produced texts occur in the immediate situational context, i.e. register or context of the situation. Secondly, the overall purpose of the text interaction function is the genre or context of culture. Eggins (1994) states that registers or contexts of the situation are reflected in the field, i.e., what the text is about, in mode, i.e., the channel of communication and tenor, i.e., the interpersonal relationship between the communicators and their social roles. Consequently, the relationship between language and its functions in social settings results in three types of meanings, i.e., the experiential meaning, the textual meaning, and the interpersonal meaning (Eggins, 1994).

Not only does Eggins (1994) provide the definition of the term *genre*, but also he specifies the relationship between genre, language, and register. Eggins (1994, p. 78) states that

- Language is used with a function or purpose, and this use is related to a given situation and a specific culture.
- The context of culture (genre) is more abstract, more general, than the context of situation (register).
- Genres are realised through languages, and this process of realising genres in language is mediated through the realisation of register.

While Eggins (1994) defines genre as a context of culture realised through languages mediated through the realisation of register, Martin (1985, p. 25) defines genre as a “staged, goal-oriented, purposeful activity in which speakers engage as members of our culture”. Martin’s (1985) definition of the term *genre* indicates that genres are activity types in culture instantiated in complete texts using culture-accepted conventions with their overall structure. In SFL the conceptualisation of genre differentiates genres from registers and styles as goal-oriented and directed communicative events with the underlying social purposeful activity with systemic functional structures.

In contrast to SFL, the "New Rhetoric" approach to genre reflects a different conceptualisation of genre (Miller, 1984; Bizzell, 1992). Instead of focusing on the formal functional dimensions of the text structures perceived as goal-oriented activity, the "New Rhetoric" researchers pay attention to the functional and contextual aspects of genres (Hyland, 2002). In contrast to the prescriptive SFL approach to genre, the "New Rhetoric analysts emphasise the dynamic quality of genre (Berkenkotter, Huckin, 1995). The dynamic vision of genres is observed by Freedman and Medway (1994, p. 10).

If genres are understood as typified responses to social contexts, and if such contexts are inevitably fluid and dynamic, what sense can it make to explicate features of historical genres (and all genres are historical) as a way of teaching and learning?

The English for Specific Purposes approach to genre represented by Swales (1981, 1990) and Bhatia (1993) conceptualises the genre as a social phenomenon. Swales (1990, p. 58) defines the term *genre* as follows,

[a] genre comprises a class of communicative events, the members of which share some set of communicative purposes. These purposes are recognized by the expert members of the parent discourse community and thereby constitute the rationale for the genre. This rationale shapes the schematic structure of the discourse and influences and constrains the choice of content and style. The communicative purpose is both a privileged criterion and one that operates to keep the scope of a genre as here conceived narrowly focused on comparable rhetorical action. In addition to purpose, exemplars of a genre exhibit various patterns of similarity in terms of structure, style, content, and intended audience. If all high-probability expectations are realized, the exemplar will be viewed as prototypical by the parent discourse community. The genre names inherited and produced by discourse communities and imported by others constitute valuable ethnographic communication but typically need further validation.

As indicated in Swales' (1990) definition, genre is a communicative event with communicative purposes that shapes the discourse structure and influences the mediation discourse content and style. The internal structure of mediation discourse is also determined by the members of the mediation discourse community due to their experience and world knowledge. Swales' (1990) definition differs from the SFL approach to genres and follows the "New Rhetoric" approach to the genre by attaching importance to communicative purposes within communicative events. Similarly to the "New Rhetoric" approach, Swales (1981, 1990) and Bhatia (1993) emphasise the dynamic character of genres on which we focus.

Bhatia (2012) provides a general overview of the ESP approach to the analysis of professional written genres. In this approach, Bhatia (2012) widens the scope of the professional genre construction, its interpretation, and use with a focus on the socio-pragmatic space and function. In this investigation, Bhatia (2012) shows how expert professionals exploit this socio-pragmatic space to construct genres as new hybrid forms that appear across interdisciplinary institutional and cultural boundaries.

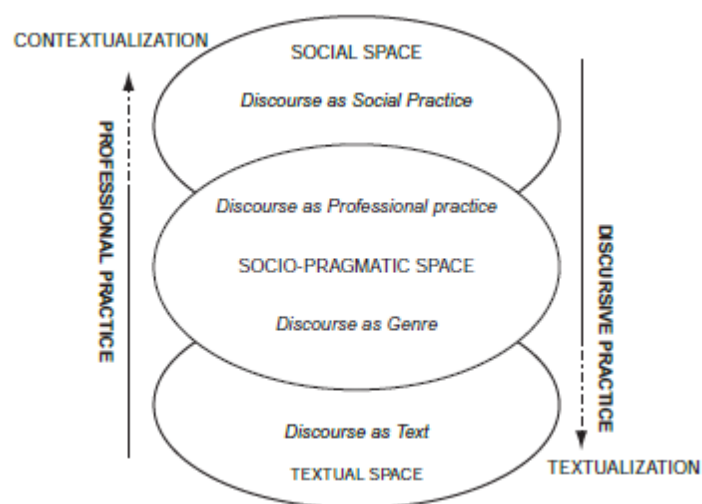
Despite 'seemingly different orientations', Bhatia (2012, p. 241) covers the common ground of genre theory in the following summary:

1. Genres have been viewed as recognizable communicative events, characterized by a set of communicative purpose(s) identified and mutually understood by members of the professional or academic community in which they regularly occur.
2. Genres are highly structured and conventionalized constructs, with constraints on allowable contributions in terms of the intentions one would like to give expression to, the shape they often take, and also in terms of the lexicogrammatical resources one can employ to give discursal values to such formal features.
3. Established members of a particular professional community seem to have a much greater knowledge and understanding of the use and exploitation of genres than those who are apprentices, new members, or outsiders.
4. Although genres are viewed as conventionalized constructs, expert members of the disciplinary and professional communities often exploit generic resources to express their private organizational intentions within the constructs of professionally shared communicative purposes.
5. Genres are reflections of disciplinary and organizational cultures, and in that sense, they focus on professional actions embedded within disciplinary, professional, and other institutional practices.
6. All disciplinary and professional genres have integrity of their own, which is often identified by reference to a combination of textual, discursive, and contextual factors.

The common grounds of Bhatia's (2012) genre theory focus on the multiperspective and multidimensional analysis of professional genres. The multiperspective genre analytical framework is presented in Figure 20 below.

Figure 20

Multiperspective genre analytical framework (Bhatia, 2012, p. 246)



The multidimensional analysis of the professional genres is conducted from the integrated perspectives presented in Figure 21 below.

Figure 21

Perspectives on professional genres (Bhatia, 2012, p. 248)



The graphic visualisation of the multi-perspective and multidimensional analysis of professional genres shows that "it is, therefore, necessary to extend the analysis of professional genres beyond the textual space, and to explore more seriously the socio-pragmatic (tactical as well as professional) space within which all professional genres seem to operate" (Bhatia, 2012,

p. 250). In our dissertation, we follow Bhatia's (2012) multi-perspectives on mediation as a professional genre.

2.3 Integrative theories of discourse

Discourse as an activity is mediated through human perception and cognition. The construction and reconstruction of discourse events transmitted in verbal mode become a cognitive activity performed by the author and the listener or the reader in the communication process. This cognitive discourse activity is mediated in the semiotic space or semiosphere to determine firstly, the linguistic and psychological dimensions of discourse events, secondly, the nature and sequential organisation of the text message, and thirdly, the action orientation related to the discourse events.

2.3.1 Integrative theories of discourse as activity

The origins of discourse as activity date back to Wittgenstein's (1953) philosophical investigations into the nature of language. As a result, Wittgenstein (1953) introduces the idea that the meaning of language is not words and grammar but the way how language is used in context. The emphasis on the contextual and pragmatic dependence of the linguistic meaning is illustrated by Wittgenstein's (1953) perspective of language as a series of games to construct the 'forms of life'. The dynamics of human communication in the forms of speaking or writing is a creative performance based on the 'rules' of the language game and the strategies applied in particular communicative situations with the applied tool kit.

Think of the tools in a toolbox: there is a hammer, pliers, a saw, a screwdriver, a rule, a glue-pot, nails, and screws. – The function of words is as diverse as the functions of these objects. (And in both cases, there are similarities.) Of course, what confuses us is the uniform appearance of words when we hear them spoken or meet them in script and print. For their *application* is not presented to us so clearly (Wittgenstein, 1972, p. 6).

The Speech Act Theory (Austin, 1962; Searle, 1969) contributes to the perception of discourse as action and its interpretative capacity conditioned by the context. As stated by Jones and Norris (2018, p. 6)

[a]nother major advance in seeing discourse as a kind of social action came from Austin (1962) and Searle (1969). In speech act theory, utterances are analyzed in

terms of the material effect they are intended to bring about the world. They carry ‘force’, which is interpreted according to various conditions present in the context”.

The theory of Systemic Functional Linguistics (Halliday, 1973, 1976, 1978, 1994; Halliday, Webster, 2009; Halliday, Hasan, 2014; Halliday, Martin, 2015) with its origin in Halliday's (1973, 1978) *systemic functional grammar* provides an insight into the meaning of discourse derived from the language function performed in the social structures and the system of knowledge at both micro-sociological and macro-sociological levels. In Jones and Norris (2018, p. 6) terms,

This focus on how the meaning of discourse derives from its use is also a prominent feature of contemporary approaches to grammar, in particular the *systemic functional grammar* of Halliday (1973, 1978), who insists that ‘language is as it is because of its function in the social structure’ (Halliday, 1973, p. 65). Halliday’s approach is an attempt to link the micro-sociological level of language use to the macro-sociological level, or, as he puts it, to link language to ‘the social structure, the values, the systems of knowledge, all the deepest and most pervasive patterns of the culture’ (Halliday, 1973, p. 45).

Discourse as action should be differentiated from discourse in action (Jones, Norris, 2018) since the former may be transformed into the latter. Discourse as action occurs in the text interpreted in the context, and it may be transformed into discourse in action. Discourse as an action finds its way to function as a discourse in action. As suggested by Jones and Norris (2018, p. 9),

the relationship between discourse and action is dynamic and contingent, located at a nexus of social practices, social identities, and social goals. This relationship is manifested in the *tension* between the kinds of actions that discourse and other cultural tools make possible and the ways people purposefully mix these tools in response to their immediate circumstances.

In the communication process, discourse cycles through social actions and then becomes discourse in action. To explain the mechanism of discourse in action as the outcome of discourse as action with the toolkit applied, Gee (1996, p. 128) states that

[a] discourse is composed of ways of talking, listening, (often, too, reading and writing), acting, interacting, believing, valuing and using tools and objects, in particular settings, at specific times, to display and recognize a particular social identity. Discourses create ‘social positions’ (perspectives) from which people are ‘invited’ (‘summoned’) to speak, listen, act, read and write, think, feel, believe, and

value in certain characteristic, historically recognizable ways, combined with their own individual style and creativity.

2.3.2 Habermas's theory of social action

Habermas's (1979, 1984, 1987, 1989) theory of social action has its foundation in Wittgenstein's (1953) concept of language games, Mead's (1934) views on symbolic interaction as well as the Speech Act Theory (Austin, 1962, Searle 1969). The initial linguistic research shifts to the analysis of communicative actions that "can only be interpreted 'rationally'" (Habermas, 1984, p. 106).

In the theory of social action, Habermas (1970, 1979, 1984, 1987, 1989, 1990, 1996, 2001) distinguishes four types of social action. The first type of social action developed under capitalism is called teleological-strategic action, directed toward subjects-objects, and it is mainly concerned with achieving success. The second type of social action is normatively regulated action. The third type of social action refers to dramaturgical action in which agents constitute a public event for one another to present their selves. While the first three types of social actions are identified as existing types of action Habermas (1984) defines the fourth type of action, which he calls, a communicative action.

In communicative action, people exchange verbal messages to understand each other. Although in the process of communication non-verbal messages are also exchanged, Habermas (1984) excludes non-verbal communication from communicative action. To perform effective communication action, Habermas (1984) draws attention to sincerity, accuracy, and correctness. The communication action is only possible when the author produces understandable verbal messages, transmits them to the listener or the reader through a selected channel of communication, makes himself or herself understandable, and understands the other person. Thus, Habermas (1984) determines the necessary elements for successful communication to occur. To those elements, Habermas (1984) includes grammatically correctly constructed sentences and meaningful utterances as well as the speech community in which the communicative action should take place. Moreover, since utterances are multilevel, the participants in the communication process establish interpersonal relations, intentions, shared experience, understanding, and knowledge.

While discussing communicative action, Habermas (1984, p. 305) states as follows:

We begin by including in communicative action all interactions in which those involved coordinate their individual plans unreservedly on the basis of

communicatively achieved agreement. With the specification "unreservedly pursuing illocutionary aims", we meant to exclude cases of latently strategic action in which the speaker inconspicuously employs illocutionary results for perlocutionary purposes. In the meantime, we have learned that simple imperatives are illocutionary acts with which the speaker openly declares his aim of influencing the decisions of his opposite member, and in so doing has to base the success of his power claim on supplementary sanctions. Thus with genuine imperatives – requests and demands that lack normative authorization – speakers can unreservedly pursue illocutionary aims and nonetheless act with an orientation to success rather than to understanding.

Communicative action includes all interactions constructed in the illocutionary and perlocutionary dimensions of communication in which the relationship between understanding and orientation to success is emphasized.

2.3.3. Fairclough's theory of textual action

Fairclough's (1989, 1995a, 2015) theory of textual action focuses on intertextual analysis within Critical Discourse Analysis. It shows how the elements of the text are incorporated and combined to perform actions. Although CDA is primarily concerned with the representations of persons, social groups, objects, events, or places and with discourse organisation, Fairclough (2015) states that this position should be reversed, and instead of focusing on representations and discourses, CDA should focus on action and genres.

Fairclough (2015) commences his theory on textual analysis as an action with the description of multifunctional texts. Fairclough (2015, p. 88) states that

[t]exts are (or are part of) forms of action, and they also provide representations (of people, objects, events) and are part of the enactment of identities. In other words, texts draw upon and contribute to the constitution of genres, discourses, and styles, and they do all of these simultaneously. Textual analysis, therefore, needs to identify and connect these different functions. Moreover, texts are multifunctional on various levels. For example, argumentative texts can be analyzed simultaneously from a logical, dialectical, and rhetorical perspective. Arguments are 'dialectical' in advancing particular standpoints in response to others, in measuring standpoints against each other and critically questioning them (as in deliberation), but they are simultaneously 'rhetorical' in seeking to persuade people to accept or reject

standpoints. Analysis needs to be directed at the interplay between the two, as the pragma-dialectical analysis of 'strategic manoeuvring' seeks to do (van Eemeren 2010). It is not enough for (political) textual analysis to analyse action/genres *and* representation/discourses *and* identity/styles; dialectic *and* rhetoric. It should analyse the relations between them, for example, how particular *representations* (discourses) can give agents reasons for *actions*, and how this, in turn, can serve particular power interests.

Following van Eemeren's (2010), Fairclough (2015) distinguishes between genres, and activity types as specific genres and concrete speech events to discuss the concepts of deliberation, adjudication, mediation, or negotiation and draw conclusions that activity types draw upon a combination of genres, whereas concrete speech events draw upon a combination of activity types.

Fairclough's (2015) analysis and discussion of such concepts as deliberation, adjudication, mediation, or negotiation reveal that those concepts result in a normative proposition to do something. Therefore, the cognitive outcome of the textual analysis reveals the textual action embedded in the intention or the decision to act. In institutional contexts, the discourse underlying rationale leads to a decision for action, though the participants may not agree to comply with the normative proposition (Fairclough, Fairclough, 2012).

While discussing politics, political discourse, and the analysis of political texts, Fairclough (2015) states that action is inherent in a discursive nature. Deliberation, adjudication, mediation, or negotiation are argumentative genres following the main directive of argumentation that some action should be taken. All those concepts are oriented toward the normative -practical judgment to do something. What is more, Fairclough (2015) points out that other genres. e.g., narrative and explanatory genres are embedded within argumentative genres and implicitly lead to action.

In the theory of textual action, Fairclough (2015) discusses the motives of action which include goals and values. The existence of motives embedded explicitly or implicitly in textual action may lead the listener or the reader to a decision-making process to take action or not. Therefore, textual analysis is a necessary part of discourse analysis to identify textual action embedded in discourse.

2.3.4 Lotman's semiosphere theory

Lotman's (1984, 1990, 2005) semiotic theory includes the conceptualisation of the semiotic space or semiosphere. The term *semiosphere* is coined by Lotman (1984) as an extension of the concept of the biosphere (Vernadsky, 1926). The concept of semiosphere (Lotman, 1984) is dedicated to dialogue as the basis of a semiotic system. The semiosphere is defined as "a specific semiotic continuum, which is filled the with multi-variant models situated at a range of hierarchical levels" (Lotman, 2005, p. 206).

As noticed by Nöth (2015), Lotman's (1984, 1990, 2005) theory on semiosphere reflects a gradual spatial turn from his early structuralist phase to a more dynamic post-structural phase in which the semiotic space or semiosphere is identified as an idea of action-bounded quality. In his theory, the semiosphere is an abstract or concrete semiotic space that has "prior existence and is in constant interaction with languages (Lotman, 1990, p. 123). It is "the result and the condition for the development of culture" (Lotman, 1990, p.125). The metaphorical character of semiosphere is indicated by Lotman (2005, p. 207) in the following way:

The space of the semiosphere carries an abstract character. This, however, is by no means to suggest that the concept of space is used, here, in a metaphorical sense. We have in mind a specific sphere possessing signs which are assigned to the enclosed space. Only within such a space is it possible for communicative processes and the creation of new information to be realized.

In Lotman's (1990) terms, a semiosphere is a space in which communication acts occur and which is enclosed by a boundary not necessarily defined in geographical space as it may be the boundary between the rich and the poor. As Nöth (2015, p. 13) states "the places within the semiosphere are the result of metaphorical projections of cultural values onto geographical space. A typical example is Russian medieval literature, where places and directions are imbued with moral values". Lotman (1990, p. 172) states that "notions of moral value and of locality fuse together: places have a moral significance and morals have a localized significance, [and] geography becomes a kind of ethics".

The essence of Lotman's (1990, p. 150) theory on semiosphere reveals idea and action that occurs in cyberspace:

The semiosphere, the space of culture, is not something that acts according to mapped-out and pre-calculated plans. It seethes like the sun; centers of activity boil up in different places, in-depth and on the surface, irradiating relatively peaceful

areas with its immense energy. But unlike that of the sun, the energy of the semiosphere is the energy of information, the energy of Thought.

It also undergoes the process of transformation from the structural to the post-structural phase. Lotman (1990, p. 142) indicates the dynamic character of the semiospheres' change as 'no semiosphere is immersed in an amorphous, 'wild' space, but it is in contact with other semiospheres that have *their* organization (though from the point of view of the former, they may seem unorganized) there is a constant exchange''.

The results of Lotman's (1990, 2005) transformational process leading to the post-structural position are discussed by Schönle and Shine (2006). Not only do Schönle and Shine (2006, p. 6) show that in Lotman's (1990, 2005) theory on semiospheres, messages are 'embedded in a fluid semiotic environment from which they draw their meaning' but also

Lotman's notion of the semiosphere, the semiotic environment in which communication occurs and from which it derives its codes, holds great interdisciplinary appeal. It tends to supersede the binary categories left over from structuralism (and sometimes retained in deconstruction) and to provide an underlying foundation for the local investigations undertaken by cultural studies. It emphasizes shifting boundaries and hierarchies, permutations between the center and the periphery, mediations and translations, isomorphic relations between events on the micro and macro levels, and unity through diversity. The organicist metaphor of the semiosphere serves not to essentialize discourse but to restore to it a sense of unceasing life, of the continuous metabolic exchanges discourses undergo when they are thrown into the world. (Schönle, Shine, 2006, p. 7).

2.3.5 Oukhvanova's causal-genetic integrative perspective, approach and theoretical modelling of different types of discourses (CGA or CGM)

The essence of the causal-genetic approach (CGA) to discourse modelling introduced by Irina Oukhvanova (1993, 2018, 2020) is that it works with macro signs of linguistics, e.g., texts and discourses. CGA introduced a new term into discourse linguistics, namely, 'cortege' and the collocations 'cortege information', 'cortege cluster', and 'communicative cortege'.

Cortege or communicative cortege is a group of people in communication; while interacting, they inscribe certain communicative roles on themselves and others forming certain relationships, which starts to be a part of discourse not less important than its referential

information. These two types of information form a discourse content-context structure making it flexible in functioning.

The first appearance of CGA as a complete theory and research perspective for text and discourse studies in Russian and Ukrainian (Oukhvanova, 1993). For the first time in the English-speaking research community, CGA was introduced in 2018 in the article titled "Discourse viewed from a complex system perspective: Causal-genetic approach as an integral discourse theory" (Oukhvanova (2018, pp. 5-16). In our description of CGA as an integral lingua-semiotic theory, we will refer to this source plus one more, which is the article by Oukhvanova (2020) titled "Discourse 8-D Thinking as the Object of Research and Training", the aim of which is to demonstrate the implementation of CGA into other European traditions, that is Tartu-Moscow Semiotic school and specifically Lotman's theory of semiosphere and the French school of discourse analysis.

If we follow the ideas presented by Professor Oukhvanova in her lecture courses at Jan Kochanowski University, we may underline the fact that CGA involves **two theories in one**: one of them is *structural*, while the other is *functional*. Let us develop this idea with references to the sources mentioned above.

CGA structural theory has its foundation in ancient philosophical writings, specifically in Aristotle's doctrine of knowledge (Graham, 1987) and causality [3]. Aristotle differentiated the causes of all we know into *factors* or constantly functioning causes and *facta* (*factum in singular*) or result-bringing causes [3].

Oukhvanova (2018, 2020) suggests considering *factors as the causes that form the ideational type of meanings of discourse*, these factors being:

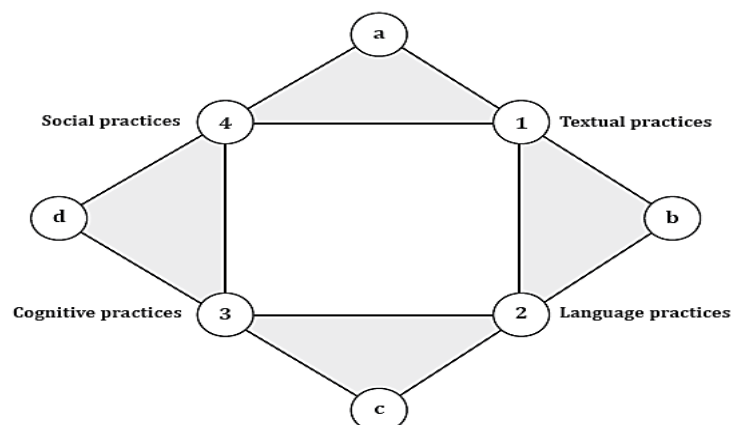
- (1) textual practice (syntagmatic factor of meaning production),
- (2) language practice (paradigmatic factor of meaning production),
- (3) cognitive practice (epistemic factor of meaning production), and
- (4) social practice (pragmatic factor of meaning production).

These factors produce textual, language, cognitive, and pragmatic types of meanings of discourse in their integrity (see Figure 22).

Figure 22

Factors, which produce the ideational type of meanings of discourse source:

Oukhvanova, 2018, p. 10)



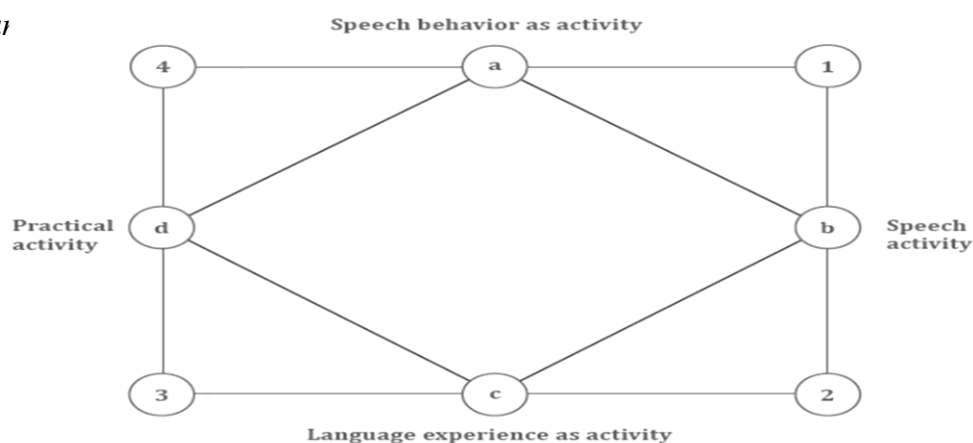
Another step in building this CGA structural theory is in naming the facts of discourse meaning production, which produce phenomena-bias meanings. They are

- (a) speech behaviour as a factum, which produces corteges of people inscribed into discourses (it builds interactive relations/cortege meanings),
- (b) speech activity or communication, which verbalise reality shared in discourses (it is sign activity that builds verbal meanings),
- (c) people's experience represented in the language (it generalizes the meanings and builds meanings as types, archetypes, stereotypes, etc., otherwise it inscribes patterns into discourse the typical/patterning reality shared in communication,
- (d) people's practical activity, which produces referents (it builds referential meanings).

Figure 23

Facta, which produce phenomena-bias type of meanings of discourse (source:

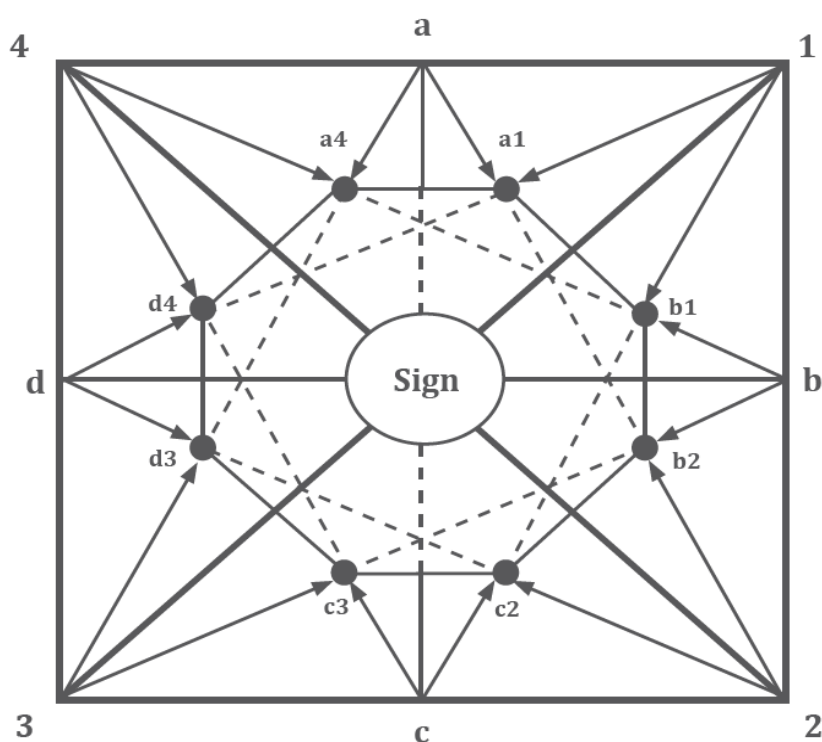
Oukhva



The interdependency of factor-factum causes is shown in Figure 24. Ideational meanings of discourse do not exist without phenomena-bias meanings and vice versa. As a result, the eight composites of discourse, meaning production, appear. They are a4, a1, b1, etc. (see Figure 24). What stands under them?

Figure 24

Functional factor-factum primitives/composites (discourse in its 8D representation) (source: Oukhvanova 2018, p. 12)



Oukhvanova (2020) names these composites from the point of phenomena-bias meanings, in the following way:

- **d4** – referents evaluated, **d3** – referents structured (cognized);
- **a4** – cortege evaluated, **a1** – cortege in textual development;
- **b1** – verbal referents in textual development, **b2** – verbal referents in language representation;
- **c2** – genre-bias cortege, **c3** – format-bias cortege.

Figure 25

Three theories in one: CGA (Oukhvanova), the French school of discourse analysis (Maingueneau), the theory of semiosphere (Lotman) (source: Oukhvanova 2020, p. 126)

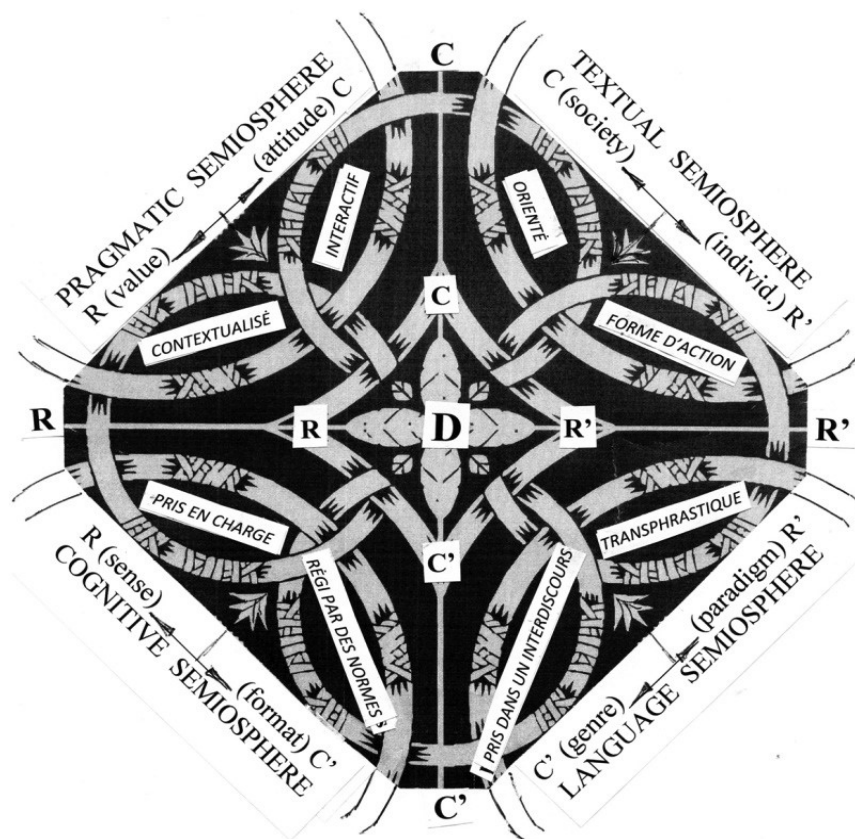


Figure 25 is introduced by Oukhvanova (2020) and demonstrates the fact that CGA applied for discourse modelling is deeply rooted in two more scientific traditions, that of Lotman's semiosphere theory (Tartu-Moscow school of semiotics) and the French school of discourse analysis theories (see more about it in Oukhvanova, 2020).

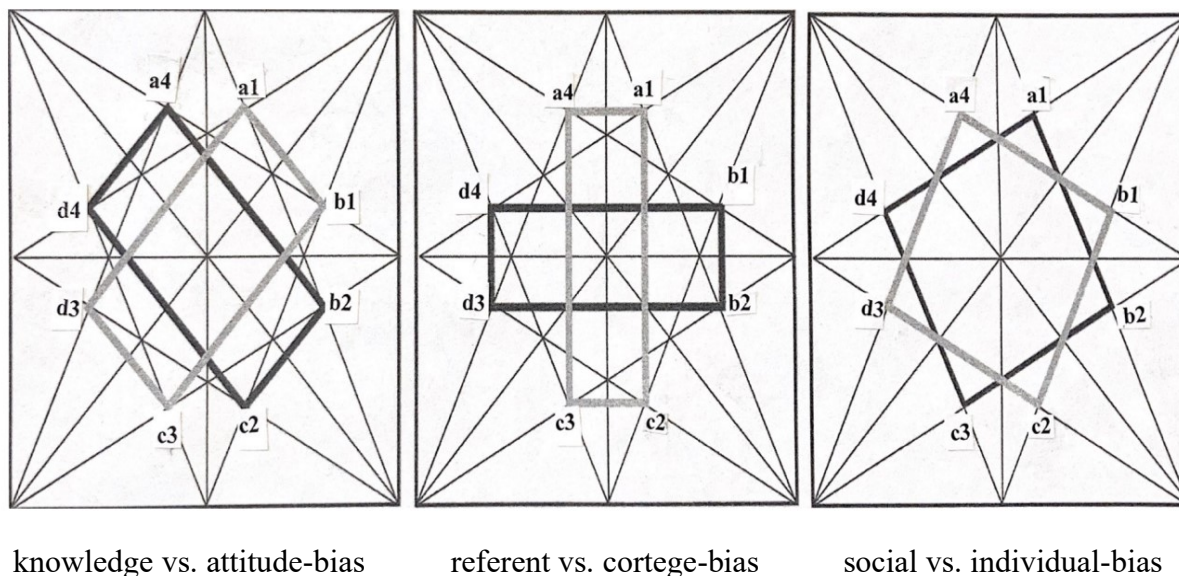
CGA functional theory starts when we know already where the composites or primitives of discourse content came from just as the place of each of these eight composites in relation to each other and to the causes, which gave birth to them.

With CGA functional theory, Oukhvanova reminds us that discourse meanings do not function by themselves but are subordinate to **discourse content-context structure**, which, thanks to its composites, is alive, e.g. flexible and open to transformations. Figure 26, given below, proves this statement.

Figure 26

Three pairs of discourse pictures in their dichotomist relation

(source: Oukhvanova, 2018, p. 13)



What does Figure 26 involve in itself? It shows that content-context structural elements of discourse are grouped on the basis of compensatory features. Only together, they act as discourse accepted as a holistic functional unit. Without each other, they are in a static (non-functional) form.

These pairs of dichotomies are composed of the following informative clusters:

- (1) **the referential informative cluster vs. cortege informative cluster** (where the first is rooted in practical and verbal activities, while the second is rooted in speech behaviour and language experience).
- (2) **knowledge informative cluster vs. attitude informative cluster** (where the first is rooted in cognitive and textual dimensions of discourse, while the second is rooted in its pragmatic and language-bias dimensions);
- (3) **social-bias informative cluster vs. individual-bias** (where each ideational and phenomenon-bias information is equally shared: 50:50).

We can add that CGA gave birth to several methods for discourse analysis as a research field, and three of them are based on these three dichotomies. The first two we use for our practical research, the first one for depth analysis, and the second one for verification analysis. Their description can be found in Chapters 4 and 5.

2.4 Conclusion

In this chapter, we have provided, in brief, the discussion on discourse perspectives, approaches, theories and theoretical modelling, which, as we think, could be useful for further discussion of methodological approaches and methods as applied further for our practical research.

We have organised the discussion here by applying the idea of the causal-genetic approach (C-GA) and theoretical modelling of different types of discourses (CGM) on discourse as an integration of phenomenological, ideational, and activity-bias traits, which make discourse complex, dynamic, and adopted to the research of the Family mediation (Parenting plan mediation). The discourse of professional mediation, such as family and business mediation, is a phenomenon, idea, and activity if we accept that the borderlines between these three angles reveal the need for integrational theory choice.

Thus, after our theoretical discussion, we accept the notion of discourse as the knowledge architecture constructed on the complex system of dynamically interconnected dichotomies involving referential information vs. cortege information, value information vs attitude information, as well as social-bias information, and individual-bias information, which integrates different approaches discussed here. This knowledge architecture of discourse is constructed on discourse, which is understood as a phenomenon, an idea, and an activity to reflect their phenomenological, ideational, and actional character. As stated above, in our dissertation, we primarily follow the definition of the term *discourse* within the framework of CGA (Oukhvanova, 2016, 2018, 2020) and, secondly, the *APA* definition of discourse.

In subchapter 2.1, the discourse theories embrace semiology and semiotic theories, lingua-semiotic theories, critical discourse approach (CDA), and genre approach (GA). Semiology and semiotic theories include Saussure's (1916, 1959, 1983) theory on the language sign with the meaning of verbal sign developed in its paradigmatic and syntagmatic meaning dimensions and Peirce's (1868, 1955a) semiotic theory related to sign typology and three types of inference. The lingua-semiotic theories involve Vygotsky's (1986) scaffolding theory, Lotman's (1992) semiotic theory as well as systemic functional linguistics (Halliday, 1978, 1994; Halliday and Matthiessen, 2004). The critical discourse approach (CDA), genre approach (GA), and the theories mentioned above give us the background for practical analysis.

In subchapter 2.2, the literature review focuses on discourse as an idea and activity. Therefore, we review the literature related to text theories, communication modelling theories, pragma dialectic models of argumentation, speech act theory, narration and representation,

discourse community representation theory, and genre theory of discourse. The theories presented in this subchapter provide the theoretical background for our empirical research, the results of which are presented in Chapters 4, 5, and 6. Regarding text theories, we follow de Beaugrande and Dresseler's (1981) text theory, which relates to text as a communicative activity with seven standards of textuality. Concerning the narration and representation theories, we follow Abbott (2002) and Herman (2002, 2005). In terms of Speech Act theories, we follow Austin (1962) and Searle (1969). Narration theories present the narrative as the action, and representation theories present the narrative through cognitive constructs reconstructed by the listener or the reader in the communication process. In respect of the genre theories, we follow the Systemic Functional Linguistics approach to the genre as well as those of Swales (1981, 1990) and Bhatia (1993, 2012). Bhatia's (2012) general overview of the ESP approach to professional genres are of importance to us as professional mediation belongs to this category.

Subchapter 2.3 includes the integrative theories of discourse. In the integrative theories of discourse, we discuss the integration of meaning theories (e.g., Wittgenstein, 1953) with those of Systemic Functional Linguistics (Halliday, 1973, 1976, 1978, 1994; Halliday, Webster, 2009; Halliday, Hasan, 2014; Halliday, Martin, 2015) and the Speech Act Theory (Austin, 1962; Searle, 1969). As the presented theories refer to discourse as a communicative activity, they are important for our practical research. Habermas' (1979, 1984, 1987, 1989) theory of social action is important for us to determine elements of successful mediated communication. Fairclough's (1989, 1992, 2003, 2015) theory of textual action focused on intertextual analysis together with de Beaugrande and Dresseler's (1981) theory on seven standards of textuality (see chapter 2.2) gives us insight into mediation as a professional activity. Lotman's (1990) theory of semiotic space is the location where discourse occurs. It provides insight into both the idea and action-related quality. Although all the discussed theories in this subchapter are important for us, the prime importance is assigned to Oukhvanova's (2018, 2020) causal-genetic integrative perspective and theoretical modelling of different types of discourses (CGA or CGM), as it provides the framework for practical analysis and the reconstruction of meaning and knowledge of the professional mediation process presented in Chapter 4. The integration of the theories presented in chapter 2.3 gives space for the integration of the theories presented in chapters 2.1 and 2.2 since discourse as an activity involves discourse as a phenomenon and an idea.

So now, as we think, we are ready to discuss the research methodology, specifically the methods and techniques actual and topical for our practical research – the case study of the successful family and business mediation.

Chapter 3

Methodological approaches to practical analysis

This chapter discusses the research methodology applied in the practical part of the dissertation within its research design. In the methodological background of the research design, we first concentrate on the method. Then we discuss the research sample, practical research problem, techniques of research data collection and organisation, and the research procedure of practical analysis. In our research methodology, we follow a mixed operational method (Creswell, 2014, 2015; Leavy, 2017) as a form of multi-method analysis.

3.1 Methodological background

In our methodological discussion, a set of working methods refers to a systematic study of the mediation discourse existence, reason, knowledge, values, cognition, and language. Within discourse linguistic methodology, the results of the research data analyses reflect the practical states of causality, cognition, language, and knowledge in their systems and structures. Moreover, the results are expected to reflect three levels of language functions: language self-identification on the functional level, speech act identification on the pragmatic level, and discourse identification on the communicative level. In our research design, discourse linguistic methodology is used to study communication in mediation and the communicative product of the mediation process.

3.1.1 Six methodological perspectives of research: holistic, positive, interpretative, critical, postmodernist, and integrative

Throughout the history of research, six methodological perspectives have been traced: the holistic one, the positive one, the interpretative one, the critical one, the postmodernist one, and the integrative one. The latest absorbs in itself all previously existed, actualising them as aspectual. Let us briefly discuss the essence of each.

The holistic perspective is related to the complete system of meaning reflection (Smuts, 1926; Quine, 1951; Fodor, 1987; Jackman, 2020). It reflects on understanding and evaluating what we allow ourselves to see as researchers. A holistic research perspective is based on considering the subject matter and all related ideas and purposes. It is a thought or idea formed

as a result of conducted research. The holistic perspective of research is an investigation into the fundamental nature, purpose, and essence of the produced discourse. From a holistic perspective, primary reflection refers to deriving concepts from reality. The secondary reflection is the realisation of the situational unity linked with the individual to provide a holistic view of discourse reality.

The positivist perspective "detaches object-bias content from subject-bias content, and thus facts from the ideas they represent; the fact is a real (if not absolute) value here" (Oukhvanova, 2016a, p. 31). The positivist perspective of the ontological dimension of the research is grounded in an objective reality acquired by the researcher to find causality, effects, and explanations for the results of conducted analyses. As scientific knowledge is based on facts, the positivist perspective considers reality- independent social construction and human behaviour as determined and controlled by environmental reality (Denzin, Lincoln, 2011, Howell, 2013).

In contrast to the positive perspective, the interpretative perspective "neglects facts (substance) in favour of ideas" (Oukhvanova, 2016a, p. 31). The interpretative perspective concentrates on the subjective features of human actions in environmental reality. It focuses on subjectivity, meaning, and context. Within the interpretative perspective of the ontological dimension, the researcher is focused on human actions, integration, and experiences encoded in verbal communication to explore the ideas of meaning and their interpretation.

The critical perspective of the ontological dimension is "in favour of pragmatic behaviour; it (over)emphasizes the idea of people's interest and the will to act and change the world" (Oukhvanova, 2016a, p. 31). Human will and communication here are valued much. Being one of the followers of this approach, Habermas (1970) writes that "this perspective claims that the emancipated form of life must be anticipated in every act of communication", and "competence can be reached only in an open and unconstrained communication context" (Chen, 2009, p.149).

The postmodernist perspective examines the relationships between reality and representation with the emphasis put on the assumption that reality does not exist outside the individual. Mumby (1997) distinguishes postmodernist perspectives from critical and interpretative approaches which are rather forms of modernism. The distinction between the postmodernist perspective from critical and interpretative approaches is based on postmodernism's absolute focus on the verbalisation of reality as a verbally experienced reality that seems to be the only reality we know. Here, there come the ideas of the autonomous rational mind, the epistemological separation between truth and power, just as an ontological

assumption that language can express stable meanings and personal identities. However, as Mumby (1997) implies that postmodernist ontological and epistemological assumptions can be integrated with a critical axiology and praxeology as many strands of critical theory currently do. Postmodernist approaches that are not critically oriented can be regarded instead as forms of interpretive theory (Craig, 2009, p. 660).

Thus, we see in it the way we are coming to accept the multi-aspectuality of the discourses, which bit by bit wins the scene of the contemporary world. The epochs of modernity and post-modernity, while confronting and uniting the previous perspectives as such, showed the inevitability of the next – integrative – perspective.

3.1.2 Qualitative and qualitative research paradigm – a multi-method research design

The concept of research paradigm refers to Kuhn's (1962) deep understanding of the philosophical way of thinking. It is used to describe the researcher's worldview, which is the perspective that reflects the meaning and interpretation of the research data. The research paradigm mirrors the researcher's beliefs about reality reconstructed on the basis of the research data, namely how the researcher perceives the world, and how he acts and interprets the world. The methods and procedures that the researcher chooses unconditionally depend on the methodological perspective. Thus, in our research design, the research paradigms become the conceptual lenses through which we determine the research methods for the research procedure to collect the data, present the results, discuss, and conclude. In our research design, the research paradigm that we have chosen defines our philosophical orientation with the significant implications related to decisions taken in the research process.

Lincoln and Guba (1985, p. 108) describe four essential elements of the research paradigm. The first, i.e. epistemological element has its aetiology in the Greek word *episteme*, which means knowledge. This element focuses on human knowledge, its nature, and justification. The second element refers to the ontology of the paradigm as a branch of philosophy related to the existential and reality bias nature. The ontological element of the research paradigm provides an understanding of how the researcher reconstructs the meaning of the collected data. The third element of the research paradigm is that of methodology covering the methodological approaches, research design, research methods, and research procedures. The methodological element shows how the researcher obtains the research data, knowledge, and understanding of the results. The fourth axiological element refers to ethical issues which involve the decisions of the right and wrong behaviour in the research.

The intellectual roots of the **multi-methods research** or the mixed methods research paradigm can be traced back to the twentieth century. Denscombe (2008, p. 271) states that [a]lthough there has not been complete unanimity about the dates, the general theme has been that an early period in which the positivist paradigm (linked with quantitative methodologies) was dominant (1950s to mid-1970s) changed to an era in which the constructivist research paradigm (linked with qualitative methodologies) became established as a viable alternative (mid-1970s to 1990s) (Denscombe, 2008, p. 271).

Denscombe (2008, p. 271) also indicates that

[t]he intellectual roots of the paradigm are generally traced to the early work of Campbell and Fiske (1959) on mixing methods (Collins, Onwuegbuzie, & Sutton, 2006; Creswell, 2003; Creswell & Plano Clark, 2007; Creswell, Tashakkori, Jensen, & Shapley, 2003; Greene, Caracelli, & Graham, 1989; Johnson et al., 2007). Following Campbell and Fisk's pioneering work, Webb, Campbell, Schwartz, and Sechrest (1966) and then Denzin (1970) and Jick (1979) tend to get cited in relation to developments around the notion of triangulation.

Triangulation occurs in both qualitative and quantitative research paradigms, where researchers use multiple datasets, methods, or theories to address the research question. Methodological triangulation is always used in the mixed methods research and research strategy. In our case, we use three types of triangulation, namely the data triangulation that comes from different times, spaces, and people, the theory triangulation as we vary the theoretical perspectives in our research, and the methodological triangulation, i.e., we use different methodologies based on quantitative and qualitative methods to approach mediation for conflict resolution. In our case, triangulation gives a more holistic perspective on the specific research question related to mediation for conflict resolution. It is also helpful for the credibility and validity of our research. As our data come from multiple sources, we can be more certain of their credibility and that the findings reflect the mediation reality for conflict resolution.

Discourse of professional mediation, as an object of our research, is analysed with the application of both empirical and theoretical research strategies that correspond to quantitative and qualitative research. Viewed as dichotomies, both quantitative research and qualitative research represent different ends to explore the interactive continuum (Newman, Benz, 1998) to reinforce each other, e.g., the qualitative research results support statistical results or vice versa (Creswell, Plano Clark, 2007). In this multi-method research, frequently referred to as mixed-methods research (Creswell, 2009, 2015; Leavy, 2017), we apply a multi-method

research strategy. Therefore, the phenomenon of professional mediation discourse is analysed using several different methods of analysis, all of which share the same underlying generic type, either qualitative or quantitative. Our choice of the multi-method research is justified by the fact that the application of a single method of analysis may limit an understanding of mediation as a worldwide phenomenon. As a result, the discourse of professional mediation is subject to cross-sectional research and case study research with the application of phenomenological research, narrative research, hermeneutic research and discursive research with causal – generic approaches. In this research approach, we follow a mixed-methods analysis (Creswell, 2009, 2015; Leavy, 2017) as a form of multi-method analysis.

In our research design, **the qualitative research paradigm** aims at gathering and analysing the research data to gain knowledge and understanding of the mediation reality that includes facts, attitudes, and actions. Qualitative research in our cases is used to explore the phenomenon of mediation and gain insight into the mediation process of transforming conflict into conflict resolution. With qualitative research, we reconstruct the meaning that the parties-in-conflict/consent attach to their experiences as well as the underlying factors for their verbal behaviour.

The innovative practices of research result in the establishment of qualitative methodology (Wetz, et al., 2011). From Freud's (1900/1965, 1926/1978, 1926/1959) research into the meaning of symptoms, dreams and culture, James's (1972) research into the forms of spiritual experience, Maslow's (1959, 1968, 1987) research into qualities of human personality, Kohlberg's (1963) research into moral reasoning types in human development and Apport's (1942) call for methodology in social science research, the research practices developed into the establishment of qualitative methodology.

As indicated by Wetz, et. al (2011), the establishment of qualitative methodology as the outcome of qualitative practice is based on the methodological traditions of doing qualitative analysis in Discourse Analysis, Grounded Theory, Intuitive Inquiry, Narrative Psychology, and Phenomenological Psychology. In the second half of the twentieth century, qualitative analysis emerges with the specified formal procedures for research purposes, research design, research data, analysis, and reports. Wetz, et al. (2011, p. 48) state that in the 1970s, those five methodological approaches "developed relatively independently, later becoming part of a broad movement. In the milieu of current methodological pluralism, they continue in relative independence of each other and are also sometimes used jointly”.

The qualitative perspective in research and the Grounded theory specifically have become popular in social sciences and partially in humanities in the second part of the previous

century thanks to Glaser (1978, 1991, 1992, 2001, 2002), Glaser and Strauss (1967, 1987), Strauss (1970, 1987), Strauss and Corbin (1990, 1994, 1998). In our century, qualitative research has been transformed into a perspective of a mighty research movement. Its essence is transparently presented in the following citation, often used for introductory parts, "Every research must involve an explicit, disciplined, systematic (planned, ordered, and public) approach to find out the most appropriate results. Qualitative research is inductive in nature, and the researcher generally explores meanings and insights in a given situation [Strauss, Corbin, 2008; Levitt et al., 2017].

Discourse analysis is such a type of research. The approach helps construct research questions through inductive reasoning by collecting and analysing the research data. In contrast to the traditional (quantitative) research paradigm, which uses hypothetical deduction reasoning, applying inductive reasoning leads the researcher to collect data step by step, developing the ideas (concepts) targeted for further discussion and investigation. A system of coding is to be applied to collect the data. The Grounded theory works with three types of codes, which are, anyway, based on a specific background and, so, aims. The researcher provides:

- an objective or a set of objectives (a rationale) for the research to narrow the gap between theory and empirical data;
- logical reasoning for applying the grounded theory, e.g., a sample description, from which it starts to explain what the situation of communication is and how people interact with each other (the format of the discussion);
- the knowledge of the internal and external worlds (contexts) can be provided. Then, the relationship between the perceived meaning of the subjects and their actions starts to be transparent to the researcher and the reader of the research paper;
- the research procedure as such. Due to its transparency, the qualitative research findings will get their grounding and, thus, the sense.

The application of all three types of coding allows the researcher (1) to identify the key points of the collected data, (2) to collect the results of the first type of coding of codes with similar content to group the data, (3) to describe categories as groups of similar concepts used to generate a theory, i.e., the theoretical model of the material under research to be used further in applied research (see Strauss, Cobin, 1990). So, what they are?

The methodological procedure is based on coding at different levels of the research analysis:

- the first level of coding refers to open coding,

- the second – to axial coding, and
- the third – to selective coding (see Appendix 14).

As expected within the Grounded theory, each coding level raises the level of abstraction in the conducted analysis. One of the developers of the Grounded theory explains the steps in such a way that the analysis is based on the dynamic move between the data, passages of data (material under analysis), data with codes, as well as codes with categories and categories with categories (Charmaz, 2011). In this coding process, coding via inductive and open-ended reasoning (rather than deductive) is preconceived. The codes are used to summarise, synthesise and to sort out the data. Thus, Charmaz (2011, p.165) considers codes as

conceptual tools (1) to fragment the data and thus take them apart; (2) to define processes in the data; and (3) to make comparisons between data. We begin our analyses with coding but soon start to write extended notes, called memos, to discuss and analyse our codes. Certain codes account for the data better than others, so we raise these codes to tentative analytic categories to elaborate and check.

If we go deeper into these three types of coding, we can say that open coding is a foundational step, at which the initial patterns and concepts are identified and verified to generate a list of codes representing ideas, concepts, and phenomena reconstructed from the data. With the list of codes, the researcher develops a deeper understanding of the research data; as Bryant and Charmaz (2007, p.196) state, open coding results in emerging concepts that "will prove their usefulness in the ongoing analysis," e.g., in the process of axis coding.

The list of open codes forms the coding paradigm (Strauss, 1987) and is the starting point for axial coding. Once we have become familiar with the transcribed text and organized for research data, we start thinking analytically to give a name to the concept presented in the transcribed unit as a word, phrase, sentence, or paragraph as a meaningful unit. After highlighting this unit of the text, we provide the code for this section. Open coding is conducted for all the sections of the mediation phenomenon.

As a part of data analysis, during **open coding**, we focus on conceptualising the mediation phenomenon through an intensive analysis of the transcribed data to grasp the idea of the meaningful units. Then, the smaller analytical units are compared in terms of similarities and differences to be labelled with the same or different code. Following the theoretical perspective described by Strauss, Corbin (1990), and Böhm (2004), we use the list of questions to interpret the transcribed data, namely,

- what? - what is described?
- who? – who is involved?

- how? – which aspects of the phenomenon are described?
- when? and where? - are temporal and spatial dimensions discussed?
- why? - which justification is given?
- whereby? – which strategies and techniques are used?
- what for? – which consequences are anticipated?

Axial coding is "an advanced stage of open coding" (Bryant, Charmaz, 2007, p.201). that "consists of intense analysis done around one category at a time in terms of the paradigm items" (Strauss, 1987, p. 32). Bryant and Charmaz (2007, p .603) define axial coding as

a type of coding that threatens a category as an axis around which the analyst delineates the relationship and specifies the dimensions of this category. A major purpose of axial coding is to bring the data back together again into a coherent whole after the researcher has fractured them through line-by-line coding.

With **axial coding** or coding paradigm, the researcher imposes the categories on the data) rather than allow the categories to emerge as "a strategy of investigation which approaches an empirical domain without any theoretical preconceptions is simply not feasible" (Bryant, Charmaz, 2007, p. 203). As Bryant and Charmaz (2007, p. 203) further indicate, the approach to the empirical data without theoretical preconceptions "yields a plethora of incoherent observations and descriptions rather than empirically grounded categories or hypotheses." Therefore, following the theoretical preconceptions, the researcher groups the open codes into categories at the axial coding stage (Strauss, Corbin, 1990).

Selective coding is the third stage of the grounded theory analysis, and it aims to select the core categories to integrate the results of the conducted analysis. As Bryant and Charmaz (2007, 280) state, selective coding begins when the conceptual framework emerges through the categories related to the core and "continues until the researcher has sufficiently elaborated and integrated the core variables, its properties, and its theoretical connections to other relevant categories." At this level of coding, the researcher establishes the linkage to other categories of lower levels of abstraction. Thus, the transfer from a lower level to a higher level of coding shows the reconstruction of the discourse through code concepts, categories, and its theoretical model.

In our research design, **qualitative research** is the process of collecting, analysing, and interpreting non-numerical data to understand how individuals perceive the phenomenon of mediation subjectively, with their subjective meanings assigned to it. As Shank (2002, p. 5) states, qualitative research can be defined as "a form of systematic empirical inquiry into meaning," and by systematic, he means "planned, ordered, and public" inquiry based on the

rules accepted by the qualitative research community. The ultimate aim of "empirical inquiry into meaning" (Shank, 2002, p.5) is to understand how individuals make sense of their experience (cf. Figures 17 and 18 Chapter 2). Denzin and Lincoln (2000:3) claim that "qualitative researchers study things in their natural settings, attempting to make sense of, or to interpret, phenomena in terms of the meanings people bring to them".

As a result, the qualitative research on mediation gives flexibility to explore mediation as a process more effectively. It provides opportunities to study contextual factors more sensitively, exploring the phenomenon of mediation in-depth and enhancing its relevance for professional mediators. Additionally, it reconstructs the meaning of mediation through speech act theory, narrative analysis, and thematic analysis.

Discourse analysis, or critical discourse analysis, is a research method used for studying the spoken language of mediation in family or business contexts. It aims to understand how the English language is used in conflict-related and conflict-resolution-related situations. We focus on both the functions of language and the creation of meaning for conflict resolution in family and business mediation contexts. We also focus on how values, emotions, and attitudes are communicated in mediation. The research data are analysed on multiple language levels, namely the level of semantics analysed for ideological vocabulary associations, the level of syntax, i.e., how sentences are constructed in declarative, imperative, or interrogative forms to reveal aspects of intended meaning, and the level of the text structure that builds a narrative.

Thematic discourse analysis is a research method that analyses qualitative data from the mediated spoken texts to examine and identify the common themes, topics, ideas, and syntactic patterns of meaning. This process, developed for discursive psychology research by Braun and Clarke (2022), is based on a six-step process: familiarisation, coding, generating themes, reviewing the themes, defining and naming the themes, and writing up (Terry, Hayfield, 2021; Braun, Clarke, 2022). The first step, i.e., familiarisation, involves the transcription of the mock mediation audio, reading the text, and taking initial notes to get familiar with it. The second step involves highlighting the sections of the mediation text to code the mediation text content. The third step involves identifying patterns among the codes to generate themes. The fourth step involves reviewing themes to ensure their presence in the data. The fifth step results in the final list of themes that helps us understand the data. The sixth step involves writing up our analysis of the mock mediation data. In our case, use the mock mediation interview transcripts to find out about the mediator's and the parties'-in-conflict/consent views, opinions, knowledge, experience, emotions, values, and their attitudes.

Content analysis as a research method is used to identify patterns in the recorded mock mediations. Our content analysis is both quantitative, i.e., concentrated on counting and measuring, and qualitative, i.e., concentrated on interpreting and understanding. In both quantitative and qualitative research types, we categorise themes and concepts within the mediation texts and analyse the results. We apply content analysis to reveal the purpose, messages, and effects of mediation communication content. We also analyse the interaction between the speakers and the listeners. We use content analysis to quantify the occurrence of specific topics, interactions, communication strategies, argumentation, speech acts, emotions, values, and attitudes, as well as their functions, applying statistical analysis to identify differences over time and between the mediation stages. In addition, we use content analysis to make qualitative inferences by analysing the meaning and semantic relationship of dichotomies topics and interactions, communication strategies and argumentation, illocutionary act types and illocutionary act forms, as well as values and emotions, and attitudes and attitude functions. In our case, the goal of the content analysis is to find correlations and patterns how the concepts are communicated, to understand the intentions of the mediator and the parties-in-conflict/consent, to identify how mediation functions at different stages and to analyse the consequences of communication content, i.e. the flow of information and the responses of the parties-in-conflict/consent at all stages of the mediation process.

In our research design, **quantitative research** is the process of collecting, analysing, and interpreting numerical data to generate knowledge related to the phenomenon under investigation. In contrast to qualitative research, which uses an inductive approach, Bryman (2012) states that quantitative research is a research strategy of inquiry formed from a deductive approach shaped by empiricism and positivism. In practical terms, the quantitative research uses a deductive approach from a specified case to the general situation (Neuman, 2014; Leavy, 2017). Quantitative research involves the objective empirical investigation to test and understand real-world phenomena. In our case, quantitative research seeks knowledge on the specified subject of mediation. Our quantitative research seeks to measure the phenomenon of professional mediation for conflict resolution. Quantitative research aims to investigate the professional work of the mediator, including the mediation concepts that manage the stages of the mediation process.

Although both quantitative research and qualitative research are grounded in the research topic, questions, and problem, quantitative research differs from qualitative research in its focus on underlying mediation meanings and patterns of mediation relationships, as the former involves mathematical models for numerical data. Kuhn (1961, p. 162) states that

despite a distinction between quantitative research and qualitative research "large amounts of qualitative work have usually been prerequisite to fruitful quantification in the physical sciences'". In our case, qualitative research into the discourse of professional mediation for conflict resolution is used to gain an in-depth understanding of the phenomenon, including intentionality and meaning, which serves as a prerequisite for quantification through statistics.

Quantitative research into the topic of mediation for conflict resolution has specific characteristics. Creswell (2002) enumerates the significant characteristics of quantitative research. These elements refer to the description of the research problem, literature review, research questions and hypotheses, data collection, statistical analysis, and final report. Once the research problem is identified, the literature review plays a significant role in quantitative research as it explains the necessity for the research problem. Thus, the research problem is justified by the literature, which demonstrates the significance of the topic under investigation. The research questions and hypotheses are used to identify a few variables. In quantitative data analysis, statistics is used to analyse the data and answer hypotheses as well as research questions. Finally, the research findings are interpreted as the research objective is to find responses to the research problems and questions.

Kothari (2004) provides a classification of the research objectives and types of research. While discussing the research objectives and types of research, Kothari (2004, p. 2) states that "[t]he main aim of research is to find out the truth which is hidden and which has not been discovered as yet". The research objectives fall into four broad groupings, i.e.

1. To gain familiarity with a phenomenon or to achieve new insights into it (studies with this object in view are termed as *exploratory* or *formative* research studies);
2. To portray accurately the characteristics of a particular individual, situation, or group (studies with this object in view are known as *descriptive* research studies);
3. To determine the frequency with which something occurs or with which it is associated with something else (studies with this object in view are known as *diagnostic* research studies);
4. To test a hypothesis of a causal relationship between variables (such studies are known as *hypothesis-testing* research studies) (Kothari, 2004, p. 2).

According to Kothari (2004), there are four basic types of research. Apart from the quantitative vs qualitative dichotomy, Kothari (2004) distinguishes descriptive vs analytical research, applied vs fundamental research, and conceptual vs empirical research. Descriptive research is used to describe the state of affairs. Analytical research uses available facts and information.

Applied research "aims at finding a solution for an immediate problem", whereas fundamental research "is mainly concerned with generalisations and with the formulation of a theory" (Kothari, 2004, p. 3). Conceptual research refers to abstract ideas or theories. Empirical research occurs when "proof is sought that certain variables affect other variables in some way" (Kothari, 2004, p. 3).

In quantitative research, statistics functions as a tool to design the research, analyse numerical data, interpret the results, and draw conclusions. The numerical data organisation and summary are done with the use of descriptive statistics. Inferential statistics are used to test hypotheses.

The statistical measures used to summarise the research data comprise of "(1) measures of central tendency or statistical averages; (2) measures of dispersion; (3) measures of asymmetry (skewness); (4) measures of relationship; and (5) other measures summary are done by descriptive statistics" (Kothari, 2004, p. 131). Measures of central tendency, also known as statistical average, indicate "the point about which items have a tendency to cluster" (Kothari, 2004, p. 132). The most popular averages comprise mean, median, and mode. Mean is an arithmetic average. Median is "the value of the middle item of a series when it is arranged in ascending or descending order of magnitude" (Kothari, 2004, p. 132). The mode is the value that occurs most frequently in a given dataset. Measures of dispersion, also known as measures of variability, quantify the diversity of data points in a given dataset to provide insight into data distribution. Measures of asymmetry quantify asymmetry in the distribution of a given dataset to indicate whether the distribution is symmetrical or asymmetrical, where the data points are not equally distributed. Measures of relationship refer to the three most widely used measures of relationship: the Pearson product-moment correlation, the Spearman rank-order correlation, and the Phi correlation. The Pearson product-moment correlation is an index of the degree of linear relationship between two variables measured on an ordinal scale of measurement. According to Kothari (2004, p. 139), Karl Pearson's coefficient of correlation assumes:

- (i) that there is a linear relationship between the two variables;
- (ii) that the two variables are causally related, which means that one of the variables is independent and the other one is dependent; and
- (iii) a large number of independent causes are operating in both variables so as to produce a normal distribution.

Charles Spearman's coefficient of correlation determines "the degree of correlation between two variables in case of ordinal data where ranks are given to the different values of the variables" (Kothari, 2004, p. 139). The main objective of Charles Spearman's coefficient of

correlation is “to determine the extent to which the two sets of rankings are similar or dissimilar” (Kothari, 2004, p. 139). The Phi coefficient of correlation is used to measure the association between two dichotomous or binary random variables.

3.1.3 Reconstruction as a primary research method

In Discourse Linguistics, discourse analysis represents a variety of methodologies, methods, and techniques to reconstruct the shared meanings underlying human knowledge related to processes, relations, and structures, as well as the mental world of thoughts, feelings, and beliefs in human interactions to which mediation belongs. Oukhvanova (2018, p. 37) indicates that the understanding of discourse refers to an activity or "an open and context-organized holistic field of signs that construct meanings, contents, knowledge"“.. Thus, knowledge reconstruction is the ultimate aim of discourse analysis.

The primary aim of discourse analysis is to **investigate the language in use, its functions, and how meaning is constructed** in different contexts. Discourse analysis aims at "(1) deconstruction or splitting of the whole into components to understand the scope and depth of the meaning generated and, at the same time, (2) reconstruction of the whole to witness the interaction of components” (Oukhvanova, 2018, p. 37). Those two methods, i.e., deconstruction and reconstruction, represent a descriptive field paradigm and its modelling paradigm (Oukhvanova, 2018) when applied in Discourse Linguistics, discursive psychology, or discourse studies.

The deconstruction and reconstruction methods are used in Discursive Psychology to obtain knowledge of human development and transformation. For human growth, deconstruction or disintegration and reconstruction or integration are inseparable elements throughout the human life quest. From the constructive - developmental perspective, Kegan (1982, p. 5) states that disintegration proceeds integration “biologists always tell us; adaptation is a matter of differentiation and integration”. This process of deconstruction is a step towards integration at more complex levels of being. Albertson (2014, p. 76) follows Kegan's theory (1982) to affirm clearly that " the process of differentiation and reintegration is integral for stage transition and growth not just in individual human development but also in the social sciences”“..

In our case, reconstruction is based on the need to see what is communicated while reading the material under research. You need to go deeper and deeper. Otherwise, reconstruction for us, first and foremost, is depth reading and rereading, using open (inductive)

coding and verifying it with deductive coding and other research methods and techniques to see the research object from different angles and each time to describe what you see, finally modeling it. We work in this way in the first five steps of the procedure, so particular verifying methods are described in the subchapter procedure. But here, we want to discuss the method of reconstruction as such.

The author of the Causal Genetic Approach to Discourse Theoretical Modelling (Oukhvanova, 2018) suggests Pavel Florensky's work is a classic example of how reconstruction can *reveal what is not visible or visible on the surface*. So, let us look closer at Florensky's (2002) reverse reconstruction.

As we apply it in our research, the reconstruction method refers to Florensky (2002), who teaches how to reconstruct meaning and knowledge in a multidimensional communication process. Florensky (2002) uses this method to reconstruct the icon. The icon's meaning and knowledge reconstruction method as an image discourse Florensky (2002) consists of eight steps.

The first stage of the reconstruction process concentrates on perception, which involves organising, identifying, and interpreting sensory information to understand the presented discourse. Perception involves signal transfer to the nervous system to be shaped by the recipient's attention, expectation, and knowledge. This sensory input is processed to transform low-level information into high-level information related to object recognition.

In order to see and examine an object, and not only to look at it, it is essential progressively to translate its depiction on the retina in separate sections to the retina's sensible macula (Florensky, 2002, p. 270).

Florensky (2002) states that the perception of the object, including the icon, is viewed as an image discourse in separate sections. To see and examine the image discourse, it is essential to look at the object and translate its depiction in separate sections.

The second step of the reconstruction method focuses on the essence of the image discourse in its content organisation.

This means that the visual image is not presented to the consciousness as something simple, without work and effort, but is constructed, pieced together from fragments successively sewn one to the other, such that each of them is perceived more or less from its own point of view (Florensky, 2002, p. 270).

Florensky (2002) claims that the image is not presented to the consciousness as something simple. The reconstruction method involves the parts perceived from their points of view and successively sewn one to the other to generate the holistic meaning of the image.

The third step of the reconstruction method focuses on synthesizing the parts to generate the visual image.

Furthermore, facet is synthetically added to facet by a particular act of the psyche, and in general, the visual image is shaped in succession, not produced ready-made (Florensky, 2002, p. 270).

The aspects of the parts are synthetically added by the act of the psyche. The image discourse is not a ready-made product. Its overall meaning is shaped in succession as it consists of the meanings of the parts reconstructed by the psyche step by step.

The fourth step of the reconstruction method refers to the meanings of the complex sense-carrying image discourse discovered in the researcher's cognition and understanding.

In perception the visual image is not viewed from a single viewpoint but, in accordance with the very essence of vision, it is an image of polycentric perspective. In uniting together here the additional surfaces as well, combining the image from the left eye with the one from the right, we should acknowledge the resemblance of any visual image to the buildings in icons. Henceforth we can debate the degree and desired extent of this polycentric perspective, but no longer that it should be allowed in principle (Florensky, 2002, p. 270).

Florensky (2002) refers to perception in which the visual image is not viewed from a single point of view but from a polycentric perspective. This perspective allows for the debate about its degree and its desired extent.

The fifth step of the reconstruction method is focused on several issues related to different perspectives on visual synthesis or analysis.

Thereafter begins either the demand for an even greater degree of mobility in the eye, for the sake of an increasingly intense synthetic vision, or the demand for anchoring the eye, to the degree possible, when a 'scattered' vision is sought. In this case, perspective stands on the path of this visual analysis. But man, as long as he's alive, cannot be completely accommodated within a perspectival system, and the very act of seeing with a motionless, fixed eye (ignoring the left eye) is psychologically impossible (Florensky, 2002, pp. 270-271).

Florensky (2002) states that there is always a reasonable alternative between the demand for eye mobility and eye fixation. However, man cannot fully fit into the perspective scheme.

According to Florensky (2002, p. 271), "the very act of vision with a fixed eye [...] is mentally impossible.

The sixth step of the reconstruction method refers to the perception of the final product of reconstruction, as illustrated in Florensky's (2002) perception of the house.

People will say, 'But all the same now, you can't see three walls of a house at once!' If this objection were correct, one would have to continue it and be consistent. It's impossible to see not just three, but two walls, and even one wall of a house all at once. All at once we see only a minutely small fragment of the wall, and even that we don't see all at once. All at once we see literally nothing. But not all at once we definitely receive an image of a house with three and four walls, as we conceive the house to be (Florensky, 2002, p. 271).

Florensky (2002, p. 271) deliberates on the perception of the house as the final product, which goes step by step. Man cannot "see three walls of a house at once!'. Perception is gradual, resulting in the reconstruction of the perceived parts. The partial perception contributes to the overall perception.

The seventh step of the reconstruction method involves meanings in discourse analysis. This step is focused on the issue that in analytical research, finding meanings is a gradual and sequential work. The final result of gaining knowledge related to the investigated phenomenon in discourse analysis becomes "the ultimate goal of the process of reconstruction" (Oukhvanova 2018, p.43).

A continuous pouring, overflowing, changing, struggle takes place in the living conception. It is continuously playing, sparkling, pulsating, but never does it founder in the inner contemplation of a thing like a dead schema. And it is just with such an inner pulsing, sparkling, and play that a house lives in our imagination. The artist should and can depict his idea of a house, but he absolutely cannot transfer the house itself to canvas. He grasps this life of his idea, whether it be a house or a human face, by taking from the various parts of the idea the brightest, the most expressive of its elements, and instead of momentary psychic fireworks it provides a motionless mosaic of its single, most expressive moments (Florensky, 2002, p. 271).

Florensky (2002) states that the image discourse never becomes a dead scheme of the object in inner consciousness. The artist or researcher takes the most vivid and expressive elements from different parts of the image discourse to provide a fixed mosaic of the final product, consisting of small elements but contributing to the overall reconstructed picture.

The eighth step of the reconstruction method involves sharing knowledge about the pure condensed state of the image discourse as a final product.

During contemplation of the picture, the viewer's eye, passing step by step across these characteristic features, reproduces in the spirit what is now an image extended in time and duration of a scintillating, pulsating idea, but now more intense and more cohesive than an image deriving from the thing itself, for now the vivid moments observed at different times are presented in their pure state, already condensed, and don't require an expenditure of psychic effort in smelting the clinkers out of it. (Florensky, 2002, p. 271).

Florensky (2002, p. 271) refers to the contemplation of the picture as an image discourse that is "more intense and more cohesive than an image deriving from the thing itself". The perceived parts observed at different times occur in their pure and condensed state.

Eight steps in discourse reconstruction based on the Reverse Perspective (Florensky, 2002) reveal that the reconstruction method is "an intensive and focused brainstorming practice" for the researcher "to be a discourse expert in contemporary multifunctional discourse research" (Oukhvanova 2018, p. 43).

3.1.4 Reconstruction method of argumentative discourse

The methodological framework of reconstructing the argumentative discourse as a pragma-dialectical model consists of four stages that "correspond with the different phases an argumentative discourse must pass through" i.e. "the "confrontation stage," the "opening stage," the "argumentation stage," and the "concluding stage"" (van Eemeren, et al., 2014, p. 529). The confrontation stage is a stage "in which a difference of opinion manifests itself through an opposition between one or more standpoints and nonacceptance of these standpoints" (van Eemeren, et al., 2014, p. 529). The opening stage identifies the division of the discussion roles, i.e. the role of the protagonist and the role of the antagonist with "both the material (substantive) and the procedural commitments" (van Eemeren, et al., 2014, p. 529). The argumentation stage is the stage when "the protagonist defends the standpoints at issue methodically against the critical responses of the antagonist" (van Eemeren, et al., 2014, p. 530). As indicated by van Eemeren, et al. (2014, p. 530)

[t]he argumentation stage manifests itself in argumentative discourse in those parts of the discourse in which one party advances arguments to overcome the other party's doubts about standpoints or counterarguments, and the other party reacts

critically. Whether this is done explicitly or implicitly, advancing argumentation and judging its quality is crucial to resolving a difference of opinion on the merits. If there is no argumentation and no critical appraisal of this argumentation, there is no critical discussion and the difference of opinion will remain unresolved.

The concluding stage is a stage of success or failure. At this stage, both the protagonist and the antagonist arrive at a final decision related to the difference of opinion and its resolution or not.

In the methodological framework of argumentation analysis, van Eemeren, et al. (2014) emphasise the role of speech acts analysis developed by Searle (1969) to apply at different stages of argumentation to resolve a difference of opinion. According to van Eemeren et al. (2014, p. 531), assertives are used to ‘express standpoints, convey argumentation in defense of a standpoint, and can be used to establish a conclusion’. The role of directives consists in

- (1) requesting a party to clarify a move that this party has made;
- (2) challenging, in the opening stage, the party that has advanced a standpoint to defend this standpoint; or
- (3) requesting, in the argumentation stage, a party that has agreed to defend a standpoint to provide argumentation in support of the standpoint (van Eemeren et al., 2014, p. 531).

Commissives are a third type of speech acts "by means of which the speaker or writer undertakes a commitment vis-a-vis the listener or reader to do something or refrain from doing something (van Eemeren et al., 2014, pp. 531-532). Expressives are speech acts “by means of which speakers or writers express the way they feel about something, as in uttering disappointment, thanking someone, and so on” (van Eemeren et al., 2014, p. 532). Declaratives are speech acts "by means of which the speaker or writer calls a particular state of affairs into being" (van Eemeren et al., 2014, p. 532). The distribution of speech acts in a critical discussion is presented in Table 7 below.

Table 7

Speech Acts in a critical discussion (Source: van Eemeren et al., 2014, p. 533)

Speech Acts	I Confrontation Stage
Assertive	Expressing a standpoint
Commissive	Acceptance or non-acceptance of a standpoint, upholding non-acceptance of a standpoint
Directive	Requesting a usage declarative
Declarative	Definition, specification, amplification, etc.

Speech Acts	II Opening Stage
Directive	Challenging to defend a standpoint
Commissive	Acceptance of the challenge to defend a standpoint Agreement on premisses and discussion rules Decision to start a discussion
Directive	Requesting a usage declarative
Declarative	Definition, specification, amplification, etc.
Speech Acts	III Argumentation Stage
Directive	Requesting argumentation
Assertive	Advancing argumentation
Commissive	Acceptance or non-acceptance of argumentation
Directive	Requesting a usage declarative
Declarative	Definition, specification, amplification, etc.
Speech Acts	IV Concluding Stage
Commissive	Acceptance or non-acceptance of a standpoint
Directive	Requesting a usage declarative
Declarative	Definition, specification, amplification, etc.

As stated by van Eemeren et al. (2014) the speech acts analysis is of prime importance for the reconstruction of a critical discussion as shown above in Table 7.

The reconstruction of argumentative discourse through the analysis ‘starts from the idea that resolving a difference of opinion on the merits requires going through the four discussion stages distinguished analytically in the model of a critical discussion and performing the relevant kinds of speech acts’ (van Eemeren et al., 2014, p. 534). The model of a critical discussion is an analytical tool ‘that provides a point of reference for the analysis and ensures that the discourse is interpreted in terms of argumentative moves relevant to resolving a difference of opinion on the merits’ (van Eemeren et al., 2014, p. 534).

The pragma-dialectical reconstruction of argumentative discourse involves several analytic operations which are known as reconstruction transformations (van Eemeren, et al., 2014). The reconstruction transformations are ‘instrumental in identifying the elements in the discourse that can play a part in resolving a difference of opinion on the merits and in dealing with them in an appropriate way’ (van Eemeren et al., 2014, p. 535). The function of those transformations is to reconstruct discourse units in terms of a critical discussion, van Eemeren et al. (2014) distinguish four types of reconstruction transformation, i.e. deletion, addition,

permutation, and substitution, Deletion and addition are reconstruction transformations that either delete or add the elements in the discourse that are relevant to resolve a difference of opinion in the argumentative discourse. The third type of transformation, i.e. permutation involves

rearranging elements as they appear in the discourse, making them in the analytic overview appear in the order that best reflects the process of resolving a difference of opinion on the merits so that elements belonging to a certain discussion stage which appear at a different point in the discourse (earlier or later) are readjusted and overlaps between different discussion stages are redressed (van Eemeren et al., 2014, pp. 535-536).

.As stated by van Eemeren et al. (2014, p. 536), the fourth type of transformation i.e. substitution

amounts to reformulating in the analysis in unequivocal and clear paraphrases those standpoints and other crucial elements in the discourse whose function in the resolution process would otherwise be unnecessarily opaque due to ambiguous or vague formulations

All four types of transformations are carried out cyclically as the completion of one transformation may require the execution of other transformations. The reconstruction of argumentative discourse follows the rules of communication based on Searle's (1969) felicity condition and Grice's (1975) maxims of verbal interaction.

3.2 Research design

The research design is based on integrative quantitative and qualitative methodological perspectives. They integrate such perspectives as the positivist, the interpretative, the critical, and the postmodernist. While positivism refers to a scientific approach based on rationalism, empirical studies, and standardized research methods, interpretivism accepts the assumption that social reality is not specific and objective but depends on human experiences and social contexts (ontology). As a result, the methods within it are subject-based and viewed as subjective. To overcome subjectivity, they apply several additional quantitative methods, mostly verifying methods, to place the research on scientific grounds. Thus, it is no wonder that critical discourse-analysis studies unite these perspectives – positivist and interpretive. Besides, they may use the elements of statistical analysis for this reason.

The postmodernist perspective extended still further the integrative perspective as, besides the fact that it is a perspective that focuses on both historical and contextual premises (social context precisely), it introduces into research a certain scepticism towards certainty, helping to collect additional data and their explanations so actual for contemporary social and humanity studies. Suppose social constructionism, being a part of it, introduces the idea that social context and interaction frame our realities (interaction is the crucial object of sociology). In that case, discourse linguistics in the frame of the causal-genetic perspective goes even further, inscribing the subjective into objective and, vice versa, objective into subjective, suggesting instead the terms “the subject-bias” and “the object-bias” underlying the fact that their balance makes communication human-like and needs to become the object of current research.

The present subchapter is based on this updated methodological frame and discusses it with an open number of operational methods and techniques. Our research object, i.e., mediation discourse and our research material related to family and business mediation discourse is responsive, as we see, to the procedure built within this methodological background.

3.2.1 Description of research sample

The resources for the discourse of professional mediation for conflict resolution include academic sources, and professional online sources (cf. Janier, Reed, 2016). In our case, the academic sources constitute the theoretical basis of this dissertation. The practical part of this dissertation comes from professional mock mediation online sources. Due to the confidentiality principle of mediation, we cannot have access to the records of real conflict mediation. Professional sources, either role-plays or mock mediation, do not present real conflict mediation, however, they provide realistic conflict mediation data to train potential mediators.

Academic sources include the traditional litigation literature as well as research into mediation discourse (see Chapter 1). This type of corpus provides both theoretical and practical perspectives on the mediation discourse. The discussed mediation discourse theory is exemplified with mediation transcripts, the aim of which is to train potential mediators (Stokoe, 2013; Jacobs and Aakhus, 2002; Grego Morasso, 2008, 2011). As indicated by Janier and Reed (2016, pp. 1014-1015) within academic sources, the researchers concentrate mainly on the extracts of the mediation dialogues, and "a transcript of an entire mediation is, to our

knowledge, never given’’. Therefore, our research sample is restricted to online sources and professional sources.

In our research data, we focus on reconstructing the process of mediation as a whole. To understand the entire mediation process, we obtain practical data related to mediation discourse from professional mock mediation online sources that provide authentic mediation interactions to train mediators. Our research data refer to the discourse of professional family and business mock mediation. Family mediation is linked with such issues of mediation as saveable marriage, divorce or separation, and parental responsibility in terms of arrangements for contact, alimony, or accommodation (Parkinson, 1997). The post-divorce or separation child custody mediation occurs in the context of the parental conflict after divorce or separation. Business mediation is related to conflict issues in the workplace e.g. such as personal conflicts in business entities, or interpersonal conflicts between business partners.

Our research mediation corpus consists of academic and professional mediation discourse sources, namely,

- A. Legal Mediation Corpus Source consisting of the mediation acts and directives Chapter 1
- B. Mediation Corpus Source consisting of the current English language Corpora Chapter 1
- C. Mediation Academic Corpus Source Chapter 1
- D. Professional Mock Mediation Online Source. Chapters 4, 5, 6.

The professional mediation discourse source A is presented in Chapter 1, subchapter 1.2.3, in which we review the international legislation laws including the Directive 2008/52 / EC of the European Parliament and of the Council of 21 May 2008, *Commercial Mediation Act* (2010 in Canada, *Law on People's Mediation* on 28 August 2010 in China, the *Uniform Mediation Act* (2003) in the USA, the *Mediation Act* (2017) in Singapore among others. The mediation Corpus Source B consists of the current English language Corpora. The results of the mediation corpus analysis are presented in Chapter 1, subchapter 1.1, in which we present the frequency of the term *mediation* occurrence worldwide, the linguistic and psychological architecture of mediation including the collocation relationship of the term *mediation* with their emotional entities and collocation network with adjectives as premodifiers of the Head mediation. The literature review of the mediation Academic Corpus Source C is discussed in Chapter 1, namely in subchapters 1.1.1, 1.1.2., and 1.1.3, in which we review the literature related to the social sciences on mediation and psychological theories of mediation including mediation models and discursive psychology on mediation. The results of qualitative and quantitative

analyses of the professional mock mediation online Source D are discussed in Chapter 4, Chapter 5, and Chapter 6.

The research data discussed in Chapter 4, Chapter 5, and Chapter 6 consist of four family mediations [FM], i.e., FM 1 - *Patenting Plan Family Mediation* [PPFM] Part 1 [28] and Part 2 [29], FM 2- *Family Mediation in Action* [FMiA] [30], FM 3- *An Inside Look at Family Mediation* [AILaFM] [31], FM 4 - *Family Mediation Role Play* [FMRP] [32], and four business mediations [BM], i.e. BM 1 - *Business Mediation Demo* [BMD] [33], BM 2 - *Business Mock Mediation in Action* [BMMiA] [34], BM 3 - *Business Grievance Mediation* [BGM] [35], and BM 4 – *International Business Mediation* [IBM] [36].

FM 1 - *Patenting Plan Family Mediation* [PPFM] Part 1 [28] and Part 2 [29] is a training material with the participation of Barry Davis as a mediator. Barry Davis, the divorce mediator since 2003, has been dealing with the practical emotionally biased aspects of divorce mediation, custody mediation, and family mediation. The research data constituting the Parenting Plan is a family mediation related to custody mediation in which the legal right or duty to care for children is specified for the divorced or separated parents. His professional education in conflict management, as well as clinical psychology in marriage, family, and child counselling, gives Barry Davis the theoretical knowledge and practical experience to understand the interpersonal dynamics of conflict leading to conflict resolution and present it in the Parenting plan [28] and [29], which is our research data analysed from different discourse perspectives.

FM 2- *Family Mediation in Action* [FMiA] [30] aims at showing “how family mediation can help parents who are separated, divorced or living apart to discuss the difficulties they are having and explore ways to move forward positively” [FMiA]. It “follows the story of two parents attending three mediation sessions. They discuss and agree on a positive way forward for them as a family” [FMiA]. In the institutional context of mediation, it is “the second of two films” [FMiA], revealing the institution of mediation in practice. The first film, *Family Mediation Explained*, shows “how the mediation process works” [37].

Family Mediation in Action reveals the conflict between parents, Kate and Matt, who live in separate households, and the contact with children “did not happen in a smooth way, and as a result, it is broken down” [30]. As the parties-in-conflict, parents cannot satisfy their children's needs. Moreover, they have communication problems, which make it more challenging to meet children's needs.

In this mock mediation, the mediator organises the whole mediation process to be verified in practice. Kate and Matt attend three mediation sessions. During the first two

sessions, they decide about Matt's contact with children, and in the third session, they discuss Matt's experience with children.

FM 3- *An Inside Look at Family Mediation* [AILaFM] is a video “excerpted from a 2-DVD set created by the Continuing Legal Education Society of British Columbia. Using the fictional case of Dean and Sarah, a couple separating after 17 years of marriage, this video introduces mediation in family law cases and how it works” [31].

The role of the mediator is identified in this mock mediation. In the initial stage, the mediator conducts separate interviews with Saya and Dean to gain insights into their perspectives and assess the suitability of mediation for their situation. During the joint session, the mediator encourages open dialogue between Saya and Dean regarding their concerns about parenting their daughter in separate households. Communication challenges, understanding their daughter's behaviour, and the influence of external factors emerge as focal points.

A pivotal aspect of the discussion revolved around addressing communication barriers, particularly concerning conversations about their children and Dean's new relationship. The mediator facilitates constructive dialogue to navigate these challenges and identify common ground. Saya and Dean agree to prioritise effective communication and cooperation in parenting their children, recognizing the importance of maintaining stability and consistency despite the separation.

Legal counsel plays a crucial role as both parties received guidance from their respective lawyers. Emphasis is placed on setting realistic expectations and understanding the implications of prolonged disputes, notably concerning the division of property and financial matters. Negotiations ensued between Saya and Dean, who were guided by their lawyers engaged in discussions regarding spousal support and the sale of their joint property. The mediator facilitates these negotiations, encouraging transparency and compromise. Thus, finally, a consensus is expected to be reached to explore viable options for the sale of their joint property, ensuring equitable distribution of assets and financial stability for both parties. Further deliberations are warranted to finalize arrangements about spousal support and the division of remaining assets, highlighting the ongoing nature of the mediation process. It is expected that Saya and Dean will continue consultations with their respective legal representatives to address outstanding legal and financial matters comprehensively.

Upholding the principles of open communication and collaboration, they commit to fostering an environment conducive to co-parenting, with the overarching goal of mitigating conflict and facilitating a smooth transition for their children.

The mediation session provided Saya and Dean with a platform to address their concerns constructively, fostering mutual understanding and facilitating progress towards mutually beneficial resolutions. By prioritizing dialogue and cooperation, the mediation process played a pivotal role in alleviating tensions and promoting a more amicable separation process for all parties involved.

FM 4 - *Family Mediation Role Play* [FMRP] [32] revolves around a conflict between two parents, Emily, the mother, and Jeffrey, the father, as well as Jack, their son, regarding plans to introduce new people into their son's life. Jack's mother, Emily, expresses her concerns and objections to Jack's father, Jeffrey, dating women and bringing them into their son's life. Emily is worried that these women may replace her as a maternal figure in their son's life. Jeffrey argues that he does not want these women to replace Emily as a motherly figure, but he desires freedom in dating and social life.

During *Family Mediation Role Play*, there is also a discussion about balancing family life with social life. Emily requests limiting public displays of affection and prioritizing parenting above all. Jeffrey, on the other hand, wants freedom in his social life but assures that these relationships will not negatively impact their son's upbringing.

Family Mediation Role Play highlights differences in approach to dating and parenting between the parents, as well as their concerns and expectations regarding introducing new individuals into their child's life.

At the beginning of the video, BM 1 - *Business Mediation Demo* [BMD] [33], the narrator provides an introduction. In the introduction, the narrator explains what the start of the mediation is like. The mediation then begins, led by mediator Giorgia Lenko. The parties to the mediation are Julia Smith and Ken Sharp, who are the shareholders of the company *No Need to Pay Limited*.

The mediation session starts with the mediator, Giorgia Lenko, introducing and outlining the principles of mediation, including confidentiality, impartiality, and voluntary participation. Both parties agree to the rules, and the mediator reminds them of the written contract outlining these principles. The session is proceeded with Mr Ken Sharp and Mrs Julia Smith explaining their perspectives on the commercial dispute. Mr Sharp expresses his frustration with Mrs Smith's perceived lack of contribution to the company and advocates for a 70-30 profit split in his favour. Mrs Smith contests this, highlighting her contributions and expressing a desire to address communication issues. Despite initial resistance to discussing communication issues, the mediator encourages addressing the underlying problems. Mr Sharp reluctantly reveals his challenges affecting his commitment to the company. Recognizing the

sensitive nature of the discussion, the mediator suggests adjourning to a private session. Mr Sharp agrees, indicating a willingness to explore potential solutions. The mediator assures confidentiality and begins a separate meeting with Mr Sharp to delve deeper into his concerns, aiming to facilitate a resolution to the dispute.

In the middle part of the mediation, both Mr Sharp and Mrs Smith participate in individual discussions with the mediator. The first conversation is between the mediator and Mr Sharp. In this part of the conversation, Mr Sharp opens up to the mediator to explain his private issues relating to his ill daughter. We learn that he needs money to look after her, specifically to pay off bills related to doctors' appointments and to adjust the house for his daughter's arrival from hospital. Mr Sharp reveals that he has been having a dramatic moment for some time and is afraid to tell his good friend, Mrs Smith. However, after consulting the mediator, he decides to share his problems with Mrs Smith.

In the later part of the business mediation, there is a private conversation between Mrs Smith and the mediator. She reveals her plans to him, stating that she would like to buy Mr Sharp's shares out of their company rather than selling the whole company. Later, Mr Sharp and Mrs Smith have a discussion together under the mediator's supervision, with Mr Sharp explaining his problems while Mrs Smith proposes her solution. Mrs Smith shows great understanding towards Mr Sharp's private situation and offers him help when it comes to expenses. In the end, both parties agree to the terms and are satisfied with the outcome of the mediation.

BM 2 - *Business Mock Mediation in Action* [BMMiA] is "a practical demonstration of mediation in action"[34]. Peter Linn, the mediator, Bill Munoz, the plaintiff's counsel, and Courtney O'Brien, the defence counsel, mediate the business conflict between Kari Jones and the company *MerchCo*.

Kari Jones is a 38-year-old divorced mother with two children. As an account manager, she worked for *MerchCo* for four years and received "pay raises and merit bonuses for three of those years" [34]. During the last year of her work for *MerchCo*, she was denied a pay raise or bonus as Mike, her male supervisor, "disciplined her for excessive absences, placed her on a performance plan, and denied her a raise or bonus"[34]. The plaintiff, Kari, "alleges that Mike, who has been with the company for ten years, made unwelcome sexual advances, which she ignored. She claims that after rejecting his advances, Mike retaliated by using her absences as grounds for discipline" [34]. An independent investigator uncovered a suggestive email from Mike; however, there was no further evidence to support Kari's claims. As a result, "the case

was closed without action. Kari subsequently resigned and is now suing *MerchCo* and Mike for constructive termination, hostile work environment, sexual harassment, and retaliation” [34].

BM 3 - *Business Grievance Mediation* [BGM] [35] shows how the business conflict is resolved at the different stages of mediation and uncovers “the mediation process from beginning to end” [35]. The inside look into the mediation process uncovers “how it works, and what can be accomplished” [35]. It is focused on the business conflict between David and his supervisor, Michelle. Although they are “fictitious characters, but their story is typical, and it illustrates how mediation is used to find solutions that satisfy both parties” [35].

David works in Michelle’s section. For the past eighteen months, he has worked hard doing “a lot of extra hours] as this section “is under a lot of pressure to deliver critical services to its client departments” [35]. Michelle, his supervisor, is not satisfied with his work as she

“ feels David isn't doing his share to meet these demands” [35]. As David's hard work is not appreciated, he files a grievance “for retroactive overtime pay” [35]. After receiving David's grievance, Michelle wants to get this business conflict solved through mediation. David agrees to Michelle's suggestion and they both mediate to reach a conflict resolution

BM 4 – *International Business Mediation* [IBM] *Mediation* involves “a business dispute between a Russian distillery and an American manufacturer and distributor of alcoholic beverages” [36]. It focuses on “allegations of unfair trade practices, trademark and trade dress infringements, and bad faith pirating dominate the dispute” [36]. Both the International Trademark Association and International Institute for Conflict Prevention and Resolution show “how through mediation even the most difficult conflicts can be amicably resolved not through compromise but rather through a voluntary process guided by a mediator” [36]. Through the mediation process, the parties-in-conflict can “work out their own solutions based on broader issues in which they can end up even better off than they were before the conflict began” [36].

The conflict between two alcoholic beverage companies, Wonder Bronski, a large Russian business, and Alcopops, an American multinational corporation. The latter prepares “to enter the Russian market with kick octane, a vodka brand sold widely around the world in this distinctive 8-sided bottle in this red black striped label” [36]. Before Alcopops’ entry into the Russian market with the sales of kick octane, Wonder Bronski “quickly adapted their old Pico Bello vodka brand to Pico Bello octave in this horizontal red black stripe label and they placed it on the market in an eight-sided bottle” [36]. As both alcoholic beverage companies are members of the International Trademark Association and International Institute for Conflict Prevention and Resolution, the presidents of Wonder Bronski and Alcopops “have agreed to meet to try out a non-binding mediation process” [36].

The discussed above four academic and professional mediation discourse sources (see Chapter 3, p.164) confirm that professional mediation is viewed as a community of practice (cf. Chapter 2, p.124) and consists of a group of professional mediators engaged in the professional mediation knowledge sharing. In a community of practice, professional mediators develop their mediation skills and contribute to an understanding of conflict resolution. Professional mediators share their common interest in conflict resolution, exchange best practices, and foster positive relationships. Professional mediators are involved in similar mediation practices such as active listening, communication skills, and problem-solving strategies.

In the mediation community of practice, mediators share mediation knowledge through the network of formal organisations and regional groups. Mediators share their mediation knowledge and learn from each other through various means, e.g., mentorship, supervision, informal networking, and professional development. They take advantage of formal organisation, such as the National Association for Community Mediation (NAFCM), the EU's Peace Mediation Community of Practice, or the EU Community of Practice on Peace Mediation, and local groups such as, Mediation Community of Practice (MCoP), offer platforms for learning, networking, and the mediator's knowledge sharing with the parties-in-conflict.

The mediation community of practice meets four criteria for research paradigm specified by Kuhn (1962/1970). Firstly, this community of practice operates at different levels, i.e., the overarching level, e.g., the EU mediation legislative level, and the lower level of local national organisation at which the sense of communal identity is shaped. Secondly, "membership of the communities of practice is open to change" (Denscombe, 2008, p. 278). Thirdly, the mediation community of practice has potential for "understanding the methodological choices made by those conducting mixed method research" (Denscombe, 2008, p. 278). Fourthly, the mediation community of practice is consistent with pragmatism, and it places special emphasis on the problem-driven nature of inquiry related to conflict resolution.

In the mediation community of practice, professional mock mediation is a simulation of the mediation process. Through the simulation of real-life conflicts or fictional legal disputes [39, 40], participants play the roles of the parties-in-conflict, and the mediator plays his professional role to teach such conflict resolution skills as communication, negotiation, and compromise (see Appendix 14). The method of mock mediation is used in the educational environment within the mediation community of practice for both students and professional mediators to develop their expertise for conflict resolution in mediation. This expertise is

achieved through skill development, understanding of the legal system and conflict resolution mechanisms, as well as experience in professional mediation.

The key elements of professional mock mediation involve role-playing, the objective, structure, and debriefing. The mediator is a professional certified mediator experienced in mediation whose role is to facilitate the mediation process. The parties-in-conflict assume their role-play simulations ‘to foster both individual and collective learning that can be transferred to ‘real word’’ situations’’ [39]. In the mediation community of practice, the International Mediation Institute, for example, offers a list of downloadable mediation role-play simulations to put participants in hypothetical situations and challenge them to deliberate and make decisions in new and different ways [39]. James Madison University offers common mediation scenarios, e.g., Scenario #1

A misunderstanding has developed between Taylor, a new employee, and Morgan, her co-worker. Their conflict revolves around expectations for their roles in the office and their differences regarding personal habits. Their supervisor referred them to mediation with the hope they can resolve their differences without her intervention [40].

The objective of the mock mediation is to reach conflict resolution through the mediation structure consisting of opening statements, negotiation sessions, private caucuses, i.e., private sessions, if need be, and resolution, as well as debriefing, in which the mediator and the participants discuss the mediation result in terms of conflict resolution.

In mediation role-play, language is used to simulate real-life situations. It serves as the primary mechanism for the mediator and the parties-in-conflict/consent to interact, express their needs, and convey their thoughts during a role-play scenario. The mediator and the parties-in-conflict/consent practice and develop their communicative skills, using their vocabulary and grammatical structures in context. This contextual interaction gives meaning and purpose to their language use. It helps them understand why they need to use specific grammar or phrases to achieve a win-win conflict resolution.

3.2.2 Practical research problems

The architecture of our research study begins with formulating the research problem in the form of three main hypotheses, namely,

Hypothesis 1 - there is a significant relationship between the number of categories studied, depending on the stage of mediation, and a significant difference between business and family mediation.

Hypothesis 2 - there are significant correlations between the categories used.

Hypothesis 3- there are specific groupings of categories that are correlated with each other, forming clusters.

With the hypothesis stated, the verification of the research problem is not only the agreement between the parties-in-conflict/consent confirming that conflict has been transformed into conflict resolution during the mediation process but the research problem is to be verified by the statistical analysis.

With reference to the review of mediation discourse literature in Chapter 1, we find it scientifically important to resolve several questions on mediation discourse. In this study, those questions constitute our research problem defined in the form of ten research questions, namely, how the relationship between mediation discourse dichotomy of the referent and cortege structure representation is developed through the stages of the mediation process to result in the final model of family and business mediations as a phenomenon,

1. how the relationship between mediation discourse dichotomy of the content and context structure representation is developed through the stages of the mediation process to result in the final model of family and business mediations as an idea,
2. how the relationship between mediation discourse dichotomy of the object- and subject-bias strategy representation is developed through the stages of the mediation process to result in the final model of family and business mediations as an activity,
3. how the relationship between topics and interactions in mediation is structured through the stages in the process of mediation,
4. how the relationship between mediation strategies and argumentation is structured through the stages in the process of mediation,
5. how the relationship between illocutionary act types and forms is structured through the stages in the process of mediation,
6. how the relationship between values and emotions is structured through the stages in the process of mediation,
7. how the relationship between attitudes and attitude functions is structured through the stages in the process of mediation,
8. how the conflict is transformed into conflict resolution in the process of mediation,
9. how the mediator performs his/her role in the process of mediation.

Thus, in this dissertation, the research problem is a set of three hypotheses and ten questions to be answered by the study. The set of ten questions is based on the mediation discourse dichotomies, the aim of which, as we hope, is to generate new knowledge related to general and specific information reconstructed in the mediation process.

3.2.3 Techniques of research data collection, organisation, and analysis

In this dissertation to collect and organize the research data, we focus on mediation discourse as a complex communicative event between the mediator and the parties-in-conflict or in-consent in the mediation communicative action in the temporal and spatial context (cf. van Dijk, 1993, 1997). From the discourse linguistics perspective, we refer to mediation discourse both in terms of the complete spoken and written texts functioning in the social and cultural contexts. To define the research boundaries of mediation discourse, we apply a narrow understanding of mediation, as verbalised in legal and academic corpora sources A, B, and C with source D limited to professional mediation (cf. 164). In the research collection and organisation, we limit our research data of mediation discourse to encompass the English language speech acts used in the course of professional mock mediation surroundings. The focus on Mock Mediations [28, 29, 30, 31, 32, 33, 34, 35, 36] helps us notice and analyse such aspects of mediation as mediation cognition, mediation emotions, mediation strategies, mediation argumentation, mediation values, mediation attitudes, mediation speech acts, mediation themes, and mediation corteges.

As indicated above, the research methods are found in the research field of Discourse Linguistics which integrates the theoretical approaches of cognitive, pragmatic, textual, and language studies with applied approaches in Behavioural Studies, Communication Studies, Reality Studies, and Genre Studies see Table 8 below.

Table 8

Theoretical approaches to research data collection and organisation

Approaches	Pragmatic Approach	Corpus Linguistic Approach	Functional - Relational Approach	Casual – Generic Approach
Theoretical position	Speech Act Theory	Linguistic extension of CDA	The connection between language functions and relations	Integrative DA

Methodological objective	Development of actions via language	Analysis through linguistic statistical devices	Analysis of relationships between functions of signs and social practices	Analysis of 8 categories
Data	Existing text	Text corpora	Existing text	Existing text
Representatives	Austin (1962), Searle (1975a, 1975b), Grice (1975), Leech (1983), Van Dijk (1985), Widdowson (1996)	Biber et al. (2004), Lindquist (2009), McEnery, Wilson (2001)	Van Dijk (1972, 1980, 1985), Halliday (1967, 1973, 1978, 1978, 1985, 1989), Halliday and Hasan (1976), Sinclair and Coulthard (1975), Fairclough (1992), Trudgill (1992); Yule, (1996) Leszczak (2016)	Oukhvanova (2016, 2020)

The Causal-Genetic Approach (Oukhvanova 2016, 2020) is an integrative model for solving the research problem discussed in 3.3.

In this dissertation, the research data collection and organisation follow the field of our research, i.e. Discourse Linguistics, which is composed of twelve interconnected directions of research, namely :

1. Conflict theory (Blake, Mouton, 1964, Thomas, Kilman, 1974, Jabri, 1996; Bonacker, 2005; Diez et al., 2006),
2. Communication theory (West, Turner, 2018, Habermas, 1979, 1984, 1987, 1989)
3. Mediation theory (Noce, Bush, Folger, 2002, Menkel-Meadow, Love, Schneider, 2006, Esplugues, 2014a, 2014b, 2015, Ervasti, 2014),
4. Semiotic theory (Lotman, 1978/2019, 1985, 2005),
5. Causal Genetic Approach (Oukhvanova, 2018, 2020),
6. Speech Act theory (Austin, 1962, Searle, 1969),
7. Argumentation theory (Eemeren, Grootendorst, 2002, 2003, 2017),
8. Discursive Psychology with Discourse Analysis, (te Molder, Potter, 2005, Edwards, 1995, 1997, 2000, 2006a),
9. Emotion theory (James, 1884, Lange, 1885, Kleinginna, Kleinginna, 1981),
10. Value theory (Scheler, 1973),
11. Attitude theory (Katz, 1960, Eagly, Chaiken, 1993, Haddock, Maio, 2008),
12. Theory of inference (Peirce, 1908, 1955a 1955b, 1992b)

The research material is collected and organised both in the form of the literature review, i.e. Chapter 1 and Chapter 2, the methodological design in Chapter 3, and practical research in Chapters 4, 5, and 6.

Discourse Linguistics is an integrative complex interdisciplinary study focused on the issues under analysis from different perspectives namely: cognitive and textual studies, pragmatic and functional language studies but also with reality and activity-bias studies, communication studies, behavioural studies, and experience-gaining studies. This field presents numerous methods and techniques which are adequate for the applied science perspective. This field is represented by six scientific schools – Tartu School of Semiotics (Lotman, 1978/2019, 1985, 2005), the French School of Discourse-Analysis (Maingueneau, 2002, 2008), the Functional School of Linguistics (Halliday, 1973, 1976, 1978, 1994, 2008; Halliday, Matthiessen, 2014), the School of Corpus Linguistics (Biber et al. 2004; McEnery et al. 2001; Lindquist 2009), and Causal Genetic Discourse Modelling School (Oukhvanova, 2018, 2020). All six approaches are to be represented in our dissertation as both theoretical and methodological backgrounds for solving the research problem of how to cope with the issue of reconstruction of the discourse of mediation. These approaches are the basics for the ideational representation of the research subject matter.

The subject matter of this dissertation is the phenomenological, ideational, and activity-based aspects of conflict mediation. The first one, i.e. phenomenological aspect of mediation is represented by the referential reality of the object of mediation – the parties in conflict including their common reality and the reality of each party. It includes (1) the way they structure reality by producing individual sense of reality and its elements in interconnection; as well as (2) the way they produce sense or individual sense productions. Their sense of both parties as such and verbal reality which they produce and which is the representation of the conflict from its phenomenological part. The second one, i.e. ideational aspect of mediation is represented by the mediator's and the parties' -in-conflict or in-consent language studied from the perspective of how they talk about events, states, and entities and construe their view of the world. The cognitive categories of the ideational aspect of mediation are reconstructed in six layers of the mediation process, i.e. the material one related to the process of action, the mental one related to the process of sensing their interior world, the relational processes of being and having, verbal processes of conveying their messages, behavioural processes of expressing their past behaviours or future intentions associated with an attitude object verbally with the use of words arranged in the syntactic structures, and existential processes of existing (Sameer, Al Dilaimy, 2020). The third one, i.e. activity aspect of mediation is reconstructed in three layers of the

mediation process, such as the layer of speech acts, the layer of communication strategies, and the layer of argumentation through which the mediator and the parties -in-conflict or in -consent with the use of language express their cognitive, behavioural and affective approaches in their interpersonal and intrapersonal relations.

To reconstruct the holistic picture of the mediation process we apply the Casual Genetic Approach (Oukhvanova, 2015, 2020), which is helpful in specifying and reconstructing the content and context actualized in particular case studies by focusing on:

- its phenomenological content (its factual database),
- ideational content (relevant themes and arguments produced and developed in their rhemes and textual patterns' representations),
- action-based content (the conflict in its representation by particular informative (referential) and interactive (cortege-actualized activities).

Following the Casual Generic Approach (Oukhvanova, 2015, 2020), we aim

* to reconstruct the codes of content representation

* to explain how the textual and video content is represented in conflict and conflict resolution to account for

a) the conflicted parties' relationship changing

b) steps in the conflicted parties' understanding and cooperation

c) verbalisation of the conflicted parties' attitudes toward children

d) the communicative behaviour styles of the conflicted parties concerning the mediator's facilitative function.

e) to discuss qualitative and quantitative findings.

To verify the holistic picture of the mediation process, we apply statistical analysis performed in the R language in the RStudio environment [38] using the *narLD*, *tidyverse* and *ggpubr* packages. (Noguchi, et al., 2012; Wickham, et al., 2019; Kassambara, 2023). Tables with statistical results for the final form are prepared in MS Excel.

In the first step, the database is prepared. The number of individual categories in the successive stages of each mediation studied is counted, for each expression creating a variable named after the above-mentioned category, in the form of an integer. In addition, a qualitative variable describing the membership of the mediation group, i.e. business mediation (BM) or family mediation (FM) and a quasi-quantitative variable identifying the stage of the mediation are included in the database.

In the next step, a descriptive analysis of the collected data is performed. The performed descriptive statistics include:

- Minimum value
- Maximum value
- Median
- 1st and 3rd quartile
- Mean
- Standard deviation

Due to the complex layout of the research data, an analysis of variance for repeated measures is used to verify the first main hypothesis. The repeated measures are the successive stages of mediation, while the grouping variable is the type of mediation. Since the collected data do not meet the assumptions of a normal distribution, a non-parametric variant of the analysis, included in the `npard` library for R as a programming language, is applied. The analysis used evaluates two main effects and one interaction effect, i.e.,

- Time effect: verification of the alternative hypothesis, 'there is a significant difference in the value of the variable between the different repeated measures'.
- Group effect: verification of the alternative hypothesis, 'there is a significant difference between the groups'
- Group * time interaction effect: 'membership of a particular group determines the dynamics of change between conversation stages'.

For each hypothesis, a p-value is obtained - the probability of a result like the one obtained or more extreme, assuming that the null hypothesis is true. A p-value less than 0.05 is considered statistically significant.

The second and the third main hypotheses of the dissertation are verified using correlation analysis, i.e., a linear relationship between two quantitative variables. The strength of the relationship between the study variables is expressed by the correlation coefficient (R). This coefficient takes values in the range $[-1;1]$, the closer to 1 or -1 the value of the coefficient, the stronger the correlation. Positive correlations mean that as one variable increases, the value of the other also increases. In contrast, negative correlations indicate an inverse relationship, where as one variable increases, the value of the other decreases. In this dissertation, the non-parametric Spearman's rank correlation coefficient is used, due to the variables under study not meeting the assumptions of a normal distribution.

Due to the multitude of correlations between variables, hierarchical clustering, a method belonging to cluster analysis, is used to organise the collected data better and facilitate their interpretation. The study aims to divide the dataset into groups (clusters) based on the

similarities between them. It allows groups of variables with similar characteristics to be distinguished.

The data are visualised using boxplots and correlograms, specifically for the boxplot diagrams. The figure is intended to present the median (middle horizontal line) as a measure of the central position of the data. The next element is the box limited by the first and third quartiles, which is a measure of the dispersion of the data. The final element of the figure is the whisker, indicating the minimum and maximum values.

Correlations are visualised with the use of heat map analysis. The figure collects on the X and Y axes the variables entering the analysis, returning at the intersection of each pair the correlation coefficient between them, further highlighted in colour, reflecting the direction and intensity of the relationship. For greater clarity, only statistically significant correlations are displayed, while the order of variables on the axes is the result of cluster analysis, collecting related parameters side by side.

3.2.4 Research procedure of practical analysis

At the beginning of the research procedure description, it is necessary to state that we deal with a holistic case study applying a complex multi-step methodology. The reason for using this methodology in our dissertation is related to our claim that, together with getting a particular functional model of family and business mediation, we also get a typological description of this type of discourse. The very possibility lies in our choice to follow qualitative and quantitative analyses.

We have already stated earlier in this chapter that qualitative analysis is a collective term and implies a variety of methods and techniques characterised by a variety of interdisciplinary approaches. As for our case, **we want to have a look into the very depth of its structural and functional organisation in the case of successful family and business mediation to present its theoretical model open for further applications.** Within it, together with modelling family and business mediations, we hope to find out a number of its characteristics of a typological nature. **The first six steps of the procedure** targeted specifically on this task. Therefore, we present a detailed description of the first six steps followed by a brief description of the next steps.

Step 1 Organisation of the research material for qualitative and quantitative research

This step involves splitting the sequence of the mediation into stages. Then, each of these stages is deduced by us into 3 parts: introductory, central, and concluding. Further, we deduce each part into its meaningful functioning structural elements. For each element, we present **a basic model of interaction**: who speaks (addresser) to whom (addressee) and in which order (discourse sequence). The results of the organisation of the research material are presented in Appendixes 1-9, since for FM 1 *Patenting Plan Family Mediation* [PPFM] Part 1 [28] and Part 2 [29] we have one Appendix for Part 1 [28] and one Appendix for Part 2 [29] FM 1 - *Patenting Plan Family Mediation* [PPFM] Part 1 [28] in Appendix 1 and Part 2 [29] in Appendix 2

FM 2- *Family Mediation in Action* [FMiA] [30] in Appendix 3

FM 3- *An Inside Look at Family Mediation* [AILaFM] [31] in Appendix 4

FM 4 - *Family Mediation Role Play* [FMRP] [32] in Appendix 5

BM 1 - *Business Mediation Demo* [BMD] [33] in Appendix 6

BM 2 - *Business Mock Mediation in Action* [BMMiA] [34] in Appendix 7

BM 3 - *Business Grievance Mediation* [BGM] [35] in Appendix 8

BM 4 – *International Business Mediation* [IBM] [36] in Appendix 9.

Step 2 Discourse content-context structure reconstruction (first-reading analysis)

Here we apply the open coding technique (the technique of naming phenomena, ideas, or activities presented verbally or nonverbally in discourse) introduced by the Grounded theory and described by us above. We may add to this description that open coding (e.g., collaborating, planning see above) is used for data collection partially here in step 2 but, more evidently, in steps 3 (when we deal with deep reading data collection and discussion) is the most difficult task for the researcher in qualitative research. It demands creativity and verification at the same time. Creativity is needed because verbal representations (verbal markers) are not as straightforward as they may seem at first glance and the researcher needs a certain experience and skills in this. Even having them one may confront the necessity to come back and rename certain discourse passages. A possible mistake in naming the category via open coding could often be found by the researcher while going through the stage. Thus, it is no wonder that applying other techniques for verification is needed to objectivise qualitative data received. Otherwise, a very accurate reading and/or re-reading of the research material for data collection in qualitative research is a must.

As we deal with the discourse content-context structure, the data received should be differentiated accordingly. For this, we refer to the same messages for content and context separately (or in a parallel way, if the experience of the researcher permits, which is common knowledge from those who follow the method of reconstructing referential-cortège cluster information) in the process of data collection in each structural element.

- At first, the focus is on the content: what the talk of each of the mediation participants is about and how it is represented. The category of Text Linguistics ‘informativity’ reveals itself here;
- then, the focus is on the context inscribed: how interaction occurs and how this inscribed context is represented. Another category of text linguistics is actualised, which is ‘situationality’.

We may add that, at times we might need to deal not only with the context inscribed into the content-context structure but also with the external context.¹ In this case, our discussion leads to separate conclusions, as this facultative research has another foundation, i.e. significance.

The content here is in the progress of building (and) coming up with the typical structure (of family and business mediation) (and) timeshare range: who has two children when. As we see, he represents it twice (in the first and last sentences). The second time (last sentence) he does it with more emotions and in a more transparent way. We see it as the frame of the message to both parents making it especially important for the moment of talking. He also names (open coding) the roles attached to the parents while following the typical structure of the plan, i.e. each of the parents is a scheduled parent, the one who acts in accord with the typical timeshare (the situation of the communication). The context at the beginning is transformed into the content-bias information as the mediator later defines this term. It is clear that the mediator introduces the term and wants them to remember it and understand its sense (as it is a term to be included in the final agreement). Terminology raises the status of the mediator as a real professional and the usage of the present time simple and the nearest future (present continuous)

¹ When we speak about the content-context structure of discourse following the CGA research procedure we always mean *inscribed context* (whether implicitly or explicitly), e.g. the context that can be reconstructed with reference to verbal or nonverbal representation. In cases when we speak about the context not proved by vivid representational means, we name it *external context*, which is outside discourse as it is treated by CGA. Otherwise, external context is, so to say, conceivable or inferred. We may introduce it due to educational or professional experience just as based on external knowledge of the situation of communication or the regulative documents on mediation, etc. The second group of steps actualised in our research refers to the external context at large.

makes the talk on it topical and especially important. This focus of attention is enriched with deixis (time and space) – **here** and **right now**.

Step 3 Discourse referent-cortège structure reconstruction: Depth analysis

The depth analysis comes when we change the focus of attention from somewhat general words (like content and context) to more particular ones. CGA suggests a variant of the dichotomy referential – cortège-bias informative clusters of discourse. Each element of this dichotomy has four composites (see Chapter 2). But we are not to start with accepting a priori their existence in the structural element under research.

The very first steps of this method are borrowed from the Grounded theory (the techniques of open and axis coding), thematic analysis actively applied in qualitative sociology, and depth reading analysis used in literature studies. We may mention here, also, performative analysis as one of three techniques of narrative analysis together with theme-rheme analysis with reference to linguistic units bigger than a sentence.

So, what are the inner steps of this method? While reading and rereading the messages

- naming the referents via reconstructing the particular themes, that they bring with them. The theme may be of a phenomenon-, idea-, or activity-bias nature and, in any case, they should be particular (no generalisation);
- verifying if the chosen name is right and objective via the way the themes are developed. If no development is witnessed (by verbal or nonverbal means), it means we are mistaken in naming. In this case, we are to come back and try again. Some of them present a first draft, others are more advanced;
- presenting the result textually with discussion and interpretation;
- reconstructing (as a result) intermediate and final modelling as a conclusion with an explanation of their significance and application possibilities.

Step 4 Discourse strategies within their subject-bias and object-bias structure reconstruction

Strategic analysis in CGA can be carried out in various ways. While we base our research on dichotomy-focused discourse organisation, we focus our attention on reconstructing the discourse strategies within their subject-object vs. the subject-subject way of representation. Here we want to start with an example to show how it works with reference to structural element 4 of Stage 2 of *Parenting Plan Family Mediation* (see Appendix 1). In this concluding

Part of Stage 2, the mediator informs the parties-in-conflict about ‘‘building the typical structure of course’’ [28]. He uses the strategies that belong to subject -bias strategies (SS) and object -bias strategies (OS), namely, Subject-bias strategies (SS) include goal setting strategy, needs raising awareness strategy, planning strategy, cooperating strategy and positive cortege building strategy. Object bias strategies (OS) encompass information paraphrase strategy knowledge transfer strategy

Step 5 Modelling the structural element as a holistic discourse

We should underline it here that it is not a holistic discourse, but just its structural element, and still we want to demonstrate in the example, how we would act if it were a holistic discourse in collecting the data, results, and discussion for its modelling. In the practical part, first, we focus on modelling each stage after 4 steps if the analysis is completed. Step 5 unites the intermediate modelling of each step and presents the final which is to show how this discourse functions and which traits could be presented as typical (archetype modelling in its perspective).

Step 6 Discourse topic-interaction structure reconstruction

Since theme or referential analysis (see Step 3) explores the deeper meaning of a message with universal relevance, in this step, we use the topic structure reconstruction method to describe what the family and business mediation discourse is about and how the interaction between mediation participants is formed. Although theme and topics are connected, we see the difference. As shown in Step 3, themes are implicit messages, and topics are explicit subject matters of the structural elements in the family and business mediation discourse.

As topics revolve around individual keywords, in our case, topics refer to what the family and business mediation is about. They are clearly stated in their expression. Their scope explains what the structural elements of the family and business mediation are about, and their nature is unique to those elements. Their specificity describes the subject matter discussed in the family and business mediation.

Step 7 Discourse communication strategies and argumentation structure reconstruction

At the communication strategy and argumentation level, we reconstruct the mediation content, through which the mediator and the parties, either in conflict or in consent, achieve the communication objectives. Communication strategies and argumentation strategies constitute

elements of setting the mediation communication and argumentation goals and plan to share information effectively through all the stages of the mediation process.

In the mediation process, the communication strategy follows the mediation procedure ranging from Stage 1 to Stage 5 to transform conflict into conflict resolution. The Mediator's choice of communication strategies aims at effective communication between the parties-in-conflict or -in-consent at all stages of the mediation process. The communication strategies are tailored to the specific mediation needs and the parties '-in-conflict or -in-consent preferences with the context in which they operate taken into account. Applying communication strategies in the mediation process is the cornerstone of the successful and effective interaction between the parties-in-conflict or -in-consent. The reconstruction of effective communication strategies in mediation is an inevitable tool to bridge the conflict gap between the parties-in-conflict, to foster their better understanding, and reach a conflict resolution.

In mediation, argumentation strategies reveal the mental action within the process of systematic reasoning to support a point of view or idea. Argumentation strategies actualised in the form of deliberation and negotiation reveal two types of context and genres of the mediation discourse. The analysis of the argumentation strategies also shows the context-sensitive evaluation of mediation as an argumentative discussion.

Step 8 Discourse speech act structure reconstruction

At the level of Speech Act analysis based on Austin's (1962) and Searle's (1969, 1975, 1979), we reconstruct the action content of family and business mediations. To analyse the data, we follow the research procedure on speech acts and their functions, classifying the speech act types and identifying the speech act forms.

Speech acts of family and business mediation process through its stages are analysed on multiple levels, i.e., the level of locutionary acts in CGA in Chapter 4, Chapter 5 in subchapters 5.1 and 5.2, Chapter 6, the level of illocutionary acts in Chapter 5 in subchapter 5.3, and the level of perlocutionary acts based on the premises that there is a conflict resolution as an effect of mediation. Following Austin's (1962) Speech Act theory, we analyse the utterances of family and business mediations as three acts. At the level of locution, we reconstruct the apparent verbal, social, and rhetorical meanings corresponding to the verbal, social, and rhetorical aspects of meaningful utterances within CGA in Chapter 4. At the level of illocutionary acts, we focus on the verbal actions performed by those meaningful utterances of speech act types and forms. At the level of perlocutionary acts, we do not aim to concentrate on the intended perlocution expresses in conflict transformation to reach the conflict resolution as discussed in

Chapter 6, see 6.2.2, since, with mock mediation, we do not have analytical tools to directly measure the utterance's perlocutionary effect on the mediation participants. For us, the intended perlocution is important as

[s]aying something will often, or even usually, produce certain consequential effects upon the feelings, thoughts, or actions of the audience, the speaker, or other persons, and it may be done with the design, intention, or purpose of producing them.
(Austin, 1962, p. 101).

Since the actual perlocutionary effect might be different from the intended perlocutionary effect visualised in the transformation of conflict into conflict resolution, we focus on the latter, as we cannot verify the actual perlocutionary effect of mock mediation. The ultimate verification of the actual perlocutionary effect is the conflict resolution stipulated in the agreement between the parties.

The Speech Act analysis is used to study mediation discourse as a larger linguistic unit and investigate the language used in action. Therefore, we are concerned with the language used in the social context of mediation as interaction or dialogue between the mediation participants. The layout of speech act types and functions at each Parenting Plan mediation process reconstructs the actions taken by the mediation participants, and they are related to their implementation of communication and argumentation strategies.

Step 9 Discourse values and emotion structure reconstruction

In mediation, the level of value and emotion analysis contributes to the identification of the change factors in the transformation process from conflict to conflict resolution and the discovery of the relation between values and emotions in the mediation discourse. This analysis aims to reconstruct the change factors and interrelationships between levels of values and emotions in the mediation discourse. The theoretical background for this structure reconstruction is discussed in Chapter 1, Subchapter 1.2.5.

Step 10 Discourse attitude and attitudinal function reconstruction

In this step, we reconstruct the mediation participants' attitudes and their assigned attitudinal functions as embedded in the verbal and nonverbal signs. For us, the participants' verbal communication becomes the object of analysis to discover their attitudes and attitudinal functions in the structure and semantics of their utterances. Similarly to Step 8, this analysis aims to reconstruct the change factors and interrelationships at the attitude and attitudinal function levels in the mediation discourse.

3.3 Conclusion

As an object of our research, the discourse of professional mediation is analysed with the application of both empirical and theoretical research strategies and methods that correspond to qualitative research. In this multi-method research, frequently referred to as mixed-method research, we apply a multi-method research strategy. Therefore, professional mediation discourse is analysed using several methods of discursive analysis within the same underlying Causal Genetic Approach.

Our choice of CGA in the multi-methods research is justified by applying a single analysis method, which may limit the understanding of mediation as a worldwide phenomenon. As a result, the discourse of professional mediation is subject to cross-sectional linguistic, philosophical, pragmatic, psychological, and semiotic research. Family and business mediation is subject to case study research with the application of phenomenological research, narrative research, hermeneutic research, and discursive research within Causal–Generic Approaches.

The qualitative research mixed methodology within CGA (Oukhvanova, 1993a, 1993b, 2014, 2016a, 2016b, 2018, 2020, 2022) is applied to the data from the mock mediation corpus. The purpose of the empirical research based on CGA is to gain a deep understanding of the mediation process under study and verify the research problem.

A thorough, deep research analysis conducted within CGA is based on reliability and objectivity. It is based on conceptual and instrumental procedures to solve the specific research problem verbalised in the form of hypotheses and research questions (see 3.2.2 of this chapter). In our dissertation, accuracy is an important element in determining reliability and objectivity.

Chapter 4

Reconstruction and modelling of professional mediation discourse within its dichotomy-based organisation and functioning- family and business mediation

The aim of this chapter is to reconstruct and model the professional mediation discourse within its dichotomy-based organisation and functioning. In our discussion, we concentrate on the family and business mediations as a phenomenon, an idea, and an activity. The reconstruction and modelling of mediation discourse as a phenomenon is based on the referent cortege structure sequential representation (Rf-Co). Mediation discourse, as an idea, refers to the content-context structure sequential representation (Cnt-Cxt), whereas mediation discourse, as an activity, involves object-subject strategy sequential representation.

4. 1. Results and discussion - Stage 1

Stage 1 is the convening stage, which results in the willingness of the parties-in-conflict to participate in mediation. It involves bringing the parties-in-conflict to a preliminary meeting during which they should discuss the underlying issues of the family and/or business conflict and consider options for its resolution. As a rule, the mediator contacts the parties separately to inform them of the mediation's aim: to resolve the conflict through a written agreement signed by both parties in the mediator's presence.

The mediator is responsible for assessing the family or business conflict situation and identifying the conflict areas and their underlying factors. In most cases, they are related to communication problems, and the mediator is to introduce options for improving communication through the control of emotions revealed in the language and speech behaviour. Assessing the situation includes determining what the parties-in-conflict seek to accomplish. The stage involves several specific tasks to determine the particular goal of mediation, including de-escalating the conflicting situation by consensus building. Within it, there comes the identification of functions to be performed to obtain the result of this convening stage – willingness to participate in mediation. (see Oberda, 2019).

4.1.1 Organisation of the transcripts for further qualitative analysis - Stage 1

Basic Interactional Model (BIM) Stage 1

Stage 1 is an introduction to the process of mediation presented in the genre of the mediator's summing-up monologue addressed to the parties-in-conflict [PPFM, FMiA, BMD] or his/her introductory dialogue with the parties-in-conflict [AILaFM, FMRP, BMMiA, BGM, IBM]. At Stage 1, in this opening speech, the mediator sets the agenda and gives the expectation of the present mediation process, specifying the area of topics subject to further mediation.

The sequential model of the utterances at Stage 1 of the family mediation process is presented in Table 9 below.

Table 9

The sequential formal model of the mediation discourse actualised in Stage 1 of family mediation [PPFM, FMiA, AILaFM, FMPR]

Part	Structural element 1	Structural element 2	Structural element 3	Structural element 4
1. Introductory part sequence	M1-M2, M1-M2, M1-D1, MS1-MD1-MS2-MD2-J1			
2. Central part sequence		M3- M4, M3, M2, MS3	M5-M6, M4, M3, MD3-J2	
3. Concluding part sequence				M7, M5-M6, M4, MD4

Family Mediation Play Role shows the highest number of utterances at Stage 1, which amounts to nine utterances in total, with five utterances in structural element 1, one utterance in structural element 2, two utterances in structural element 3, and one utterance in structural element 4. *Parenting Plan Family Mediation* occupies the second position with two utterances in structural element 1, two utterances in structural elements 2 and 3, and one utterance in structural element 4. *Family Mediation in Action* ranks third in terms of the number of utterances at Stage 1, with two utterances in structural elements 1 and 4, and one utterance in structural elements 2 and 3. *An Inside Look at Family Mediation* amounts to five utterances at Stage 1, with two utterances in structural element 1, one utterance in structural elements 2, 3, and 4.

The sequential model of the utterances at Stage 1 of the business mediation process is presented in Table 10 below.

Table 10

The sequential formal model of the mediation discourse actualised in Stage 1 of business mediation [BMD, BMMiA, BGM, IBM]

Part	Structural element 1	Structural element 2	Structural element 3	Structural element 4
1. Introductory part sequence	M1, M1-C1, M1-K1, M1			
2. Central part sequence		M2, M2, M2, P1-A1	M3, M3, M3, D1-MD1	
3. Concluding part sequence				M4, M4, M4, M2

At Stage 1, *International Business mediation* shows the highest number of utterances, i.e., six utterances in total with one utterance in structural element 1, two utterances in structural elements 2 and 3, as well as one utterance in structural element 4. *Business Mock Mediation in Action* and *Business Grievance Mediation* are in the second position, with two utterances in structural element 1 and one utterance in structural elements 2, 3, and 4. *Business Mediation Demo* amounts to four utterances at Stage 1 with one utterance in structural elements 1, 2, 3, and 4.

In both family and business mediations, the mediator uses referential, phatic, expressive, interactional, and transactional utterances. In this speech genre directed to the specific audience, namely the parties-in-conflict, the mediator uses referential utterances to provide information about the mediation process. In his/her phatic utterances, the mediator provides small talk, e.g., ‘[a]re you ready to go?’ [AILaFM], ‘[a]re you ok?’ [FMRP] or ‘[a]ll right, Bill, Courtney?’ [BMMiA], which are polite and aim at managing interpersonal distance and maintaining a positive relationship with the parties-in-conflict. The expressive utterances of the mediator convey his/her positive emotions about the process of mediation e.g. ‘It would be my honor today to assist you and try to solve your commercial dispute, amicably’ [BMD], ‘I’ve read both your briefs and I want to just let you know that from what I’ve seen in the briefs, this is a really good case to mediate’ [BMMiA], or ‘so we’ll see what works best for the two of you’. [PPFM]. Those utterances reveal what the mediator feels and how he informs the parties-in-conflict about the positive potential of the mediation process for their conflict resolution. In both family and business mediations, the mediator uses interactional utterances when he/she refers to the parties-in-conflict. Through the use of interactional utterances, the mediator prepares the background for building and maintaining positive relationships with the parties-in-conflict. While the mediator’s interactional utterances are mainly concerned with the

maintenance of positive social relationships with the parties-in-conflict, e.g. “thank you” [BMD, BMMiA, IBM, PPFM] or “I appreciate very much that you guys are coming in today” [FMRP], the mediator’s transactional utterances are mainly concerned with the transmission of information about mediation

4.1.2 Content-context reconstruction based on discourse representation via textual categories actualised in dichotomy-built clusters based on the Causal-Genetic Approach

In the introductory part of Stage 1, the mediator establishes the relationship, which is normative for the mediation format, thereby expressing gratitude and politeness to the parties-in-conflict for participating in mediation. The mediator also sets the priority, verbalising it in the simplest way possible, “who has the children with” [PPFM], to talk “for a few minutes about the process” [FMRP], focusing on the fact that straightforward discussion is welcome. Thus, the content-context structure (**informativity-situationality**) is **balanced** at the very beginning of the mediation process.

In the central part of Stage 1, the mediator considers it essential to set the mediation content, which in family mediation refers to the parents’ “timeshare” [PPFM], parents’ “points of view” [FMiA], “separate time” with the parties-in-conflict [AILaFM], “the child” [FMRP] or in the group of business mediations to “commercial dispute” [BMD], “a really good case to mediate” [BMMiA], “the agreement” to be signed when the parties-in-conflict express their consent for mediation [BGM] and the parties’-in-conflict formal representation [IBM]. The mediation context shapes the meaning of the mediation discourse.

In the central part of Stage 1, the situational context of mediation refers to the immediate environment of parents separated or divorced [PPFM, FMiA, AILaFM, FMRP] or the business environment in which labour management or commercial conflicts occur [BMD, BMMiA, BGM, IBM]. It involves the parties-in-conflict, their legal representatives in business mediations [BGM, IBM], as well as the purpose of their interaction to reach conflict resolution at the later stages of the mediation process.

In family and business mediations, the institutional context is strictly fixed, involving the specific organisational settings of family, business, and mediation, along with their respective norms and rules. In the institutional context of mediation, the mediator presents the mediation norms, regulations and procedure, e.g. “[m]y job quite simply is to help you to have the conversation” [FMiA], “[h]ow I usually like to start out is just to get some basic information

about your schedules and start to see what we can do to get this information to build a good parenting plan” [PPFM], “we’re not allowed to give opinions or make suggestions” [FMRP].

The mediator’s utterances are balanced within the discourse content-context structure of the central part. They are connected with the introductory part thanks to the deixis information, namely the dimension of time, i.e. “previously – today” [PPFM] or the dimensions of place and time and place e.g. “[t]hank you for agreeing for a place and time to meet and for being present today and for being very accurate, thank you both” [BMD]. Thanks to this, we can reconstruct the context of the situation that the parties-in-conflict must have communicated before “today” mediation “[PPFM, BMD].

Thus, in front of us, there is a professional mediation in which the mediator helps the parties-in-conflict solve their problem as it is in their crucial interests at present. In both family and business mediations, the mediator does not mention a single word that might be semantically linked with the conflict. Instead, the mediator emphasises modality, flexibility, choices, and being practical (“can..., may ..., what we want to do...” [PPFM], “maybe” [FMRP, BMMiA], “if I could” [BMMiA] “if you’d like to take a look at that now” [BGM], “I ought to say” [BMD]). The discourse dichotomy of *intentionality-acceptability* reveals itself in these structural elements of the central part of this stage. In *Parenting Plan Family Mediation* specifically, the category “acceptability” is as if programmed in the set of rhetorical questions, i.e., “[d]o we want to try (to) see how that works? Or do we want to go directly into ... We’ll see what works best for the two of you” [PPFM].

In the central mediation part of Stage 1, the mediator informs both parties-in-conflict about his/her working procedure as well as the mediator’s role in the context of the mediation process. The mediator informs the parties-in-conflict about his/her working procedure, e.g. “[h]ow I usually like to start out is just to get some basic information about your schedules” [PPFM], “I’d like to spend a little bit of time talking with you about the case if I could” [BMMiA]. The information related to the mediator’s role is that the mediator is here “to help [the parties-in-conflict] to have the conversation” [FMRP]. Additionally, the mediator informs the parties-in-conflict that the mediator does “not have the authority” nor will [he/she] attempt at any point to make any decisions in [the parties’-in-conflict] behalf. [He/she is] not here as a judge or an arbitrator “[BMD]. The central part of Stage 1 is connected with the concluding part of Stage 1, as in *International Business Mediation*, the mediator informs the international parties-in-conflict that “[he is] not a judge and [he is] not an arbitrator. So, actually, [they] are negotiating and [he does not] decide anything” [IBM].

In the concluding part of Stage 1, the mediator shares his experience as if suggesting that the parties-in-conflict should follow the pattern of the verified mediation practice (*intertextuality*). Finally, he changes the monologue style into the dialogue with his clients, inviting each of the parents to share their vision of "what you think would work best as ... each of you has the children" [PPFM] (*interdiscursivity*). Thus, this analysis shows how balanced textual categories are in their dichotomy-focused representation, which enriches the persuasive character of discourse. Altogether, it guarantees that the professional mediation process has the potential to be successful.

4.1.3 Referent-cortege clusters reconstruction based on the Causal-Genetic Approach

As the verb *to discourse* means going there and back, let us follow this medieval tradition and start from the beginning. This time, we focus on the dichotomy '*referential-cortege information*' actualised within the discourse content-context structure.

In structural element 1 of Stage 1, the mediator starts to actualise and develop the *referential themes* or *referents* **Rf1** interests, **Rf2** unity awareness, and **Rf5** inquiry in its sequential representation. Simultaneously, the mediator begins to build relations with the parties-in-conflict, through developing **Co1** normative cortege, i.e., mediation communicative cortege, and **Co2** interpersonal cortege. The participants in communication are the parties-in-conflict and the mediator. The first referent, **Rf1** interests, reveals itself in its direct transparent representations of family or business mediation [FMiA, PPFM, FMRP, BMD]. The mediator develops **Rf2** unity awareness by raising it with the use of the personal pronoun "we" and "our", the possessive pronoun of we [PPFM, FMRP, FMiA, BGM]. The first actualised cortege is a normative example of the mediation format. This cortege extends in time and space. Each of them has already had a second meeting with the mediator. Therefore, their relations are already in the process and expected to be constructive. The mediator is polite and respectful when he/she develops **Rf5** inquiry [PPFM, FMRP, AILaFM, BGM, IBM].

In structural elements 2 and 3 (the central part) of Stage 1, the referents and corteges initiated in structural element 1 are further developed. The mediator also focuses on **Rf3** options, e.g. "Do we want to try some things out in the short term? see how that works; or do we want to go directly into a long-term plan?" [PPFM] and **Rf4** experience, e.g. "I am always doing my mediations, have separate time with each of you before we decide to go ahead to a joint session" [AILaFM]. **Rf 4** refers to the mediator's experience in initiating the mediation process to ensure its success. **Co2** actualises relations within the modality of possibility,

flexibility, and choices for the mediation process participants. **Co3**, in turn, actualises relations of a reflexive, thoughtful nature – "to try and to do to see how this or that works" [PPFM]. **Co3** is the cortege of people who share their thoughts based on family or business experience, knowledge, and expectations. The mediator gives an example of such speech behaviour and expects a similar feedback.

In structural element 4 of Stage 1, **Rf4** experience and **Rf5** inquiry are directed to each based on specific directions of thoughts, which the mediator gives [PPFM, FMiA, BMD, AILaFM]. **Co3** builds the frame with **Co1**. They are both focused on the relations of politeness, respectfulness, and normative standards in the format of a professional mediation process. **Co2** interpersonal cortege refers to the group of individuals who are good listeners and thematically focused. As we see, referential and cortege types of information are reciprocal and balanced.

4.1.4 Reconstruction of the dichotomy "object-subject targeted strategies": Verification analysis within the technique of the Causal-Genetic Approach to discourse research

The reconstruction of the dichotomy related to object-subject bias strategies aims at a deeper insight into Stage 1 of the mediation process. In both family and business mediations, the mediator uses strategies targeted at the object and subject of mediation.

In structural element 1 of Stage 1, the mediator employs **SS5** positive building strategy and **SS4** cooperating strategy to actualise and develop the referents **Rf1** interests, **Rf2** unity awareness, and **Rf5** inquiry, as well as corteges **Co1** normative cortege and **Co2** interpersonal cortege. The mediator thanks the parties-in-conflict for joining and implicitly sets normative relations with them (**SS5** positive building strategy) and, as indicated above, uses the pronouns "we" and "our" (**SS4** cooperating strategy). The mediator uses **OS4** knowledge transfer strategy to set the agenda based on knowledge received before this stage.

In structural elements 2 and 3 (the central part) of Stage 1, the mediator continues the strategies initiated in structural element 1 and starts **SS1** goal setting strategy, **SS2** needs raising awareness strategy, **SS3** planning strategy, **OS1** information inquiry strategy, **OS5** option sharing strategy, **OS2** confirmation strategy, and **OS3** information paraphrase strategy. **SS1** goal setting strategy is evident in the mediator's statements, e.g. "I ought to say that today you will be reasoning out solutions for your commercial dispute" [BDM], and that referring to "the timeshare" [PPFM]. **SS2** needs raising awareness strategy is articulated in the mediator's statements e.g. "what you see you need to work on in mediation" [AILaFM], or "that's practical and meet your children's needs both in the short term and in the long term" [PPFM].

SS3 planning strategy reveals the mediator’s immediate plan e.g. “I’m going to take a few minutes to talk with Bill, no more than maybe five or ten, and then I’ll come back and talk to you for a little bit” [BMMiA] or “just to get some basic information about your schedules and start to see what we can do” [PPFM]. **OS1** information inquiry strategy focuses on “what I am always doing, my mediations have separate time with each of you, getting a perspective from you” [AILaFM]. **OS5** option sharing strategy occurs in the mediator statement, e.g., “[t]his is an option for you, so keep it in mind” [BMD]. **OS2** confirmation strategy refers to the mediator’s utterance “Okay, good” [AILaFM]. **OS3** information paraphrase strategy is embedded in the mediator's utterance, e.g. [o]nce more, you're here because this is your mediation" [BMD].

In structural element 4 of Stage 1, the mediator employs **SS5** positive cortege building strategy when addressing the parties-in-conflict [PPFM, FMiA, FMRP, BMD, IBM, AILaFM]. Focused on politeness and normative standards, the mediator employs **SS4** cooperating strategy, e.g. "so when you start as we say what brings you to mediation and then we can get a chance just to speak to each other" [FMRP]. In this utterance, the mediator implicitly invites each party-in-conflict to uncover the reasons for mediation and focuses on a chance to communicate. The mediator follows **OS1** information inquiry strategy when he/she focuses on “getting a perspective from you” [AILaFM] and on “the things that you want to talk about this morning” [FMiA]. The mediator treats the parties-in-conflict with respect and once again he/she emphasises their role in mediation, using e.g., **OS3** information paraphrase strategy “[s]o, actually, you are negotiating” [IBM] or **OS2** confirmation strategy “[s]o should this idea for uninterrupted equal time be okay with you?” [BMD].

4.1.5 Integrative functional model of the discourse of Stage 1

The integrative functional model of this stage is given in Table 11 below.

Table 11

Integrative functional model of mediation discourse – Stage 1

Family and business mediations as a phenomenon, idea, and activity: Stage 1	
Basic interactive model (abbreviations: M-Mediator, P-Parties-in-conflict)	
Mediation discourse as a phenomenon	
Referent-cortege structure sequential representation (Rf–Co)	
M’s monologue. Structural element 1	Rf1 interests to set normative cortege, Rf2 unity awareness, Rf5 inquiry to set the relationship with the parties-in-conflict (we=the mediator and the parties-in-conflict Co1 normative cortege i.e. mediation communicative cortege and Co2 interpersonal cortege the professional M sets normative

	for the format of mediation discussion (polite, respectful, intellectual, and extended in time and space) relations expected to be constructive.
Structural elements 2 and 3	Rf1 interests, Rf2 unity awareness, Rf3 options, Rf4 experience, Rf5 inquiry to transfer the mediator's knowledge about mediation for conflict resolution to the parties-in-conflict, Co2 interpersonal cortege, Co3 family/business cortege, the professional M actualises the modality of possibility, flexibility, choice for the participants of the mediation discourse. The experienced M focuses on the cause-consequence extension of acting (to try and to do to see how this or that works).
Structural element 4	Rf4 experience Rf5 inquiry to reveal the mediator's experience in mediation practice. Co1 normative cortege, i.e., people who exchange thoughts. Co2 interpersonal cortege, Co3 family/work cortege, involving attentive listeners to be focused on thematically developed referential information.
Mediation discourse as an idea Content-context structure sequential representation (Cnt – Cxt)	
M's monologue. Structural element 1	Cnt1 /informativity: meeting on previous agreement to address the family/business issues. Cxt1 /situationality: mediation discourse on family/business issues agreed upon before by the parties-in-conflict. (Cnt1-Cxt1 in balance).
Structural elements 2 and 3	Cnt2 /intentionality: in developing understanding on the details of family/business issues construction for today's discussion, focused on practical matters (needs of children, parents' schedules, etc.) and time perspective (in short and long terms). Cxt2 /acceptability: is expected as possibilities to divide those up, depending on what we want. It is also open to exploring various discussion methods to determine what works best for the parties-in-conflict.
Structural element 4	Cnt3 /intertextuality: reference to M's experience in starting mediation discourses. Cxt3 / interdiscursivity: changing monologue into dialogue, inviting the parties-in-conflict to share what they think would work best for everybody.
Mediation discourse as activity Object-subject-bias strategy sequential representation (OS – SS)	
M's monologue. Structural element 1	SS5 positive building strategy = to thank for joining SS4 cooperating strategy = to set normative relations OS4 knowledge transfer strategy = to set the agenda (topical issue)
Structural elements 2 and 3	SS1 goal setting strategy = solutions for dispute/conflict resolution, SS2 needs raising awareness strategy = needs of the parties-in-conflict, children SS3 planning strategy = caucus, separate meetings, OS1 information inquiry strategy = to list key talk issues OS5 option sharing strategy, = to differentiate children's needs in the short and long term OS2 confirmation strategy = to open time-choice discussion: to try or miss short-term plan for practicing OS3 information paraphrase strategy = to focus on practical issues
Structural element 4	SS5 positive cortege building strategy, SS4 cooperating strategy, OS1 information inquiry, OS3 information paraphrase strategy, OS2 confirmation strategy =to give an example from M's experience, to invite each of the parties-in-conflict to express themselves

Discourse of family and business mediation as a phenomenon

- ❖ The **referential information** (also: phenomenon-bias themes) actualised here goes from the (1) **reality** (real subjects), e.g., "who has the children with" [PPFM], to (2) the **verbal reality**,

e.g., TIMESHARE – the term accepted for the *format-orientation* of the mediation and goes through all five stages of family and business mediation under research. (3) It promotes the choice (FLEXIBILITY) for the parties in the mediation process concerning the notion/term "timeshare" in both short and long-term periods. Finally, in structural element 4, (4) the mediator asks the parties individually to express their feedback, e.g., inviting Stephanie and Glen to actively cooperate in timeshare building, and describe how they see the very essence of the issue under discussion.

- ❖ Simultaneously, he raises the subject-focused thematic referent "*we as togetherness*" and "*mediator as an experienced professional*."
- ❖ And finally, we see the actualisation of the **cortege-bias information**, which is two sides of the same coin, with the only difference – we are on the **macro-level** of discourse functioning. The mediator constructs such a sequence of corteges as (1) format-dependent cortege (extended in space and time) where people are "polite, respectful, intellectual (thematical focus of attention), and professional"; (2) further in developing we trace the cortege, which is "reflective and thought-sharing. This combination of cortege representation is followed by (3) the "modality of possibilities, flexibility, and, so, choice-open." Finally, (4) the cortege is changed among those who share their thoughts and are thematically focused attentive listeners.
- ❖ Discourse represents itself as a phenomenon via the discourse categories: interaction, orientation, textual action, systemic terminological organisation, interdiscursivity, or genre exchange (from monologue to dialogue). Additionally, this involves format sense, individual sense production, and social context realisation.

Discourse of family and business mediation as an idea

- ❖ Here, discourse reveals itself on a *meso-level* of functioning, e.g., **discourse textual layer**. It is interesting to notice that "*informativity and situationality*" take a starting position in a definite balance, and enrich the functional qualities of discourse to their maximum.
- ❖ This dichotomy translates into "*intentionality and acceptability*," which enriches discourse within its content-bias volume (adding relational meanings to referential ones).
- ❖ Finally, the functional dichotomy "*intertextuality and interdiscursivity*" emerges, which assigns transferable qualities to genres and formats inscribed into the texture of the discourse under research.

The discourse of family and business mediation as an activity is actualised via its verbal and adverbial forms of representation and is reflected within the **microlevel** of functioning: each verbal form has its activity potential – practical or communicative,

behavioural or subject-experience-revealed. Stage 1 actualises via two subject-bias strategies and two object-bias ones. In the central part of the stage, we witness the interchange of object strategies and subject ones (six strategies one after the other. The final stage doubles the subject-object relationship, encompassing two distinct strategies. It makes the discourse of the mediator maximally dynamic and rich in attitudinal information. To sum up, the professional qualities of the mediator are powerful in his discourse realisation.

4. 2. Results and discussion - Stage 2

Stage 2 represents an opening statement session. It is expected to result in safety and hope. If the parties-in-conflict do not reach this state of mind, they may leave this mediation experience forever. While mentioning the state of hope, we are to say that the talk is about them hearing each other. Only then will they listen to their concerns and feel hope concerning the mediation's outcome.

4.2.1 Organisation of the transcript for further qualitative analysis – Stage 2

Basic Interactional Model (BIM)

The transcript of Stage 2 is split into four structural elements and three parts. The basic interactive model below shows that the role of the mediator is high. We present below the results of the analyses related to the organisation of the dialogue sequence between the mediator and the parties-in-conflict, subsequently in family and business mediation.

At Stage 2, the model of the dialogue of the family mediation process is presented in Table 12 below.

Table 12

The sequential formal model of the mediation discourse actualised in Stage 2 of family mediation [PPFM, FMiA, AILaFM, FMPR].

Part	Structural element 1	Structural element 2	Structural element 3	Structural element 4
1. Introductory part sequence	S1, K1, S1, E1			
2. Central part sequence		M1-G1-M2, Ma1, S2, J1-E2-J2-MD1-J3-E3-J4-E4	G2-M3-G3, Ma2, D1-M1-D2, J5-E5-J6-E6-J7-E7-J8-E8-MD2-E9-J9-MD3-J10-E10-J11-E11-J12-E12-J13-E13-	

			J14-MD4-E14-J15-E15-J16	
3. Concluding part sequence				M4, M1, M2-D3-M3, E16-MD5-E17

Family Mediation Play Role shows the highest utterance dynamics of the parties-in-conflict, i.e., Emily and Jeffrey, Jake's parents. Emily's utterances amount to seventeen, and those of Jeffrey to sixteen. In Stage 2 of *Family Mediation Play Role*, only the mediator, Duke, is an active speaker, whereas the mediator, Sarah, is an active listener. The central part of *Parenting Plan Family Mediation* is dominated by the dialogue between the mediator and Glen, the party-in-conflict with Stephanie. *Family Mediation in Action* occupies the third position in terms of the number of utterances at Stage 2, with one utterance of Kate and the mediator and two utterances of Matt. In *An Inside Look at Family Mediation*, the mediator's utterances and those of Dean, the party-in-conflict, amount to three. The other party-in-conflict, i.e., Saya, provides only two utterances.

The sequential model of the utterances at Stage 2 of the business mediation process is presented in Table 13 below.

Table 13

The sequential formal model of the mediation discourse actualised in Stage 2 of business mediation [BMD, BMMiA, BGM, IBM]

Part	BMD, BMMiA, BGM, IBM
1. Introductory part sequence/ Structural element 1	Mrs S1-M1-Mrs -S2-M2, M1-B1-M2/ M1-C1-M2-C2/ M1-B1-M2, D1-M1, M1/M1
2. Central part sequence/Structural element 2	Mr S1-Mrs S3-Mr S2-Mrs S4-M3-Mr S3-Mrs S5-Mr S4-Mrs S6-Mr S5-Mrs S7-Mr S6-Mrs S8- Mr S7 -Mrs S9-Mr S8- M4-Mr S9-M5-Mr S10-M6-Mr S11-Mrs S10-Mr S12-Mrs S11-Mr S13-Mrs S12-Mr S14-Mrs S 13-Mr S15-M7-Mr S16-M8-Mr S17-M9-Mr S18-M10-Mrs S14-Mr S19-Mrs S15-Mr S20-Mrs S16-Mr S21-Mrs S 17-Mr S22-Mrs S18-Mr S23-Mrs S19-Mr S24-Mrs S20-Mr S25-Mrs S21-Mr S26-Mrs S23-Mr S27-M11-Mrs S23-M12-Mr S28-Mrs S 24-Mr S 29-Mrs S 25-Mr S30, B2-M3-B3-M4-B4-M5-B5-M6-B6-M7-B7-M8-B8/M3-C3-M4-C4-M5-C5-M6-C6-M7-C7/B2-M3-B3-M4-B4-M5-B5, S1-M2, A1-MD1-M2-A2-M3-MD2-A3/ A1-P1-M2-A2-M3-A3-P2-M4-P3-M5-D1-M6-D2-M7-D3-M8-D4-M9-D5-M10-D6-M11-D7-M12-P4
2. Central part sequence/Structural element 3	M13-Mrs S26-M14-Mr S31-M15-Mr S32-M16-Mrs S27-M17-Mr S33-Mrs S28-Mr S34-Mr S35-Mrs S29-Mr S36-Mrs S30-Mr S37-Mrs S31-Mr S38-Mrs S32-Mr S39-Mrs S33-Mr S40 M9-B9-M10-B10-M11-B11-M12-B12-M13-B13-M14-B14-M15-B15-M16-B16-

	M17-B17/M8-C8-M9-C9-M10-C10-M11-C11-M12-C12-M13-C13-M14-C14-M15-C15-M16-C16-M17-C17-M18-C18-M19-C19/M6-B6-M7-B7-M8-B8-M9-B9, M11-M3, M4-P1-M5-D1-P2-D2-P3-D3/ M13-D8-MD1-M14-D9-M15-D10-M16-D11-M17-D12-M18-D13-M7-D14-M19-D14-M20-MD2-D16-M21-D17
3. Concluding part sequence/Structural element 4	M18-Mrs-S34-M19-Mr S41-M20-Mr S42-M21-Mr S43, M18-B18-M19-B19 /M20-C20/M10-B10-M11-B11-M12-B12, K1-M4, M6/M22-D18

At Stage 2, *Business Mediation Demo* is highly dynamic in terms of utterances, i.e., the mediator's utterances amount to twenty-one and those of the parties-in-conflict to seventy-seven in total, split into forty-three utterances of Mr Sharp and thirty-four utterances of Mrs Smith. In both *Business Mock Mediation in Action* and *International Business Mediation*, the mediator uses the technique of the caucus, i.e., the confidential private meeting or the private session with one party-in-conflict. In case of the former, the mediator uses the caucus with Bill and Courtney, the parties-in-conflict. In contrast, in the case of the latter, the mediator uses this technique concerning Peter Tchaikovsky and Dede Cruz, the parties-in-conflict, as indicated in Table 13 above. *Business Grievance Mediation* consists of four mediator's utterances, one utterance of David and that of Michelle, the parties-in-conflict, as well as one utterance of Sylwia, the union representative, [BGM] and one utterance of Karl, Michelle's "labour relations advisor" [BGM].

In both family and business mediations, the mediator, the parties-in-conflict, and their representatives articulate referential, phatic, expressive, interactional, and transactional utterances. Referential utterances are used to provide information about timeshare, consistency, transitions, and Glen's basic thoughts [PPFM], Kate's complaint on Matt's timeshare performance [FMiA], the background of the conflict between Mr Sharp and Mrs Smith [BMD], or the conflict between Wonder Bronski and Alcopops [IBM]. Phatic utterances are e.g. "Okay, okay, okay" [PPFM], "Okay" [AILaFM], "Alright, then thank you" [BMD], or "How are you?" [BMMiA] to continue a positive relationship between the mediator and the parties-in-conflict. Expressive utterances reveal Dean's reason for mediation and not going to court, e.g. "to avoid pain" [AILaFM], Mrs Smith's insistence on Mr Sharp's going to court "go, prove it in court, okay, I'm fine. Go, prove it in court" [BMD]. Interactional utterances between parties-in-conflict convey their complaints addressed to each other e.g. "[h]e brings this other woman into this into his house", "you have a big problem with my dating" [FMRP], or the mediator's attempt to maintain positive social relationships with the parties-in-conflict e.g. "I do respect your decision, Mr Sharp, entirely" [BMD], "[t]hank you Sylvia. Thank you, David" [BGM] or

“thank you very much” [IBM]. Transactional utterances are mainly concerned with information related to family and business conflicts.

4.2.2 Content-context reconstruction based on discourse representation via textual categories actualised in dichotomy-built clusters based on the Causal-Genetic Approach

In the group of family mediations, the introductory part of Stage 2 is initiated by mothers. In contrast, in the group of business mediations, it is initiated by the mediator and the party-in-conflict. In case of the family mediations, Stephanie expresses her concern for children to stay "their weekday nights at [her] house [...] to have a consistent place to live" [PPFM], Emily that “[t]he school is the issue on the table” [FMRP], Kate complains that twice Matt “hasn't arrived at all” to meet children [FMiA], so does Saya, who says that Dean “won't work out what needs to be worked out” [AILaFM]. In the business mediations, the mediator invites Mr Sharp to "begin [his] elaboration" [BMD], and then asks Bill to provide the answer "how's [his] client doing?" [BMMiA], Sylwia “to add something” [BGM] and “each party to present their case” [IBM]. Thus, the introductory part focuses on different positions in their conflicts (*informativity*) and gives a specific initial vision of the context (*situationality*), i.e., the parties-in-conflict are in various statuses and have different confronted aims.

In Stage 2 of family mediation, the structural elements 2 and 3 of the central part are focused on the opening statements provided by the parties-in-conflict. In *Family Mediation in Action*, Matt explains why he has not arrived as agreed or has arrived late in the context of his parenting. In *An Inside Look at Family Mediation*, Saya and Dean reveal differences in the perception of the conflict related to Dean's parenting. In Saya's view, Dean “thinks everything's fine and it's not” [AILaFM]. In *Family Mediation Role Play*, Emily accuses Jeffrey of dating in the presence of their son, Jake, which refers to the context of his parenting and dating. In *Parenting Plan Family Mediation*, the mediator responds to Glen's statement that they need to start “from the scratch” [PPFM]. It is the mediator's *intention*. To gain *acceptability*, he refers to Glen asking him to discuss his current work schedule in detail, which prompts the mediator to bring Glen back to the discussion and focus on the timeshare. In this way, the categories of **intentionality and acceptability** are filled in with a specific meaning, and the talk starts being more balanced. The same is true for the situation when the mediator asks Glen and simultaneously asks Stephanie for an excuse that he addresses to Glen. In this case, we see the topicality of the dichotomy of **intentionality** and **acceptance**. While discussing the time-consuming and demanding nature of his work, Glen shifts to another theme—his children—

mentioning that he does not want to be "a weekend dad or something like that" [PPFM], thus illustrating intertextuality.

In Stage 2 of the business mediations, the structural elements 2 and 3 of the central part reveal the opening statements of the parties-in-conflict. In *Business Mediation Demo*, Mr Sharp and Mrs Smith uncover their conflict in the context of business communication. The mediator suggests that he should have the caucus with Mr Sharp, who identifies his family problem "I'm divorced and I have a daughter, Lily, who is 10 years old, and one year ago, the doctors found that she's seriously ill" [BMD]. With permission given by Mr Sharp, the mediator informs Mrs Smith about his family problem during the caucus with Mrs Smith. In *Business Mock Mediation in Action*, the mediator conducts caucuses with Bill, then with Courtney, and finally with Bill again. Bill is the plaintiff's counsel for Kari Jones, and Courtney O'Brien is the defence counsel for Melo Mike and the company *MerchCo*. Kari accuses Macho Mike of making unwelcome sexual advances and discriminating against her work. She demands compensation from Melo Mike and the company, *MerchCo*. During the caucus with Courtney and Bill, the mediator concentrates on negotiating the amount of compensation for Kari. In *Business Grievance Mediation*, Sylvia, David's representative, states that "Things have to change" [BGM], and Michelle expresses her hope that "today, we can come to an understanding that will allow us to get back to business as soon as possible" [BGM]. In the international context of *International Business Mediation*, the mediator invites Peter Tchaikovsky's attorney, Alex Pushkin, to "summarize the legal position of Alcopops" [IBM] and then asks Peter Tchaikovsky about his "intentions in the Russian market" [IBM]. The mediator suggests that he should have a caucus with Peter Tchaikovsky and his attorney, during which they discuss Alcopops High Octane and KYK Octane in the Russian market.

In Stage 2, the content and context of structural element 4 vary depending on the type of mediation. In family mediation, the mediator emphasizes the role of mediation to resolve the conflict "in a more peaceable way" [AILaFM] and "to make some negotiation here for the children's sake" [FMiA]. In *Parenting Plan Family Mediation*, Glen has "a pretty demanding schedule," but "one or two nights you know generally that's under my control" [PPFM]. In *Family Mediation Role Play*, Emily and the mediator identify the problem of Emily, who is upset that Jeffrey has "a new friend who hangs out" in the presence of Jake, their son [FMRP]. In *Business Mediation Demo* and *Business Mock Mediation in Action*, he suggests the caucus with Mr Sharp first, and then with Mrs Smith, or with Bill and Courtney, during which he receives information about the context of their conflict and they "can figure out a game plan

going forward”[BMMiA]. Otherwise, together with this phrase, the stage becomes *open to other stages* to follow (*interdiscursivity*).

4.2.3 Referent-cortege clusters reconstruction based on the Causal-Genetic Approach

In structural element 1 of Stage 2, the mediator and the parties-in-conflict develop such referents as **Rf1** interests, **Rf2** unity awareness, **Rf3** options, **Rf4** experience, **Rf5** inquiry, **Rf6** confirmation, as well as such corteges as **Co1** normative cortege, **Co2** interpersonal cortege, and **Co3** family/work cortege. In both family and business mediations, the mediator and the parties-in-conflict express their interests in their opening statements, drawing on the underlying experience and unity awareness to mention their options and initiate the process of inquiry and confirmation of their interests. They follow the normative, interpersonal, and family or work corteges.

Structural elements 2 and 3 of Stage 2 reveal the continuation of the referents and corteges of structural element 1. Thus, in the group of family mediations, **Rf1** interests, **Rf2** unity awareness, **Rf3** options, **Rf4** experience, **Rf5** inquiry, **Rf6** confirmation are expressed with **Co1** normative cortege, **Co2** interpersonal cortege, and **Co3** family cortege in the dialogue between the mediator and Glen [PPFM] or the mediator, Emily, and Jeffrey [FMRP]. In the group of business mediations, all the above-mentioned referents and corteges are revealed in the joint and private sessions with Mr Sharp and Mrs Smith [BMD] or Peter Tchaikovsky and Dede Cruz. Mr Sharp reveals his family interests, experience, and unity awareness connected with the serious illness of his daughter, Lily, which affects his business option, inquiry, and confirmation [BMD]. In the opening statements, Peter Tchaikovsky and Dede Cruz articulate their interests, experience, unity awareness, options, inquiry, and confirmation combined with normative, interpersonal, and business corteges. Each party-in-conflict expresses his/her perspective on the factors of the conflict, e.g. Glen’s demanding work schedule [PPFM], Matt’s failure to meet his children [FMiA], Dean’s and Saya’s views on their problem of communication [AILaFM], Jeffrey’s girlfriend [FMRP], a lack of communication between Mr Sharp and Mrs Smith [BMD], a lack of David’s and Michalle’s understanding in their communication process [BGM], Bill’s and Courtney’s perspective on Kari and Mike’s conflict [BMMiA], the Alcopops’ and Wonder Bronki’s view on their conflict [IBM].

Structural element 4 of Stage 2 covers the above-mentioned referents and corteges in both family and business mediation. In family mediations, all six referents and three corteges are embedded in the mediator's monologue on the "typical structure" of parenting plans,

"emergencies," and "approved caregivers" [PPFM] and "the court step," "a settlement," and "some resolution" [AILaFM]. In the group of business mediations, the mediator and the parties-in-conflict reveal the referents and corteges mentioned above [IBM, BMD, BMMiA].

4.2.4 Reconstruction of the dichotomy “object-subject targeted strategies”: Verification analysis within the technique of the Causal-Genetic Approach to discourse research

In Stage 2, the mediator, the parties-in-conflict, and the representatives use both subject and object targeted strategies in all parts of both family and business mediations.

In structural element 1 of Stage 2, the mediator and the parties-in-conflict use **SS1** goal setting strategy, e.g.’. ‘I’m here to find a solution to this problem we have” [BGM], **SS2** needs raising awareness strategy, e.g. children “’need to spend their weekday nights at my house” [PPFM], **SS3** planning strategy, e.g.’. ‘give the floor to a Mrs Smith to do the same then give the floor to a Mrs Smith to do the same then”[BMD], **SS4** cooperating strategy e.g. “ ‘I will not disclose it to your partner Julia, unless you of course instruct me specifically to do so” [BMD] and **SS5** positive building strategy e.g.’. ‘Mr Sharp. Please make yourself comfortable and thank you once more for choosing to adjourn with me to a caucus to agreeing through this private session” [BMD] as well as **OS1** information inquiry strategy e.g. “ ‘Mr Sharp, you were the initiator of this session so maybe you could begin with elaboration”[BMD], **OS2** confirmation strategy e.g. “ ‘Oh yeah”. [BMD], **OS3** information paraphrase strategy, e.g., "You can begin your elaboration”[BMD], **OS4** knowledge transfer strategy, e.g’’. ‘he appeared late for a few weeks” [FMiA], and **OS5** opinion sharing strategy “ ‘The school is the issue on the table” [FMRP].

In structural elements 2 and 3 of Stage 2, the mediator, the parties-in-conflict and their representatives develop all five subject and object -bias strategies to set the goal of mediation, to raise the awareness of the parties’-in-conflict needs, to plan, cooperate and build the positive cortege, as well as to inquire information, to share option, to confirm the understanding, to paraphrase, to transfer knowledge and share the opinion in both family and business mediation. The subject-bias-strategies include **SS1** goal setting strategy, which consists of presenting the party's-in-conflict opening statement, **SS2** needs raising awareness strategy to identify the parties'-in-conflict needs, **SS3** planning strategy, as well as **SS4** cooperating strategy revealed by the mediator and the parties-in-conflict to take immediate steps in mediation, and thus **SS5** positive cortege building strategy [PPFM, FMRP, FMiA, AILaFM, BMD, BMMiA, BGM, IBM]. The object-bias-strategies cover the mediator’s and the parties’-in-conflict **OS1**

information inquiry strategy, **OS2** confirmation strategy, **OS3** information paraphrase strategy, **OS4** knowledge transfer strategy and **OS5** opinion sharing strategy.

In structural element 4 of Stage 2 the mediator uses **SS1** goal setting e.g. to receive an offer from Courtney [BMMiA], **SS2** needs raising awareness strategy, e.g. ‘‘I think you recognize that you're going to run into collectability problems with the company’’ [BMMiA], **SS3** planning strategy, **SS4** cooperating strategy and **SS5** positive cortege building strategy, e.g. when he asks Courtney ‘‘Let me go back and talk to Bill for a few minutes, okay? ’’ [BMMiA]. The mediator also uses **OS1** information inquiry strategy e.g. "that's the goal. Yeah okay" [AILaFM], **OS2** confirmation strategy e.g., ‘‘That's yeah exactly’’ [BMMiA], **OS3** information paraphrase strategy e.g. ‘‘I understand that the feelings are running high’’ [IBM], **OS4** knowledge transfer strategy e.g. Okay, well I think we're off to a good start [BGM], and **OS5** opinion sharing strategy e.g. ‘‘ Indeed, I think it will be perfect solution to this impasse’’ [BMD].

4.2.5 Integrative functional model of the discourse of Stage 2

The integrative functional model of this stage is given in Table 14 below.

Table 14

Integrative functional model of mediation discourse – Stage 2

Family and business mediations as a phenomenon, idea, and activity: Stage 2	
Basic interactive model (abbreviations: M-Mediator, P-Parties-in-conflict)	
Mediation discourse as a phenomenon	
Referent-cortege structure sequential representation (Rf-Co)	
Structural element 1	Rf1 interests, Rf2 unity awareness, Rf3 options, Rf4 experience, Rf5 inquiry of the mediator in the parties'-in-conflict opening statements to uncover their conflict underlying experience and continue the mediation process of conflict resolution Co1 normative cortege, Co2 interpersonal cortege, and Co3 family/work cortege to build the context for cooperation between the parties-in-conflict and the mediator and their knowledge transfer both in joint and private sessions i.e. caucus=private session.
Structural elements 2 and 3	Rf1 interests, Rf2 unity awareness, Rf3 options, Rf4 experience, Rf5 inquiry, Co1 normative cortege, Co2 interpersonal cortege, and Co3 family/work cortege to reveal the underlying factors of their conflict in the opening statements of the parties-in-conflict, both in joint and private sessions, i.e., caucus=private session.
Structural element 4	Rf1 interests, Rf2 unity awareness, Rf3 options, Rf4 experience, Rf5 inquiry, Co1 normative cortege, Co2 interpersonal cortege, and Co3 family/work cortege to express the mediator's knowledge on the related issues connected with the parties'-in-conflict opening statements both in joint and private sessions i.e. caucus=private session.
Mediation discourse as an idea	

Content-context structure sequential representation (Cnt – Cxt)	
Structural element 1	Cnt1 /informativity: basic thoughts of the parties-in-conflict Cnt2 : the parents in divorce or separation, business parties-in-conflict Cxt1 /situationality: the mediator and the party-in-conflict join the discussion.
Structural elements 2 and 3	Cnt2 /intentionality: making the parties-in-conflict know about the problems of mediation, overcoming them, and forming equally shared community: Cxt2 /acceptability: is programmed by the mediator's speech behaviour, so it is expected to follow
Structural element 4	Cnt3 /intertextuality: discussion is parenting or business plan agenda- Cxt3 / the parties-in-conflict are in active interaction
Mediation discourse as activity Object-subject-bias strategy sequential representation (OS – SS)	
Structural element 1	SS1 goal setting strategy, SS2 needs raising awareness strategy, SS3 planning strategy, SS4 cooperating strategy, SS5 positive cortege building strategy, OS1 information inquiry strategy, OS2 confirmation strategy, OS3 information paraphrase strategy, OS4 knowledge transfer strategy, and OS5 opinion sharing strategy to express the opening statements of the parties-in-conflict.
Structural elements 2 and 3	SS1 goal setting strategy which consists in presenting the party's-in-conflict opening statement, SS2 needs raising awareness strategy to identify the parties'-in-conflict needs, SS3 planning strategy as well as SS4 cooperating strategy revealed by the mediator and the parties-in-conflict to take immediate steps in mediation, and thus SS5 positive cortege building strategy, OS1 information inquiry strategy, OS2 confirmation strategy, OS3 information paraphrase strategy, OS4 knowledge transfer strategy and OS5 opinion sharing strategy
Structural element 4	SS1 goal setting strategy, SS2 needs raising awareness strategy, SS3 planning strategy, SS4 cooperating strategy, SS5 positive cortege building strategy, OS1 information inquiry strategy, OS2 confirmation strategy, OS3 information paraphrase strategy, OS4 knowledge transfer strategy and OS5 opinion sharing strategy related to the parties-in-conflict opening statement

The mediation discourse of family and business mediation of Stage 2 as a phenomenon

The referential information (phenomenon-bias themes) actualised here go from **Rf1** interests, through **Rf2** unity awareness, **Rf3** options, **Rf4** experience, **Rf5** inquiry, to **Rf6** confirmation. In case of *Parenting Plan Family Mediation*, **Rf1** interests is focused on the timeshare for their children. Both Stephanie and Glen are in different situations after divorce, when the family is split and they have to start "from scratch" [PPFM] as their past may not predetermine their future, as indicated by the mediator. The dialogue between the mediator and Glen, regarding his working schedule and self-identification as a parent, confirms his preference not to be a "weekend dad" [PPFM].

At stage 2, the discourse as a phenomenon is focused on the opening statement issues through referential information. The parties-in-conflict start to build new (constructive) attitudes towards each other, which gives hope that mediation will result in a parenting or business plan to be followed in the constructive relations of the parties-in-conflict. In Stage 2, the mediation discourse is open and holistic within its macro level of functioning.

The mediation discourse of family and business mediation of Stage 2 as an idea

We view the texture of mediation discourse as a content-context structure in functioning (meso-level of discourse representation) thanks to its focus change. It is actualised bit by bit by its informativity versus situationality, intentionality versus acceptability, and intertextuality versus interdiscursivity. Thus, from its textual level of functioning, the communication reaches its discourse level of functioning with a special focus on interaction, which raises mediation discourse to a specific type of discourse within its typological traits.

The mediation discourse of family and business mediation of Stage 2 as an activity

The mediation discourse represents itself on the micro level of functioning via the interchange of object and subject-bias strategies. The object-bias strategies dominate in the discourse of the mediator, while subject-bias strategies are characteristic features of the parties-in conflict. This tendency sets the strategy patterns of the holistic family and business mediation discourse.

4.3 Results and discussion - Stage 3

Stage 3 is central in the process of family and business mediations. In Stage 3, the parties-in-conflict are given an equal opportunity to express their points of view or options for conflict resolution in the presence of each other. For the mediator, it is necessary to transform the negative emotions of their clients into positive ones, as positive communication is a prerequisite to move on to the next stage of mediation.

4.3.1 Organisation of the transcript for further qualitative analysis - Stage 3

Basic Interactional Model (BIM)

At Stage 3, the model of the dialogue of the family mediation process is presented in Table 15 below.

Table 15

The sequential formal model of the mediation discourse actualised in Stage 3 of family mediation [PPFM, FMiA, AILaFM, FMPR]

Part	PPFM, FMiA, AILaFM, FMPR
1. Introductory part sequence/ Structural element 1	S1, M1, M1, MD1
2. Central part sequence/Structural element 2	G1- M1- S2 -M2, Ma1- M2- Ma2 -K1-Ma3-K2-Ma4-K3-M3-Ma5-K4, M2- D1- M3 -D2-M4, J1-E1-J2-E2-J3-E3-J4-MS1-J5-MS2-MD2
2. Central part sequence/Structural element 3	G2-M3-G3, K5- Ma6- M4- K6- M5- Ma7-M6- Ma8, S1- D3- S2-D4-S3-D5-S4-D6, E4-MD3-J6-MD4-MS3-J7-MD5-E5-J8-E6-MD6-E7
3. Concluding part sequence/Structural element 4	M4-S3-M5, M7- Ma8- M8- K7, S5- D7- S6- D8-S7-D9-S8, MD7-E8-J9-E9-J10-E10-J11-E11

Family Mediation Play Role shows the highest utterance dynamics of the parties'-in-conflict, i.e., Emily's eleven utterances, Jeffrey's eleven utterances. The utterances of the mediator, Sarah, amount to three, and those of the mediator, Duke, to seven. *Family Mediation in Action* occupies the second position in terms of the number of utterances at Stage 3, with seven utterances of Kate, eight utterances of the mediator, and eight utterances of Matt. In *An Inside Look at Family Mediation*, the mediator's utterances amount to four, those of Dean to eight, and those of Saya to eight. Stage 3 of *Parenting Plan Family Mediation* involves dialogue between the mediator, i.e., five utterances, with Glen and Stephanie, i.e., three utterances each.

The sequential model of the utterances at Stage 3 of the business mediation process is presented in Table 16 below.

Table 16

The sequential formal model of the mediation discourse actualised in Stage 3 of business mediation [BMD, BMMiA, BGM, IBM]

Part	BMD, BMMiA, BGM, IBM
1. Introductory part sequence/ Structural element 1	M1, M1-C1/ M1-B1, M1, M1
2. Central part sequence/Structural element 2	Mr S1-Mrs S1-Mr S2-Mrs S2-Mr S3, M2-C2/M2-B2-M3-B3-M4-B4, D1-M1, D1-P1-M2-A1-MD1-D2-M3-A2-M4-A3-M5-P2-M6-P3-M7-P4-M8-P5-A4-P6-M9-P7-M10-P8-M11-P9-M12-A5-M13-P10-M14-P11-A6

2. Central part sequence/Structural element 3	Mrs S3-Mr S4-Mrs S4-Mr S5, M3-C3-M4-C4-M5-C5-M6-C6/M5-B5-M6-B6-M7-B7-M8-B8, M2-MI2, M15-A7-P12-M16-A8-P13-M17-P14-D3-M18-P15-M19-P16-M20-P17-M21- A9
3. Concluding part sequence/Structural element 4	Mrs S5, M7-C7/ M9-B9, M3, M22-A10-M23

In the group of business mediations, Stage 3 of *International Business Mediation* is highly dynamic in terms of utterances, with twenty-three mediators' utterances, seventeen Peter's utterances, and ten Alex's utterances. In *Business Mock Mediation in Action*, the mediator continues the caucus technique, starting with Courtney, who has seven utterances each, and then with Bill, who has nine utterances. In *Business Mediation Demo*, the mediator initiates structural element 1. The other structural elements of Stage 3 are dominated by Mr Sharp's and Mrs Smith's utterances, i.e., five each. *Business Grievance Mediation* consists of three mediator's utterances, one utterance of David, and two utterances of Michelle.

In the family and business mediations, the mediator, the parties-in-conflict, and their representatives reveal referential, phatic, expressive, interactional, and transactional utterances. Referential utterances provide further information about consistency and transitions as well as Glen's willingness to "become more involved in [children's] sports activities" [PPFM], Matt's plans to spend the weekend with children [FMiA], Dean's and Saya's problem with their daughter [AILaFM], Jeffrey's dating separated from his parenting [FMRP], the illness of Lily, Mr Sharp's daughter [BMD], business meetings with Michelle coinciding with David's "arrangement with the daycare centre" [BGM], and "six issues" or "six points" [IBM]. Phatic utterances, e.g., "Okay" [PPFM, FMiA, IBM, BMD, BGM], "Right" [IBM], maintain a positive relationship not only between the mediator and the parties-in-conflict but also between the parties-in-conflict. Expressive utterances reveal accusations, e.g., "that's your fault" [AILaFM], "[t]hat's a lie, absolute lie" [FMiA], polite expressions "thank you" [FMiA, BMD, BGM], or "thanks" [BMMiA]. The parties'-in-conflict interactional utterances convey their complaints, e.g. "you know frankly I find this insulting" [FMRP], or the mediator's attempt to maintain positive social relationships with the parties-in-conflict, e.g. "Mrs Smith, Mr Sharp, thank you for your patience and also for your very active participation in the private sessions with me" [BMD]. Transactional utterances focus on the possible options presented by the parties-in-conflict for them to choose the best option.

4.3.2 Content-context reconstruction based on discourse representation via textual categories actualised in dichotomy-built clusters based on the Causal-genetic approach

At Stage 3, the content of structural element 1 opens the identification of the parties'-in-conflict option in the context of family and business. In *Parenting Plan Family Mediation*, Stephanie suggests that Glen should have "the children one or two nights a week" [PPFM]. In *Family Mediation in Action*, the mediator confirms that Matt's contact with his children is "broken down" [FMiA]. In *Family Mediation Role Play*, the mediator confirms Jeffrey's wish to socialize and date, as does Emily. In *An Inside Look at Family Mediation*, the mediator states that Dean and Saya "are both struggling" and they can "be a carrot parent to [their] daughter" [AILaFM]. In *International Business Mediation*, the mediator proposes a joint meeting to outline the significant topics of interest [IBM]. In *Business Mediation Demo*, the mediator invites Mr Sharp to elaborate on "the very sensitive topic of the personal reasons for his preference to discontinue his commercial activity with *No need to pay limited*" [BMD]. In *Business Grievance Mediation*, as well as *Business Mock Mediation in Action*, the mediator invites David in the former and Bill in the latter to present his options for conflict resolution. The frame of the mediator's message addressed to the parties-in-conflict brings to the referential content, which differs in family and business mediations. In the context of their communication situation, the parties-in-conflict assume specific roles in mediation and conflict resolution, which they construct. As a result, this context-biased information becomes content-focused.

In structural elements 2 and 3 of Stage 3, the mediator focuses on the identification of the parties'-in-conflict options in family and business contexts. In *Parenting Plan Family Mediation*, Glen, the mediator, and Stephanie concentrate on flexibility, the needs of children, and consistency. In *Family Mediation in Action*, Matt explains the routine of his weekend contact with children, and Kate expresses her lack of knowledge about Matt's flat and his new girlfriend. In *Family Mediation Role Play*, the mediator, Emily, and Jeffrey concentrate on dating and parenting, with the latter to be the priority. In *An Inside Look at Family Mediation*, Dean and Saya try to identify the problem of their daughter, who calls herself 'cat', wears black, and all the time she is angry as she "needs time and attention and she's not getting it" [AILaFM]. In *International Business Mediation*, the mediator focuses on six issues, i.e., when he states

[w]e have these six points. Use of Octane and High Octane in the Russian market. Use of Octave on Pico Bello brand. The three-dimensional trademark and the eight-sided bottle, the license contract. The fourth one is the two-tone striped label.

The fifth one is the brands that are placed in Russia, and the sixth one is in which market Pico Bello is used [IBM].

In *Business Mediation Demo*, Mr Sharp elaborates on Lily's illness and his willingness "to put [his] energy and [his] money into anything else than Lily" [BMD]. In *Business Grievance Mediation*, David identifies the core of the problem, i.e., business meetings with Michelle and his arrangement with the daycare centre. In *Business Mock Mediation in Action*, the mediator negotiates with Bill the amount of compensation for Kari. Thus, the pattern of presenting content and context-biased information is repeated. The repeated textual categories taken as a dichotomy – "**informativity-situationality**" – with speech patterns of representations form a holistic vision of who are involved into the mediation process and, further on, inscribed into the agreement, and why they are here, what is their targeted task – now and here, the focus is on conflict resolution step by step. Thus, we can conclude that the dichotomy "**intentions-acceptability**" is fundamental for the central part of stage 3.

While looking at the discourse of structural element 4 in Stage 3, we see the dichotomy "**intertextuality-interdiscursivity**" as the most suitable for the concluding part. Specifically, we can observe intertextuality in the discourse of the mediator mentioning the "Higley-Pigley" week to week"[PPFM] phrase, when the issue of transition is discussed, and also the expression "to be set in stone for the next 13 years" [PPFM], when the talk on entering a certain flexibility into the plan is raised or "to talk about more down the road" [PPFM], with the idea of proactive meetings on a yearly basis. In its turn, the discussion on the necessity to see how the plan works, otherwise, to test what is discussed in theory, opens the discourse of this Stage to the discourse category "interdiscursivity" focused on the mixture of genres to be applied to enrich the content-context structure of the mediation discussion [PPFM, FMiA, FMRP, AILaFM, BMD, BMMiA, IBM]. Intertextuality as the relationships between texts and interdiscursivity as the interactions between genres are noticeable in the dialogue between the mediator and the parties in conflict as well as the mediator's monologue on the function of the rainbow metaphor, which is

the communication between mom and dad and if they if your children know that you're meeting and you're talking about them they'll feel safe. But if that rainbow is not there above their head, if mom and dad don't talk to each other, the children, even if it's something said they feel it they feel the hostility. They feel frostiness [FMiA].

Interdiscursivity in the metaphor of the rainbow represents social practices to increase the parties'-in-conflict awareness of the necessity to the potential change for the sake of their children. Thus, the **textual categories, if discussed within their dichotomic organisation,**

help us see how the mediation discourse is **organised and functions**, as the pattern of their appearance has a specific **systemic representation**.

4.3.3 Referent-cortege clusters reconstruction based on the Causal-Genetic Approach

In structural element 1 of Stage 3, the mediator and the parties-in-conflict progress with the development of the following referents i.e. **Rf1** interests to identify the option for conflict resolution, **Rf2** unity awareness in terms of options, **Rf3** options to be determined by the parties-in-conflict, **Rf4** experience sharing both by the mediator and the parties-in-conflict, **Rf5** inquiry, and **Rf6** confirmation of understanding and the following cortege, i.e. **Co1** normative cortege, **Co2** interpersonal cortege, and **Co3** family/work cortege. The parties-in-conflict communicate directly to identify their options, focusing on the underlying factors of the conflict to be resolved.

In structural elements 2 and 3 of Stage 3, the mediator and the parties-in-conflict continue the referents and cortege of structural element 1. In family mediation, **Rf1** interests, **Rf2** unity awareness, **Rf3** options, **Rf4** experience, **Rf5** inquiry, and **Rf6** confirmation related to the identification of the parties'-in-conflict options are mediated about the needs of children [PPFM, FMiA, AILaFM, FMRP] as well as parenting and dating [FMiA, FMRP] with **Co1** normative cortege, **Co2** interpersonal cortege, and **Co3** family cortege preserved. The above-mentioned referents and cortege also occur in the group of business mediations. In two cases, specifically in *Business Mediation Demo* and *Business Grievance Mediation*, both Mr Sharp and David have their family matters intertwined with their professional business work. In *International Business Mediation*, the parties-in-conflict identify six issues that should have the options identified. In *Business Mock Mediation in Action*, the mediator continues the caucus to negotiate with Bill the compensation for Kari.

Structural element 4 of Stage 3 is constructed along the above-mentioned referents and cortege in both family and business mediation. In the family and business mediations, all six referents and three cortege are revealed in the parties'-in-conflict dialogue or mediator's monologues. The concluding words to this discussion can be that out of the structural elements, we can reconstruct two frames, i.e., referential and cortege-bias. The first referential frame is that of verbal acting and understanding with the explicit and implicit participants of mediation. The second cortege-bias frame refers to the mediator's professionalism in showing the parties-in-conflict that they are united for conflict resolution, even at this Stage when options are identified.

4.3.4. Reconstruction of the dichotomy “object-subject targeted strategies”: Verification analysis within the technique of the Causal-Genetic Approach to discourse research

Strategic analysis in Communication Studies can be carried out in various ways. While we base our research on the dichotomy-focused discourse organisation, we focus on reconstructing the discourse strategies within their subject-object vs. subject-subject way of representation.

In structural element 1 of Stage 3, the mediator and the parties-in-conflict use **SS1** goal setting strategy for Glen to spend some days with children during the week [PPFM], for Matt to restore his contact with children” [FMiA], for Jeffrey to have parenting and socializing [FMRP] and for Dean and Saya to “be a carrot parent for [their] daughter” [AILaFM]. **SS2** needs raising awareness strategy e.g. “with Mr Sharp we managed to tackle the very sensitive topic of the personal reasons for his preference to discontinue his commercial activity with No need to pay limited” [BMD], **SS3** planning strategy, e.g.’. you made the firm choice to try to explain the situation to your partner and your friend I believe, Mrs Smith”[BMD], **SS4** cooperating strategy e.g. “ why don't you tell us what's been going on in your section [BGM] and **SS5** positive building strategy e.g.’. For you too, it's a sense of equality [FMRP] as well as **OS1** information inquiry strategy, e.g. "Do you have anything to add”[IBM], **OS2** confirmation strategy, e.g. “[t]hat’s what you’re telling me”. [FMiA], **OS3** information paraphrase strategy, e.g’’. So the contact that we're supposed to happen didn't happen in a smooth way and as a result it's broken down" [FMiA], **OS4** knowledge transfer strategy, e.g’’. maybe, having him, having the children one or two nights a week” [PPFM] and **OS5** opinion sharing strategy, e.g. "So, Mrs Smith, Mr Sharp, thank you for your patience and also for your very active participation in the private sessions with me" [BMD].

In structural elements 2 and 3 of Stage 3, the mediator, the parties-in-conflict and their representatives apply the subject and object -bias strategies related to **SS1** goal setting strategy, e.g. “ again I started this off by saying what we want to do is look with practical for the two of you” [PPFM], **SS2** needs raising awareness strategy, e.g. “So you need the money to support Lily and you need the time to take care of her” [BMD] **SS3** planning strategy, e.g. “I want to get more active with them since we're not a you know cohesive family unit anymore” [PPFM]. **SS4** cooperating strategy, e.g. “we ask you to come up with a few ideas, anything that comes to mind" [FMRP], **SS5** positive cortege building strategy, e.g. “ Okay, I have this list of topics we made” [IBM], and **OS1** information inquiry strategy, How is Lily?" [BMD], e.g., **OS2**

confirmation strategy, e.g. “ Yeah, I’m really sorry about the situation” [BMD], **OS3** information paraphrase strategy, e.g. “[s] o you don't have the freedom and the luxury of doing” [FMRP] **OS4** knowledge transfer strategy, e.g. “ Having your dating be separate from having from your parenting” [FMRP] and **OS5** opinion sharing strategy, e.g. “I’m sure how difficult it is and how depressed you might have found in, not sharing it with me” [BMD].

In structural element 4 of Stage 3, the mediator employs **SS1** goal setting, e.g., to discuss the offer with Courtney [BMMiA], **SS2** needs raising awareness strategy, and **SS3** planning strategy, e.g. “let me go talk to Courtney and know that that's where the numbers are, okay?” [BMMiA], **SS4** cooperating strategy and **SS5** positive cortege building strategy, e.g. “[t]his is like an offer” [IBM]. The mediator also uses **OS1** information inquiry strategy, e.g. “[w]ell what else [FMRP], **OS2** confirmation strategy, e.g., “[w]e'll we'll build that into the agreement. [PPFM], **OS3** information paraphrase strategy e.g. “[w]hat we regard this session as is the homework or the ground work that we do for making contact happen and in fact next week's session would the agenda would be to plan the contact weekend” [IBM], **OS4** knowledge transfer strategy e.g. “[w]hat you've done today it might not seem very much because it might be might feel very negative to you. But in fact, you have looked at what are real concerns to you both, and you've named them” [FMiA], and **OS5** opinion sharing strategy, e.g. “[w]ell, this entirely changes the scene for me. I now feel totally different” [BMD].

4.3.5 Integrative functional model of the discourse of Stage 3

The integrative functional model of this Stage is given in Table 17.

Table 17

Integrative functional model of mediation discourse – Stage 3

Family and business mediations as a phenomenon, idea, and activity, Stage 3	
Basic interactive model (abbreviations: M-Mediator, P-Parties-in-conflict)	
Mediation discourse as a phenomenon	
Referent-cortege structure sequential representation (Rf–Co)	
Structural element 1	Rf1 interests, Rf2 unity awareness, Rf3 options, Rf4 experience, Rf5 inquiry, Co1 normative cortege, Co2 interpersonal cortege, and Co3 family/work cortege to introduce this Stage of option identification with the causes included.
Structural elements 2 and 3	Rf1 interests, Rf2 unity awareness, Rf3 options, Rf4 experience, Rf5 inquiry, Co1 normative cortege, Co2 interpersonal cortege, and Co3 family/work cortege to identify the parties’-in-conflict options for conflict resolution with the causes included.
Structural element 4	Rf1 interests, Rf2 unity awareness, Rf3 options, Rf4 experience, Rf5 inquiry, Co1 normative cortege, Co2 interpersonal cortege, and Co3

	family/work cortege to conclude the options presented by the parties-in-conflict with the causes included.
Mediation discourse as an idea Content-context structure sequential representation (Cnt – Cxt)	
Structural element 1	Cnt1 /informativity: typical structure of the plan (now) vs. deviations and emergencies (to discuss later). Cxt1 /situationality: (as a new situation after discussion) all weekday nights with G vs 3 weekday nights with G.
Structural elements 2 and 3	All- Cnt2 /intentionality: building a practical and integral plan, introducing proactive meetings on a yearly basis, and introducing it to the agreement. Cxt2 /acceptability received.
Structural element 4	Cnt3 /intertextuality: proactive meeting in M's practice and agreement. Cxt: all agreed Cxt3 / interdiscursivity:
Mediation discourse as activity Object-subject-bias strategy sequential representation (OS – SS)	
Structural element 1	SS1 goal setting strategy, SS2 needs raising awareness strategy, SS3 planning strategy, SS4 cooperating strategy, SS5 positive cortege building strategy, OS1 information inquiry strategy, OS2 confirmation strategy, OS3 information paraphrase strategy, OS4 knowledge transfer strategy, and OS5 opinion sharing strategy, all related to the introduction of identifying options
Structural elements 2 and 3	SS1 goal setting strategy which consists in presenting the party's-in-conflict opening statement, SS2 needs raising awareness strategy to identify the parties'-in-conflict needs, SS3 planning strategy as well as SS4 cooperating strategy revealed by the mediator and the parties-in-conflict to take immediate steps in mediation, and thus SS5 positive cortege building strategy, OS1 information inquiry strategy, OS2 confirmation strategy, OS3 information paraphrase strategy, OS4 knowledge transfer strategy and OS5 opinion sharing strategy to identify the options presented by the parties-in-conflict.
Structural element 4	SS1 goal setting strategy, SS2 needs raising awareness strategy, SS3 planning strategy, SS4 cooperating strategy, SS5 positive cortege building strategy, OS1 information inquiry strategy, OS2 confirmation strategy, OS3 information paraphrase strategy, OS4 knowledge transfer strategy, and OS5 opinion sharing strategy to sum up the parties'-in-conflict options.

4.4 Results and discussion - Stage 4

Stage 4 is the negotiation stage, which results in flexibility and innovation. When the parties-in-consent have sufficient information about the other party's thoughts and the mediator has successfully managed to transfer counterproductive positions and negative emotions into productive and positive ones, the Stage of negotiation results in an available solution to avoid living in conflict, as the arrangement of the agreement is successful.

4.4.1 Organisation of the transcript for further qualitative analysis – Stage 4

Basic Interactive Model (BIM)

At Stage 4, the model of the dialogue of the family mediation process is presented in Table 18 below.

Table 18

The sequential formal model of the mediation discourse actualised in Stage 4 of family mediation [PPFM, FMiA, AILaFM, FMPR]

Part	PPFM, FMiA, AILaFM, FMPR
1. Introductory part sequence/ Structural element 1	M1-S1- M2, K1- M1-K2- M2- Ma1, M1, MD1-E1-J1-E2
2. Central part sequence/Structural element 2	S2-G1-S3-M3-S4-G2-M4-S5-M5-S6-M6-G3, M3- Ma2 - M3-Ma3- K3- Ma4-K4-M4-Ma5- M5-Ma6, D1-M2, J2-E3-MD2
2. Central part sequence/Structural element 3	M7, S7, M8, S8, M9, S9, M10, S10, M11, G4, K5- M6- Ma7- K6- M7- K7- M8-Ma8, S1-M3-D2, E4-J3-E5-J4-E6-J5-E7-MD3-J6-E8
3. Concluding part sequence/Structural element 4	M12, S11, G5, M13, G6, M9-K8-M10, M4, MD4-E9

Stage 4 of *Parenting Plan Family Mediation* shows the highest utterance dynamics of the parties'-in-conflict, i.e. thirteen utterances of the Mediator, eleven utterances of Stephanie and six utterances of Glen. The second position is occupied by *Family Mediation Role Play* with nine utterances of Emily, six utterances of Jeffrey, and four utterances of the mediator. In Stage 4 of *Family Mediation in Action*, the utterances of Matt and Kate amount to eight each, and those of the mediator to ten. In *An Inside Look at Family Mediation*, the mediator's utterances amount to four, those of Dean to two, and those of Saya to one.

The sequential model of the utterances at Stage 4 of the business mediation process is presented in Table 19 below.

Table 19

The sequential formal model of the mediation discourse actualised in Stage 4 of business mediation [BMD, BMMiA, BGM, IBM]

Part	BMD, BMMiA, BGM, IBM
1. Introductory part sequence/ Structural element 1	M1, M1-C1/ M1-B1/M1, M1, M1-D1

2. Central part sequence/Structural element 2	Mrs S1-Mr S1-M2- Mr S2-M3- Mr S3-M4-Mr S4-M5-Mrs S2-Mr S5- Mrs S3- M6-Mrs S4-Mr S6, M2-C2/M2-B2/M2-C2 , M1-D1-MI2-M2 , M2-D2-M3-D3-M4-D4-M5-D5-M6-A1-M7-D6-M8-D7-A2-M8-D6-A3-D7-M9-D8-M10-D9-A4-D10-M11-D11
2. Central part sequence/Structural element 3	Mrs S5-Mr S7-Mrs S6-Mr S8-Mrs S7-Mr S9-Mrs S8-Mr S10-Mrs S9-Mr S11-Mrs S10-Mr S12-M7-Mr S13, M3-C3/M3-B3-M4-B4-M5-B5-M6-B6/M3-C3-M4 , MI3 , M12-A5-D12-A6-M13-P1-M14-P2-A7-P3-M15-D8-A3-D9-M10-D10-M11 -D11-A4-D12-A6-M13-P1-M14-P2-A7-P3-M15-D13-A9-D14-A10-D15-A11-MD2-P6-M17-A12-P7-A13
3. Concluding part sequence/Structural element 4	Mrs S11-Mr S14, M4-C4/ M7-B7/C4-M5-C5 , M4 , P8-D16-P9

In the group of business mediations, Stage 4 of *International Business Mediation* is highly dynamic in terms of utterances, with seventeen mediator's utterances, sixteen Dede's utterances, nine Peter's utterances, and thirteen Alex's utterances. In business mediations, the second position is occupied by *Business Mediation Demo*, with fourteen utterances of Mr Sharp, eleven utterances of Mrs Smith, and seven utterances of the mediator. In *Business Mock Mediation in Action*, the mediator continues the caucus technique, starting with Courtney, who has four utterances each, followed by Bill with seven utterances each, and then Courtney again with five utterances each. *Business Grievance Mediation* consists of four mediator's utterances, one utterance of David, and three utterances of Michelle.

In both family and business mediations, referential, phatic, expressive, interactional, and transactional utterances are expressed by the mediator, the parties-in-consent, and their representatives. Referential utterances provide information on the parenting plan, i.e. ‘‘Monday Tuesday [children will] be with Stephanie, Wednesday Thursday they will be with Glen and then we'll alternate every weekend’’ [PPFM], Matt and Kate's planning to spend the weekend with children as Kate states ‘‘[t]hat's that's Saturday you've got them right. Next the weekend after, it is my weekend and we can start the routine. They have it done for a weekend and me for a weekend’’ [FMiA], Dean and Saya's ‘‘some good progress and beginnings to redefining their relationship as parents and recognizing that’’ [AILaFM], Jeffrey's ‘‘sex is off site’’ to which Emily agrees ‘‘[o]kay that's great sex off-site off-site sex I love it’’ [FMRP], the value of Mr Sharp's medical obligations for Lily and ‘‘it's money for the adjustments’’ in his house [BMD], Michelle's suggestion that David ‘‘needs to learn to manage his time a little better’’ [BGM], and the discussed six issues in the context of potential ‘‘production’’ and ‘‘distribution channels in Russia’’ [IBM]. Phatic utterances, e.g., ‘‘Okay’’ [PPFM, FMiA, AILaFM, BMMiA, IBM, BMD, BGM], ‘‘all right’’ [BMMiA], are used for building a positive relationship with

parties-in-consent to prepare the agreement for conflict resolution. Expressive utterances concentrate on the discussion ‘‘about what makes sense’’ [PPFM], ‘‘here here we go [AILaFM], polite expressions ‘‘thank you’’ [FMiA, BMD, BGM], or ‘‘thanks’’ [BMMiA]. The parties'-in-consent interactional utterances and transactional utterances refer to the best option for the parties-in-conflict.

4.4.2 Content-context reconstruction based on discourse representations via textual and, partially, discourse categories actualised in the dichotomy-built clusters based on the Causal-Genetic Approach

The discourse of structural element 1 of Stage 4, just like the introductory parts of previous stages, keeps a certain informative potential based on the topic and situation of discussion; otherwise, the categories of informativity and situationality (*informativity vs situationality*) can be accepted as inherent textual categories, on which discourse is initially based. The category of *informativity* involves the idea of what is essential for the parties-in-consent to find the best option for their conflict resolution. The mediation process discussion on the parenting plan serves as a reminder to parents, as if programming them. This piece of information is initially raised by the parents, who are socially and culturally minded. The context (*situationality*) is evident. It is hidden in the culture and organisation of the family and business life. Together with it, the existence of textually and discursively inscribed context reveals itself, as the parties-in-consent are in progress to change their situation from misunderstanding to understanding, from distress to hope, etc. The relationship built through communication matters, and the mediation discourse focuses on it.

In the central part of Stage 4, we find actualisation of the dichotomy *of intentionality vs acceptability*. This dichotomy is also inevitable within the discourse production, which is doomed to pass the step of human interaction. The intentionality of the whole team of participants ('we') inscribes effective negotiation when there is no time and space for conflicts and distress. The parties-in-consent become involved in the professional mediation process discussion, which enables them to interact effectively and efficiently, following the mediator's guidance while also relying on their common sense and responsibility to resolve their conflict.

In structural element 4 of Stage 4, one of the shortest elements is found in the holistic mediation process discussion on the parenting plan. The parties-in-consent receive the update on their mediation discussion. Intertextual and interdiscursive textual elements can be traced in such a closing part.

4.4.3 Referent-cortege clusters reconstruction based on the Causal-Genetic Approach

In structural element 1 of Stage 4, the mediator and the parties-in-consent develop such referents as **Rf1** interests to identify the best option for conflict resolution, **Rf2** unity awareness in terms of best options, **Rf3** options to be verified with the best option identified by the parties-in-consent, **Rf4** experience sharing by the mediator and the parties-in-consent, **Rf5** inquiry, and **Rf6** confirmation of understanding and such cortege as **Co1** normative cortege, **Co2** interpersonal cortege, and **Co3** family/work cortege. The parties-in-consent communicate directly to identify the best option for conflict resolution.

In structural elements 2 and 3 of Stage 4, the mediator and the parties-in-consent develop the referents and cortege mentioned above in structural element 1 of Stage 4. In both family and business mediations under discussion, the parties-in-consent with the facilitation of the mediator express their **Rf1** interests, e.g. in parenting plan [PPFM], in “planning” [FMiA], in parenting vs private relationships [AILaFM] with “off-site sex” FMRP], in the medical expenditure and the cost of residential adjustment for Lily [BMD], in compensation for Kari [BMMiA], about the priority within six issues [IBM], **Rf2** unity awareness, e.g. for parenting plan best option [PPFM], parenting vs dating [PPFM, FMiA, AIFaFM, FMRP], for talks “in a positive way” [FMiA], about the medical and residential costs related to Lily’s illness [BMD], compensation amount for Kari [BMMiA], about David’s better time management [BGM], priority [IBM], **Rf3** options verified [PPFM, FMiA, AIFaFM, FMRP, BMD, BMMiA, BGM, IBM], **Rf4** experience, e.g. “a coverage flowchart” [PPFM], Kate and Matt “shouldn’t temp fate” [FMiA], “[w]hy don’t I help you here? I mean that’s my field, that’s my expertise” [BMD], **Rf5** inquiry, e.g. the mediator’s inquiry [PPFM, FMiA, AIFaFM, FMRP, BMMiA, IBM], Mrs Sharp’s inquiry [BMD] and “the octane trademark” [IBM], **Rf6** confirmation e.g. the institution of “the approved caregivers” [PPFM], “house adjustments” [BMD], and in the form of the mediator’s summary at the beginning of structural element 3 of the central part [IBM] all references related to the identification of the parties’-in-consent best option with **Co1** normative cortege, e.g. the mediator’s elaboration on “a typical structure” [PPFM], on Matt’s contacts with children [FMiA] **Co2** interpersonal cortege e.g. mediating the parenting plan [PPFM] and **Co3** family/work cortege preserved [PPFM].

Structural element 4 of Stage 4 is closed with positive feedback. Thus, both referential and cortege information show that the goal of the Stage is accomplished. As we see, this Stage

of mediation results in an available solution to avoid living in conflict, as the stipulation for conflict resolution is successful [PPFM, FMiA, AIFaFM, FMRP, BMD, BMMiA, BGM, IBM].

4.4.4 Reconstruction of the dichotomy “object-subject targeted strategies”: Verification analysis within the technique of the Causal-Genetic Approach to discourse research

In Stage 4, the mediator and the parties-in-consent use discourse strategies, which are reconstructed within their subject-object vs. subject-subject way of representation. Both the mediator's and the parties'-in-consent discourse strategies are analysed with the above-mentioned dichotomy-focused discourse organisation.

In structural element 1 of Stage 4, the mediator and the parties-in-consent apply **SS1** goal setting strategy, e.g. “let’s talk about what makes sense” [PPFM], “an important topic present in your discussion would be the money methods regarding the healthcare of Lily and also the necessary house adjustments and resources that need to be allocated for that” [BMD] **SS2** needs raising awareness strategy, e.g. “It is about brainstorming how to make dating work for both of you so what we got is keep parenting separate from dating” [FMRP] **SS3** planning strategy, e.g. “this could be one of our two new topics of the agenda” [BMD]. **SS4** cooperating strategy, e.g. “[i]t's relatively consistent so if you can make plans with your dates” [FMRP], **SS5** positive cortege building strategy, e.g. “So maybe we could schedule our meetings first thing in the morning” [BGM] and **OS1** information inquiry strategy, “[c]ould you phone before you leave your house, just to tell that you are on your way so that we know that you're definitely on your way” [FMiA], e.g. **OS2** confirmation strategy, e.g. “Yeah” [FMiA], **OS3** information paraphrase strategy, e.g. “so that gives you the reassurance that the day is happening I guess the children will be excited to see their dad” [FMiA], **OS4** knowledge transfer strategy, e.g. “[y]ou are most interested in KYK octane to distribute the KYK octane vodka. High octane classic might come later” [IBM], and **OS5** opinion sharing strategy, e.g. “this is hard, this is hard for both of you” [AILaFM].

In structural elements 2 and 3 of Stage 4, the mediator, the parties-in-consent and their representatives use the subject and object -bias strategies related to **SS1** goal setting strategy, e.g. the best option for the parenting plan [PPFM], “I would like to make arrangements like assessing what is more important for you and what is less important” [IBM], **SS2** needs raising awareness strategy, e.g. importance of planning for Matt’s contacts with children [FMiA], **SS3** planning strategy, e.g. “so may I shortly summarize?” [IBM], **SS4** cooperating strategy, e.g. “Okay, so maybe I can circle the two-tone issue and give it five like least important” [IBM], **SS5** positive cortege building strategy, e.g. “Why don’t I help you here?” [BGM] and **OS1**

information inquiry strategy, “So would you be able to try to range these points?” [IBM], e.g., **OS2** confirmation strategy, e.g. “So you would say it's more important than octane?” [BMD], **OS3** information paraphrase strategy, e.g. “[o]kay, and no eight-sided bottle, that's what I understood” [IBM], **OS4** knowledge transfer strategy, e.g. “Michelle, I want to remind you that anything you tell me remains confidential” [BGM], **OS5** opinion sharing strategy e.g. “I think that you are going to likely have a deal” [BMMiA].

In structural element 4 of Stage 4 the mediator and the parties-in-consent use **SS1** goal setting e.g. to negotiate the compensation amount with Courtney and Bill in the caucus [BMMiA], **SS2** needs raising awareness strategy about the expectations of Courtney’s and Bill’s clients [BMMiA], and **SS3** planning strategy, **SS4** cooperating strategy and **SS5** positive cortege building strategy, e.g. caucus with Courtney, then Bill and Courtney [BMMiA] or “the bottom line is that they go away feeling that they are able to get on with their lives that they've made some progress in bringing closure to their marriage as spouses” [AILaFM]. The mediator also applies **OS1** information inquiry strategy, e.g., “[d]oes that work for both okay?” [FMiA], **OS2** confirmation strategy, e.g., “okay you see the benefit for children” [PPFM], **OS3** information paraphrase strategy, e.g., “the mediator is actually kindly inviting us to do this” [BMD], **OS4** knowledge transfer strategy, e.g., “if the children see you looking after them and handing them over and it's peaceful they sleep peacefully in bed” [FMiA], and **OS5** opinion sharing strategy, e.g., “[t]his is the best balance” [PPFM].

4.4.5 Integrative functional model of the discourse of Stage 4

The integrative functional model of this Stage is given in Table 20.

Table 20

Integrative functional model of mediation discourse – Stage 4

Family and business mediations as a phenomenon, idea, and activity, Stage 4	
Basic interactive model (abbreviations: M-Mediator, P-Parties-in-consent)	
Mediation discourse as a phenomenon	
Referent-cortege structure sequential representation (Rf–Co)	
Structural element 1	Rf1 interests, Rf2 unity awareness, Rf3 options, Rf4 experience, Rf5 inquiry, Co1 normative cortege, Co2 interpersonal cortege, and Co3 family/work cortege to initiate the mediation of the best option by the parties-in-consent, including the caucus.
Structural elements 2 and 3	Rf1 interests, Rf2 unity awareness, Rf3 options, Rf4 experience, Rf5 inquiry, Co1 normative cortege, Co2 interpersonal cortege, and Co3 family/work cortege to mediate the best option by the parties-in-consent with the facilitation of the mediator, including the caucus

Structural element 4	Rf1 interests, Rf2 unity awareness, Rf3 options, Rf4 experience, Rf5 inquiry, Co1 normative cortege, Co2 interpersonal cortege, and Co3 family/work cortege to sum up the best option, including the caucus
Mediation discourse as an idea Content-context structure sequential representation (Cnt – Cxt)	
Structural element 1	Cnt1 /informativity: plan for weekdays (is presented). Cxt1 /situationality: plan for weekend days is ahead (to be in this Stage).
Structural elements 2 and 3	Cnt2 /intentionality Cxt2 /acceptability
Structural element 4	Cnt3 /intertextuality: Cxt3 /interdiscursivity: cooperative discussion
Mediation discourse as activity Object-subject-bias strategy sequential representation (OS – SS)	
Structural element 1	SS1 goal setting strategy, SS2 needs raising awareness strategy, SS3 planning strategy, SS4 cooperating strategy, SS5 positive cortege building strategy, OS1 information inquiry strategy, OS2 confirmation strategy, OS3 information paraphrase strategy, OS4 knowledge transfer strategy, and OS5 opinion sharing strategy to initiate the mediation of the best option for conflict resolution.
Structural elements 2 and 3	SS1 goal setting strategy which consists in presenting the party's-in-conflict opening statement, SS2 needs raising awareness strategy to identify the parties'-in-conflict needs, SS3 planning strategy as well as SS4 cooperating strategy revealed by the mediator and the parties-in-consent to take immediate steps in mediation, and thus SS5 positive cortege building strategy, OS1 information inquiry strategy, OS2 confirmation strategy, OS3 information paraphrase strategy, OS4 knowledge transfer strategy and OS5 opinion sharing strategy to mediate the best option by the parties-in-consent.
Structural element 4	SS1 goal setting strategy, SS2 needs raising awareness strategy, SS3 planning strategy, SS4 cooperating strategy, SS5 positive cortege building strategy, OS1 information inquiry strategy, OS2 confirmation strategy, OS3 information paraphrase strategy, OS4 knowledge transfer strategy, and OS5 opinion sharing strategy to conclude this Stage, in which the best option is mediated.

Here, we provide six analytical comments based on qualitative data collected, organised, and discussed:

- 1) the discourse of the Stage presents a holistic, meaningful (content-context / object–subject–bias) structure thanks to the technique of splitting the messages between both parts and structural composites (as it is done between introductory and central parts and inside structural element 4 of the concluding part);
- 2) the social context (cortege information) and, together with it, the inner-group dynamics are transparent throughout the discourse of the whole mediation stage;
- 3) the inner group dynamics (cortege information in its development: strategic, argumentative, value-focused, etc.) influences the referential content and the way it is

- developed (thematically, pragmatically, textually, etc.), so both of them are to be analysed more deeply to see the way mediated discourse is organised to reach its tasks;
- 4) the particular messages of the mediation discourse need clarification, as the messages of M, whose sense at times is not evident (as, for example, "**M2**: we haven't addressed it yet") because it stays open, which demands a special attention of the researcher to the sequential structure of the discourse practices involved such as interchange of the messages, their verbal markers' analysis, textual-action analysis (as for ex., intentionality-acceptability analysis that helps to see who takes an initiative and who stays passive in communication just as how specifically the themes to be discussed start to play a contextual function going to the periphery of discussion and what are the actions (strategies) of the mediator and the invited participants in such a case, which values they are motivated by, etc..;
 - 5) The structure of Stage 4 consists of three parts: the introductory part, where the mediator outlines the session's objective; the central part, where Stephanie and Glen discuss the best option; and the confirmation part, where the mediator addresses questions to Stephanie and Glen for confirmation. Finally, in the concluding part, Stephanie and the mediator confirm the details of the timeshare, whether Glen will take the children from school or after work, and receive the answer that Glen will take them from school.
 - 6) Finally, a deeper reading with a focus on the mediator's turn-taking regulation and his balancing between different options in the family and business mediation discussion, including inter-categories of discourse (such as interdiscursivity and intersubjectivity), is to be the focus of attention for the discourse researcher.

4.5 Results and discussion - Stage 5

Stage 5 is identified as resulting in agreement. It leads to conflict resolution. The agreement, prepared by the mediator for the parties' signature, reflects their consent. Consequently, their agreement contributes to the success of the mediation. The success is emphasised by the mediator.

4.5.1 Organisation of the transcript for further qualitative analysis - Stage 5

Basic interactive model BIM

At Stage 5, the model of the dialogue of the family mediation process is presented in Table 21 below.

Table 21

The sequential formal model of the mediation discourse actualised in Stage 5 of family mediation [PPFM, FMiA, AILaFM, FMPR]

Part	PPFM, FMiA, AILaFM, FMPR
1. Introductory part sequence/ Structural element 1	M1-S1, M1-Ma1-M2-K1, M1, E1-J1-E2-J2
2. Central part sequence/Structural element 2	M2- S2-G1-M3-G2-M4, M3- Ma2- M4, M2, E3-MS1-E4
2. Central part sequence/Structural element 3	S3- M5- S4- M6- G3, K2- M5, M3, MD1-J3-MS2-E5-J4
3. Concluding part sequence/Structural element 4	M7, M6, M4, E6-J5-E7

Stage 5 of *Family Mediation Role Play* shows the highest utterance dynamics of the parties'-in-consent, i.e., three utterances of the Mediator, seven utterances of Emily and five utterances of Jeffrey. The second position is occupied by *Parenting Plan Family Mediation*, with seven utterances from the mediator, four from Stephanie, and three from Glen. In Stage 5 of *Family Mediation in Action*, the utterances of Matt and Kate amount to two each, and those of the mediator to six. In *An Inside Look at Family Mediation*, the mediator's utterances amount to four.

The sequential model of the utterances at Stage 5 of the business mediation process is presented in Table 22 below.

Table 22

The sequential formal model of the mediation discourse actualised in Stage 5 of business mediation [BMD, BMMiA, BGM, IBM].

Part	BMD, BMMiA, BGM, IBM
1. Introductory part sequence/ Structural element 1	M1, M1-B1-M2-K1-M3, M1, M1
2. Central part sequence/Structural element 2	Mrs S1- M2- Mr S1, K2-M4-K3-M5-B2-M6-B3-M7-B4-C1-B5-K4-M8, M11-M2-M12, M2
2. Central part sequence/Structural element 3	M3-Mr S2- Mrs S2, B6-K5-M9-B7-C2-B8-K6-M10-B9-M11-B10-K7, M3-M13-M4, M3

3. Concluding part sequence/Structural element 4	M4 -Mr S3- Mrs S3, M12-B11, MI4-M5, M4

In the group of business mediations, Stage 5 of *Business Mock Mediation in Action* is highly dynamic in terms of utterances, with twelve utterances of the mediator, eleven utterances of Bill, seven utterances of Kari, and two utterances of Courtney. In business mediations, the second position is occupied by *Business Mediation Demo* with four utterances of the mediator and three utterances of Mr Sharp and Mrs Smith each. *Business Grievance Mediation* occupies the third position with five mediator's utterances and two utterances of Michelle. *International Business Mediation* with four mediator's utterances.

In the group of family and business mediations, the mediator, the parties-in-consent, and their representatives express referential, phatic, expressive, interactional, and transactional utterances. Referential utterances provide information on the timeshare agreement [PPFM], Matt and Kate's accomplished plan related to Matt's contact with children [FMiA], Dean and Saya's better communication about children [AILaFM], Jeffrey and Emily's better communication so that their son, Jake, "can feel like Oh adults can function all in the world" [FMRP], the conflict resolution in the form of the proposals accepted by Mr Sharp and Mrs Smith [BMD], Michelle's suggestion that she could send David "on a time management course" [BGM], and the discussion of the significant points mediated "to sign the agreement" [IBM]. Phatic utterances, e.g., "Okay" [PPFM, FMiA, BMMiA, IBM, BGM], or "all right" [BMD, BMMiA], are used to maintain a positive relationship with parties-in-consent who are to sign the agreement for conflict resolution. Expressive utterances concentrate on polite expressions, e.g., "thank you" [PPFM, FMiA, BMD, IBM]. The parties'-in-consent interactional utterances and transactional utterances refer to the stipulations agreed on by the parties-in-consent.

4.5.2 Content-context reconstruction based on discourse representation via textual categories actualised in dichotomy-built clusters based on the Causal-Genetic Approach

The discourse of structural element 1 of Stage 5 conveys the categories of informativity and situationality related to the stipulations concerning conflict resolution. The category *informativity* involves the confirmation of the agreement about timeshare in the parenting plan [PPFM], the test run report in the context of Matt's contact of with children during the past weekend [FMiA], the idea of "good session" [AILaFM], or agreement expressed in the form

of a handshake between Emily and Jeffrey [FMRP] in the situationality of family mediation. In the context of business mediation, the category of *informativity* relates to the transfer of Mr Sharp's share to Mrs Smith and her obligation "to assist Mr Sharp in the refurbishment and the necessary house adjustments in the house of Mr Sharp within the next month" [BMD], the potential agreement of Bill and Courtney "to accept the policy limits" [BMMiA], the idea that David is an asset to Michalle's section [BGM] and the summary of the points agreed on by both international parties-in-consent [IBM]. The context (*situationality*) is identified as anchored in the family and business culture and organisation.

The central part of Stage 5 consists of the actualisation of the *intentionality vs acceptability* dichotomy. In the discourse production, this dichotomy reveals the mediator and the parties-in-consent human interaction. In both family and business mediations, the intentionality of the parties-in-consent shows effective results of mediation, and their stipulations for the conflict resolution agreement are verified by the mediator [PPFM, FMiA, AILaFM, FMPR, BMD, BMMiA, BGM, IBM]. The stipulations for final agreement involve the parenting plan related to weekend extent, potential failure in the parenting plan arrangement and later adjustments [PPFM], communication between parents about contacts with children as decided in the parenting plan [FMiA, AILaFM, FMRP], the house refurbishment and deadlines [BMD], the proposal "on the table" and the impact of the associate and the partner in this case [BMMiA], David's participation in the time management course [BGM] and the Licence Agreement with Alcopops' exclusivity of their famous design of the eight-sided bottle for the KYK octane if it is to be produced in Russia. [IBM].

In structural element 4 of Stage 5, the mediator sums up the mediation process in both family and business mediations. In the group of family mediation, the mediator sums up that the parties-in-consent "achieved quite a lot" and they are "very different people from the people who came in here two sessions ago" [FMiA], "hopefully there is some agreement and some way to go forward around the children" [AILaM], or Emily and Jeffrey agree how Jake is going to be picked up next week. In *Parenting Plan Family Mediation*, the mediator sums up by saying that there is a yearly review of the timeshare for children, who are "five and ten-year-olds." He indicates that they go "through different developmental stages, [...] through different activities". Therefore, the yearly review is needed to "deal with any issues as they come up" [PPFM]. Finally, the mediator expresses his opinion that both Stephanie and Glen are comfortable with that aspect of the parenting plan, and he thanks them both for "Great job today" [PPFM]. In the group of business mediations, the mediator thanks Mrs Smith and Mr Sharp on the agreement to be put in practice [BMD, BGM], the mediator sums up the major

points of agreement [IBM] he sums up saying that talking to the parties' counsel makes it easier to him to "see the good parts and the bad parts, and it helps me to begin to formulate a plan in terms of where I think the case can go and how it should be handled" [BMMiA].

4.5.3 Referent-cortège clusters reconstruction based on the Causal-Genetic Approach

In structural element 1 of Stage 5, the mediator and the parties-in-consent develop such referents as **Rf1** interests to finalise the agreement for conflict resolution, **Rf2** unity awareness for conflict resolution, **Rf3** options to be unanimously verified for the agreement, **Rf4** experience sharing by the mediator and the parties-in-consent, **Rf5** inquiry, and **Rf6** confirmation and such cortèges as **Co1** normative cortège, **Co2** interpersonal cortège, and **Co3** family/work cortège. The parties-in-consent communicate directly for conflict resolution.

In structural elements 2 and 3 of Stage 5, the mediator and the parties-in-consent follow the referents and cortèges mentioned above in structural element 1 of Stage 5. In the discussed family and business mediations, the parties-in-consent and the mediator confirm their **Rf1** interests, e.g. in parenting plan agreement [PPFM], in the weekend contact with children and communication between parents [FMiA, AIFaFM, FMRP], in Mr Sharp and Mrs Smith's agreement implementation [BMD], the potential agreement plan [BMMiA], in signing the agreement of the major mediated points [IBM], **Rf2** unity awareness, e.g. for conflict resolution in the form of agreement [PPFM, PPFM, FMiA, AIFaFM, FMRP, BMD, [BMMiA, BGM, IBM], **Rf3** options finally verified [PPFM, FMiA, AIFaFM, FMRP, BMD, BMMiA, BGM, IBM], **Rf4** experience sharing in terms of the final agreement, e.g. [PPFM, PPFM, FMiA, AIFaFM, FMRP, BMD, [BMMiA, BGM, IBM], **Rf5** inquiry, e.g. the mediator's inquiry for agreement, e.g. [PPFM, PPFM, FMiA, AIFaFM, FMRP, BMD, [BMMiA, BGM, IBM], **Rf6** confirmation of conflict resolution e.g. [PPFM, PPFM, FMiA, AIFaFM, FMRP, BMD, BMMiA, BGM, IBM], with **Co1** normative cortège, **Co2** interpersonal cortège and **Co3** family/work cortège.

Structural element 4 of Stage 5 is closed with conflict resolution [PPFM, PPFM, FMiA, AIFaFM, FMRP, BMD, BGM, IBM]. In case of *Business Mock Mediation in Action*, the final conflict resolution has not been obtained as the mediation process shall involve the participation of the partner and associate to finalise the compensation amount for Kari [BMMiA]. In all those mediations, including *Business Mock Mediation in Action*, referential and cortège information shows that the mediator and the parties-in-consent or their counsels accomplish the goal of this Stage.

4.5.4 Reconstruction of the dichotomy “object-subject targeted strategies”: Verification analysis within the technique of the Causal-Genetic Approach to discourse research

In Stage 5, the mediator and the parties-in-consent use the discourse strategies, the reconstruction of which is done within their object and subject bias representations. Both the mediator's and the parties'- in-consent discourse strategies are analysed with the above-mentioned dichotomy-focused discourse organisation.

In structural element 1 of Stage 5, the mediator and the parties-in-consent apply **SS1** goal setting strategy, e.g., "to confirm the agreement" [PPFM], ‘so may I shortly summarize?’ [IBM], **SS2** needs raising awareness strategy, e.g. ‘[a]nd would you be willing to tell David that?’ [BGM] **SS3** planning strategy, e.g. ‘whoever has them for the weekend takes them to school on Monday’ [PPFM], ‘[y]ou are most interested in KYK octane to distribute the KYK octane vodka. High octane classic might come later’ [IBM]. **SS4** cooperating strategy, e.g. ‘[i]t's relatively consistent so if you can make plans with your dates’ [FMRP], **SS5** positive cortege building strategy, e.g. ‘it was okay’ [FMiA], ‘[y]eah, please do that’ [BMMiA], and **OS1** information inquiry strategy, e.g. “[i]s that correct?” [PPFM], ‘[d]id the first weekend go?’ [FMiA], **OS2** confirmation strategy, e.g. ‘what I'm understanding is that on Monday and Tuesday nights, they are going to be with you, Stephanie. Wednesday and Thursday nights are going to be with you, Glen’ [PPFM], ‘[a]ll right, all right’ [BMMiA], **OS3** information paraphrase strategy, e.g. ‘[f]or one year, for whole 12 months you could not communicate properly and now just after some time in this mediation environment you're discussing concrete proposals’ [BMD], **OS4** knowledge transfer strategy, e.g. ‘[w]e got a lovely day and then we camped overnight and the kids loved it’ [FMiA], and **OS5** opinion sharing strategy e.g. ‘[s]o I think we had a good session’ [AILaFM] ‘it's extraordinary how you face these communication discrepancies’ [BMD].

In structural elements 2 and 3 of Stage 5, the mediator, the parties-in-consent as well as their representatives take advantage of the subject and object -bias strategies related to **SS1** goal setting strategy, e.g. to discuss the range for the parenting plan including timeshare [PPFM], what to do in case of failure of the current agreement [PPFM, FMiA], better communication between the parties-in-consent [AILaFM, FMRP], to sign the agreement [IBM], to implement agreement stipulations [BMD, BGM], to involve the associate and the partner later in the mediation process [BMMiA], **SS2** needs raising awareness strategy, e.g. the implementation of the agreement stipulations [PPFM, PPFM, FMiA, AIFaFM, FMRP, BMD,

BMMiA, BGM, IBM], and further actions in case of failure [PPFM, FMiA], **SS3** planning strategy, e.g. the discussion of the agreement stipulations, to sign and implement the agreement for conflict resolution [PPFM, PPFM, FMiA, AIFaFM, FMRP, BMD, BMMiA, BGM, IBM], **SS4** cooperating strategy, e.g. all participants cooperate to discuss, sign and be ready to implement the agreement [PPFM, PPFM, FMiA, AIFaFM, FMRP, BMD, BMMiA, BGM, IBM], **SS5** positive cortege building strategy, i.e. all participants agree on the stipulations and confirm them [PPFM, PPFM, FMiA, AIFaFM, FMRP, BMD, BMMiA, BGM, IBM], and **OS1** information inquiry strategy, i.e. the mediator, the parties-in-consent and their representatives ask questions in case of any doubt [PPFM, PPFM, FMiA, AIFaFM, FMRP, BMD, BMMiA, BGM, IBM], **OS2** confirmation strategy, the mediator confirms his understanding of the agreement [PPFM, PPFM, FMiA, AIFaFM, FMRP, BMD, BMMiA, BGM, IBM], **OS4** knowledge transfer strategy related to **OS2** as the mediator transfers his knowledge of the agreement and **OS5** opinion sharing strategy which, at this Stage, refers to the successful implementation of the agreement stipulations or future failure.

In structural element 4 of Stage 5, the mediator together with the parties-in-consent and their representatives, if need be, apply **SS1** goal setting e.g. to ‘sum up by saying that you achieved quite a lot and you're very different people from the people who came in here two sessions ago’ [FMiA] and **SS2** needs raising awareness strategy about the children’s happiness, e.g. ‘I think your two children Rosie and Eden must be a lot happier’ [FMiA]. **SS3** planning strategy, **SS4** cooperating strategy, and **SS5** positive cortege building strategy are related to the implementation of the agreement, e.g. ‘I think that both of you are comfortable with and we'll see how it works out’ [PPFM]. They likewise apply **OS1** information inquiry strategy e.g. ‘[w]hat else what else do?’ [FMRP], **OS2** confirmation strategy e.g., ‘right now we've got a great plan’ [PPFM], **OS3** information paraphrase strategy e.g. ‘that's why we have the yearly review’ [PPFM], **OS4** knowledge transfer strategy e.g. ‘[p]arenting is messy and things are always changing especially with five and ten-year-olds’ [PPFM], and **OS5** opinion sharing strategy e.g. ‘[g]reat job today’ [PPFM].

4.5.5 Integrative functional model of mediation discourse - Stage 5

The integrative functional model of this Stage is given in Table 23.

Table 23*Integrative functional model of mediation discourse – Stage 5*

Family and business mediations as a phenomenon, idea, and activity Stage 5	
Basic interactive model (abbreviations: M-Mediator, P-Parties-in-consent)	
Mediation discourse as a phenomenon	
Referent-cortege structure sequential representation (Rf–Co)	
Structural element 1	Rf1 interests, Rf2 unity awareness, Rf3 options, Rf4 experience, Rf5 inquiry, Co1 normative cortege, Co2 interpersonal cortege, and Co3 family/work cortege
Structural elements 2 and 3	Rf1 interests, Rf2 unity awareness, Rf3 options, Rf4 experience, Rf5 inquiry, Co1 normative cortege, Co2 interpersonal cortege, and Co3 family/work cortege
Structural element 4	Rf1 interests, Rf2 unity awareness, Rf3 options, Rf4 experience, Rf5 inquiry, Co1 normative cortege, Co2 interpersonal cortege, and Co3 family/work cortege
Mediation discourse as an idea	
Content-context structure sequential representation (Cnt – Cxt)	
Structural element 1	Cnt1 /informativity: agreement Cxt1 /situationality: .
Structural elements 2 and 3	Cnt2 /intentionality Cxt2 /acceptability
Structural element 4	Cnt3 /intertextuality Cxt3 /interdiscursivity: cooperative discussion
Mediation discourse as activity	
Object-subject-bias strategy sequential representation (OS – SS)	
Structural element 1	SS1 goal setting strategy, SS2 needs raising awareness strategy, SS3 planning strategy, SS4 cooperating strategy, SS5 positive cortege building strategy, OS1 information inquiry strategy, OS2 confirmation strategy, OS3 information paraphrase strategy, OS4 knowledge transfer strategy, and OS5 opinion sharing strategy.
Structural elements 2 and 3	SS1 goal setting strategy which consists in presenting the party's-in-conflict opening statement, SS2 needs raising awareness strategy to identify the parties'-in-conflict needs, SS3 planning strategy as well as SS4 cooperating strategy revealed by the mediator and the parties-in-conflict to take immediate steps in mediation, and thus SS5 positive cortege building strategy, OS1 information inquiry strategy, OS2 confirmation strategy, OS3 information paraphrase strategy, OS4 knowledge transfer strategy and OS5 opinion sharing strategy
Structural element 4	SS1 goal setting strategy, SS2 needs raising awareness strategy, SS3 planning strategy, SS4 cooperating strategy, SS5 positive cortege building strategy, OS1 information inquiry strategy, OS2 confirmation strategy, OS3 information paraphrase strategy, OS4 knowledge transfer strategy, and OS5 opinion sharing strategy.

4.6 Quantitative results and discussion

The results of the quantitative analysis related to the statistical analysis show how the relationship of referents and corteges, as well as subject-bias strategies and object-bias strategies as discourse dichotomies, are structured in five stages of the process of family and business mediation and provide the answer to the research questions (Q1, Q2, Q3, Q9, Q10).

4.6.1 Referents and corteges

In this subchapter, we focus on the description and discussion of the quantitative results of the discourse analysis related to the dichotomy of referents and corteges. The referents of the analysed family and business mediations comprise referent 1 - interests, referent 2 – unity awareness, referent 3 - options, referent 4 - experience, referent 5 - inquiry, referent 6 - confirmation. The corteges of the analysed family and business mediations comprise cortege 1 - normative cortege, cortege 2 – interpersonal cortege, and cortege 3 – family/work cortege.

The percentage share of each referent category is calculated for every stage of the mediation process, separately for the BM (Business Mediation) and FM (Family Mediation) groups. This allows for the identification of both stage-specific patterns and differences between the two groups.

In the BM group, the distribution of referents is presented in Table 24 below.

Table 24

Distribution of referents in business mediations

BM	Referents					
	Interests	Unity awareness	Options	Experience	Inquiry	Confirmation
Stage 1	3,37%	2,56%	5,33%	5,29%	9,48%	5,05%
Stage 2	50,08%	52,56%	21,33%	35,88%	60,66%	47,81%
Stage 3	17,54%	16,03%	36,00%	22,94%	13,27%	14,14%
Stage 4	21,59%	21,15%	32,67%	28,24%	9,00%	23,57%
Stage 5	7,42%	7,69%	4,67%	7,65%	7,58%	9,43%

The Unity awareness and Interests referents dominate in Stage 2, reaching 52.56% and 50.08% respectively, accompanied by high values for Inquiry (60.66%) and Confirmation (47.81%). Stage 1 presents low percentages across all referents, with none exceeding 10%. The share of

Options and Experience fluctuates moderately across stages, peaking in Stage 3 for Options (36.00%) and Stage 4 for Experience (28.24%).

In the FM group, the distribution of referents is presented in Table 25 below.

Table 25

Distribution of referents in family mediations

FM	Referents					
	Interests	Unity awareness	Options	Experience	Inquiry	Confirmation
Stage 1	7,18%	7,18%	7,61%	7,50%	4,76%	8,00%
Stage 2	16,02%	14,35%	15,22%	19,17%	16,07%	17,00%
Stage 3	23,76%	29,67%	27,17%	34,17%	27,98%	21,00%
Stage 4	30,39%	34,45%	35,87%	28,33%	36,31%	39,00%
Stage 5	22,65%	14,35%	14,13%	10,83%	14,88%	15,00%

In the FM group, the distribution is more balanced across stages. Unity awareness and Interests gradually increase from Stage 1 to Stage 4, peaking at 34.45% and 30.39% respectively. Options reaches its highest percentage in Stage 4 (35.87%), while Experience peaks in Stage 3 (34.17%). Notably, Confirmation displays a steady increase from Stage 1 (8.00%) to Stage 4 (39.00%), before decreasing in Stage 5. Compared to BM, FM shows more even distribution and less extreme peaks, suggesting a more consistent presence of various referents throughout the mediation stages.

To illustrate the dynamics of the occurrence of individual corteges throughout the stages of the mediation process, the percentage share of each cortege in relation to all participant utterances is calculated. The analysis is conducted separately for the BM (Business Mediation) and FM (Family Mediation) groups see Table 26

Table 26

BM Group and FM Group

Business Mediation Group	Family Mediation Group
BMD	PPFM
BGM	AILaFM
BMMiA	FMiA
IBM	FMRP

In the BM group, the distribution of referents is presented in Table 27 below.

Table 27

Distribution of corteges in business mediations

BM	Corteges		
	Normative cortege	Interpersonal cortege	Family/work cortege
Stage 1	4,73%	3,20%	4,29%
Stage 2	26,69%	37,95%	38,87%
Stage 3	19,26%	21,54%	19,84%
Stage 4	27,03%	24,52%	26,01%
Stage 5	22,30%	12,79%	10,99%

In the BM group, the highest values in Stage 2 are recorded for the interpersonal cortege (37.95% in Stage 2) and the family/work cortege (38.87% in Stage 2). The normative cortege in this group reaches its highest percentage in Stage 2 (26.69%), while in Stage 1 its share is noticeably the lowest (4.73%). In subsequent stages, values remain relatively stable, with a slight decrease in Stage 5.

In the FM group, the distribution of referents is presented in Table 28 below.

Table 28

Distribution of corteges in family mediations

FM	Corteges		
	Normative cortege	Interpersonal cortege	Family/work cortege
Stage 1	11,17%	4,80%	10,94%
Stage 2	26,90%	21,20%	22,92%
Stage 3	18,78%	28,80%	26,04%
Stage 4	26,90%	30,40%	23,96%
Stage 5	16,24%	14,80%	16,15%

In the FM group, the percentage distribution of corteges shows a different pattern. The highest values in Stage 3 and Stage 4 are observed for the interpersonal cortege (28.80% and 30.40%) and the family/work cortege (26.04% and 23.96%). The normative cortege in this group peaks in Stage 2 and Stage 4 (26.90% each). Compared to the BM group, FM shows higher percentages of the normative cortege in Stage 1 (11.17% in FM vs. 4.73% in BM).

This percentage-based comparison makes it possible to observe both general differences between the BM and FM groups and the changes in the share of individual corteges over the course of the mediation stages.

The quantitative analysis of referent 1 – interests is presented in Table 29 below.

Table 29

Descriptive statistics and analysis of variance for referent 1 – interests

Interests									
Group	Stage	min	max	median	q1	q3	mean	sd	p-values
BM	Stage 1	4	6	5	4	6	5	1,155	Group effect: 0.085
BM	Stage 2	7	130	80	51,25	103	74,25	51,925	
BM	Stage 3	7	57	20	10	36	26	22,774	
BM	Stage 4	13	61	27	22	37	32	20,494	
BM	Stage 5	2	28	7	3,5	14,5	11	11,832	
FM	Stage 1	2	4	3,5	2,75	4	3,25	0,957	Time effect: 0
FM	Stage 2	3	14	6	5,25	8	7,25	4,717	
FM	Stage 3	6	17	10	8,25	12,5	10,75	4,646	
FM	Stage 4	7	21	13,5	9,25	18	13,75	6,397	
FM	Stage 5	7	13	10,5	8,5	12,25	10,25	2,754	

The table presents the descriptive statistics and results of the analysis of variance for the “Interests” referent across five stages in the BM and FM groups. In the BM group, values in Stage 1 are low and relatively homogeneous (mean = 5.00, SD = 1.16), with a narrow interquartile range (Q1 = 4.00, Q3 = 6.00). From Stage 2 onwards, a sharp increase in mean values is observed (mean = 74.25, SD = 51.93), accompanied by a wide range (min = 7, max = 130), indicating considerable variability among participants. Stage 3 shows a drop in the mean to 26.00 (SD = 22.77), followed by a moderate increase in Stage 4 (mean = 32.00, SD = 20.49) and a further decline in Stage 5 (mean = 11.00, SD = 11.83). In the FM group, initial values in Stage 1 are even lower (mean = 3.25, SD = 0.96), with minimal dispersion. From Stage 2 onwards, gradual increases are recorded: Stage 2 (mean = 7.25, SD = 4.72), Stage 3 (mean = 10.75, SD = 4.65), and Stage 4 (mean = 13.75, SD = 6.40). Stage 5 shows a slight decrease (mean = 10.25, SD = 2.75).

The ANOVA results indicate no statistically significant main effect of group ($p = 0.085$), suggesting that, on average, the two groups do not differ substantially in their interest levels when averaged across all stages. However, a highly significant main effect of time ($p < 0.001$) demonstrates that interest levels change systematically across stages. Moreover, the group $\times$ time interaction effect is statistically significant ($p = 0.018$), indicating that the pattern of changes over time differs between the BM and FM groups. Specifically, the BM group exhibits a sharp peak in Stage 2 followed by a decline, whereas the FM group shows a more gradual and consistent increase until Stage 4.

The quantitative analysis of referent 2 – unity awareness is presented in Table 30 below.

Table 30

Descriptive statistics and analysis of variance for referent 2 – unity awareness

Unity awareness									
Group	Stage	min	max	median	q1	q3	mean	sd	p-values
BM	Stage 1	3	6	3,5	3	4,5	4	1,414	Group effect: 0.369
BM	Stage 2	4	158	83	50,5	114,5	82	64,395	
BM	Stage 3	5	57	19	5,75	38,25	25	24,725	
BM	Stage 4	13	61	29	24,25	37,75	33	20,149	
BM	Stage 5	2	32	7	5	14	12	13,565	
FM	Stage 1	3	4	4	3,75	4	3,75	0,5	Time effect: 0
FM	Stage 2	3	14	6,5	5,25	8,75	7,5	4,655	
FM	Stage 3	9	25	14	9,75	19,75	15,5	7,506	
FM	Stage 4	7	27	19	13	24	18	8,869	
FM	Stage 5	5	10	7,5	5,75	9,25	7,5	2,38	
									Interaction: 0.149

The analysis of referent 2 – unity awareness reveals that, although there is no statistically significant group effect ($p=0.369$), a highly significant time effect is present ($p<0.001$), indicating that unity awareness changes notably across stages regardless of the group. The interaction effect between group and time is not statistically significant ($p=0.149$), suggesting that both groups exhibit similar temporal trends.

Descriptive statistics show that in the BM group, mean unity awareness values increase sharply from Stage 1 (mean = 4) to Stage 2 (mean = 82), followed by a decline through later stages, reaching a mean of 12 in Stage 5. The FM group starts with relatively stable low means in Stage 1 (mean = 3.75) and Stage 2 (mean = 7.5), peaks in Stage 4 (mean = 18), and then slightly decreases in Stage 5 (mean = 7.5). The standard deviations indicate substantial variability in the BM group during Stages 2 and 3, whereas FM group variability is moderate across all stages.

The quantitative analysis of referent 3 – options is presented in Table 31 below.

Table 31

Descriptive statistics and analysis of variance for referent 3 – options

Options									
Group	Stage	min	max	median	q1	q3	mean	sd	p-values
BM	Stage 1	2	2	2	2	2	2	0	Group effect: 0.413
BM	Stage 2	3	21	4	3	9	8	8,718	

BM	Stage 3	5	34	7,5	5,75	15,25	13,5	13,772	Time effect: 0
BM	Stage 4	8	21	10	9,5	12,75	12,25	5,909	
BM	Stage 5	1	2	2	1,75	2	1,75	0,5	
FM	Stage 1	1	2	2	1,75	2	1,75	0,5	Interaction: 0.116
FM	Stage 2	1	5	4	3,25	4,25	3,5	1,732	
FM	Stage 3	3	10	6	4,5	7,75	6,25	2,986	
FM	Stage 4	2	18	6,5	2,75	12	8,25	7,411	
FM	Stage 5	1	5	3,5	2,5	4,25	3,25	1,708	

The descriptive statistics for referent 3 – options indicate that at Stage 1, the BM group demonstrated no variability (mean = 2, sd = 0), while the FM group shows a similarly narrow range (mean = 1.75, sd = 0.5). Over time, both groups exhibit increases in variability and mean values, peaking at different stages. For BM, the highest variability occurs at Stage 3 (sd = 13.772, mean = 13.5), suggesting a wide dispersion of results, while FM peaks in variability at Stage 4 (sd = 7.411, mean = 8.25). By Stage 5, both groups' scores converge toward lower mean values, with BM showing a sharper decline (mean = 1.75) compared to FM (mean = 3.25). Statistical testing reveals no significant group effect ($p = 0.413$), a highly significant time effect ($p = 0$), and no significant interaction between group and time ($p = 0.116$), indicating that while both groups change significantly over time, these changes follow a broadly similar pattern.

The quantitative analysis of referent 4 – experience is presented in Table 32 below.

Table 32

Descriptive statistics and analysis of variance for referent 4 – experience

Experience									
Group	Stage	min	max	median	q1	q3	mean	sd	p-values
BM	Stage 1	2	3	2	2	2,25	2,25	0,5	Group effect: 0.307
BM	Stage 2	3	22	18	12	21,25	15,25	8,732	
BM	Stage 3	3	18	9	6,75	12	9,75	6,238	
BM	Stage 4	10	16	11	10,75	12,25	12	2,708	Time effect: 0
BM	Stage 5	1	4	4	3,25	4	3,25	1,5	
FM	Stage 1	2	3	2	2	2,25	2,25	0,5	Interaction: 0.304
FM	Stage 2	1	10	6	4	7,75	5,75	3,775	
FM	Stage 3	5	23	6,5	5,75	11	10,25	8,539	
FM	Stage 4	4	10	10	8,5	10	8,5	3	
FM	Stage 5	3	4	3	3	3,25	3,25	0,5	

The descriptive statistics for referent 4 – experience show that at Stage 1, both BM and FM groups had identical results (mean = 2.25, sd = 0.5), indicating very low variability. As the stages progressed, BM reaches its highest mean at Stage 2 (15.25, sd = 8.732) and then

gradually declines, while FM peaks in variability at Stage 3 (sd = 8.539, mean = 10.25). Stage 4 brings a reduction in variability for both groups, with BM maintaining a slightly higher mean (12) than FM (8.5). By Stage 5, both groups have similar low mean scores (BM = 3.25, FM = 3.25), suggesting convergence toward baseline-like values. Statistical analysis reveals no significant group effect ($p = 0.307$), a highly significant time effect ($p = 0$), and no significant interaction between group and time ($p = 0.304$), indicating that while changes over time are consistent across both groups, the overall patterns did not differ significantly between them.

The quantitative analysis of referent 5 – inquiry is presented in Table 33 below.

Table 33

Descriptive statistics and analysis of variance for referent 5 – inquiry

Inquiry									
Group	Stage	min	max	median	q1	q3	mean	sd	p-values
BM	Stage 1	1	17	1	1	5	5	8	Group effect: 0.138
BM	Stage 2	2	58	34	14	52	32	26,432	
BM	Stage 3	2	21	2,5	2	7,5	7	9,345	
BM	Stage 4	2	8	4,5	2	7,25	4,75	3,202	Time effect: 0.012
BM	Stage 5	2	6	4	2	6	4	2,309	
FM	Stage 1	1	5	1	1	2	2	2	Interaction: 0.186
FM	Stage 2	3	10	7	4,5	9,25	6,75	3,304	
FM	Stage 3	5	23	9,5	8	13,25	11,75	7,805	
FM	Stage 4	6	23	16	10,5	20,75	15,25	7,719	
FM	Stage 5	2	9	7	5,75	7,5	6,25	2,986	

The descriptive statistics for referent 5 – inquiry indicate notable differences in score ranges and variability between the BM and FM groups across stages. In Stage 1, BM displays a wide range (1–17) and high variability (sd = 8), while FM scores are much lower and less dispersed (mean = 2, sd = 2). BM reaches its highest mean at Stage 2 (32, sd = 26.432), followed by a sharp decrease in later stages. In contrast, FM scores increase more gradually, peaking at Stage 4 (mean = 15.25, sd = 7.719) before declining slightly in Stage 5. Statistical results show no significant group effect ($p = 0.138$), but a significant time effect ($p = 0.012$), suggesting that both groups experienced meaningful changes over time. The interaction between group and time is not statistically significant ($p = 0.186$), indicating that despite differing score patterns, the overall trajectory of change is consistent across both groups.

The quantitative analysis of referent 6 – confirmation is presented in Table 34 below.

Table 34*Descriptive statistics and analysis of variance for referent 6 – confirmation*

Confirmation									
Group	Stage	min	max	median	q1	q3	mean	sd	p-values
BM	Stage 1	2	5	4	2,75	5	3,75	1,5	Group effect: 0.112
BM	Stage 2	8	55	39,5	30,5	44,5	35,5	19,774	
BM	Stage 3	4	20	9	5,5	14	10,5	7,188	
BM	Stage 4	5	41	12	8	21,5	17,5	16,197	
BM	Stage 5	1	22	2,5	1,75	7,75	7	10,033	Time effect: 0
FM	Stage 1	1	4	1,5	1	2,5	2	1,414	Interaction: 0.087
FM	Stage 2	1	7	4,5	3,25	5,5	4,25	2,5	
FM	Stage 3	2	8	5,5	4,25	6,5	5,25	2,5	
FM	Stage 4	2	15	11	8	12,75	9,75	5,56	
FM	Stage 5	1	7	3,5	2,5	4,75	3,75	2,5	

The descriptive statistics for referent 6 – confirmation reveal marked differences in score ranges and variability between the BM and FM groups at different stages. In Stage 1, BM scores range from 2 to 5 (mean = 3.75, sd = 1.5), while FM scores are lower and less variable (mean = 2, sd = 1.414). BM reaches its highest mean in Stage 2 (35.5, sd = 19.774), followed by a decline in Stages 3 and 4, with another drop to a low mean of 7 in Stage 5. In contrast, FM scores start low, peak at Stage 4 (mean = 9.75, sd = 5.56), and decrease slightly in Stage 5. Statistical analysis indicates no significant group effect ($p = 0.112$), but a significant time effect ($p < 0.001$), reflecting substantial changes over time. Importantly, the interaction between group and time is statistically significant ($p = 0.087$), suggesting that the patterns of change over time differed between the groups.

The quantitative analysis of cortege 1 – normative cortege is presented in Table 35 below.

Table 35*Descriptive statistics and analysis of variance for cortege 1 – normative cortege*

Normative cortege									
Group	Stage	min	max	median	q1	q3	mean	sd	p-values
BM	Stage 1	1	8	2,5	1,75	4,25	3,5	3,109	Group effect: 0.796
BM	Stage 2	1	60	9	6,25	22,5	19,75	27,109	
BM	Stage 3	1	48	4	3,25	15	14,25	22,544	
BM	Stage 4	5	51	12	9,5	22,5	20	20,944	
BM	Stage 5	1	34	15,5	1,75	30,25	16,5	17,445	Time effect: 0.2
FM	Stage 1	2	7	6,5	5	7	5,5	2,38	
FM	Stage 2	1	34	9	7	15,25	13,25	14,338	

FM	Stage 3	1	20	8	6,25	11	9,25	7,89	Interaction: 0.847
FM	Stage 4	4	27	11	8,5	15,75	13,25	9,777	
FM	Stage 5	4	12	8	5,5	10,5	8	3,651	

The descriptive statistics for cortege 1 – normative cortege indicate moderate variability in scores within both BM and FM groups, with BM generally showing wider ranges and higher standard deviations. In Stage 1, BM scores range from 1 to 8 (mean = 3.5, sd = 3.109), while FM scores are slightly higher and less variable (mean = 5.5, sd = 2.38). BM reaches its highest mean in Stage 2 (19.75, sd = 27.109), whereas FM peaks earlier in Stage 2 as well, though with a lower mean (13.25, sd = 14.338). Across subsequent stages, BM scores fluctuate considerably, while FM maintain more stable and narrower ranges. Statistical results show no significant group effect ($p = 0.796$) and no significant time effect ($p = 0.200$). The interaction between group and time is also not statistically significant ($p = 0.847$), suggesting that score changes over time follow similar trajectories for both groups.

The quantitative analysis of cortege 2 – interpersonal cortege is presented in Table 36 below.

Table 36

Descriptive statistics and analysis of variance for cortege 2 – interpersonal cortege

Interpersonal cortege									
Group	Stage	min	max	median	q1	q3	mean	sd	p-values
BM	Stage 1	2	6	3,5	2,75	4,5	3,75	1,708	Group effect: 0.699
BM	Stage 2	4	100	37	7	74,5	44,5	46,601	
BM	Stage 3	5	57	19,5	6,5	38,25	25,25	24,473	
BM	Stage 4	11	61	21,5	12,5	37,75	28,75	23,128	Time effect: 0.001
BM	Stage 5	1	32	13,5	1,75	26,75	15	15,853	
FM	Stage 1	1	6	2,5	1	4,5	3	2,449	Interaction: 0.749
FM	Stage 2	4	34	7,5	6,25	14,5	13,25	13,937	
FM	Stage 3	10	26	18	12,25	23,75	18	7,703	
FM	Stage 4	7	27	21	14,5	25,5	19	9,092	
FM	Stage 5	5	15	8,5	7,25	10,5	9,25	4,193	

The descriptive statistics for cortege 2 – interpersonal cortege reveal substantial variability in the BM group, especially in Stage 2, where scores range from 4 to 100 (mean = 44.5, sd = 46.601). FM scores are generally lower and less dispersed, with their highest mean recorded in Stage 3 (18, sd = 7.703). Both groups show moderate scores in Stage 1, followed by increases in later stages, although BM displays more pronounced fluctuations across time. Statistical analysis indicates no significant group effect ($p = 0.699$), but a significant time effect ($p =$

0.001), suggesting meaningful changes in scores across stages for both groups. The interaction between group and time is not statistically significant ($p = 0.749$), implying that despite differences in score magnitudes and variability, both groups follow similar overall patterns of change.

The quantitative analysis of cortege 3 – family/work cortege is presented in Table 37 below.

Table 37

Descriptive statistics and analysis of variance for cortege 3 – family/work cortege

Family/work cortege									
Group	Stage	min	max	median	q1	q3	mean	sd	p-values
BM	Stage 1	3	6	3,5	3	4,5	4	1,414	Group effect: 0.795
BM	Stage 2	7	88	25	7,75	53,5	36,25	38,143	
BM	Stage 3	3	33	19	9,75	27,75	18,5	13,528	
BM	Stage 4	9	51	18,5	10,5	32,25	24,25	19,38	Time effect: 0
BM	Stage 5	2	32	3,5	2	11,75	10,25	14,569	
FM	Stage 1	4	7	5	4	6,25	5,25	1,5	
FM	Stage 2	4	28	6	4,75	12,25	11	11,402	Interaction: 0.118
FM	Stage 3	7	20	11,5	7,75	16,25	12,5	6,137	
FM	Stage 4	6	18	11	9	13,5	11,5	5	
FM	Stage 5	6	10	7,5	6,75	8,5	7,75	1,708	

The descriptive statistics for cortege 3 – family/work cortege indicate marked differences in score ranges and variability between groups, particularly in the BM group. BM shows a sharp increase from low Stage 1 scores (mean = 4, sd = 1.414) to a peak in Stage 2 (mean = 36.25, sd = 38.143), followed by moderate fluctuations and a decline by Stage 5 (mean = 10.25, sd = 14.569). In contrast, FM scores remain relatively stable across all stages, with modest means ranging from 5.25 (Stage 1) to 12.5 (Stage 3) and consistently low variability. Statistical analysis reveals no significant group effect ($p = 0.795$), but a highly significant time effect ($p < 0.001$), indicating notable changes across stages in both groups. The interaction between group and time is not statistically significant ($p = 0.118$), suggesting that despite differences in score magnitude, the temporal trends are broadly similar for BM and FM.

4.6.2 Subject-bias strategies and object-bias strategies

In this subchapter, we concentrate on the description and discussion of the qualitative results of the discourse analysis related to the dichotomy of subject-bias and object-bias

strategies in the analysed family and business mediations. In the process of family and business mediation, the subject-bias strategies consist of subject-bias strategy 1 - goal setting strategy, subject-bias strategy 2 – needs raising awareness strategy, subject-bias strategy 3 - planning strategy, subject-bias strategy 4 - cooperating strategy, subject-bias strategy 5 - positive cortege building strategy. In the process of family and business mediations, the object-bias strategies consist of object-bias strategy 1 - information inquiry strategy, object-bias strategy 2 – confirmation strategy, object-bias strategy 3 - information paraphrase strategy, object-bias strategy 4 - knowledge transfer strategy, and object-bias strategy 5 - opinion sharing strategy.

In the BM group, the distribution of subject-bias strategies is presented in Table 38 below.

Table 38

Distribution of subject-bias strategies in business mediations

BM	Subject -bias strategies				
	Goal setting strategy	Needs raising awareness strategy	Planning strategy	Cooperating strategy	Positive cortege building strategy
Stage 1	7,19%	2,50%	3,98%	2,89%	4,96%
Stage 2	30,72%	45,09%	55,11%	46,53%	47,52%
Stage 3	32,03%	20,04%	16,48%	15,32%	17,73%
Stage 4	21,57%	23,70%	16,48%	17,92%	21,63%
Stage 5	8,50%	8,67%	7,95%	17,34%	8,16%

In the BM group, the highest percentages of strategies are observed in Stage 2, with Planning (55.11%), Needs raising awareness (45.09%), Positive cortege building (47.52%), and Cooperating (46.53%) all reaching peak values. Goal setting also records a considerable increase in Stage 2 (30.72%), followed by a further rise to its maximum in Stage 3 (32.03%). In contrast, Stage 1 is characterised by low percentages for all strategies, each remaining below 8%. Stages 4 and 5 show a general decline in most strategies, although Cooperating in Stage 4 (17.92%) and Stage 5 (17.34%) maintains moderate levels compared to other strategies at those stages. This distribution suggests that in business mediations, subject-bias strategies are applied most intensively in the early phases, particularly Stage 2, with some continuation into Stage 3 before gradually diminishing toward the final stages.

In the FM group, the distribution of subject-bias strategies is presented in Table 39 below.

Table 39*Distribution of subject-bias strategies in family mediations*

FM	Subject -bias strategies				
	Goal setting strategy	Needs raising awareness strategy	Planning strategy	Cooperating strategy	Positive cortege building strategy
Stage 1	8,99%	7,76%	9,52%	13,91%	7,59%
Stage 2	16,85%	22,37%	15,48%	20,53%	12,66%
Stage 3	28,09%	23,74%	26,19%	22,52%	35,02%
Stage 4	32,58%	27,85%	34,52%	28,48%	33,76%
Stage 5	13,48%	18,26%	14,29%	14,57%	10,97%

In the FM group (Table 39 below), subject-bias strategies show a gradual increase from Stage 1 through Stage 4, followed by a decline in Stage 5. Stage 1 presents relatively low percentages across all strategies, with Cooperating (13.91%) standing out slightly above the rest. Stage 2 marks a moderate rise in all categories, most notably in Needs raising awareness (22.37%) and Cooperating (20.53%). A substantial shift occurs in Stages 3 and 4, where all strategies reach their peak or near-peak values. Stage 4 records the highest scores for Goal setting (32.58%), Needs raising awareness (27.85%), Planning (34.52%), and Cooperating (28.48%), while Positive cortege building peaks in Stage 3 (35.02%) and remains similarly high in Stage 4 (33.76%). By Stage 5, all strategies decline notably, with no category exceeding 18.26%. This pattern suggests a progressive intensification of strategy use throughout the middle stages of the mediation process, particularly Stage 4, before tapering off in the concluding phase.

In the BM group, the distribution of object-bias strategies is presented in Table 40 below.

Table 40*Distribution of object-bias strategies in business mediations*

BM	Object -bias strategies				
	Information inquiry strategy	Confirmation strategy	Information paraphrase strategy	Knowledge transfer strategy	Opinion sharing strategy
Stage 1	3,41%	15,58%	3,24%	2,95%	2,13%
Stage 2	58,88%	18,59%	34,05%	46,86%	34,95%
Stage 3	11,19%	23,62%	27,03%	18,27%	24,01%
Stage 4	16,79%	22,11%	22,70%	23,06%	26,44%
Stage 5	9,73%	20,10%	12,97%	8,86%	12,46%

In the BM group, the highest percentages of object-bias strategies are observed in Stage 2, with Information inquiry (58.88%), Knowledge transfer (46.86%), Opinion sharing (34.95%), and Information paraphrase (34.05%) all reaching peak values. Stage 1 is characterised by low percentages for all strategies, each remaining below 16%. Stages 4 and 5 show a general decline in most strategies, although Confirmation in Stage 3 (23.62%) and Stage 4 (22.11%) maintains moderate levels compared to other stages. This distribution suggests that in business mediations, object-bias strategies are applied most intensively in the Stages 2 to 4, particularly Stage 2, with some continuation into Stage 4 before gradually diminishing toward the final stage.

In the FM group, the distribution of object-bias strategies is presented in Table 41 below.

Table 41

Distribution of object-bias strategies in family mediations

FM	Object -bias strategies				
	Information inquiry strategy	Confirmation strategy	Information paraphrase strategy	Knowledge transfer strategy	Opinion sharing strategy
Stage 1	15,00%	6,56%	10,48%	8,28%	13,14%
Stage 2	15,00%	13,11%	17,74%	12,43%	20,44%
Stage 3	22,50%	32,79%	21,77%	19,53%	23,36%
Stage 4	33,13%	39,34%	35,48%	40,24%	28,47%
Stage 5	14,38%	8,20%	14,52%	19,53%	14,60%

In the FM group, object-bias strategies show a gradual increase from Stage 1 through Stage 4, followed by a decline in Stage 5. Stage 1 presents relatively low percentages across all object-bias strategies, with Information inquiry (15.00%) standing out slightly above the rest. Stage 2 marks a moderate rise in all categories, most notably in Opinion sharing (20.44%) and Information paraphrase (17.74%). A substantial shift occurs in Stages 3 and 4, where all strategies reach their peak or near-peak values. Stage 4 records the highest scores for Information inquiry (33.13%), Confirmation (39.34%), Information paraphrase (35.48%), Knowledge transfer (40.24%) and Opinion sharing (28.47%). In Stage 5, all strategies decline notably, with no category exceeding 20.00%.

The quantitative analysis of subject-bias strategy 1 – goal setting strategy is presented in Table 42 below.

Table 42

Descriptive statistics and analysis of variance for subject-bias strategy 1 – goal setting strategy

Goal setting strategy									
Group	Stage	min	max	median	q1	q3	mean	sd	p-values
BM	Stage 1	1	4	3	1,75	4	2,75	1,5	Group effect: 0.123
BM	Stage 2	4	16	13,5	10	15,25	11,75	5,439	
BM	Stage 3	5	21	11,5	6,5	17,25	12,25	7,544	
BM	Stage 4	1	14	9	5,5	11,75	8,25	5,62	Time effect: 0.001
BM	Stage 5	1	6	3	1,75	4,5	3,25	2,217	
FM	Stage 1	2	2	2	2	2	2	0	Interaction: 0.295
FM	Stage 2	3	4	4	3,75	4	3,75	0,5	
FM	Stage 3	3	8	7	5,25	8	6,25	2,363	
FM	Stage 4	4	13	6	4,75	8,5	7,25	4,031	
FM	Stage 5	2	5	2,5	2	3,5	3	1,414	

The descriptive statistics for subject-bias strategy 1 – goal setting strategy indicate that there is no statistically significant group effect ($p = 0.123$), while the time effect is significant ($p = 0.001$). The interaction between group and time is not statistically significant ($p = 0.295$). In the BM group, values increase from Stage 1 (mean = 1.50) to a peak in Stage 3 (mean = 12.25, $sd = 7.544$), followed by a gradual decline through Stage 4 (mean = 8.25) to Stage 5 (mean = 3.25). The FM group shows lower variability overall, with relatively stable values across stages. Means rise from Stage 1 (2.00) to Stage 4 (7.25), before decreasing again in Stage 5 (3.00). These results suggest that the use of the goal setting strategy varies significantly over time in both groups, with peaks occurring in the mid-stages of the mediation process, but without substantial differences between the BM and FM groups.

The quantitative analysis of subject-bias strategy 2 – needs raising awareness strategy is presented in Table 43 below.

Table 43

Descriptive statistics and analysis of variance for subject-bias strategy 2 – needs raising awareness strategy

Needs raising awareness strategy									
Group	Stage	min	max	median	q1	q3	mean	sd	p-values
BM	Stage 1	1	4	4	3,25	4	3,25	1,5	Group effect: 0.54
BM	Stage 2	6	97	65,5	47,25	76,75	58,5	38,197	
BM	Stage 3	6	57	20,5	9,75	36,75	26	23,108	
BM	Stage 4	5	61	28,5	22,25	37	30,75	23,013	Time effect: 0
BM	Stage 5	1	30	7	3,25	15	11,25	13,048	
FM	Stage 1	2	7	4	3,5	4,75	4,25	2,062	

FM	Stage 2	3	34	6	5,25	13	12,25	14,569	Interaction: 0.053
FM	Stage 3	6	20	13	8,25	17,75	13	6,583	
FM	Stage 4	7	27	13,5	9,25	19,5	15,25	8,884	
FM	Stage 5	7	13	10	9,25	10,75	10	2,449	

The descriptive statistics for subject-bias strategy 2 – needs raising awareness strategy show no statistically significant group effect ($p = 0.540$), but a highly significant time effect ($p = 0.000$). The interaction between group and time is close to significance ($p = 0.053$). In the BM group, the mean rises sharply from Stage 1 (3.25) to a peak in Stage 2 (58.50, $sd = 38.197$), then drops notably in Stage 3 (26.00) and stabilises at lower levels through Stage 4 (30.75) and Stage 5 (11.25). The FM group starts at a similar low value in Stage 1 (4.25), shows a moderate increase in Stage 2 (12.25), then remains relatively stable across Stages 3–5, with means between 10.00 and 15.25. These results indicate that the use of the needs raising awareness strategy changes significantly over time in both groups, with BM showing much larger fluctuations and a pronounced peak early in the process, while FM maintains more consistent levels throughout.

The quantitative analysis of subject-bias strategy 3 – planning strategy is presented in Table 44 below.

Table 44

Descriptive statistics and analysis of variance for subject-bias strategy 3 – planning strategy

Planning strategy									
Group	Stage	min	max	median	q1	q3	mean	sd	p-values
BM	Stage 1	1	3	1,5	1	2,25	1,75	0,957	Group effect: 0.389
BM	Stage 2	7	40	25	9,25	40	24,25	18,228	
BM	Stage 3	2	14	6,5	3,5	10,25	7,25	5,377	
BM	Stage 4	1	10	9	6,25	10	7,25	4,272	Time effect: 0.002
BM	Stage 5	1	6	3,5	1	6	3,5	2,887	
FM	Stage 1	1	3	2	1,75	2,25	2	0,816	Interaction: 0.186
FM	Stage 2	3	4	3	3	3,25	3,25	0,5	
FM	Stage 3	5	6	5,5	5	6	5,5	0,577	
FM	Stage 4	2	15	6	2	11,25	7,25	6,397	
FM	Stage 5	2	5	2,5	2	3,5	3	1,414	

The descriptive statistics for subject-bias strategy 3 – planning strategy indicate no significant group effect ($p = 0.389$), but a significant time effect ($p = 0.002$). The interaction between group and time is not statistically significant ($p = 0.186$). In the BM group, the mean starts low at Stage 1 (1.75), peaks sharply at Stage 2 (24.25, $sd = 18.228$), then drops considerably in Stage 3 (7.25) and remains at moderate levels in Stages 4–5 (7.25 and 3.50). The FM group begins at

a similar low baseline (2.00 in Stage 1), shows only a slight increase at Stage 2 (3.25), and then stabilises, with a moderate rise in Stage 3 (5.50) and Stage 4 (7.25) before returning to a lower value in Stage 5 (3.00). Overall, both groups exhibit significant variation over time, with BM displaying a pronounced early peak and FM showing smaller, steadier fluctuations.

The quantitative analysis of subject-bias strategy 4 – cooperating strategy is presented in Table 45 below.

Table 45

Descriptive statistics and analysis of variance for subject-bias strategy 4 – cooperating strategy

Cooperating strategy									
Group	Stage	min	max	median	q1	q3	mean	sd	p-values
BM	Stage 1	1	4	2,5	1,75	3,25	2,5	1,291	Group effect: 0.204
BM	Stage 2	8	80	36,5	13,25	63,5	40,25	34,51	
BM	Stage 3	5	21	13,5	8	18,75	13,25	7,5	
BM	Stage 4	11	22	14,5	12,5	17,5	15,5	4,796	
BM	Stage 5	3	29	14	3,75	25,25	15	13,441	
FM	Stage 1	3	6	6	5,25	6	5,25	1,5	Time effect: 0 Interaction: 0.083
FM	Stage 2	5	9	8,5	7,25	9	7,75	1,893	
FM	Stage 3	8	10	8	8	8,5	8,5	1	
FM	Stage 4	6	18	9,5	6,75	13,5	10,75	5,5	
FM	Stage 5	5	6	5,5	5	6	5,5	0,577	

The results for subject-bias strategy 4 – cooperating strategy – reveal the absence of a statistically significant group effect ($p = 0.204$), alongside a clear and highly significant time effect ($p < 0.001$). The interaction between group and time does not reach statistical significance ($p = 0.083$). In the BM group, mean values begin relatively low at Stage 1 (2.50) and then surge dramatically to a peak at Stage 2 (40.25, $sd = 34.51$). This is followed by a pronounced decline in Stage 3 (13.25), a modest increase at Stage 4 (15.50), and a comparable level in Stage 5 (15.00). The FM group starts at a higher initial value (5.25 in Stage 1), experiences a slight rise in Stage 2 (7.75), and then maintains relatively stable scores, with small variations across the remaining stages (8.50 in Stage 3, 10.75 in Stage 4, and 5.50 in Stage 5). Overall, both groups exhibit notable changes over time, with BM showing a sharp early peak followed by a drop and partial recovery, while FM maintains a more moderate and consistent pattern with smaller fluctuations.

The quantitative analysis of subject-bias strategy 5 – positive cortege building strategy is presented in Table 46 below.

Table 46

Descriptive statistics and analysis of variance for subject-bias strategy 5 – positive cortege building strategy

Positive cortege building strategy									
Group	Stage	min	max	median	q1	q3	mean	sd	p-values
BM	Stage 1	3	4	3,5	3	4	3,5	0,577	Group effect: 0.828
BM	Stage 2	7	53	37	27,25	43,25	33,5	19,365	
BM	Stage 3	4	24	11	6,25	17,25	12,5	8,963	
BM	Stage 4	12	18	15,5	14,25	16,5	15,25	2,5	
BM	Stage 5	2	10	5,5	2	9,25	5,75	4,349	
FM	Stage 1	3	7	4	3,75	4,75	4,5	1,732	Time effect: 0
FM	Stage 2	6	9	7,5	6,75	8,25	7,5	1,291	
FM	Stage 3	15	25	21,5	17,25	25	20,75	5,058	
FM	Stage 4	15	27	19	15	24	20	6	
FM	Stage 5	5	9	6	5,75	6,75	6,5	1,732	

For subject-bias strategy 5 – positive cortege building strategy – the analysis shows no meaningful differences between the groups overall ($p = 0.828$), yet there is a clear and statistically significant effect of time ($p < 0.001$). In contrast to the previous strategy, the interaction between group and time reaches statistical significance ($p = 0.003$), indicating that the pattern of change over time differs between BM and FM. In the BM group, the mean score is modest at Stage 1 (3.50) and climbs sharply to its maximum at Stage 2 (33.50, $sd = 19.37$). After this surge, values fall in Stage 3 (12.50), then rise again moderately in Stage 4 (15.25) before dropping to the lowest level in Stage 5 (5.75). The FM group begins at a slightly higher starting point (4.50), records a small rise in Stage 2 (7.50), then experiences a pronounced peak in Stage 3 (20.75, $sd = 5.06$). Stage 4 maintains similarly high values (20.00) before a marked decrease in Stage 5 (6.50). Overall, both groups show clear temporal variability, but the significant interaction suggests distinct trajectories: BM peaks earlier and then declines, while FM's highest results occur in the middle stages before decreasing toward the end.

The quantitative analysis of object-bias strategy 1 – information inquiry strategy is presented in Table 47 below.

Table 47

Descriptive statistics and analysis of variance for object-bias strategy 1 – information inquiry strategy

Information inquiry strategy									
Group	Stage	min	max	median	q1	q3	mean	sd	p-values
BM	Stage 1	1	6	3,5	2,5	4,5	3,5	2,082	Group effect: 0.667
BM	Stage 2	7	130	52,5	11,5	101,5	60,5	60,39	
BM	Stage 3	3	25	9	6	14,5	11,5	9,574	
BM	Stage 4	7	29	16,5	9,25	24,5	17,25	10,468	
BM	Stage 5	1	27	6	1,75	14,25	10	12,028	Time effect: 0
FM	Stage 1	4	8	6	5,5	6,5	6	1,633	
FM	Stage 2	3	9	6	3,75	8,25	6	2,944	Interaction: 0.01
FM	Stage 3	8	10	9	8	10	9	1,155	
FM	Stage 4	5	25	11,5	9,5	15,25	13,25	8,421	
FM	Stage 5	4	8	5,5	4,75	6,5	5,75	1,708	

For object-bias strategy 1 – information inquiry strategy – the comparison between BM and FM groups reveals no significant overall group effect ($p = 0.667$). However, the time factor has a strong influence on results ($p < 0.001$), and the group–time interaction is also statistically significant ($p = 0.010$), indicating that changes over time differ notably between the groups. In the BM group, the initial mean in Stage 1 is relatively low (3.50), but Stage 2 brings a dramatic surge to 60.50 ($sd = 60.39$), with wide variability among participants. This is followed by a sharp decline in Stage 3 (11.50), a modest rebound in Stage 4 (17.25), and another drop in Stage 5 (10.00). The FM group starts higher than BM in Stage 1 (6.00) but does not show such extreme fluctuations. Stage 2 sees only a small decrease (6.00), then a peak appears in Stage 3 (9.00). Stage 4 values increase further to 13.25 before returning closer to the baseline in Stage 5 (5.75). Overall, while both groups display time-dependent variation, BM exhibits large swings with an early peak, whereas FM follows a more moderate, gradual pattern. The significant interaction reflects these contrasting trajectories.

The quantitative analysis of object-bias strategy 2 – confirmation strategy is presented in Table 48 below.

Table 48

Descriptive statistics and analysis of variance for object-bias strategy 2 – confirmation strategy

Confirmation strategy									
Group	Stage	min	max	median	q1	q3	mean	sd	p-values
BM	Stage 1	0	28	1,5	0,75	8,5	7,75	13,525	Group effect: 0.374
BM	Stage 2	1	14	11	6,25	14	9,25	6,185	

BM	Stage 3	4	21	11	7,75	15	11,75	7,182	Time effect: 0.001
BM	Stage 4	5	14	12,5	10,25	13,25	11	4,082	
BM	Stage 5	1	28	5,5	2,5	13	10	12,356	
FM	Stage 1	1	4	1,5	1	2,5	2	1,414	Interaction: 0.48
FM	Stage 2	2	6	4	2,75	5,25	4	1,826	
FM	Stage 3	6	18	8	7,5	10,5	10	5,416	
FM	Stage 4	4	23	10,5	6,25	16,25	12	8,446	
FM	Stage 5	1	5	2	1	3,5	2,5	1,915	

For object-bias strategy 2 – confirmation strategy – the results indicate the absence of a statistically significant overall group effect ($p = 0.374$). Time-related changes, however, are significant ($p = 0.001$), while the group–time interaction is not ($p = 0.480$), suggesting that both groups followed a broadly similar temporal pattern. In the BM group, performance starts at a mean of 7.75 in Stage 1, with high variability ($sd = 13.53$), followed by a moderate rise in Stage 2 (9.25) and Stage 3 (11.75). Stage 4 maintains similar levels (11.00) before a decline to 10.00 in Stage 5. The FM group begins much lower (mean = 2.00), increases gradually through Stage 2 (4.00) and Stage 3 (10.00), reaches its highest point in Stage 4 (12.00), and then drops back in Stage 5 (2.50). Both groups exhibit a curved progression over time – starting lower, building up to mid-stages, and tapering off at the end – which aligns with the lack of a significant interaction effect. The time effect highlights that these shifts occur consistently across participants.

The quantitative analysis of object-bias strategy 3 – information paraphrase strategy is presented in Table 49 below.

Table 49

Descriptive statistics and analysis of variance for object-bias strategy 3 – information paraphrase strategy

Information paraphrase strategy									
Group	Stage	min	max	median	q1	q3	mean	sd	p-values
BM	Stage 1	1	2	1,5	1	2	1,5	0,577	Group effect: 0.746
BM	Stage 2	1	24	19	13	21,75	15,75	10,243	
BM	Stage 3	4	24	11	4	19,5	12,5	10,116	
BM	Stage 4	5	15	11	8,75	12,75	10,5	4,203	
BM	Stage 5	1	11	6	1,75	10,25	6	5,228	
FM	Stage 1	1	6	3	2,5	3,75	3,25	2,062	Time effect: 0
FM	Stage 2	5	7	5	5	5,5	5,5	1	
FM	Stage 3	3	9	7,5	6	8,25	6,75	2,63	
FM	Stage 4	5	17	11	8,75	13,25	11	4,967	
FM	Stage 5	1	7	5	4	5,5	4,5	2,517	

For object-bias strategy 3 – information paraphrase strategy – the statistical analysis reveals no meaningful difference between the groups overall ($p = 0.746$). The progression across time points is, however, significant ($p = 0.000$), while the interaction between group and time is not ($p = 0.260$). This suggests that both groups undergo similar temporal shifts in their results.

In the BM group, mean values rise sharply from a modest 1.50 in Stage 1 to 15.75 in Stage 2, then drop slightly to 12.50 in Stage 3 and stabilize around 10.50 in Stage 4, before declining further to 6.00 in Stage 5. In contrast, the FM group starts higher than BM in Stage 1 (3.25), remains steady in Stage 2 (5.50), and gradually increases to 6.75 in Stage 3 and 11.00 in Stage 4, before a moderate decrease to 4.50 in Stage 5. Overall, both groups follow a similar pattern of mid-stage improvement followed by a late-stage decline, consistent with the lack of an interaction effect. The significant time effect indicates that these fluctuations are systematic across participants.

The quantitative analysis of object-bias strategy 4 – knowledge transfer strategy is presented in Table 50 below.

Table 50

Descriptive statistics and analysis of variance for object-bias strategy 4 – knowledge transfer strategy

Knowledge transfer strategy									
Group	Stage	min	max	median	q1	q3	mean	sd	p-values
BM	Stage 1	3	6	3,5	3	4,5	4	1,414	Group effect: 0.169
BM	Stage 2	4	96	77	50,5	90	63,5	41,645	
BM	Stage 3	5	57	18,5	9,5	33,75	24,75	23,243	
BM	Stage 4	13	61	25,5	22	34,75	31,25	20,694	
BM	Stage 5	2	32	7	5	14	12	13,565	
FM	Stage 1	2	4	4	3,5	4	3,5	1	Time effect: 0
FM	Stage 2	1	14	3	2,5	5,75	5,25	5,909	
FM	Stage 3	5	10	9	8	9,25	8,25	2,217	
FM	Stage 4	7	27	17	7	27	17	11,547	
FM	Stage 5	4	10	9,5	7,75	10	8,25	2,872	
Interaction: 0.031									

For object-bias strategy 4 – knowledge transfer strategy – the results indicate no statistically significant overall difference between BM and FM groups ($p = 0.169$). The changes over time are, however, highly significant ($p = 0.000$), and, unlike in previous strategies, the interaction between group and time reaches significance ($p = 0.031$), suggesting that the progression of scores differs between groups across the stages. In the BM group, the mean starts at 4.00 in Stage 1, surges dramatically to 63.50 in Stage 2, and then drops to 24.75 in Stage 3. It rebounds

moderately to 31.25 in Stage 4 before falling again to 12.00 in Stage 5. The FM group begins at a similar but slightly lower mean (3.50) in Stage 1, remains low in Stage 2 (5.25), then climbs to 8.25 in Stage 3, makes a more noticeable jump to 17.00 in Stage 4, and ends at 8.25 in Stage 5. The significant interaction effect indicates that while both groups display fluctuations over time, the magnitude and timing of changes differ considerably, with BM showing a sharp early spike and FM progressing more gradually.

The quantitative analysis of object-bias strategy 5 – opinion sharing strategy is presented in Table 51 below.

Table 51

Descriptive statistics and analysis of variance for object-bias strategy 5 – opinion sharing

Opinion sharing strategy									
Group	Stage	min	max	median	q1	q3	mean	sd	p-values
BM	Stage 1	1	2	2	1,75	2	1,75	0,5	Group effect: 0.437
BM	Stage 2	3	40	36	26,25	38,5	28,75	17,347	
BM	Stage 3	4	51	12	8,5	23,25	19,75	21,235	
BM	Stage 4	8	43	18	14,75	25	21,75	14,953	
BM	Stage 5	2	26	6,5	4,25	12,5	10,25	10,782	Time effect: 0
FM	Stage 1	2	6	5	3,5	6	4,5	1,915	Interaction: 0.079
FM	Stage 2	3	9	8	6	9	7	2,828	
FM	Stage 3	6	10	8	7,5	8,5	8	1,633	
FM	Stage 4	5	12	11	8,75	12	9,75	3,304	
FM	Stage 5	3	7	5	3,75	6,25	5	1,826	

For object-bias strategy 5 – opinion sharing – there is no evidence of a statistically significant difference between the BM and FM groups overall ($p = 0.437$). Nevertheless, the effect of time is significant ($p = 0.000$), indicating that performance changes notably across stages. The interaction between group and time does not reach significance ($p = 0.079$), suggesting that the pattern of changes over time is broadly similar for both groups. In the BM group, the mean score starts low at 1.75 in Stage 1, jumps considerably to 28.75 in Stage 2, then declines to 19.75 in Stage 3 and further to 21.75 in Stage 4 before falling again to 10.25 in Stage 5. In contrast, the FM group begins at 4.50, rises modestly to 7.00 in Stage 2, and shows a slight increase to 8.00 in Stage 3. Stage 4 sees a small drop to 9.75, followed by a return to 5.00 in Stage 5. Overall, while both groups show fluctuations over time, BM exhibits more pronounced peaks and troughs, whereas FM maintains a narrower range of variation.

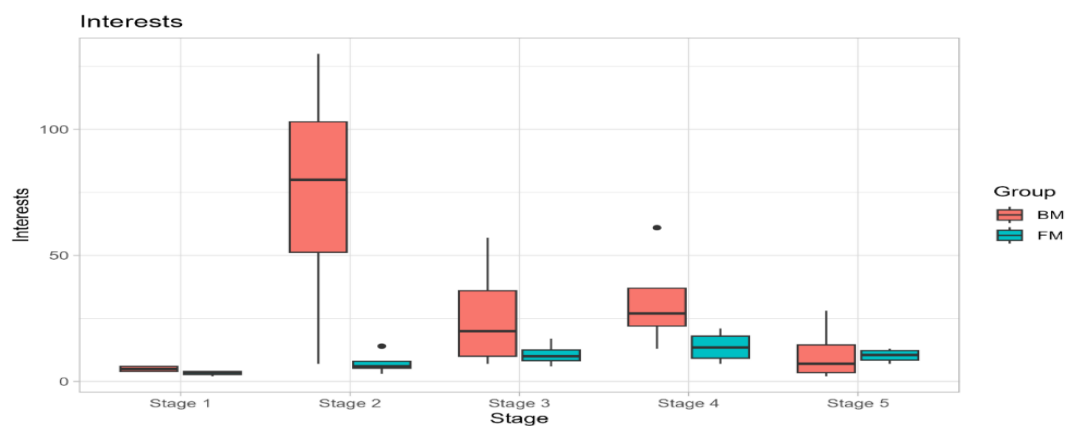
4.6.3 Essential interaction of the group and time effects

The essential interaction between the group effect and time effect in the research groups of family and business mediations is interpreted below, focusing on the dichotomy of referents and corteges, as well as the dichotomy of subject-bias and object-bias strategies.

The statistically significant difference between the research groups of the family and business mediations refers to referent 1 – interests as presented in Figure 27 and referent 6 – confirmation in Figure 28.

Figure 27

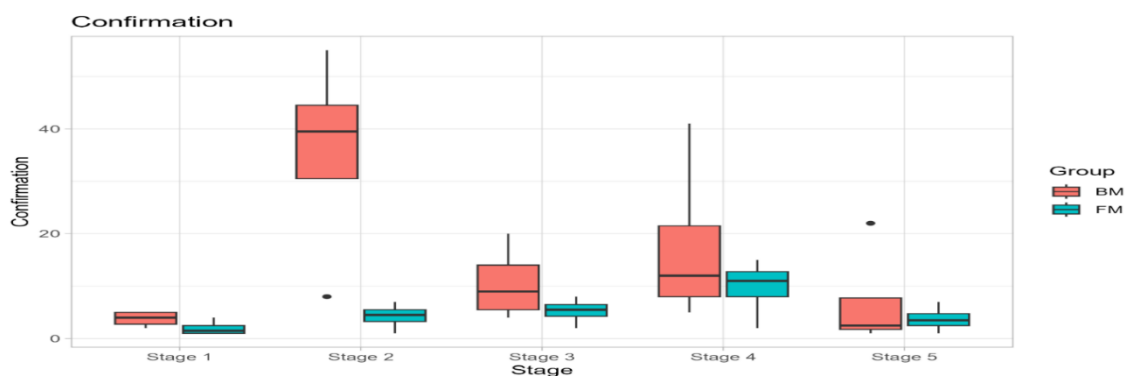
Boxplot for referent 1- interests



A significant increase in the number of referent 1- interests is observed in Stage 2 of the business mediation, followed by a decrease in Stages 3 to 5. In the family mediations, an increase in expressions is observed up to Stage 4, followed by a gentle decrease.

Figure 28

Boxplot for referent 6 – confirmation

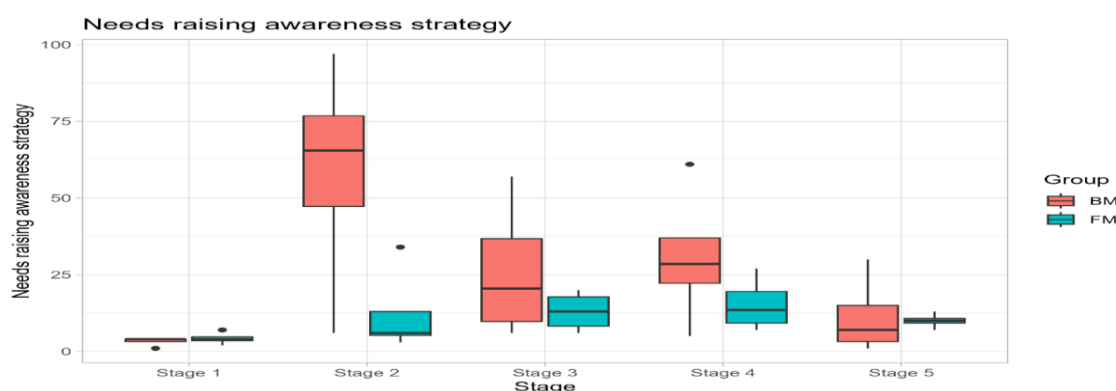


A significant increase in the number of referent 6 – confirmation is observed in Stage 2 for the BM group, followed by a decrease. For the FM group, the number of referent 6 – confirmation increases until Stage 4, followed by a decline in Stage 5.

The essential interaction between the group effect and time effect related to subject-bias strategies is presented below, namely, subject-bias strategy 2 - needs raising awareness strategy in Figure 29, and subject-bias strategy 5 - positive cortege building strategy in Figure 30.

Figure 29

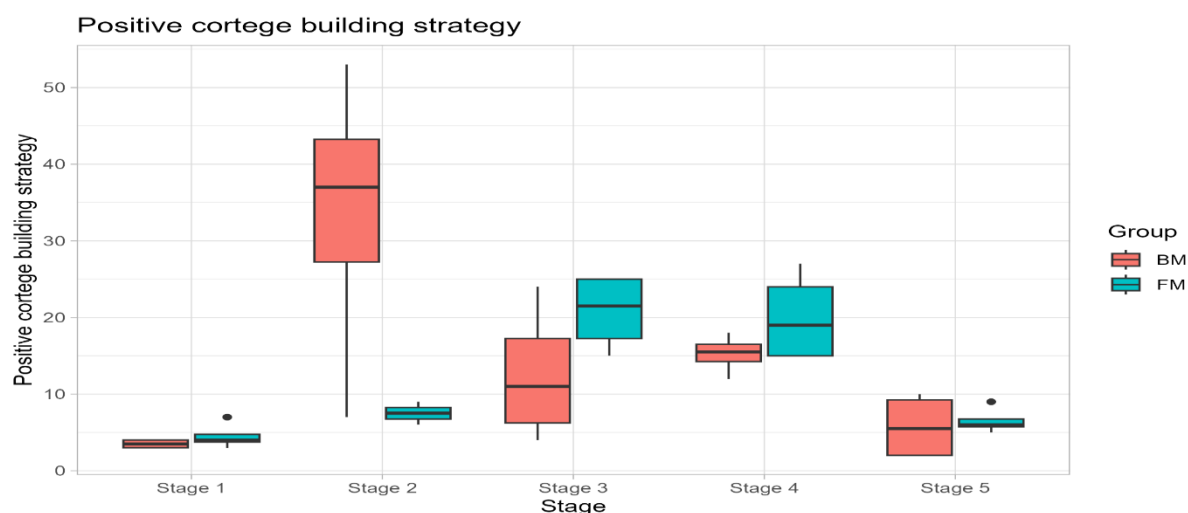
Boxplot for subject-bias strategy 2 - needs raising awareness strategy



A significant increase in the essential interaction between the group effect and time effect related to subject-bias strategy 2 - needs raising awareness strategy is observed in Stage 2 of the business mediation, followed by a decrease in Stages 3 to 5. In the family mediations, an increase in subject-bias strategy 2 - needs raising awareness strategy is observed up to Stage 4, followed by a decrease in Stage 5.

Figure 30

Boxplot for subject-bias strategy 5 - positive cortege building strategy

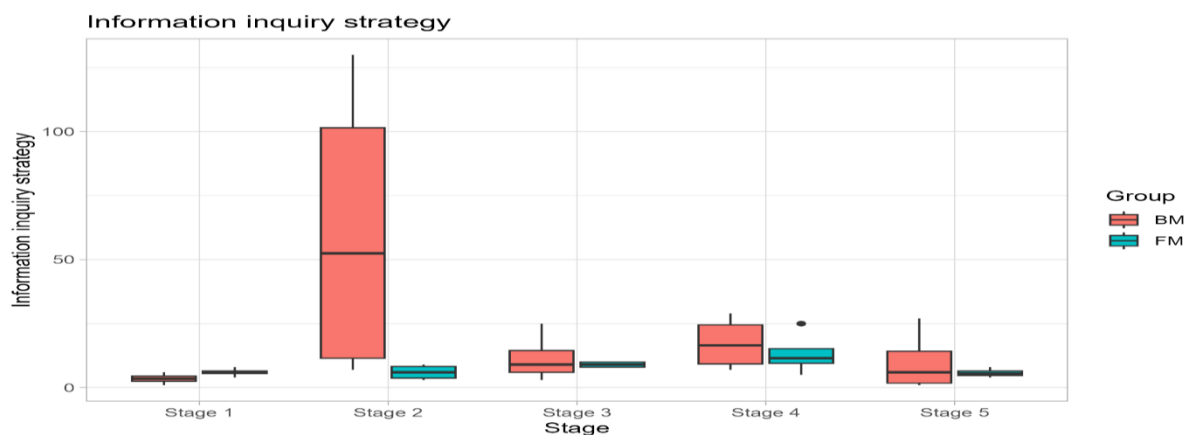


A significant increase in subject-bias strategy 5 - positive cortege building strategy is observed in Stage 2 of the business mediation, while there is a decrease across Stages 3 to 5. In the group of family mediations, there is an increase in subject-bias strategy 5 - 5-positive cortege building strategy up to Stage 4, while there is a decrease in Stage 5.

The essential interaction between the group effect with time effect related to object-bias strategies is presented below, namely, object-bias strategy 1 – information inquiry strategy in Figure 31, object-bias strategy 2 – information paraphrase strategy in Figure 32, and object-bias strategy 4 - knowledge transfer strategy in Figure 33.

Figure 31

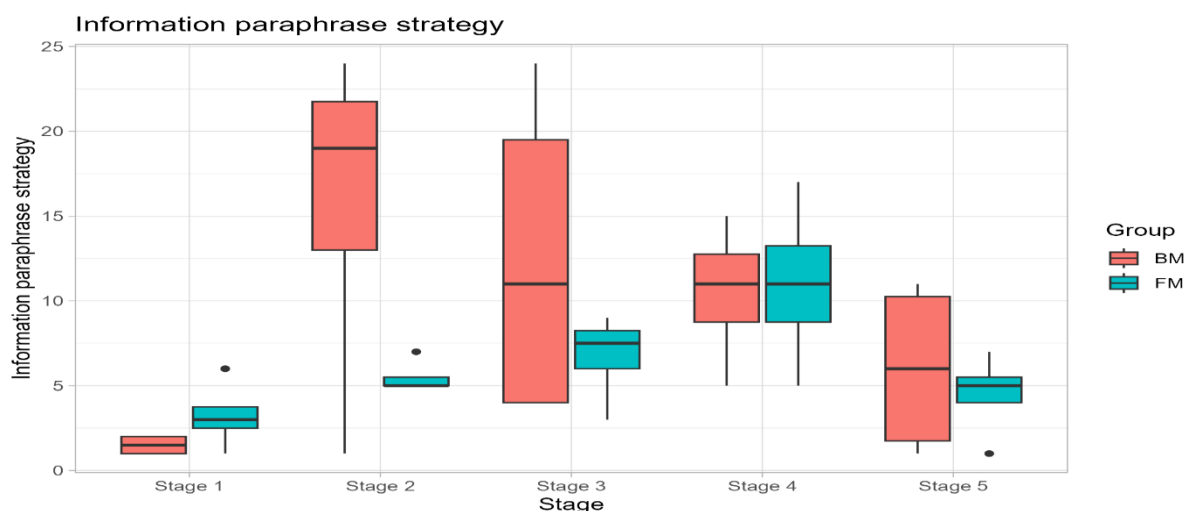
Boxplot for object-bias strategy 1 – information inquiry strategy



In the group of business mediations, there is a significant increase in the number of object-bias strategy 1 – information inquiry strategy in Stage 2, followed by a decrease. In the group of family mediations, there is an increase from Stage 1 to Stage 4, then a decline in Stage 5.

Figure 32

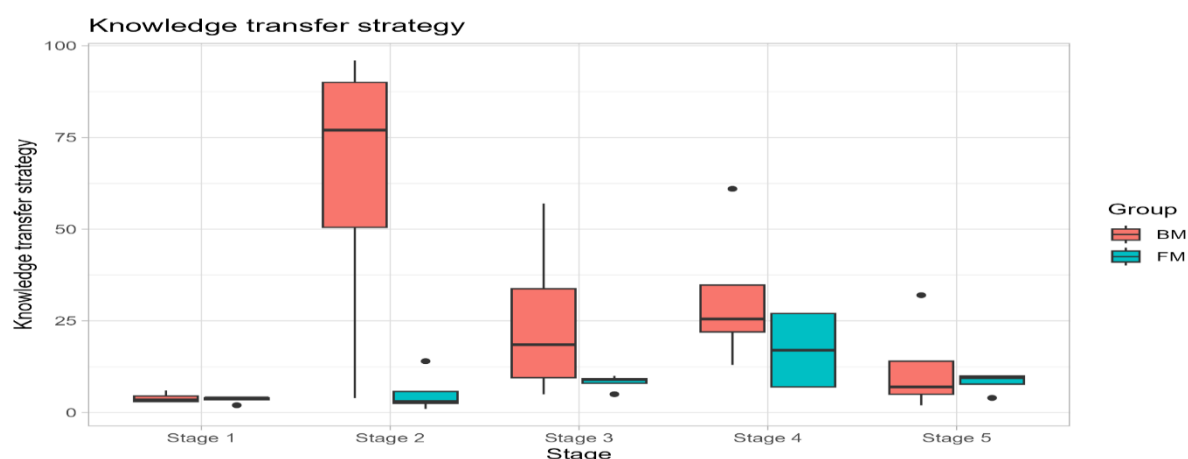
Boxplot for object-bias strategy 2 – information paraphrase strategy



A significantly higher number of object-bias strategy 2 – information paraphrase strategy is observed in Stage 2 of the business mediations, followed by a gradual decrease in Stages 3 to 5. In the family mediations, an increase in the number of object-bias strategy 2 – information paraphrase strategy is observed until Stage 4, while a decrease is observed in Stage 5.

Figure 33

Boxplot for object-bias strategy 4 - knowledge transfer strategy



A significant increase in object-bias strategy 4 - knowledge transfer strategy is observed in Stage 2 of the business mediations, followed by a decrease in Stages 3 to 5. In the family mediations, an increase in object-bias strategy 4 - knowledge transfer strategy is observed up to Stage 4, followed by a decrease in Stage 5.

4.6.4 Correlation analysis of variables

In this subchapter, the correlation analysis using Spearman's method is presented. The results are visualised with the heatmap Figure. Colour indicates the strength of the correlation between a pair of variables.

4.6.4.1 Correlation in the dichotomy of cortege and referents

The correlation in the dichotomy of corteges and referents without splitting into BM and FM groups is presented below in Figure 34. The correlation in the dichotomy of corteges and referents in the BM group is presented below in Figure 35, and in the FM group in Figure 36.

Figure 34

Correlation of corteges and referents without splitting into groups

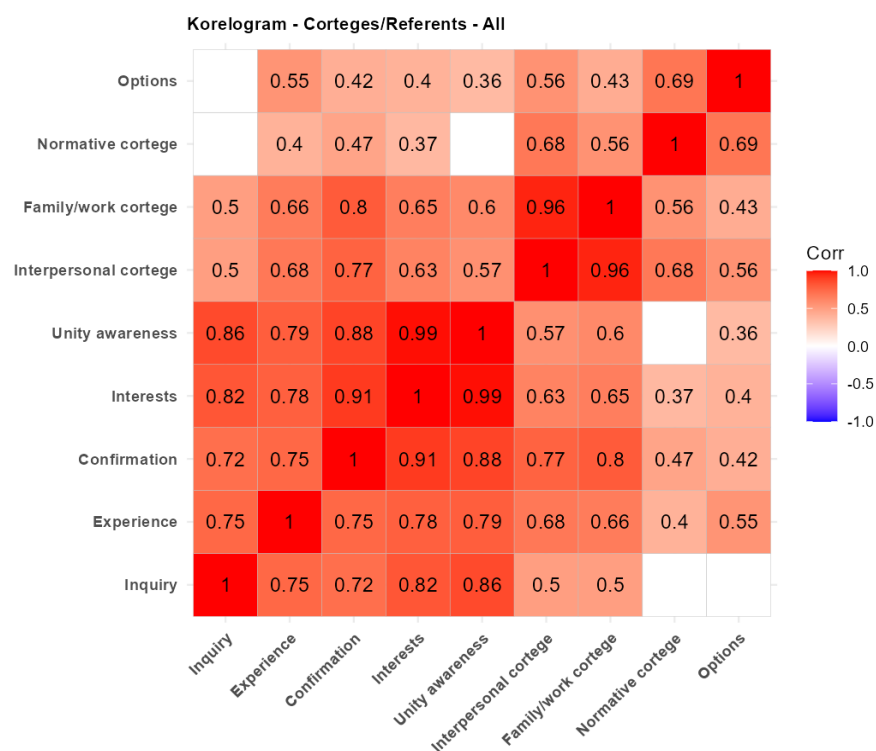


Figure 35

Correlation of corteges and referents in the BM group

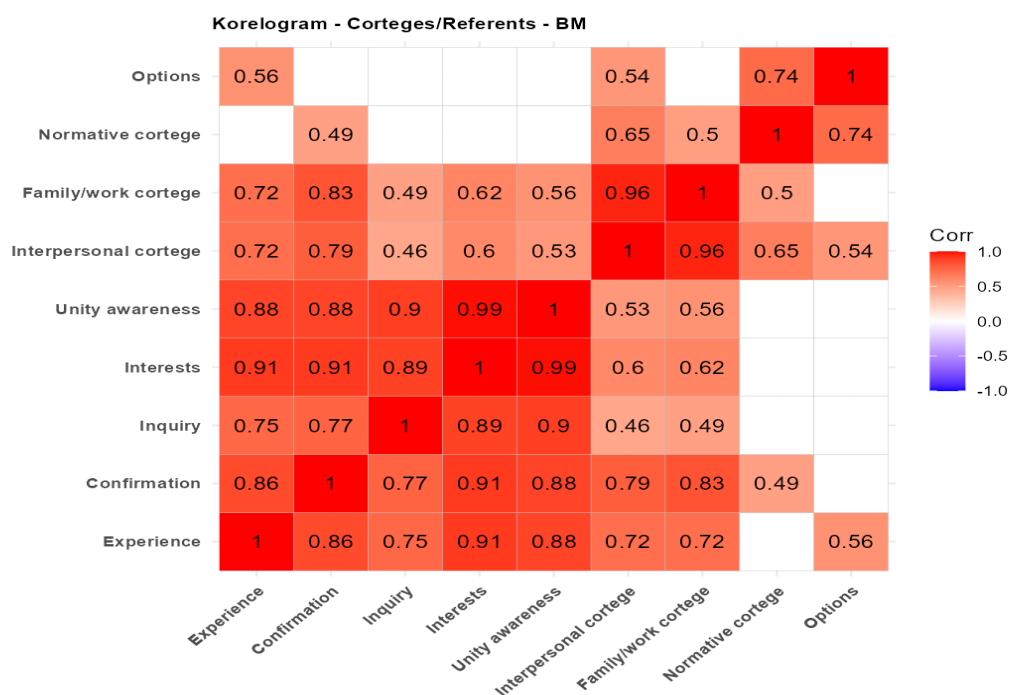
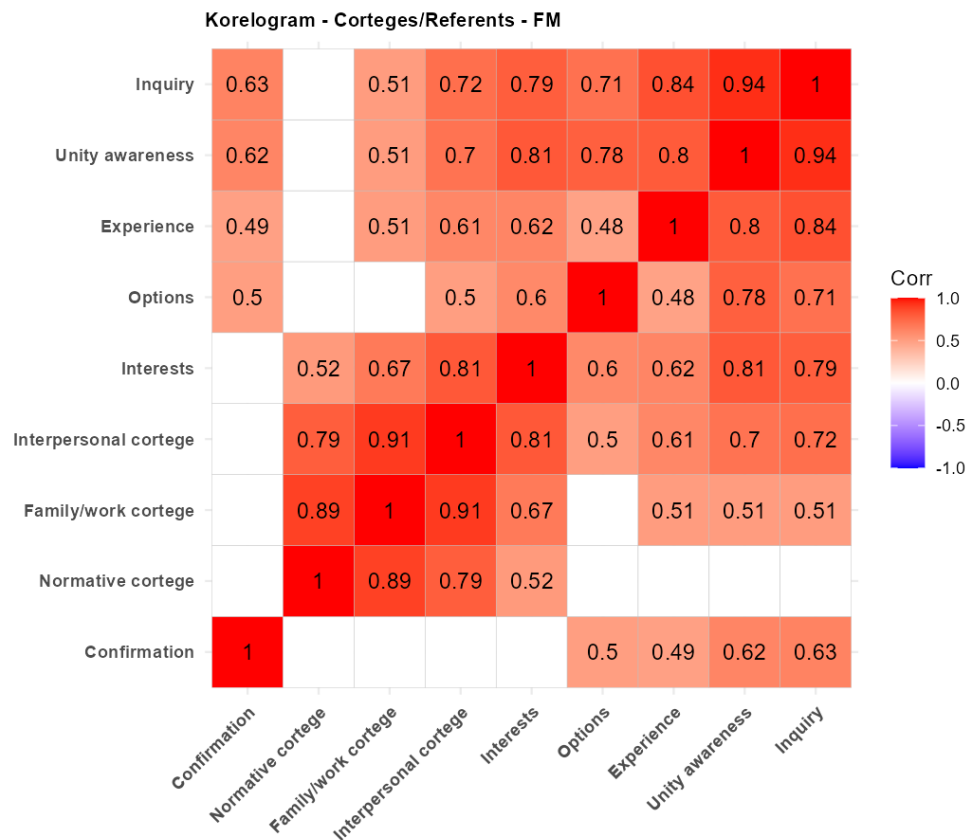


Figure 36*Correlation of corteges and referents in the FM group*

In the BM group, we observe the correlations of Co3 family/work cortege with Rf4 experience, Rf6 confirmation, Rf1 interests, and Co2 interpersonal cortege. Rf2 unity awareness correlates strongly with Rf4 experience, Rf7 confirmation, Rf5 inquiry, and Rf1 interests. Rf1 interests, on the other hand, shows strong correlations with Rf4 experience, Rf7 confirmation, Rf5 inquiry. Rf5 inquiry correlates with Rf4 experience, Rf7 confirmation, and Rf7 confirmation correlates with Rf4 experience.

In the FM group, there are correlations of Rf5 inquiry with Rf7 confirmation, Co2 interpersonal cortege, Rf1 interests, Rf3 options, Rf4 experience, and Rf2 unity awareness. Rf2 unity awareness correlates with Rf7 confirmation, Co2 interpersonal cortege, Rf1 interests, Rf3 options, Rf4 experience. Rf1 interests shows correlations with Co3 family/work cortege Co2 interpersonal cortege. Co2 interpersonal cortege correlates with Co1 normative cortege and Co3 family/work cortege. Co3 family/work cortege correlates with Co1 normative cortege.

In the BM group, stronger correlations are observed between corteges and referents in the corteges and referents groups. The correlations in both groups and the total are positive, but stronger in the BM group.

4.6.4.2 Correlation in the dichotomy of subject-bias strategies and object-bias strategies.

The correlation in the dichotomy of subject-bias strategies and object-bias strategies, without splitting into BM and FM groups, is presented below in Figure 37. The correlation in the dichotomy of subject-bias strategies and object-bias strategies in the BM group is presented below in Figure 38, and in the FM group in Figure 39.

Figure 37

Correlation of subject-bias strategies and object-bias strategies without splitting into groups.

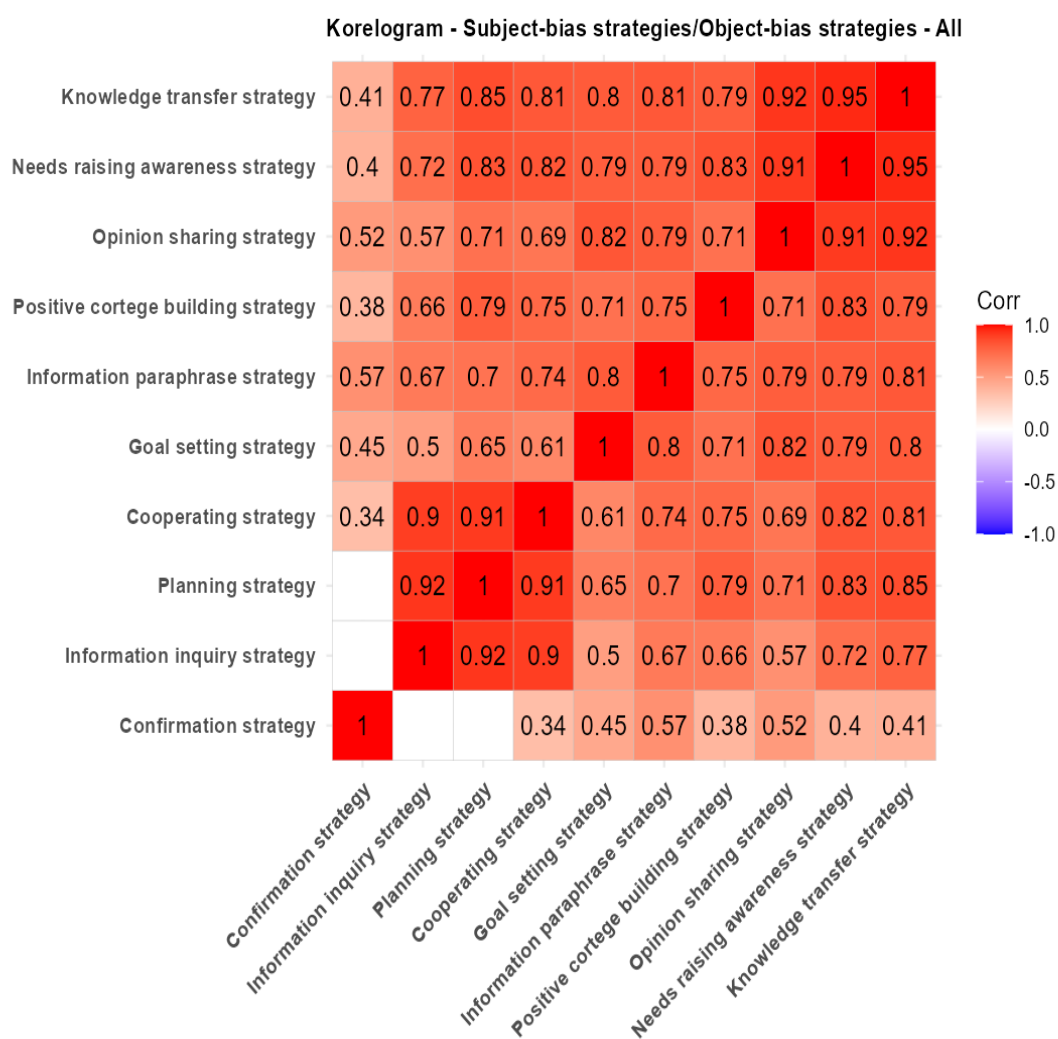


Figure 38

Correlation of subject-bias strategies and object-bias strategies in the BM group

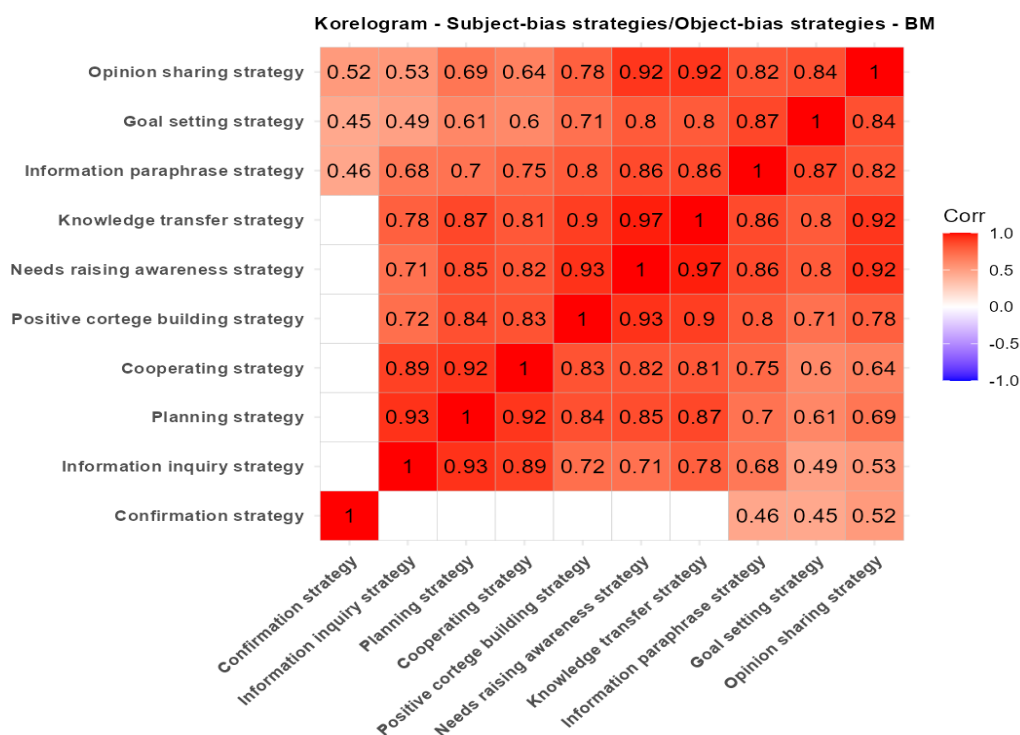
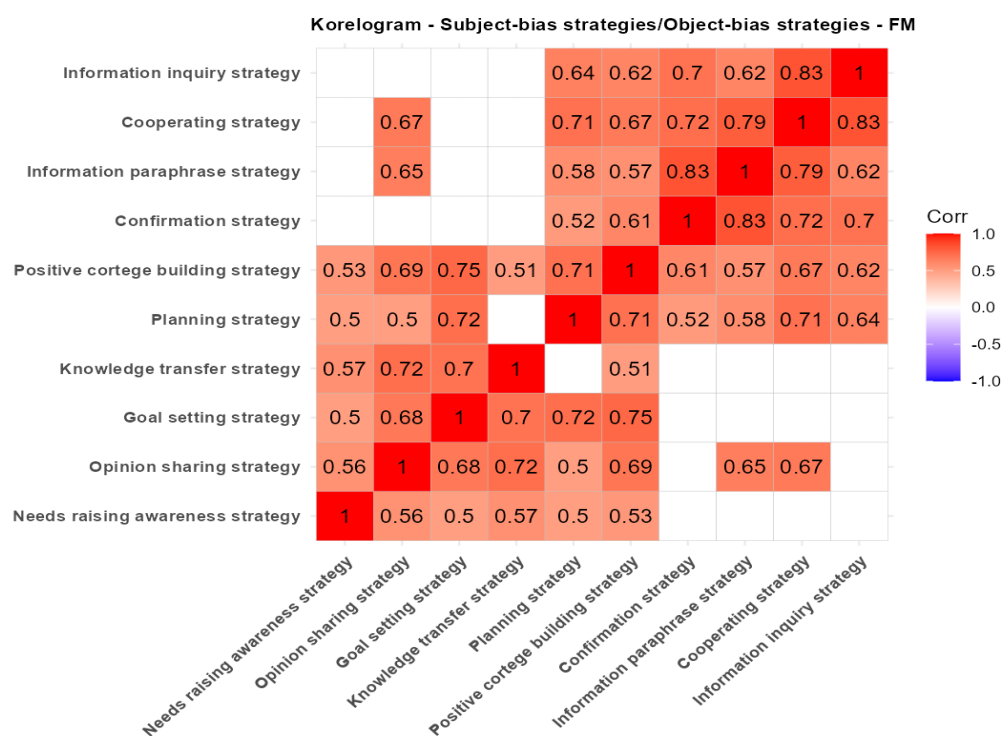


Figure 39

Correlation of subject-bias strategies and object-bias strategies in the FM group



In the BM group, OS5 opinion sharing strategy correlates with SS3 planning strategy, SS4 cooperating strategy, SS5 positive cortege building strategy, SS2 needs raising awareness strategy, OS4 knowledge transfer strategy, OS3 information paraphrase strategy, and SS1 goal setting strategy. SS1 goal setting strategy correlates with SS3 planning strategy, SS5 positive cortege building strategy, SS2 needs raising awareness strategy, OS4 knowledge transfer strategy, and OS3 information paraphrase strategy. OS3 information paraphrase strategy correlates with OS3 information inquiry strategy, SS3 planning strategy, SS4 cooperating strategy, SS5 positive cortege building strategy, SS2 needs raising awareness strategy, and OS4 knowledge transfer strategy. OS4 knowledge transfer strategy shows correlations with OS3 information inquiry strategy, SS3 planning strategy, SS4 cooperating strategy, SS5 positive cortege building strategy, and SS2 needs raising awareness strategy. SS2 needs raising awareness strategy that shows correlations with OS3 information inquiry strategy, SS3 planning strategy, SS4 cooperating strategy, and SS5 positive cortege building strategy. SS5 positive cortege building strategy correlates with OS3 information inquiry strategy, SS3 planning strategy, and SS4 cooperating strategy. SS4 cooperating strategy shows correlations with OS3 information inquiry strategy and SS3 planning strategy. SS3 planning strategy also correlates with OS3 information inquiry strategy.

In the BM group, OS3 information inquiry strategy correlates with SS4 cooperating strategy, OS3 information paraphrase strategy, OS2 confirmation strategy, SS5 positive cortege building strategy, SS3 planning strategy, OS4 knowledge transfer strategy, SS1 goal setting strategy, and OS5 opinion sharing strategy. SS4 cooperating strategy correlates with OS3 information paraphrase strategy, OS2 confirmation strategy, SS5 positive cortege building strategy, SS3 planning strategy, OS4 knowledge transfer strategy, SS1 goal setting strategy. OS3 information paraphrase strategy correlates with OS2 confirmation strategy, SS5 positive cortege building strategy, SS3 planning strategy, OS4 knowledge transfer strategy, SS1 goal setting strategy. OS2 confirmation strategy correlates with SS5 positive cortege building strategy. SS5 positive cortege building strategy correlates with SS3 planning strategy, SS1 goal setting strategy. SS3 planning strategy correlates with SS1 goal setting strategy.

In the BM group, significantly stronger and more numerous correlations are observed between subject-bias strategies and object-bias strategies. The correlations occur in both groups and in total they are positive, but in the BM group, they are significantly stronger.

4.7 Conclusion

The chapter reconstructs and models mediation discourse through paired lenses: content versus context, referents versus corteges, and subject-biased versus object-biased strategies (activity), tracked across five stages in two groups, i.e. BM (business mediations) and FM (family mediations). Methodologically, it relies on sequential representations (Cnt–Cxt, Rf–Co, SS–OS) and stagewise percentage analyses with ANOVAs to capture temporal dynamics and any group differences.

On the “what” side (referents), BM shows a sharp Stage-2 surge—high shares for unity awareness, interests, inquiry, and confirmation—followed by decline, whereas FM rises more gradually and typically culminates closer to Stage 4. On the “context” side (corteges), BM again peaks in Stage 2 (Interpersonal and Family/Work), while FM shifts maxima later; FM also begins with a relatively stronger normative component than BM.

For “how” the mediation work is accomplished (strategies), BM concentrates effort early: planning, needs-raising, positive-cortege building, and cooperating culminate in Stage 2, with goal-setting cresting in Stage 3. FM climbs more evenly and more often peaks in Stage 4. A similar contrast appears for object-biased strategies: BM exhibits early surges (information inquiry, paraphrase, knowledge transfer), while FM tends to build toward Stage 4.

Statistically, time is the main driver, and overall BM–FM differences are generally nonsignificant. There are, however, significant group-by-time interactions for selected variables—Interests, Confirmation, Needs-raising, Positive-cortege building, Information inquiry, and Knowledge transfer—which neatly reflect BM’s early burst versus FM’s later consolidation.

The correlation picture is denser in BM: corteges co-vary strongly with referents (for example, Family/Work with Experience, Confirmation, and Interests; Interpersonal with Family/Work), and subject- and object-biased strategies form a broad network of positive associations (planning, cooperating, and positive-cortege building with inquiry, paraphrase, knowledge transfer, and opinion sharing). FM shows a similar but generally weaker pattern.

Overall, both mediation types realise communicative action that balances content and context over time, with corteges prominently instantiated. BM reveals an early, high-intensity spike (Stage 2) followed by deceleration, whereas FM builds steadily to Stage-4 consolidation and then tapers. The findings cohere with the tests: a strong effect of time and limited between-group differences, which surface chiefly in the differing temporal trajectories.

The mediation analysis results of all five Stages of the BM and FM groups lead to the conclusion that.

1. All stages of the mediation process are representative of the mediation functions as a real, communicative, verbal action, actualised with the support of factual, terminological, and activity actualisations.
2. All aspects of both the referential (b1-b2-d3-d4) and cortege (a4-a1-c2-c3) structures, as well as the content of the mediation discourse, are involved in establishing the background for conflict resolution as an integral part of the mediation process.
3. The individual and social manifestations of mediation discourse, with their verbal and non-verbal markers of representation, are actualised in the mediator's active monologue.
4. Both the innate discourse categories of *referent/theme* and *cortege/relationship*, as well as the categories of *time* and *space*, are actualised in the mediation process.
5. The innate discourse category of *cortege* is significantly manifested both individually and socially in its interactive and interdiscursive, i.e., genre-related dimension.
6. All stages of the mediation process adhere to the specification of mediation discourse in its content-context (cortege-referent) balance.
7. The statistically significant interaction of the group effect with time effect in the BM and FM groups is observed in Rf1 interests and Rf6, as well as in SS2 needs raising awareness strategy, SS5 positive cortege building strategy, OS1 information inquiry strategy, and OS4 knowledge transfer strategy.
8. In the BM and FM groups, a significant time effect is observed in all referents, two corteges, Co2 interpersonal cortege and Co3 family/work cortege, as well as all subject-bias strategies and all object-bias strategies under analysis.
9. In the BM and FM groups, no significant group effect is observed in all analysed referents, corteges, subject-bias strategies, and object-bias strategies.
10. In the BM group, significantly stronger and more numerous correlations are observed in the dichotomy referents and corteges, as well as in the dichotomy subject-bias strategies and object-bias strategies in the referents and corteges, as well as in the subject-bias strategies and object-bias strategies groups. In those groups and in total, the correlations under analysis are positive, but in the BM group, they are significantly stronger.

The positive correlations are identified between dichotomies referents and corteges as well as subject-bias strategies and object-bias strategies as shown in Appendix 11. The conclusions of the identified correlations are presented below, namely,

1. The variable Co1 normative cortege shows a significant positive correlation with: Co2 interpersonal cortege (0.68), Co3 family/work cortege (0.56), Rf1 interests (0.37), Rf3 options (0.69), Rf4 experience (0.40), Rf7 confirmation (0.47), SS1 goal setting strategy (0.43), SS2 needs raising awareness strategy (0.54), SS5 positive cortege building strategy (0.38), OS2 confirmation strategy (0.40), OS3 information paraphrase strategy (0.40), OS4 knowledge transfer strategy (0.45), OS5 opinion sharing strategy (0.64).
2. The variable Co2 interpersonal cortege shows a significant positive correlation with: Co3 family/work cortege (0.96), Rf1 interests (0.63), Rf2 unity awareness (0.57), Rf3 options (0.56), Rf4 experience (0.68), Rf5 inquiry (0.50), Rf7 confirmation (0.77), SS1 goal setting strategy (0.70), SS2 needs raising awareness strategy (0.85), SS3 planning strategy (0.56), SS4 cooperating strategy (0.64), SS5 positive cortege building strategy (0.76), OS3 information inquiry strategy (0.36), OS2 confirmation strategy (0.36), OS3 information paraphrase strategy (0.65), OS4 knowledge transfer strategy (0.72), OS5 opinion sharing strategy (0.77).
3. The variable Co3 family/work cortege shows a significant positive correlation with: Rf1 interests (0.65), Rf2 unity awareness (0.60), Rf3 options (0.43), Rf4 experience (0.66), Rf5 inquiry (0.50), Rf7 confirmation (0.80), SS1 goal setting strategy (0.64), SS2 needs raising awareness strategy (0.86), SS3 planning strategy (0.60), SS4 cooperating strategy (0.71), SS5 positive cortege building strategy (0.72), OS3 information inquiry strategy (0.45), OS2 confirmation strategy (0.34), OS3 information paraphrase strategy (0.62), OS4 knowledge transfer strategy (0.73), OS5 opinion sharing strategy (0.76).
4. The variable Rf1 interests shows a significant positive correlation with: Rf2 unity awareness (0.99), Rf3 options (0.40), Rf4 experience (0.78), Rf5 inquiry (0.82), Rf7 confirmation (0.91), SS1 goal setting strategy (0.75), SS2 needs raising awareness strategy (0.93), SS3 planning strategy (0.90), SS4 cooperating strategy (0.83), SS5 positive cortege building strategy (0.77), OS3 information inquiry strategy (0.86), OS2 confirmation strategy (0.37), OS3 information paraphrase strategy (0.80), OS4 knowledge transfer strategy (0.97), OS5 opinion sharing strategy (0.87).

5. The variable Rf2 unity awareness shows a significant positive correlation with: Rf3 options (0.36), 'Experience' (0.79), Rf5 inquiry (0.86), Rf7 confirmation (0.88), SS1 goal setting strategy (0.74), SS2 needs raising awareness strategy (0.89), SS3 planning strategy (0.90), SS4 cooperating strategy (0.84), SS5 positive cortege building strategy (0.77), OS3 information inquiry strategy (0.89), OS2 confirmation strategy (0.40), OS3 information paraphrase strategy (0.80), OS4 knowledge transfer strategy (0.95), OS5 opinion sharing strategy (0.83).
6. The Rf3 options variable shows a significant positive correlation with: Rf4 experience (0.55), Rf7 confirmation (0.42), SS1 goal setting strategy (0.63), SS2 needs raising awareness strategy (0.50), SS5 positive cortege building strategy (0.44), OS2 confirmation strategy (0.50), OS3 information paraphrase strategy (0.55), OS4 knowledge transfer strategy (0.45), OS5 opinion sharing strategy (0.67).
7. The variable Rf4 experience shows a significant positive correlation with: Rf5 inquiry (0.75), Rf7 confirmation (0.75), SS1 goal setting strategy (0.77), SS2 needs raising awareness strategy (0.81), SS3 planning strategy (0.71), SS4 cooperating strategy (0.66), SS5 positive cortege building strategy (0.82), OS3 information inquiry strategy (0.60), OS2 confirmation strategy (0.40), OS3 information paraphrase strategy (0.77), OS4 knowledge transfer strategy (0.79), OS5 opinion sharing strategy (0.78).
8. The Rf5 inquiry variable shows a significant positive correlation with: Rf7 confirmation (0.72), SS1 goal setting strategy (0.61), SS2 needs raising awareness strategy (0.74), SS3 planning strategy (0.88), SS4 cooperating strategy (0.79), SS5 positive cortege building strategy (0.80), OS3 information inquiry strategy (0.83), OS3 information paraphrase strategy (0.64), OS4 knowledge transfer strategy (0.78), OS5 opinion sharing strategy (0.61).
9. The variable Rf7 confirmation shows a significant positive correlation with: SS1 goal setting strategy (0.71), SS2 needs raising awareness strategy (0.92), SS3 planning strategy (0.82), SS4 cooperating strategy (0.81), SS5 positive cortege building strategy (0.78), OS4 information inquiry strategy (0.72), OS2 confirmation strategy (0.41), OS3 information paraphrase strategy (0.77), OS4 knowledge transfer strategy (0.95), OS5 opinion sharing strategy (0.88).
10. The variable SS1 goal setting strategy shows a significant positive correlation with: SS2 needs raising awareness strategy (0.79), SS3 planning strategy (0.65), SS4 cooperating strategy (0.61), SS5 positive cortege building strategy (0.71), OS4 information inquiry strategy (0.50), OS2 confirmation strategy (0.45), OS3 information

paraphrase strategy (0.80), OS4 knowledge transfer strategy (0.80), OS5 opinion sharing strategy (0.82).

11. The variable SS2 needs raising awareness strategy shows a significant positive correlation with: SS3 planning strategy (0.83), SS4 cooperating strategy (0.82), SS5 positive cortege building strategy (0.83), OS4 information inquiry strategy (0.72), OS2 confirmation strategy (0.40), OS3 information paraphrase strategy (0.79), OS4 knowledge transfer strategy (0.95), OS5 opinion sharing strategy (0.91).
12. The SS3 planning strategy variable shows a significant positive correlation with: SS4 cooperating strategy (0.91), SS5 positive cortege building strategy (0.79), OS4 information inquiry strategy (0.92), OS3 information paraphrase strategy (0.70), OS4 knowledge transfer strategy (0.85), OS5 opinion sharing strategy (0.71).
13. The variable SS4 cooperating strategy shows a significant positive correlation with: SS5 positive cortege building strategy (0.75), OS3 information inquiry strategy (0.90), OS2 confirmation strategy (0.34), OS3 information paraphrase strategy (0.74), OS4 knowledge transfer strategy (0.81), OS5 opinion sharing strategy (0.69).
14. The variable SS5 positive cortege building strategy shows a significant positive correlation with: OS3 information inquiry strategy (0.66), OS2 confirmation strategy (0.38), OS3 information paraphrase strategy (0.75), OS4 knowledge transfer strategy (0.79), OS5 opinion sharing strategy (0.71).
15. The variable OS3 information inquiry strategy shows a significant positive correlation with: OS3 information paraphrase strategy (0.67), OS4 knowledge transfer strategy (0.77), OS5 opinion sharing strategy (0.57).
16. The variable OS2 confirmation strategy shows a significant positive correlation with: OS3 information paraphrase strategy (0.57), OS4 knowledge transfer strategy (0.41), OS5 opinion sharing strategy (0.52).
17. The variable OS3 information paraphrase strategy shows a significant positive correlation with: OS4 knowledge transfer strategy (0.81), OS5 opinion sharing strategy (0.79).
18. The variable OS4 knowledge transfer strategy shows a significant positive correlation with: OS5 opinion sharing strategy (0.92).

Chapter 5

Mediation process as a communicative action

- family and business mediation

The aim of this chapter is to reconstruct the architecture of the professional mediation discourse related to family and business mediation in terms of its structures and semantics. The functional architecture of mediation discourse meanings and structures is reconstructed through the linguistic, pragmatic, and psychological layers. In this chapter, we focus on the nature of family and business mediation structures and semantics, not only to discover how language is used to achieve conflict resolution but also to provide the answer to the research questions (Q4, Q5, Q6, Q9, Q10).

5.1 Topic and interaction relationship in the mediation process

The results of the qualitative analysis based on the non-numerical data analysis, as well as quantitative analysis related to the statistical analysis, show how the relationship of topic and interaction as discourse dichotomies is structured in five stages of the mediation process and provide the answer to the research questions (Q4, Q9, Q10).

5.1.1 Mediation topics - results and discussion

In this subchapter, we concentrate on the description and discussion of the results of the discourse analysis related to the topics in qualitative and quantitative terms. In both family and business mediations, we have identified twenty four mediation topics that occur in five stages of mediation. The topics of the analysed family and business mediations comprise T1 - togetherness, T2 - timeshare, T3 - needs of children, T4 - parents' interests, T5 - practicality, T6- condition of success, T7 - mediator's experience, T8 - basic information, T9 - modality, T10 - visualisation of success, T11 - mediator's initiative, T12 - individual action for success, T13 - individual parent/party, T14 - new reality, T15 - progress of negotiation, T16 - needs of the parties, topic - 17 business parties' interests, T18 - identification of the problem, T19 - money, T20 - communication, T21 - shareholding, T22 - impartiality, T23 - business intentions, and T24 - business complaints. Topics such as T17 - business parties' interests, T19 - money, T21 - shareholding, T22 - impartiality, T23 - business intentions, and T24 - business complaints

occur mainly in the analysed business mediations. Although such topics as T2 - timeshare, T3 - needs of children, and T4 - parents' interests seem to be related to the family mediations under analysis, they are also topics that occur in the business mediations when the party-in-conflict is the father and his family obligations interfere with his business activity (BMD, BGM).

The presented data illustrate the distribution of topics discussed during different stages of the FM process, see Table 52 below.

Table 52

Distribution of topics in family mediations

FM	Topics							
	Togetherness	Timeshare	Needs of children	Parents' interests	Practicality	Condition of success	Mediator's experience	Basic information
Stage 1	61,90%	2,78%	4,23%	23,81%	16,67%	4,95%	11,76%	9,09%
Stage 2	19,05%	7,64%	56,34%	16,67%	0,00%	6,93%	17,65%	54,55%
Stage 3	0,00%	15,97%	8,45%	0,00%	20,83%	13,86%	17,65%	0,00%
Stage 4	0,00%	25,00%	30,99%	59,52%	20,83%	28,71%	23,53%	36,36%
Stage 5	19,05%	48,61%	0,00%	0,00%	41,67%	45,54%	29,41%	0,00%
FM	Topics							
	Modality	Visualisation of success	Mediator's initiative	Individual action for success	Individual parent/party	New reality	Progress of negotiation	Needs of the parties
Stage 1	28,57%	66,67%	7,69%	7,69%	5,45%	0,00%	0,00%	-
Stage 2	71,43%	0,00%	15,38%	2,56%	50,91%	79,31%	0,00%	-
Stage 3	0,00%	0,00%	0,00%	53,85%	40,00%	20,69%	0,00%	-
Stage 4	0,00%	0,00%	69,23%	7,69%	0,00%	0,00%	0,00%	-
Stage 5	0,00%	33,33%	7,69%	28,21%	3,64%	0,00%	100,00%	-
FM	Topics							
	Business parties' interests	Identification of the problem	Money	Communication	Shareholding	Impartiality	Business intentions	Business complaints
Stage 1	-	-	0,00%	0,00%	0,00%	-	-	-
Stage 2	-	54,84%	33,33%	100,00%	0,00%	-	-	-
Stage 3	-	45,16%	66,67%	0,00%	0,00%	-	-	-
Stage 4	-	0,00%	0,00%	0,00%	100,00%	-	-	-
Stage 5	-	0,00%	0,00%	0,00%	0,00%	-	-	-

The first section of the FM group covers topics such as Togetherness, Timeshare, Needs of children, Parents' interests, Practicality, Condition of success, Mediator's experience, and Basic information. In Stage 1, Togetherness is the most frequently mentioned topic (61.90%), followed by Modality (28.57%) and Parents' interests (23.81%). Stage 2 shows a strong focus on Needs of children (56.34%) and Modality (71.43%). Later stages highlight Parents' interests (59.52% in Stage 4) and Practicality (41.67% in Stage 5). The second section starts with Modality and finishes with Needs of the parties. The progress of negotiation in family mediation

is reached at Stage 5 (100%). Visualisation of success reaches its peak in Stage 1 (66.67%). Stage 2 is dominated by Individual parent/party (50.91%) and Modality (71.43%). Stage 3 shows high percentage of Individual action for success (53.85%). Mediator's initiative peaks in Stage 4 (69.23%) leading to conflict resolution. The third section shows that Stage 2 is focussed on the Identification of the problem (54.84%) and Communication problem (100%). The Identification of the problem (45.16%) is continued in Stage 3. Stage 4 is focused on Shareholding of the parental rights and obligations (100%).

Table 53 below presents data related to the distribution of topics discussed during different stages of the BM process.

Table 53

Distribution of topics in business mediations

BM	Topics							
	Togetherness	Timeshare	Needs of children	Parents' interests	Practicality	Condition of success	Mediator's experience	Basic information
Stage 1	8,93%	0,00%	0,00%	0,00%	0,00%	4,41%	0,00%	3,33%
Stage 2	11,61%	50,00%	33,33%	0,00%	0,00%	29,41%	100,00%	70,00%
Stage 3	6,25%	50,00%	55,56%	0,00%	23,53%	11,76%	0,00%	13,33%
Stage 4	18,75%	0,00%	11,11%	100,00%	76,47%	54,41%	0,00%	5,19%
Stage 5	54,46%	0,00%	0,00%	0,00%	0,00%	0,00%	0,00%	8,15%
BM	Topics							
	Modality	Visualisation of success	Mediator's initiative	Individual action for success	Individual parent/party	New reality	Progress of negotiation	Needs of the parties
Stage 1	50,00%	66,67%	14,29%	5,61%	1,71%	0,00%	0,00%	100,00%
Stage 2	50,00%	0,00%	42,86%	49,53%	58,90%	72,15%	0,00%	0,00%
Stage 3	0,00%	0,00%	0,00%	25,23%	16,10%	27,85%	1,28%	0,00%
Stage 4	0,00%	0,00%	42,86%	7,48%	12,67%	0,00%	21,79%	0,00%
Stage 5	0,00%	33,33%	0,00%	12,15%	10,62%	0,00%	76,92%	0,00%
IBM	Topics							
	Business parties' interests	Identification of the problem	Money	Communication	Shareholding	Impartiality	Business intentions	Business complaints
Stage 1	0,00%	0,00%	0,00%	0,00%	0,00%	0,00%	0,00%	-
Stage 2	0,00%	58,25%	77,01%	100,00%	72,73%	0,00%	40,00%	-
Stage 3	35,09%	29,13%	22,99%	0,00%	0,00%	0,00%	33,33%	-
Stage 4	64,91%	12,62%	0,00%	0,00%	27,27%	0,00%	26,67%	-
Stage 5	0,00%	0,00%	0,00%	0,00%	0,00%	100,00%	0,00%	-

The group of BM mediations shows high percentage of such topics in Stage 2 as Timeshare (50%), Mediator's experience (100%), Basic information (70%), Modality (50%) Individual action for success (49.53%), Individual parent/party (58.90%), New Reality (72.15%), Identification of the problem (58.25%). Communication (100%), Shareholding (72.73%) and

Business Intentions (40.00%). In Stage 1, Togetherness is the most frequently mentioned topic (61.90%), followed by Modality (28.57%) and Parents' interests (23.81%). Stage 2 shows a strong focus on Needs of children (56.34%) and Modality (71.43%). Later stages highlight Parents' interests (59.52% in Stage 4) and Practicality (41.67% in Stage 5). Stage 3 focuses on Timeshare (50%) and Business parties' interests (35.09%). Stage 4 shows high percentage of Practicality (76.47%) and Business parties' interests (64.91%). Stage 5 indicates the Progress of negotiation (76.92%) and Togetherness (54.46%).

The quantitative analysis of T1 - togetherness is presented in Table 54 below.

Table 54

Descriptive statistics and analysis of variance for T1-togetherness

Togetherness									
Group	Stage	min	max	median	q1	q3	mean	sd	p-values
BM	Stage 1	1	6	1,5	1	3	2,5	2,38	Group effect: 0.003
BM	Stage 2	0	10	1,5	0,75	4	3,25	4,573	
BM	Stage 3	0	4	1,5	0,75	2,5	1,75	1,708	
BM	Stage 4	0	15	3	0,75	7,5	5,25	6,85	Time effect: 0.044
BM	Stage 5	0	34	13,5	7,5	21,25	15,25	14,315	
FM	Stage 1	1	7	2,5	1,75	4	3,25	2,63	Interaction: 0.269
FM	Stage 2	0	4	0	0	1	1	2	
FM	Stage 3	0	0	0	0	0	0	0	
FM	Stage 4	0	0	0	0	0	0	0	
FM	Stage 5	1	1	1	1	1	1	0	

The descriptive statistics for T1 – togetherness show a significant group effect ($p = 0.003$) and a significant time effect ($p = 0.044$), while the group $\times$ time interaction is not significant ($p = 0.269$). In BM, togetherness starts low (mean = 2.50, Stage 1) and remains modest through Stages 2–3 (means = 3.25 and 1.75), then rises in Stage 4 (mean = 5.25) and surges in Stage 5 (mean = 15.25; sd = 14.32, max = 34), indicating a late-stage concentration and markedly greater dispersion. In FM, the topic declines from a small baseline (mean = 3.25, Stage 1) to near absence in Stages 2–4 (means = 1.00, 0.00, 0.00), with only a minimal uptick at Stage 5 (mean = 1.00). Overall, BM exhibits higher levels and variability, especially at the end of the process, whereas FM shows a mid-process trough with very limited recurrence at closure.

T1 - togetherness occurs in both family and business mediation. This topic is initiated by the mediator at the first stage of mediation and is continued to the fifth stage. The mediator

uses the personal pronoun ‘we’ to draw the attention of the parties-in-conflict that mediation is a joint action taken by the parties-in-conflict and the mediator e.g., in structural element 2 of Stage 1 “[o]ne of the first issues that we need to address [...] we refer to as the timeshare, [...] how we can come up with something that's practical and meet your children's needs ” [PPFM], or in structural element 3 of Stage 1 ” you may wish to meet with me privately in a separate meeting, or the so called caucus, where we shall discuss matters that for instance you feel uncomfortable to bring out into joint discussion” [BMD]. This topic is actualised through verbal support as indicated above and also through appreciation, e.g., in structural element 1 of Stage 5, "So I think we had a good session" [AILaFM].

T2 - timeshare refers to “time-sharing schedule” in the context of family and business mediations. In family mediations, a timetable included in the parenting plan gives specific times when the child spends time with each parent. In business mediations, it refers to the timeshare in business arrangements. The results of the quantitative analysis of T2 - timeshare are presented in Table 55 below.

Table 55

Descriptive statistics and analysis of variance for T2 - timeshare

Timeshare									
Group	Stage	min	max	median	q1	q3	mean	sd	p-values
BM	Stage 1	0	0	0	0	0	0	0	Group effect: 0.042
BM	Stage 2	0	5	0	0	1,25	1,25	2,5	
BM	Stage 3	0	5	0	0	1,25	1,25	2,5	
BM	Stage 4	0	0	0	0	0	0	0	Time effect: 0.094
BM	Stage 5	0	0	0	0	0	0	0	
FM	Stage 1	0	4	0	0	1	1	2	
FM	Stage 2	0	8	1,5	0	4,25	2,75	3,775	Interaction: 0.103
FM	Stage 3	0	8	7,5	5,25	8	5,75	3,862	
FM	Stage 4	0	18	9	0	18	9	10,392	
FM	Stage 5	0	30	20	7,5	30	17,5	15	

For T2 – timeshare, ANOVA points to a significant between-group difference ($p = 0.042$), while neither the main effect of time ($p = 0.094$) nor the group $\times$ time interaction ($p = 0.103$) reaches significance. In the BM group, timeshare is essentially absent across the process: Stages 1, 4, and 5 show zeros, and even the small appearances in Stages 2–3 are minimal (mean = 1.25, sd = 2.50; medians = 0). By contrast, the FM group displays a clear late-stage concentration.

Values rise from a low baseline in Stage 1 (mean = 1.00, median = 0) through Stage 2 (mean = 2.75; median = 1.5) and Stage 3 (mean = 5.75; median = 7.5), peaking in Stages 4–5 (mean = 9.00 and 17.50; medians = 9 and 20), with dispersion widening markedly (sd up to 15.00). Overall, timeshare remains negligible in BM but grows steadily and becomes prominent toward the end of FM, even though the formal time and interaction tests are not significant.

T2 – timeshare focuses on parenting time in two business mediations, namely, *Business Mediation Demo* and *Business Grievance Mediation* as well as four family mediation. In business mediation, this topic is related to Mr Sharp's and David's parenting time spent with the daughter. In family mediation T2 -timeshare covers such subtopics as 2a timeshare division [BMD, PPFM, FMiA, AILaFM], 2b weekend timeshare extension [PPFM], 2c timeshare verification [PPFM, FMiA], 2d work timeshare [PPFM, FMiA], 2e spending more time with children [PPFM, FMiA, AILaFM]. As stated by the mediator, "timeshare is one of the most significant elements of the parenting plan" [PPFM]. It becomes an important element of the parenting plan subject to mediation when parents have demanding work timeshare, e.g., Glen's statement "I have a pretty demanding schedule. My clients take a lot of my time now" [PPFM] or Jeffrey's statement "I'm very busy. I spend hours in the emergency room" [FMiA].

In family and business mediations, the topic of needs is actualised through two key areas: T3, which focuses on the needs of children, and T16, which addresses the needs of the parties. In the context of psychology, the term 'need' means "a condition of tension in an organism resulting from deprivation of something required for survival, well-being, or personal fulfillment" or "a substance, state, or any other thing (e.g., food, water, security) whose absence generates this condition" [26]. Maslow's hierarchy of needs (1943) identifies human needs for self-actualisation (see Chapter 1). In the context of family mediations, the needs of children and parents are crucial. In contrast, in business mediations, the needs of the parties-in-conflict are paramount for effective conflict resolution. The conceptualisation of the needs of the parties-in-conflict becomes an underlying factor to mediate the way to satisfy them and solve the conflict (cf. Maslow, 1943).

Although children are not explicitly present during the mediation process, their implicit presence is indicated through the utterances of the mediator and their parents. The mediator uses the metaphor of an umbrella or a rainbow of the parents' communication, which satisfies the children's needs of safety, e.g.,

I always hold in my mind a kind of mental picture of the children here, and over them, there is an umbrella, or like a rainbow, that protects them. That rainbow is the communication between mom and dad and if they if your children know that you're

meeting and you're talking about them they'll feel safe. But if that rainbow is not there above their head, if mom and dad don't talk to each other, the children, even if it's something said they feel it they feel the hostility. They feel frostiness. [FMiA]. Failing to meet the children's safety needs leads to negative feelings of hostility or frostiness. The mediator also indicates that children need consistency in the parenting plan [PPFM].

T16 – needs of the parties covers both the needs of parents and the needs of business parties. The needs of the parties comprise the sub-topiCS1 6a - needs of the parties-in-conflict, and 16b -needs of the parties-in-consent. The parties-in-conflict participate in mediation to resolve their conflict. Their need is to communicate effectively with the opposite party, present their opening statement, and ultimately find a solution to the problem. The parties-in-consent need to choose the best option for conflict resolution. In two business mediations, the needs of parents coincide with the needs of the business parties, which is best illustrated in the caucus with the mediator in the structural element 2 of Stage 2, when Mr Sharp states

I'm divorced and I have a daughter, Lily which is 10 years old and one year ago the care of my child at home but it takes time and also some changes, the house must be done. So I said, "Okay, I will do anything for my child." So I just tried to find some possible solution. It cost a lot of money. It costs for the medicine, for doctors, for the adjustments of the money from that, and to take care of my child. So that is the reason why I need the money. Doctors found that she's seriously ill. So, after I found this information, I have only one option, and this is my daughter, so I tried to find some solution [BMD].

His parental need to satisfy the needs of Lily, his ten-year-old seriously ill daughter, takes priority over his business needs, and he decides to sell his shares in the company [BMD]. David also takes priority of his parental need to pick up his daughter from the daycare over business meeting with Michelle, which is the core of their conflict. In both cases, Mr Sharp and David find their solutions to their problems, and their needs are satisfied.

In contrast to the results of the qualitative analysis discussed above, the results of the quantitative analysis of T3 - needs of children and T16 – needs of the parties show that neither a significant group effect nor a significant time effect is observed. The interaction of group and time effect is also not statistically significant. Therefore, the results are enclosed in Appendix 10.

Topic 4 - parents' interests and T17 - business parties' interests are broadly categorised into personal endeavours related to well-being and development in the family or business environments. In that context, we follow the definition of the term "interest" as "an attitude

characterised by a need or desire to give to something significant to the individual, such as an activity, goal, or research area" [27]. Parents' interests concentrate on such subtopics as 4a spending more time with children [PPFM, BMD, FMiA, AILaFM, FMRP], 4b not to be a weekend father [PPFM], 4c freedom, independence authenticity [FMiA, AILaFM], 4d dating versus parenting [FMiA, AILaFM], 4e importance of parenting [PPFM, FMiA, AILaFM, FMRP], and 4f sex off-site [FMRP, FMiA, AILaFM]. T17 - business parties' interests focus on the national company environment as well as the international company environment [IBM]. The conflict of parents' interests and business parties' interests is subject to mediation, which results in conflict resolution.

The results of the quantitative analysis of topic 4 - parents' interests and those of T17 – business parties' interests are presented below. Since the results are presented in Table 56 and Table 57.

Table 56

Descriptive statistics and analysis of variance for topic 4 - parents' interests

Parents' interests									
Group	Stage	min	max	median	q1	q3	mean	sd	p-values
BM	Stage 1	0	0	0	0	0	0	0	Group effect: 0
BM	Stage 2	0	0	0	0	0	0	0	
BM	Stage 3	0	0	0	0	0	0	0	
BM	Stage 4	0	1	0	0	0,25	0,25	0,5	
BM	Stage 5	0	0	0	0	0	0	0	
FM	Stage 1	0	6	2	0,75	3,75	2,5	2,646	Time effect: 0.035
FM	Stage 2	0	7	0	0	1,75	1,75	3,5	
FM	Stage 3	0	0	0	0	0	0	0	
FM	Stage 4	0	18	3,5	0,75	9	6,25	8,261	
FM	Stage 5	0	0	0	0	0	0	0	

For topic 4 – parents' interests, ANOVA indicates a strong between-group difference (group effect $p \approx 0$), a significant time effect ($p = 0.035$), and no significant group $\times$ time interaction ($p = 0.159$). Descriptively, BM is virtually absent across stages, with only a marginal signal at Stage 4 (mean = 0.50; median = 0; q3 = 0.25), and zeros elsewhere. FM, by contrast, shows a clear episodic presence: an initial occurrence at Stage 1 (mean = 2.50, sd = 2.646), a modest value at Stage 2 (mean = 3.50; median = 0, indicating a skewed distribution), no mentions at Stage 3, and a pronounced rise at Stage 4 (mean = 6.25, median = 3.50, q3 = 9.00, sd = 8.261), followed by a drop to zero at Stage 5. The significant group effect is therefore driven by FM's

contributions—especially the Stage-4 spike—while BM remains essentially at floor level; the significant time effect reflects this non-monotonic pattern over stages, shared in broad outline across groups, consistent with the non-significant interaction.

Table 57 presents the results of the quantitative analysis of T17-business parties' interests.

Table 57

Descriptive statistics and analysis of variance for T17-business parties' interests

Business parties' interests									
Group	Stage	min	max	median	q1	q3	mean	sd	p-values
BM	Stage 1	0	0	0	0	0	0	0	Group effect: 0.008
BM	Stage 2	0	0	0	0	0	0	0	
BM	Stage 3	0	12	4	1,5	7,5	5	5,292	
BM	Stage 4	0	32	2,5	0	11,75	9,25	15,349	Time effect: 0.012
BM	Stage 5	0	0	0	0	0	0	0	
FM	Stage 1	0	0	0	0	0	0	0	Interaction: 0.012
FM	Stage 2	0	0	0	0	0	0	0	
FM	Stage 3	0	0	0	0	0	0	0	
FM	Stage 4	0	0	0	0	0	0	0	
FM	Stage 5	0	0	0	0	0	0	0	

The analysis of T17 – business parties' interests in the research groups shows a significant group effect and time effect. The interaction of group effect and time effect is also statistically significant.

T5 - practicality and T9 - modality intersect in family and business mediations under analysis. In the context of the mediation process, practicality is related to the quality of being useful in family and business conflict resolution. In the mediation context, the choice of a particular mediation modality that refers to the mediator's different approaches and styles can facilitate the mediation process between the parties-in-conflict for the practical application of conflict resolution. The Mediator's modalities include the level of formality, his/her role, as well as applied techniques. In the analysed mediation, the mediator uses common mediation modalities such as facilitative and transformative mediation. In case of the former, the mediator, through a set of questions, helps the parties-in-conflict communicate and solve their problem. In the latter, while asking questions, the mediator helps the parties-in-conflict understand each

other's perspective to rebuild their relationship and find the solution to their problem with their underlying needs and interests.

The quantitative analysis results of T5 - practicality and T 9 - modality are discussed and shown below. Since T5 – practicality shows no significant group effect and time effect, as well as the interaction of group and time effect is not statistically significant, the table with quantitative results is presented in Appendix 10.

The quantitative analysis results of topic 9 – modality are presented in Table 58 below:

Table 58

Descriptive statistics and analysis of variance for topic 9 – modality

Modality									
Group	Stage	min	max	median	q1	q3	mean	sd	p-values
BM	Stage 1	0	2	1	0	2	1	1,155	Group effect: 0.945
BM	Stage 2	0	2	1	0	2	1	1,155	
BM	Stage 3	0	0	0	0	0	0	0	
BM	Stage 4	0	0	0	0	0	0	0	
BM	Stage 5	0	0	0	0	0	0	0	Time effect: 0.004
FM	Stage 1	0	2	0	0	0,5	0,5	1	
FM	Stage 2	0	2	1,5	0,75	2	1,25		Interaction: 0.518
FM	Stage 3	0	0	0	0	0	0	0	
FM	Stage 4	0	0	0	0	0	0	0	
FM	Stage 5	0	0	0	0	0	0	0	

The analysis of topic 9 - modality in the research groups shows no significant group effect. However, it shows a significant time effect. The interaction of group effect and time effect is not statistically significant. Descriptively, BM shows a modest presence of modality only at the outset: Stages 1–2 have identical summaries (median = 1; mean = 1.00; sd = 1.155), after which the topic disappears entirely (Stages 3–5 = 0). FM follows a comparable trajectory at lower levels: a trace in Stage 1 (median = 0; mean = 0.50), a small uptick in Stage 2 (median = 1.5; mean = 1.25; sd not reported), and zeros thereafter (Stages 3–5). Overall, modality appears briefly early in the process and then vanishes in both groups, which explains the significant time effect alongside the non-significant group and interaction effects.

T6- condition of success and T10 - visualisation of success are interrelated. In family and business mediations, success means the attainment of a desired goal in the form of an agreement for conflict resolution. In practical terms, success in mediation is defined by the

parties'-in-conflict achievement of the mutually acceptable outcome. Therefore, in each mediation case, it is the parties-in-conflict who determine what constitutes their success in mediation. The visualisation of success - T10, as well as topic 6-conditions of success help the parties-in-conflict sign the agreement for conflict resolution. T6– condition of success consists of a set of subtopics such as 6a consistency [PPFM] , 6b flexibility [PPFM], 6c approved caregivers [PPFM], 6d confirmation of agreement [PPFM, FMiA, AILaFM, FMPR, BMD, BGM, IBM, BMMiA], 6e not many transitions [PPFM], 6f minimized interaction between the parties-in-conflict [PPFM], 6g either verified in practice or improved [PPFM, FMiA, AILaFM, FMPR, BMD], 6h modified if need be [PPFM, FMiA, AILaFM, FMPR, BMD], 6i consistency not many transitions [PPFM], 6j consent [PPFM, FMiA, AILaFM, FMPR, BMD, BGM, IBM, BMMiA], 6k future business together [BMD, BGM, IBM, BMMiA], 6l business options [BMD, BGM, BMMiA IBM,].

The quantitative analysis results of T6- condition of success are presented in Table and those of T10 – visualisation of success in Table 59 below.

Table 59

Descriptive statistics and analysis of variance for T6-condition of success

Condition of success									
Group	Stage	min	max	median	q1	q3	mean	sd	p-values
BM	Stage 1	0	1	1	0,75	1	0,75	0,5	Group effect: 0.392
BM	Stage 2	0	16	2	0	7	5	7,572	
BM	Stage 3	0	7	0,5	0	2,5	2	3,367	
BM	Stage 4	0	28	4,5	0	13,75	9,25	13,2	Time effect: 0.484
BM	Stage 5	0	0	0	0	0	0	0	
FM	Stage 1	0	4	0,5	0	1,75	1,25	1,893	Interaction: 0.036
FM	Stage 2	0	4	1,5	0	3,25	1,75	2,062	
FM	Stage 3	0	7	3,5	0	7	3,5	4,041	
FM	Stage 4	0	18	5,5	0,75	12	7,25	8,461	
FM	Stage 5	3	30	6,5	5,25	12,75	11,5	12,45	

For topic 6– condition of success, ANOVA shows no main effect of group ($p = 0.392$) and no overall effect of time ($p = 0.484$), but the group $\times$ time interaction is significant ($p = 0.036$), indicating different temporal profiles in BM and FM. In BM, values are low at the outset (mean = 0.75, Stage 1), rise intermittently at Stage 2 (mean = 5.00) and peak at Stage 4 (mean = 9.25; $sd = 13.20$; median = 4.5; IQR 0–13.75), before dropping to zero in Stage 5. By contrast, FM

shows a steady build-up across stages: from small means in Stages 1–2 (1.25 and 1.75), through Stage 3 (3.50) and Stage 4 (7.25), to the highest level in Stage 5 (mean = 11.50; median = 6.5; IQR 5.25–12.75; sd = 12.45). These divergent trajectories—episodic with a mid–late peak in BM versus a monotonic increase culminating at closure in FM—account for the significant interaction despite non-significant main effects.

Some differences are observed in T10- visualisation of success, see Table 60 below.

Table 60

Descriptive statistics and analysis of variance for T10 - visualisation of success

Visualisation of success									
Group	Stage	min	max	median	q1	q3	mean	sd	p-values
BM	Stage 1	0	2	0	0	0,5	0,5	1	Group effect: 1 Time effect: 0.195
BM	Stage 2	0	0	0	0	0	0	0	
BM	Stage 3	0	0	0	0	0	0	0	
BM	Stage 4	0	0	0	0	0	0	0	
BM	Stage 5	0	1	0	0	0,25	0,25	0,5	
FM	Stage 1	0	2	0	0	0,5	0,5	1	Interaction: NA
FM	Stage 2	0	0	0	0	0	0	0	
FM	Stage 3	0	0	0	0	0	0	0	
FM	Stage 4	0	0	0	0	0	0	0	
FM	Stage 5	0	1	0	0	0,25	0,25	0,5	

The analysis of T10 - visualisation of success shows that in the analysed groups, there is no significant group effect but a significant time effect. The interaction between the group effect and time effect is not statistically significant. For T10 – visualisation of success, ANOVA yields no evidence of a group difference (group effect $p = 1.000$) and no overall change across stages (time effect $p = 0.195$). The group $\times$ time interaction is not estimated (reported as NA). Descriptively, in BM the topic appears only marginally: a small presence at Stage 1 (mean = 0.50, median = 0, sd = 1.00), disappears entirely at Stages 2–4 (all zeros), and reappears at a minimal level in Stage 5 (mean = 0.50; median = 0; q3 = 0.25). The FM pattern mirrors BM: a trace at Stage 1 (mean = 1.00, median = 0, sd = 1.00), zeros through Stages 2–4, and a slight return at Stage 5 (mean = 0.50; median = 0; q3 = 0.25). Overall, visualisation of success is rare, confined to the opening and closing stages, and shows parallel trajectories across groups—consistent with the non-significant group effect but a significant time effects.

T7 – the mediator’s experience and T11- the mediator’s initiative explicitly focus on the mediator. The former is developed through a set of such subtopics as 7a how to start, 7b how to

work and 7c how to integrate [PPFM, FMiA, AILaFM, FMPR, BMD, BGM, IBM, BMMiA]. The latter occurs in various situations, e.g., in Stage 1 when the mediator begins with his opening speech or when the conflict between parties-in-conflict becomes explicit in mediation, and then the mediator initiates the causus [PPFM, FMiA, AILaFM, FMPR, BMD, BGM, IBM, BMMiA]. The mediator's initiative starts with the questions they direct to the parties- in-conflict/consent.

The results of the quantitative analyses related to T7 - mediator's experience and T11 – mediator's experience are presented below in Table 61 and Table 62.

Table 61

Descriptive statistics and analysis of variance for T7 - mediator's experience

Mediator's experience									
Group	Stage	min	max	median	q1	q3	mean	sd	p-values
BM	Stage 1	0	0	0	0	0	0	0	Group effect: 0.036
BM	Stage 2	0	3	0,5	0	1,5	1	1,414	
BM	Stage 3	0	0	0	0	0	0	0	
BM	Stage 4	0	0	0	0	0	0	0	Time effect: 0.664
BM	Stage 5	0	0	0	0	0	0	0	
FM	Stage 1	0	2	1	0,75	1,25	1	0,816	
FM	Stage 2	0	3	1,5	0	3	1,5	1,732	Interaction: 0.439
FM	Stage 3	0	3	1,5	0	3	1,5	1,732	
FM	Stage 4	0	4	2	0	4	2	2,309	
FM	Stage 5	0	5	2,5	0	5	2,5	2,887	

The analysis of T7 - mediator's experience in the research groups shows a significant group effect, but no significant time effect. The interaction between the group effect and time effect is not statistically significant. ANOVA indicates a significant group effect ($p = 0.036$), no significant effect of time ($p = 0.664$), and no group $\times$ time interaction ($p = 0.439$). In the BM group, the topic is virtually absent throughout, with a small, isolated presence at Stage 2 (median = 0.5; mean = 1.0; $q1 = 0$; $q3 = 1.5$; $sd = 1.414$) and zeros in Stages 1 and 3–5. By contrast, FM shows a low baseline at Stage 1 (median = 1.0; mean = 1.0; $sd = 0.816$) followed by a gradual rise across the process: Stage 2 and Stage 3 reach mean = 1.5 ($sd = 1.732$), Stage 4 increases to mean = 2.0 (median = 2.0; $sd = 2.309$), and Stage 5 peaks at mean = 2.5 (median = 2.5; $sd = 2.887$). This pattern—near-zero levels in BM versus a modest, progressive increase in FM—underpins the significant group effect, while the overall lack of a time effect and interaction reflects that these changes are limited in magnitude and not consistent across groups.

Table 62*Descriptive statistics and analysis of variance for T11 - mediator's initiative*

Mediator's initiative									
Group	Stage	min	max	median	q1	q3	mean	sd	p-values
BM	Stage 1	0	1	0	0	0,25	0,25	0,5	Group effect: 0.48
BM	Stage 2	0	1	1	0,75	1	0,75	0,5	
BM	Stage 3	0	0	0	0	0	0	0	
BM	Stage 4	0	3	0	0	0,75	0,75	1,5	Time effect: 0.019
BM	Stage 5	0	0	0	0	0	0	0	
FM	Stage 1	0	1	0	0	0,25	0,25	0,5	Interaction: 0.281
FM	Stage 2	0	1	0,5	0	1	0,5	0,577	
FM	Stage 3	0	0	0	0	0	0	0	
FM	Stage 4	0	3	3	2,25	3	2,25	1,5	
FM	Stage 5	0	1	0	0	0,25	0,25	0,5	

For T11 – mediator's initiative, ANOVA indicates no between-group difference ($p = 0.48$), a significant effect of time ($p = 0.019$), and no group $\times$ time interaction ($p = 0.281$). Descriptively, both groups sit near zero for most stages. In BM, the mean is 0.50 at Stage 1, rises to 0.75 at Stage 2 (median = 1), drops to 0 at Stage 3, shows a small bump at Stage 4 (mean = 0.75; sd = 1.50; with a median still at 0, reflecting a skewed distribution), and returns to 0 at Stage 5. FM follows a similar low baseline (means = 0.50 in Stages 1–2; 0 at Stage 3), but exhibits a pronounced spike at Stage 4 (median = 3.00; mean = 2.25; sd = 1.50), before falling back to 0.50 at Stage 5. The significant time effect is therefore driven by a late-stage concentration of the mediator's initiative—especially in FM—while the parallel low levels elsewhere explain the non-significant group and interaction effects.

T8 - basic information refers to the fundamental facts underlying the conflict in mediation, as well as possible options, including the best option for conflict resolution. In the family and business mediation, basic information provided by the parties-in-conflict contributes to a foundational understanding without delving into complex details. In Stage 1, T8 – basic information corresponds to the mediator's opening monologue in which he/she informs the parties-in-conflict about the process of mediation. In Stage 2, basic information is provided by the parties-in-conflict in their opening statement. In Stage 3 and Stage 4, basic information refers to identifying the best option to follow. In Stage 5, basic information refers to the confirmation of conflict resolution.

The quantitative analysis results of T8 -basic information are presented in Table 63 below.

Table 63*Descriptive statistics and analysis of variance for T8 - basic information*

Basic information									
Group	Stage	min	max	median	q1	q3	mean	sd	p-values
BM	Stage 1	1	5	1,5	1	2,75	2,25	1,893	Group effect: 0
BM	Stage 2	8	90	45,5	30,5	62,25	47,25	34,092	
BM	Stage 3	0	20	8	3	14	9	8,869	
BM	Stage 4	0	9	2,5	0	6	3,5	4,359	Time effect: 0.011
BM	Stage 5	0	22	0	0	5,5	5,5	11	
FM	Stage 1	0	2	0	0	0,5	0,5	1	
FM	Stage 2	0	4	4	3	4	3	2	Interaction: 0.519
FM	Stage 3	0	0	0	0	0	0	0	
FM	Stage 4	0	8	0	0	2	2	4	
FM	Stage 5	0	0	0	0	0	0	0	

For T8 – basic information, ANOVA indicates a clear between-group difference (group effect $p \approx 0$), a significant effect of time ($p = 0.011$), and no evidence of a group $\times$ time interaction ($p = 0.519$). In the BM group, basic information is front-loaded. After a modest baseline at Stage 1 (mean = 2.25; sd = 1.893), Stage 2 shows a pronounced surge (mean = 47.25; sd = 34.092; IQR 30.5–62.25), followed by a sharp drop at Stage 3 (mean = 9.00; sd = 8.869) and low levels thereafter (Stage 4 mean = 3.50; Stage 5 mean = 5.50, with median = 0 indicating many zeros and a few larger values). The FM group remains near floor throughout, with only brief upticks: Stage 1 is minimal (mean = 0.50), Stage 2 rises modestly (median = 4; mean = 3.00; sd = 2.00), Stage 3 returns to zero, Stage 4 shows a small average with a median of zero (mean = 2.00; sd = 4.00), and Stage 5 again records zeros. Overall, the significant group effect is driven by substantially higher—and more variable—BM values, especially the Stage-2 spike, while the significant time effect reflects the early peak and subsequent tapering observed across the process. The non-significant interaction is consistent with broadly similar temporal shapes in both groups (early emphasis followed by decline), albeit at very different magnitudes.

In the process of mediation for conflict resolution, T8 - basic information is the core information related to T18 – identification of the problem which is developed by such subtopics as 18a -the background of the problem [PPFM, FMiA, AILaFM, FMPR, BMD, BGM, BMMiA, IBM], 18b -to find the solution to the problem, 18c -the joint problem [PPFM, FMiA, AILaFM, FMPR, BMD, BGM, BMMiA, IBM].

The results of the quantitative analysis related to T18-identification of the problem are presented below in Table 64.

Table 64

Descriptive statistics and analysis of variance for T18 - identification of the problem

Identification of the problem									
Group	Stage	min	max	median	q1	q3	mean	sd	p-values
BM	Stage 1	0	0	0	0	0	0	0	Group effect: 0.003
BM	Stage 2	8	27	12,5	8,75	18,75	15	8,756	
BM	Stage 3	4	13	6,5	4,75	9,25	7,5	4,041	
BM	Stage 4	0	8	2,5	0	5,75	3,25	3,948	
BM	Stage 5	0	0	0	0	0	0	0	Time effect: 0
FM	Stage 1	0	0	0	0	0	0	0	Interaction: 0.076
FM	Stage 2	2	6	4,5	2,75	6	4,25	2,062	
FM	Stage 3	3	4	3,5	3	4	3,5	0,577	
FM	Stage 4	0	0	0	0	0	0	0	
FM	Stage 5	0	0	0	0	0	0	0	

The analysis of T18 - identification of the problem in the research groups shows a significant group effect and a significant time effect. What is more, the interaction of the group effect and the time effect is statistically significant. ANOVA indicates a significant group effect ($p = 0.003$) and a significant time effect ($p < 0.001$). The group $\times$ time interaction does not reach conventional significance ($p = 0.076$). In the BM group, the topic is absent at the beginning and end (Stages 1 and 5 = 0) and concentrates in the middle of the process. It peaks in Stage 2 (mean = 15.00; median = 12.50; IQR 8.75–18.75; sd = 8.756), then declines through Stage 3 (mean = 7.50; median = 6.50) to Stage 4 (mean = 3.25; median = 2.50; sd = 3.948), where many zero values reappear ($q1 = 0$). The FM group shows a much smaller, short-lived presence: zeros in Stages 1, 4, and 5, with modest levels in Stage 2 (mean = 4.25; median = 4.50; sd = 2.062) and Stage 3 (mean = 3.50; median = 3.50; sd = 0.577). Overall, the significant group effect is driven by consistently higher mid-process levels in BM, while the significant time effect reflects the common “mid-course bump then decline” pattern across stages.

T12 - individual action for success and T13 – individual parent/party are interrelated. The results of the analysis related to T12 – individual action for success are shown in Table 65, below.

Table 65*Descriptive statistics and analysis of variance for T12 - individual action for success*

Individual action for success									
Group	Stage	min	max	median	q1	q3	mean	sd	p-values
BM	Stage 1	1	2	1,5	1	2	1,5	0,577	Group effect: 0.509
BM	Stage 2	0	40	6,5	0,75	19	13,25	18, 644	
BM	Stage 3	1	16	5	1	10,75	6,75	7,228	
BM	Stage 4	0	7	0,5	0	2,5	2	3,367	Time effect: 0.167
BM	Stage 5	0	13	0	0	3,25	3,25	6,5	
FM	Stage 1	0	2	0,5	0	1,25	0,75	0,957	Interaction: 0.074
FM	Stage 2	0	1	0	0	0,25	0,25	0,5	
FM	Stage 3	0	16	2,5	0,75	7	5,25	7,365	
FM	Stage 4	0	1	1	0,75	1	0,75	0,5	
FM	Stage 5	0	8	1,5	0,75	3,5	2,75	3,594	

The analysis of T12 - Individual action for success in the research groups shows a significant group effect and a significant time effect. The interaction of the group effect and the time effect is statistically significant. Descriptively, BM exhibits a pronounced early spike: from a low baseline at Stage 1 (mean = 1.50), values jump in Stage 2 (median = 6.50; mean = 13.25; sd = 18.644; IQR 0.75–19.00; max = 40), then taper through Stage 3 (mean = 6.75) to lower levels in Stages 4–5 (medians = 0.50 and 0.00; means = 2.00 and 3.25). The distribution in later stages is highly skewed (q1 = 0, with occasional non-zero highs). FM remains near floor at Stages 1–2 (means = 0.75 and 0.50), rises markedly at Stage 3 (median = 2.50; mean = 5.25; sd = 7.365; IQR 0.75–7.00; max = 16), then drops back in Stage 4 (mean = 0.50) and finishes slightly higher in Stage 5 (median = 1.50; mean = 2.75; sd = 3.594).

The results of the quantitative analysis related to T13 – individual parent/party are presented below in Table 66.

Table 66*Descriptive statistics and analysis of variance for T13 – individual parent/party*

Individual parent party									
Group	Stage	min	max	median	q1	q3	mean	sd	p-values
BM	Stage 1	1	2	1	1	1,25	1,25	0,5	Group effect: 0.001
BM	Stage 2	6	78	44	30,75	56,25	43	29,698	
BM	Stage 3	6	24	8,5	7,5	12,75	11,75	8,261	
BM	Stage 4	0	32	2,5	0	11,75	9,25	15,349	Time effect: 0.003
BM	Stage 5	0	27	2	0	9,75	7,75	12,971	
FM	Stage 1	0	2	0,5	0	1,25	0,75	0,957	
FM	Stage 2	0	25	1,5	0,75	7,75	7	12,028	Interaction: 0.673
FM	Stage 3	0	14	4	2,25	7,25	5,5	6,028	
FM	Stage 4	0	0	0	0	0	0	0	
FM	Stage 5	0	2	0	0	0,5	0,5	1	

For T13 – individual parent/party, ANOVA shows a significant group effect ($p = 0.001$) and a significant effect of time ($p = 0.003$), while the group $\times$ time interaction is not significant ($p = 0.673$). In the BM group, values rise from a very low baseline at Stage 1 (mean = 1.25; sd = 0.50) to a pronounced peak at Stage 2 (mean = 43.00; median = 44; IQR 30.75–56.25; sd = 29.70). Thereafter, levels drop to 11.75 in Stage 3 and remain lower but variable in Stages 4–5 (means = 9.25 and 7.75), with wide dispersion and skew (e.g., Stage 4 median = 2.5, q1 = 0; sd = 15.35; Stage 5 median = 2.0; sd = 12.97). The FM group stays near floor at Stage 1 (mean = 0.75), increases at Stage 2 (mean = 7.00; sd = 12.03) and Stage 3 (mean = 5.50; sd = 6.03), then falls to zero at Stage 4 and returns close to baseline at Stage 5 (mean = 0.50). Overall, the significant group effect is driven by substantially higher levels in BM—especially the sharp Stage-2 spike—whereas FM remains low throughout. The time effect reflects the emergence and subsequent attenuation of this topic across stages; the non-significant interaction indicates broadly similar temporal shapes in both groups, but at markedly different magnitudes.

. T14 - new reality generally refers to a changed pre-mediation situation, e.g. divorce, separation, mobbing, illness, or emerging situation in mediation when the conflict between the parties involved is subject to the transformation for conflict resolution so that the parties-in-conflict are to be transformed into the parties-in-consent, when they try to cooperate to find the options for conflict resolution usually in Stage 3 and to choose the best option for conflict resolution usually in Stage 4 both in the family and business mediations. The pre-mediation family or business changes affect the parties, who used to be husband and wife [[PPFM, FMiA,

AILaFM, FMPR], or friends in a business environment[BMD, BGM, BMMiA], in such a way that they are parties-in-conflict. Sometimes, a new reality is shaped by, e.g., subtopic 14a - personal reasons to discontinue commercial activity[, BMD, BMMiA, BGM].

The results of the analysis of T14-new reality are presented in Table 67 below.

Table 67

Descriptive statistics and analysis of variance for T14 – new reality

New reality									
Group	Stage	min	max	median	q1	q3	mean	sd	p-values
BM	Stage 1	0	0	0	0	0	0	0	Group effect: 0.053
BM	Stage 2	0	34	11,5	4,5	21,25	14,25	14,93	
BM	Stage 3	3	8	5,5	4,5	6,5	5,5	2,082	
BM	Stage 4	0	0	0	0	0	0	0	
BM	Stage 5	0	0	0	0	0	0	0	Time effect: 0
FM	Stage 1	0	0	0	0	0	0	0	
FM	Stage 2	0	22	0,5	0	6,25	5,75	10,844	Interaction: 0.234
FM	Stage 3	0	3	1,5	0	3	1,5	1,732	
FM	Stage 4	0	0	0	0	0	0	0	
FM	Stage 5	0	0	0	0	0	0	0	

The analysis of T14 -new reality in the research groups shows no significant group effect, but a significant time effect. The interaction of the group effect and time effect is not statistically significant. In BM, the topic is absent at the outset, emerges strongly in Stage 2 (median = 11.5; mean = 14.25; IQR 4.5–21.25; sd = 14.93; max = 34), and then recedes to a modest level in Stage 3 (median = 5.5; mean = 5.5; sd = 2.082) before disappearing again in Stages 4–5. The FM pattern is similar but smaller in scale: zeros at Stage 1, a low and highly dispersed presence in Stage 2 (median = 0.5; mean = 5.75; IQR 0–6.25; sd = 10.844; max = 22), a small residual at Stage 3 (median = 1.5; mean = 1.5; sd = 1.732), and zeros thereafter.

Overall, both groups show a mid-process appearance followed by a return to zero, which explains the significant time effect and the non-significant interaction; BM simply exhibits the same arc at higher magnitude.

T15 – progress of negotiation is vital for mediation to achieve conflict resolution. In both family and business mediations, it refers to the advancement of discussions between the parties-in-conflict/consent, who aim at reaching a mutually acceptable conflict resolution. The progress of negotiation starts implicitly with the consent given by the parties-in-conflict to participate in mediation. It follows a structured mediation process that includes preparation with

the goals defined by the parties-in-conflict, opening statements given by the parties-in-conflict, exchanging information to clarify the parties'-in-conflict needs and interests, and identifying potential solutions with the best option chosen by the parties-in-consent who are to reach a final agreement. The results of the analysis of T15 - progress of negotiation are presented in Table 68 below.

Table 68

Descriptive statistics and analysis of variance for T15 - progress of negotiation

Progress of negotiation									
Group	Stage	min	max	median	q1	q3	mean	sd	p-values
BM	Stage 1	0	0	0	0	0	0	0	Group effect: 0.028
BM	Stage 2	0	0	0	0	0	0	0	
BM	Stage 3	0	1	0	0	0,25	0,25	0,5	
BM	Stage 4	0	16	0,5	0	4,75	4,25	7,848	
BM	Stage 5	9	24	13,5	9,75	18,75	15	6,976	
FM	Stage 1	0	0	0	0	0	0	0	Time effect: 0
FM	Stage 2	0	0	0	0	0	0	0	
FM	Stage 3	0	0	0	0	0	0	0	
FM	Stage 4	0	0	0	0	0	0	0	
FM	Stage 5	1	3	1	1	1,5	1,5	1	

The analysis of T15- progress of negotiation in the research groups indicates both a significant group effect and a significant time effect; however, the interaction between the group effect and the time effect is not statistically significant. For T15 – progress of negotiation, ANOVA shows a significant group effect ($p = 0.028$) and a clear effect of time ($p < 0.001$), with no evidence of a group $\times$ time interaction ($p = 0.176$). In the BM group, the topic is absent in Stages 1–2 and begins to appear at Stage 3 (mean = 0.50). It grows at Stage 4 (mean = 4.25; sd = 7.848; median = 0.5; IQR 0–4.75), a pattern consistent with many zero values and a few larger counts (max = 16). The strongest concentration is reached at Stage 5 (mean = 15.00; sd = 6.976; median = 13.5; IQR 9.75–18.75). The FM group remains at zero through Stages 1–4 and shows only a small uptick at Stage 5 (mean = 1.00; sd = 1.00; median = 1). Overall, the significant group effect is driven by substantially higher late-stage levels in BM, while the significant time effect reflects the end-of-process emphasis in both groups; the non-significant interaction indicates broadly similar timing (growth toward Stage 5) despite large differences in magnitude.

T19 – money occurs implicitly and explicitly in the family and business mediations. Although the issue of alimony for children is not discussed in the family mediations under

analysis, it is one element in the parenting plan. T19 -money is under discussion in *Business Mediation Demo* and *Business Mock Mediation in Action*. In the former business mediation, T19 - money is discussed regarding Mr Sharp's expenditure for Lily's medical treatment and the necessity to adjust the house for Lily's needs. In the latter business mediation, the T19 – money focuses on Macho Mike's compensation for Kari.

The results of the analysis of T19 -money of negotiation are presented in Table 69 below.

Table 69

Descriptive statistics and analysis of variance for T19 - money

Money									
Group	Stage	min	max	median	q1	q3	mean	sd	p-values
BM	Stage 1	0	0	0	0	0	0	0	Group effect: 0.006
BM	Stage 2	0	32	17,5	7,5	26,75	16,75	14,454	
BM	Stage 3	0	9	5,5	1,5	9	5	4,69	
BM	Stage 4	0	0	0	0	0	0	0	Time effect: 0.005
BM	Stage 5	0	0	0	0	0	0	0	
FM	Stage 1	0	0	0	0	0	0	0	
FM	Stage 2	0	1	0	0	0,25	0,25	0,5	Interaction: 0.144
FM	Stage 3	0	2	0	0	0,5	0,5	1	
FM	Stage 4	0	0	0	0	0	0	0	
FM	Stage 5	0	0	0	0	0	0	0	

The analysis of T19 - money in the research groups shows that we observe a significant group effect and a significant time effect. However, the interaction between the group effect and time effect is not statistically significant. For T19 – money, ANOVA indicates a significant between-group difference ($p = 0.006$) and a significant effect of time ($p = 0.005$), while the group $\times$ time interaction is not significant ($p = 0.144$). In the BM group, money is absent at Stages 1, 4, and 5, and concentrates mid-process: Stage 2 reaches its highest level (median = 17.5; mean = 16.75; IQR 7.5–26.75; sd = 14.454; max = 32), followed by a marked reduction in Stage 3 (median = 5.5; mean = 5.00; IQR 1.5–9; sd = 4.690). The FM group remains near floor throughout, with only minor mentions in Stage 2 (median = 0; mean = 0.50; IQR 0–0.25; sd = 0.50) and Stage 3 (median = 0; mean = 0.50; IQR 0–0.5; sd = 1.00), and zeros elsewhere. Overall, the significant group effect is driven by the BM mid-process peak, and the significant time effect reflects a shared pattern of emergence and decline over stages; the non-significant interaction is consistent with broadly similar temporal shapes but very different magnitudes.

T20 - communication is fundamental in the context of mediation. In both family and business mediations, the parties-in-conflict participate in the mediation process primarily because they face communication issues and secondarily because they trust the mediator to facilitate communication between them. T20 – communication consists of two subtopics, i.e., 20a - lack of communication [[PPFM, FMiA, AILaFM, FMPR, BMD, BMMiA], and 20b - importance of communication [PPFM, FMiA, AILaFM, FMPR, BMD, BGM, IBM, BMMiA].

The results of the analysis of T20 - communication are presented in Table 70 below.

Table 70

Descriptive statistics and analysis of variance for T20 - communication

Communication									
Group	Stage	min	max	median	q1	q3	mean	sd	p-values
BM	Stage 1	0	0	0	0	0	0	0	Group effect: 0.132
BM	Stage 2	0	22	6,5	2,25	13	8,75	9,777	
BM	Stage 3	0	0	0	0	0	0	0	
BM	Stage 4	0	0	0	0	0	0	0	Time effect: 0.004
BM	Stage 5	0	0	0	0	0	0	0	
FM	Stage 1	0	0	0	0	0	0	0	
FM	Stage 2	0	3	0	0	0,75	0,75	1,5	Interaction: 0.132
FM	Stage 3	0	0	0	0	0	0	0	
FM	Stage 4	0	0	0	0	0	0	0	
FM	Stage 5	0	0	0	0	0	0	0	

The analysis of T20 - communication in the research groups shows no significant group effect but a significant time effect. The interaction between the group effect and time effect is not statistically significant. For T20 – communication, ANOVA shows no overall group effect ($p = 0.132$) but a clear effect of time ($p = 0.004$); the group $\times$ time interaction is not significant ($p = 0.132$). Descriptively, the BM group exhibits a single mid-process burst at Stage 2 (median = 6.5; mean = 8.75; IQR 2.25–13.00; sd = 9.777; max = 22), while all other stages are at zero. The FM group remains at floor across the process, with only a small uptick at Stage 2 (median = 0; mean = 1.50; IQR 0–0.75) and zeros elsewhere. Thus, communication appears briefly and predominantly in Stage 2—more visibly in BM—driving the significant time effect; the parallel “mostly zero except Stage 2” pattern in both groups is consistent with the non-significant group and interaction tests.

T21 – shareholding occurs not only in business mediations but also in family mediations. In the context of business mediations, the parties-in-conflict participate in

mediation to resolve their shareholder conflicts, e.g., the conflict between Mr Sharp and Mrs Smith, the shareholders of the company [BMD]. The involvement of the mediator facilitates their communication and negotiation to reach a mutually acceptable agreement. In the context of family mediation, shareholding may involve transferring shares, a lump sum payment, or monthly/annual payments if parents are shareholders in a family business. In the analysed family mediations, a "shareholding" occurs in the parenting plan; however, it does not refer to ownership of a company or assets. It describes the division of parental responsibilities and decision-making power regarding the child or children. It outlines how, e.g., Glen and Stephanie share the tasks of caring for their children and making important decisions about their lives [PPFM].

The results of the analysis of T21 – shareholding of negotiation are presented in Table 71 below.

Table 71

Descriptive statistics and analysis of variance for T21 – shareholding

Shareholding									
Group	Stage	min	max	median	q1	q3	mean	sd	p-values
BM	Stage 1	0	0	0	0	0	0	0	Group effect: 0.564
BM	Stage 2	0	16	0	0	4	4	8	
BM	Stage 3	0	0	0	0	0	0	0	
BM	Stage 4	0	2	2	1,5	2	1,5	1	
BM	Stage 5	0	0	0	0	0	0	0	
FM	Stage 1	0	0	0	0	0	0	0	Time effect: 0
FM	Stage 2	0	0	0	0	0	0	0	
FM	Stage 3	0	0	0	0	0	0	0	
FM	Stage 4	0	2	2	1,5	2	1,5	1	
FM	Stage 5	0	0	0	0	0	0	0	
Interaction: 0.64									

The analysis of T21 – shareholding in the research groups shows no significant group effect but a significant time effect. The interaction between the group effect and time effect is not statistically significant. For T21 – shareholding, ANOVA shows no overall group difference ($p = 0.564$), a clear effect of time ($p < 0.001$), and no group $\times$ time interaction ($p = 0.640$). Descriptively, BM is at floor in Stages 1, 3, and 5, with two stage-bound appearances: a dispersed blip in Stage 2 (median = 0; mean = 4.00; IQR 0–4; sd = 8.00; max = 16), and a small but consistent signal in Stage 4 (median = 2.00; mean = 1.50; sd = 1.00). FM mirrors this stage

specificity, remaining at zero except for Stage 4 (median = 2.00; mean = 1.50; sd = 1.00). Thus, shareholding emerges almost exclusively at Stage 4 in both groups (with an additional, irregular BM appearance at Stage 2), which explains the significant time effect alongside non-significant group and interaction terms

The results of the quantitative analysis related to T22 - impartiality, T23 -business intentions, and T24 - business complaints are presented in Appendix 10, as no significant differences are observed between the research mediation group; however, the results of the qualitative analysis indicate some differences. In both family and business mediations, T22 – impartiality refers to the mediator's neutrality and his/her unbiased approach to facilitating a conflict resolution between the parties-in-conflict. T23 - business intentions with subT23a - business objective encompasses the overall aims and desired outcomes of the company to be achieved. Business intentions often translate into specific goals, strategies, and actions, which, in case of conflict, should be identified and mediated, which serves as the foundation for a business plan. Understanding and defining intentions is crucial for aligning actions and ensuring that decisions are consistent with the long-term vision. T24 – business complaints occur in the context of national and international business cooperation. In the context of *International Business Mediation*, both American and Russian parties-in-conflict articulate their business complaints in the presence of the mediator, both in joint sessions and caucuses, to identify the problem and find the best option to resolve it.

5.1.2 Mediation interaction -results and discussion

In this subchapter, we focus on the description and discussion of the results of the discourse analysis related to the interaction in qualitative and quantitative terms. In both family and business mediation, we have identified eight interactions, e.g., I1 – politeness and gratefulness, I2 – separate state of the parties-in-conflict/consent, I3 - the parties-in-conflict/consent united by such factors as I3a – united by previous knowledge, I3b – united by timeshare for children, I3c– united by the parties’ – in-conflict/consent interests, I3d – united by getting information, I3e – united by acceptance, I3f – united by confirmation.

The analysed data show the distribution of interaction types during different stages of the BM process, see Table 72 below.

Table 72*Distribution of interactions in business mediations*

BM	Interactions							
	Politeness and gratefulness	Separate state of the parties-in-conflict/consent	United by previous knowledge	United by timeshare for children	United by the parties'-in-conflict/consent interests	United by getting information	United by acceptance	United by confirmation
Stage 1	7,69%	0,00%	1,75%	0,00%	9,09%	19,64%	-	0,00%
Stage 2	9,79%	24,15%	29,82%	0,00%	0,00%	80,36%	-	100,00%
Stage 3	5,59%	25,12%	17,89%	0,00%	0,00%	0,00%	-	0,00%
Stage 4	12,59%	31,88%	23,51%	4,00%	90,91%	0,00%	-	0,00%
Stage 5	64,34%	18,84%	27,02%	96,00%	0,00%	0,00%	-	0,00%

In the BM group (Table 72 above), Stage 2 is dominated by United by confirmation (100.00%) and United by getting information (80.36%), with notable shares of Separate state of the parties-in-conflict/consent (24.15%) and United by previous knowledge (29.82%). Stage 4 is characterized by a very high United by the parties'-in-conflict/consent interests (90.91%), accompanied by elevated Separate state (31.88%) and United by previous knowledge (23.51%). Stage 5 peaks for United by timeshare for children (96.00%) and shows a pronounced rise in Politeness and gratefulness (64.34%), while other referents remain minimal. Stage 1 presents generally low values (highest: United by getting information at 19.64%). Stage 3 features a mid-process emphasis on Separate state (25.12%) with modest United by previous knowledge (17.89%) and no activity for Getting information or Confirmation. United by acceptance is absent across all stages.

Table 73 below shows the distribution of interaction types during different stages of the FM group.

Table 73*Distribution of interactions in family mediations*

FM	Interactions							
	Politeness and gratefulness	Separate state of the parties-in-conflict/consent	United by previous knowledge	United by timeshare for children	United by the parties'-in-conflict/consent interests	United by getting information	United by acceptance	United by confirmation
Stage 1	13,01%	3,74%	4,07%	2,04%	9,09%	53,85%	0,00%	0,00%
Stage 2	0,81%	15,89%	26,83%	5,10%	9,09%	23,08%	0,00%	100,00%
Stage 3	1,63%	28,04%	19,51%	15,31%	60,61%	23,08%	0,00%	0,00%
Stage 4	57,72%	47,66%	44,72%	60,20%	21,21%	0,00%	0,00%	0,00%
Stage 5	26,83%	4,67%	4,88%	17,35%	0,00%	0,00%	100,00%	0,00%

In the FM group (Table 73 below), Stage 1 starts with Politeness and gratefulness (13.01%) to be United by getting information (53.85%). Stage 2 shows that the parties-in-conflict are United by previous knowledge (26.83%) and United by getting information (23.08%). Stage 3 focused on identifying options shows Separate state of the parties-in-conflict (28.04%) the peak of which is reached in Stage 4 (47.66%) when they mediate the best option. Stage 4 also shows the highest percentage of Politeness and gratefulness (57.72%). Stage 5 shows that the highest percentage of United by acceptance (100%), which proves that conflict resolution is reached.

I1 - politeness and gratefulness is the first type of interaction to open the mediation process between the parties-in-conflict by the third neutral party, i.e., the mediator, and help them reach a mutually agreeable conflict resolution. This interaction starts in Stage 1, when the mediator is polite and grateful towards the parties-in-conflict in his/her opening monologue. The mediator remains impartial and neutral throughout all stages of mediation, ensuring that the parties-in-conflict have a fair and balanced interaction. The parties'-in-conflict/consent interactions involve direct communication of their needs, interests, and perspectives to each other as indicated above, often with the mediator's facilitation. In the process of mediation, at all stages, the parties-in-conflict/consent are encouraged by the mediator to listen actively to each other, understand the other party's viewpoint, and to communicate directly [PPFM, FMiA, AILaFM, FMPr, BMD, BGM, IBM, BMMiA].

The results of the quantitative analysis of I1 – politeness and gratefulness are presented in Table 74 below.

Table 74

Descriptive statistics and analysis of variance for I1 – politeness and gratefulness

Politeness and gratefulness									
Group	Stage	min	max	median	q1	q3	mean	sd	p-values
BM	Stage 1	1	6	2	1,75	3	2,75	2,217	Group effect: 0.302
BM	Stage 2	1	10	1,5	1	4	3,5	4,359	
BM	Stage 3	1	4	1,5	1	2,5	2	1,414	
BM	Stage 4	1	11	3	1	6,5	4,5	4,726	
BM	Stage 5	12	34	23	15,75	30,25	23	10,231	Time effect: 0
FM	Stage 1	2	7	3,5	2	5,5	4	2,449	Interaction: 0.001
FM	Stage 2	0	1	0	0	0,25	0,25	0,5	
FM	Stage 3	0	1	0,5	0	1	0,5	0,577	
FM	Stage 4	5	27	19,5	14	23,25	17,75	9,43	

FM	Stage 5	2	15	8	3,5	12,75	8,25	6,238

The analysis of I1 – politeness and gratefulness in the research groups shows no significant group effect but a significant time effect. The interaction between the group effect and time effect is also statistically significant. For I1 – politeness and gratefulness, ANOVA indicates no overall group difference ($p = 0.302$), a strong effect of time ($p < 0.001$), and a significant group $\times$ time interaction ($p = 0.001$). Descriptively, BM stays low through Stages 1–4 (means ≈ 2.75 , 3.50, 2.00, 4.50), then escalates sharply at Stage 5 (median = 23; mean = 23.00; sd = 10.23; range 12–34). FM shows a different trajectory: a moderate baseline at Stage 1 (mean = 4.00) drops to near-zero in Stages 2–3 (means = 0.50 and 0.50), followed by a pronounced surge at Stage 4 (median = 19.5; mean = 17.75; sd = 9.43; range 5–27) and a partial decline at Stage 5 (median = 8; mean = 8.25; sd = 6.24). Variability rises with the late-stage increases in both groups. The significant interaction reflects these divergent timings—FM peaking in Stage 4, BM in Stage 5—despite similarly low levels earlier in the process.

The results of the quantitative analysis of I2 – separate state of the parties-in-conflict/consent are presented in Table 75 below.

Table 75

Descriptive statistics and analysis of variance for I2 – separate state of the parties-in-conflict/consent

Separate state of the parties- in-conflict/consent									
Group	Stage	min	max	median	q1	q3	mean	sd	p-values
BM	Stage 1	0	0	0	0	0	0	0	Group effect: 0.326
BM	Stage 2	0	40	5	3	14,5	12,5	18,502	
BM	Stage 3	6	24	11	7,5	16,5	13	8,083	
BM	Stage 4	6	35	12,5	9	20	16,5	12,871	
BM	Stage 5	0	17	11	3,75	17	9,75	8,617	Time effect: 0
FM	Stage 1	0	2	1	0	2	1	1,155	Interaction: 0.153
FM	Stage 2	2	7	4	3,5	4,75	4,25	2,062	
FM	Stage 3	0	14	8	6	9,5	7,5	5,745	
FM	Stage 4	1	18	16	12,25	16,5	12,75	7,89	
FM	Stage 5	0	5	0	0	1,25	1,25	2,5	

The analysis of I2 – separate state of the parties-in-conflict/consent in the research groups shows no significant group effect but a significant time effect. The interaction between the group effect and time effect is not statistically significant. For I2 – separate state of the parties-

in-conflict/consent, ANOVA shows no overall group effect ($p = 0.326$), a clear effect of time ($p < 0.001$), and no group $\times$ time interaction ($p = 0.153$). Descriptively, BM is at floor in Stage 1 (all zeros), then remains consistently present through Stages 2–5 with a mid-process elevation: the mean increases from 12.50 at Stage 2 (median = 5; IQR 3–14.5; sd = 18.50; max = 40) to 16.50 at Stage 4 (median = 12.5; IQR 9–20; sd = 12.87), before easing to 9.75 at Stage 5 (median = 11; IQR 3.75–17; sd = 8.62). FM follows a similar arc but at lower levels early on: from a small baseline at Stage 1 (mean = 1.00) it climbs through Stage 2 (mean = 4.25) to Stage 3 (mean = 7.50) and peaks at Stage 4 (median = 16; mean = 12.75; IQR 12.25–16.5; sd = 7.89), then drops back near floor in Stage 5 (mean = 1.25). The significant time effect reflects this shared rise toward the middle/late stages and subsequent decline, while the non-significant interaction indicates that, despite differences in magnitude and dispersion (BM showing larger variability, especially at Stage 2), the overall temporal pattern is broadly comparable across groups

I2 - separate state of the parties-in-conflict/consent occurs implicitly or explicitly at all stages of both family and business mediations. In Stages 2 and 3, the parties-in-conflict are directly involved and opposed to each other. Their separate state results from their needs and interests as well as the expectation towards the opposite party-in-conflict. They are the primary parties-in-conflict, and they usually represent the interests of the secondary parties, e.g., the interests of their children, or, in case of the authorisation, the secondary parties represent the interests of the primary parties-in-conflict who provided them with the power of attorney for their representation. In Stages 4 and 5, the primary parties are usually the parties-in-consent as they are directly involved in the conflict resolution. Their previous hostile and fighting behaviour is transformed into a cooperative one, usually by the mediator, i.e., the third party, who helps the primary parties communicate and find common ground for conflict resolution.

The analysis of I3 - the parties-in-conflict/consent united by the different factors shows different results depending on the analysed subcategory, i.e., I3a - previous knowledge, I3b - timeshare for children, I3c - the parties'-in-conflict/consent interests, I3d - getting informed, I3e – acceptance, I3f –confirmation.

The analyses of the two subcategories, i.e., I3e – united by acceptance and I3f – united by confirmation, reveal no significant group and time effects, nor any statistically important interaction between group and time effects. Therefore, Tables are enclosed in Appendix 10. Although the interaction of group and time effects related to these two subcategories, i.e., I3e – united by acceptance and I3f –united by confirmation, is not statistically significant, acceptance and interaction occur in all stages of both family and business mediations implicitly and

explicitly. In mediation, the parties-in-conflict are united by acceptance when they express their agreement to participate in the process of mediation, whereas united by confirmation when they confirm the arrangements for mediation, i.e. time, location as well as their understanding of the mediation process with confidentiality requirements. In the subsequent stages of the mediation process, the parties-in-conflict/consent accept what the other party's-in-conflict/consent suggestion, option or solution, and also they confirm their understanding as well as that of the mediator. Finally, they confirm the stipulation of the final agreement for conflict resolution.

The quantitative analyses of the two subcategories, i.e., I3d – united by getting information and I3b – united by timeshare for children, are presented in Table 76 and Table 77 below.

Table 76

Descriptive statistics and analysis of variance for I3d – united by getting information

United by getting information									
Group	Stage	min	max	median	q1	q3	mean	sd	p-values
BM	Stage 1	2	5	2	2	2,75	2,75	1,5	Group effect: 0.62
BM	Stage 2	0	42	1,5	0	12,75	11,25	20,549	
BM	Stage 3	0	0	0	0	0	0	0	
BM	Stage 4	0	0	0	0	0	0	0	Time effect: 0.001
BM	Stage 5	0	0	0	0	0	0	0	
FM	Stage 1	0	3	2	1,5	2,25	1,75	1,258	
FM	Stage 2	0	3	0	0	0,75	0,75	1,5	Interaction: 0.425
FM	Stage 3	0	3	0	0	0,75	0,75	1,5	
FM	Stage 4	0	0	0	0	0	0	0	
FM	Stage 5	0	0	0	0	0	0	0	

The analysis of I3d – united by getting information in the research groups shows no significant group effect but a significant time effect. The interaction between the group effect and time effect is not statistically significant. For I3d – united by getting information, ANOVA shows no between-group difference ($p = 0.62$), a significant effect of time ($p = 0.001$), and no group $\times$ time interaction ($p = 0.425$). In BM, the category is present at a low level in Stage 1 (mean = 2.75; median = 2; sd = 1.50), spikes in Stage 2 (median = 1.5; mean = 11.25; q1 = 0; q3 = 12.75; sd = 20.55; max = 42), and then drops to zero for Stages 3–5. FM begins slightly higher in Stage 1 (mean = 1.75; median = 2; sd = 1.26), but records only sporadic, low values in Stages 2–3 (medians = 0; means $\approx$ 0.75; sd = 1.50) and zeros thereafter. The significant time effect is therefore driven by a short-lived, early-process increase -pronounced in BM and minimal in

FM-followed by extinction in later stages. A comparable temporal pattern is reported for I3b (united by timeshare for children; see the corresponding table).

The similar results are for I3b – united by timeshare for children, see Table 77, below.

Table 77

Descriptive statistics and analysis of variance for I3b – united by timeshare for children

United by timeshare for children									
Group	Stage	min	max	median	q1	q3	mean	sd	p-values
BM	Stage 1	0	0	0	0	0	0	0	Group effect: 0.117
BM	Stage 2	0	0	0	0	0	0	0	
BM	Stage 3	0	0	0	0	0	0	0	
BM	Stage 4	0	1	0	0	0,25	0,25	0,5	Time effect: 0.041
BM	Stage 5	0	17	3,5	0	9,5	6	8,042	
FM	Stage 1	0	2	0	0	0,5	0,5	1	Interaction: 0.186
FM	Stage 2	0	3	1	0	2,25	1,25	1,5	
FM	Stage 3	0	8	3,5	0	7,25	3,75	4,349	
FM	Stage 4	0	23	18	13,5	19,25	14,75	10,112	
FM	Stage 5	0	10	3,5	0	7,75	4,25	5,058	

The analysis of I3b – united by timeshare for children in the research groups shows no significant group effect but a significant time effect. The interaction between the group effect and time effect is not statistically significant. For I3b – united by timeshare for children, ANOVA shows no between-group difference ($p = 0.117$), a significant effect of time ($p = 0.041$), and no group $\times$ time interaction ($p = 0.186$). In BM, the category is absent through Stages 1–3 and only begins to surface late: a small signal at Stage 4 (median = 0; mean = 0.50; $q3 = 0.25$; $sd = 0.50$) is followed by a marked rise and wide dispersion at Stage 5 (median = 3.5; mean = 6.00; IQR 0–9.5; $sd = 8.042$; max = 17). The FM group exhibits a progressive build-up from a near-zero baseline in Stage 1 (median = 0; mean = 1.00) through Stage 2 (median = 1; mean = 1.50) and Stage 3 (median = 3.5; mean = 3.75), peaking strongly at Stage 4 (median = 18; mean = 14.75; IQR 13.5–19.25; $sd = 10.112$; max = 23) before easing at Stage 5 (median = 3.5; mean = 4.25; $sd = 5.058$). The significant time effect reflects this shared late-process concentration (earlier and larger in FM, later in BM), while the non-significant group and interaction terms indicate broadly similar temporal profiles across groups despite different magnitudes.

The mediator and the parties-in-conflict/consent are united by getting information at all stages of the family or business mediation process. Getting information is crucial for the parties-in-conflict/consent and the mediator to understand the core issues and perspectives. It is based

on the mediator's asking questions firstly to clarify the problem, second to identify the underlying issues, and thirdly to explore the potential solution to the problem. In the process of mediation, I3d – united by getting information is broken down into firstly getting information from the mediator, secondly getting information from the parties-in-conflict/consent, thirdly key aspects of getting information, and fourthly the preparation for getting information. The information from the mediator is based on the open-ended questions designed to understand each party's-in-conflict/consent perspective, his/her history of conflict, and expectations in terms of conflict resolution. The mediator facilitates communication between the parties-in-conflict/consent and helps them understand their perspectives, even if they disagree, by encouraging their active listening and reframing issues. Getting information from the parties-in-conflict/consent is conducted through both joint sessions and private sessions, i.e., caucuses. The parties-in-conflict/consent explore their sensitive issues and delve into their specific interests. As a result, they are asked to share information on their needs and interests. In respect of key aspects of getting information, the mediator and the parties-in-conflict/consent focus on their interests and needs; however, they do not focus on their positions. The mediator helps the parties-in-conflict/consent understand their benefits and risks of the potential options for conflict resolution and provides a clear record of their progress towards conflict resolution. The mediator also helps the parties-in-conflict/consent prepare for information. He/She stimulates the parties-in-conflict/consent to reflect on their interests, needs, and expected outcomes.

I3b – united by timeshare for children occurs in family mediations and two business mediations. The parties-in-conflict/consent united by timeshare for children interact with each other to prepare a practical time-sharing schedule, which is in their and their children's best interest. United by timeshare for children, they focus on developing a time-sharing schedule that ensures their children's well-being and allows for frequent contact with both parents. Timeshare, when agreed in mediation, is formalised in a parenting plan, and if need be, it is submitted to the court for a court order. In *Business Mediation Demo*, Mr Sharp's parental timeshare as a single parent related to his ill daughter Lily, with the help of the mediator, allows him to come to terms with Mrs Smith and solve his problem. In *Business Grievance Mediation*, David and Michelle are united by David's timeshare of his daughter related to the daycare centre. In both business mediations, the parties-in-conflict have resolved the problem related to the timeshare for children. In the former, Mrs Smith commits herself to solving Mr Sharp's financial and housing adjustment problem, and in the latter, the business meetings are shifted from the end of the day to the beginning.

The quantitative analysis of the subcategory, i.e., I3c – united by the parties'-in-conflict/consent interests is presented in Table 78, below.

Table 78

Descriptive statistics and analysis of variance for I3c – united by the parties'-in-conflict/consent interests

United by the parties'-in-conflict/consent interests.									
Group	Stage	min	max	median	q1	q3	mean	sd	p-values
BM	Stage 1	0	1	0	0	0,25	0,25	0,5	Group effect: 0.015
BM	Stage 2	0	0	0	0	0	0	0	
BM	Stage 3	0	0	0	0	0	0	0	
BM	Stage 4	0	10	0	0	2,5	2,5	5	Time effect: 0.262
BM	Stage 5	0	0	0	0	0	0	0	
FM	Stage 1	0	4	1	0,75	1,75	1,5	1,732	
FM	Stage 2	0	3	1,5	0	3	1,5	1,732	Interaction: 0.537
FM	Stage 3	0	23	8,5	0	18,5	10	11,804	
FM	Stage 4	0	7	3,5	0	7	3,5	4,041	
FM	Stage 5	0	0	0	0	0	0	0	

The analysis of I3c – united by the parties'-in-conflict/consent interests in the research groups shows a significant group effect but no significant time effect. The interaction between the group effect and time effect is not statistically significant. For I3c – united by the parties'-in-conflict/consent interests, ANOVA shows a significant group effect ($p = 0.015$), with no main effect of time ($p = 0.262$) and no group $\times$ time interaction ($p = 0.537$). In BM, values are at floor in Stages 2, 3, and 5, with only a trace at Stage 1 (mean = 0.50; median = 0; sd = 0.50) and a small, highly dispersed signal at Stage 4 (median = 0; mean = 2.50; q1 = 0; q3 = 2.50; sd = 5.00; max = 10). FM, by contrast, shows a clear mid-process presence: Stage 1 and Stage 2 are low (means = 1.50; sds = 1.732), Stage 3 peaks (median = 8.5; mean = 10.00; q1 = 0; q3 = 18.5; sd = 11.804; max = 23), and Stage 4 remains moderate (median = 3.5; mean = 3.50; sd = 4.041), before returning to zero at Stage 5

In both family and business mediation, the parties-in-conflict/consent express their interests and are exposed to the opposite party's interests understood as his/her motivation, goals, desires, or needs. As they go through different stages of mediation, they communicate and cooperate for conflict resolution.

The quantitative analysis of the subcategory, i.e., I3a – united by previous knowledge, is presented in Table 79 below.

Table 79*Descriptive statistics and analysis of variance for I3a - united by previous knowledge*

United by previous knowledge									
Group	Stage	min	max	median	q1	q3	mean	sd	p-values
BM	Stage 1	0	2	1,5	0,75	2	1,25	0,957	Group effect: 0.043
BM	Stage 2	1	40	22	4,75	38,5	21,25	20,614	
BM	Stage 3	6	24	10,5	6,75	16,5	12,75	8,302	
BM	Stage 4	6	35	13	9,75	20	16,75	12,712	Time effect: 0.021
BM	Stage 5	6	29	21	14,25	26	19,25	10,145	
FM	Stage 1	0	2	1,5	0,75	2	1,25	0,957	
FM	Stage 2	1	30	1	1	8,25	8,25	14,5	Interaction: 0.092
FM	Stage 3	0	17	3,5	0	9,5	6	8,042	
FM	Stage 4	1	18	18	13,75	18	13,75	8,5	
FM	Stage 5	0	6	0	0	1,5	1,5	3	

The analysis of I3a, united by previous knowledge in the research groups, shows a significant group effect and a significant time effect. However, the interaction between the group effect and time effect is not statistically significant. In the BM group, values jump from a very low baseline at Stage 1 (mean = 1.25; median = 1.5; sd = 0.957) to a pronounced surge at Stage 2 (median = 22; mean = 21.25; sd = 20.614; q1–q3 = 4.75–38.50). Thereafter they settle at elevated levels: Stage 3 (mean = 12.75; sd = 8.302), Stage 4 (mean = 16.75; sd = 12.712), and Stage 5 (mean = 19.25; sd = 10.145). The FM group follows the same general arc but at much lower magnitudes: Stage 1 mirrors BM's baseline (mean = 1.25; sd = 0.957), Stage 2 rises modestly with high dispersion (median = 1.0; mean = 8.25; sd = 14.50; q3 = 8.25; max = 30), Stage 3 remains moderate (median = 3.5; mean = 6.00; sd = 8.042), peaks at Stage 4 (median = 18; mean = 13.75; sd = 8.50), and drops back toward floor at Stage 5 (median = 0; mean = 1.50; sd = 3.00). Taken together, both groups show mid-to-late process prominence of “shared prior knowledge,” but BM sustains higher levels throughout, which aligns with the significant group and time effects and the non-significant interaction.

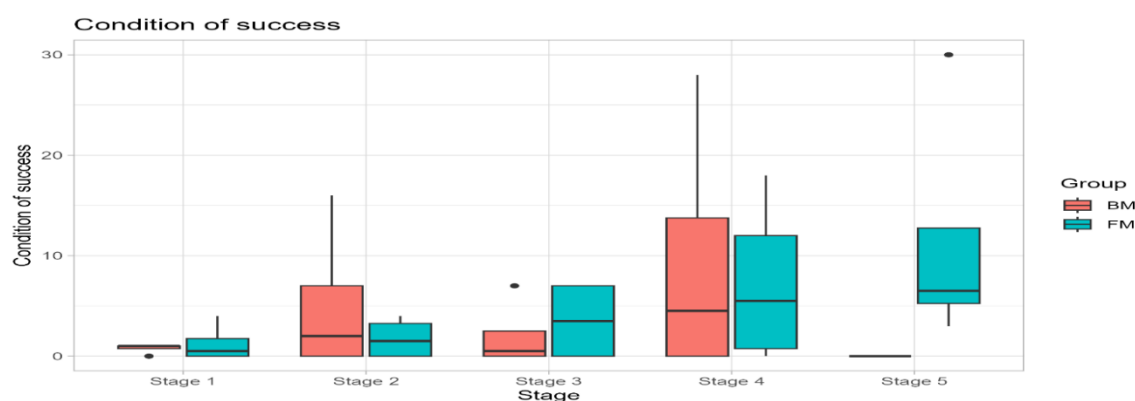
In both family and business mediation, the parties-in-conflict/consent share a common understanding or experience, firstly related to their conflict, secondly their interests or needs, and thirdly to the potential options, with the best option to be chosen for the conflict resolution.

5.1.3 Essential interaction of the group and time effects

In the research groups of the family and business mediations, the essential interaction of the group and time effects is interpreted below for the dichotomy of topics and interactions. The statistically significant difference between the research groups of family and business mediations refers to T6– condition of success as presented in Figure 40, and T12- individual action for success in Figure 41, as well as I1- politeness and gratefulness in Figure 42, and I3a– united by previous knowledge in Figure 43.

Figure 40

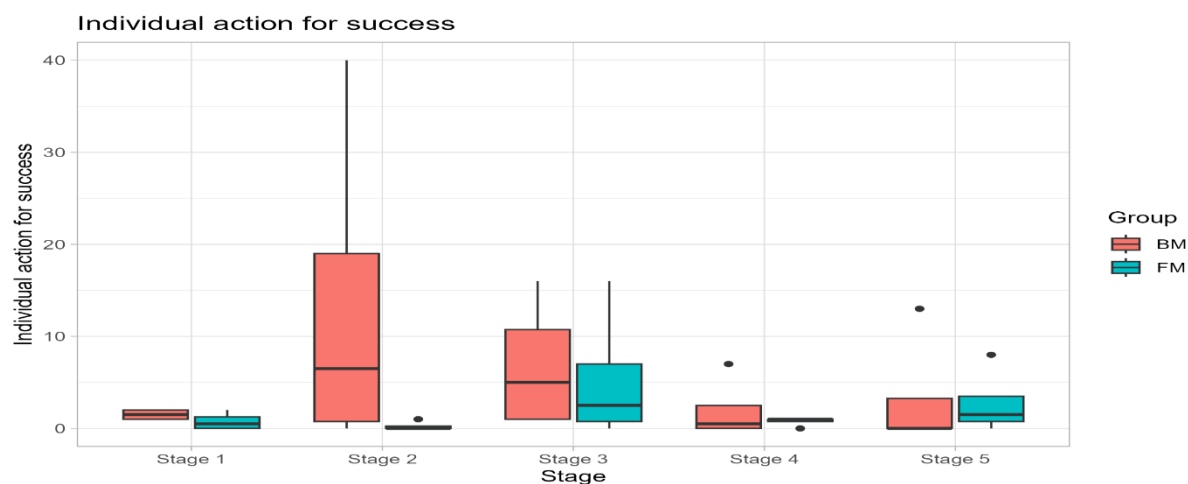
Boxplot for T6– condition of success



An increase is observed in the number related to T6– condition of success, along the successive stages of family mediation. In the group of business mediations, an increase is observed in Stage 2, followed by an increase in Stage 4. There is a sudden decrease in Stage 5.

Figure 41

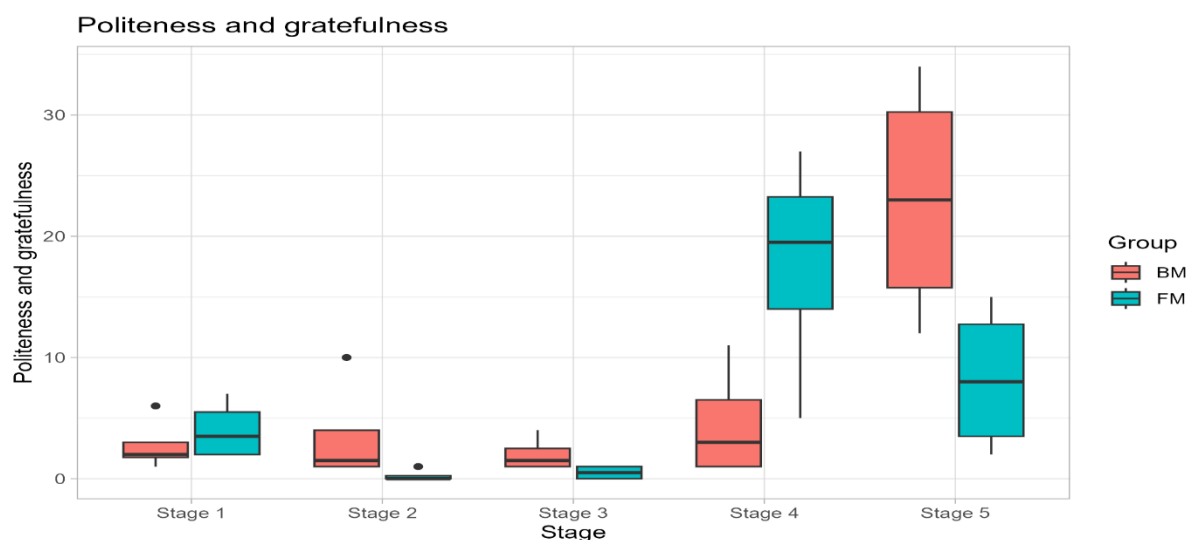
Boxplot for T12 – individual action for success



In the business mediations, there is a sudden increase in T12 – individual action for success in Stage 2, followed by a gradual decrease. In the family mediations, there is an increase in Stage 3, but then a decline in Stages 4 and 5.

Figure 42

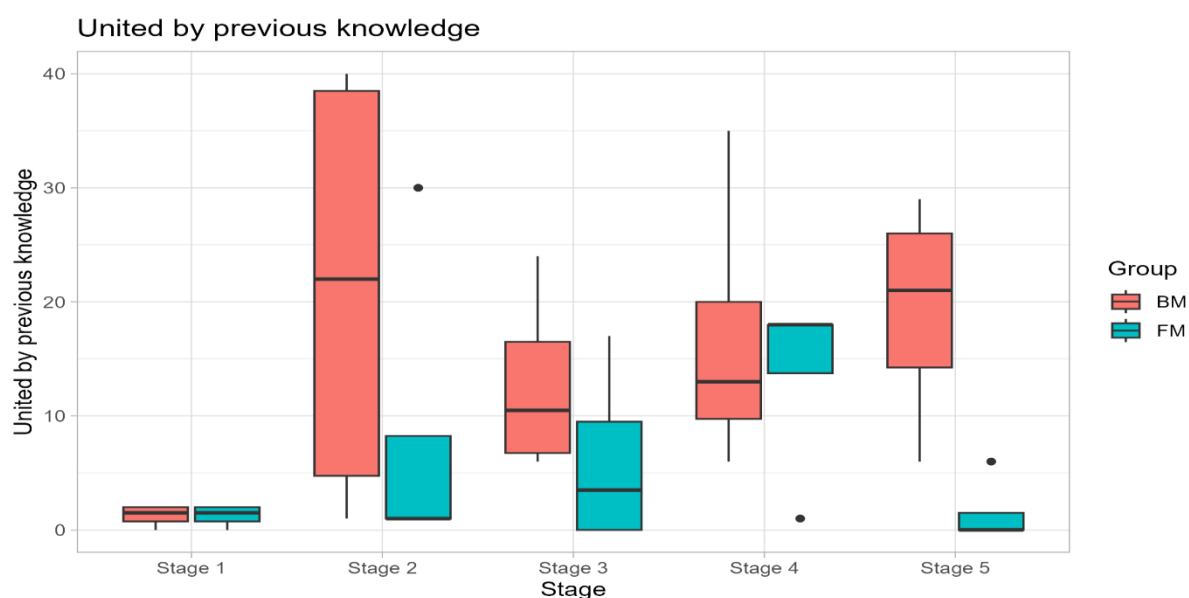
Boxplot for I1- politeness and gratefulness



A significant increase in I1- politeness and gratefulness is observed in Stage 5 of the business mediations. In the family mediations, there is a significant increase in Stage 4, but a decrease in Stage 5.

Figure 43

Boxplot for I3a- united by previous knowledge



In the business mediations, there is a significant increase in the number of I3a- united by previous knowledge in Stage 2, but a decrease in Stage 3. Then, the number I3a- united by previous knowledge increases until Stage 5.

5.1.4 Correlation in the dichotomy of topics and interactions

In this subchapter, the correlation analysis based on Spearman's method is visualised with the heatmap Figures. The correlation in the dichotomy of topics and interactions without splitting into BM and FM groups is presented below in Figure 44. The correlation in the dichotomy of topics and interactions in the BM group is presented below in Figure 45, and in the FM group in Figure 46.

Figure 44

Correlation of topics and interactions without splitting into groups

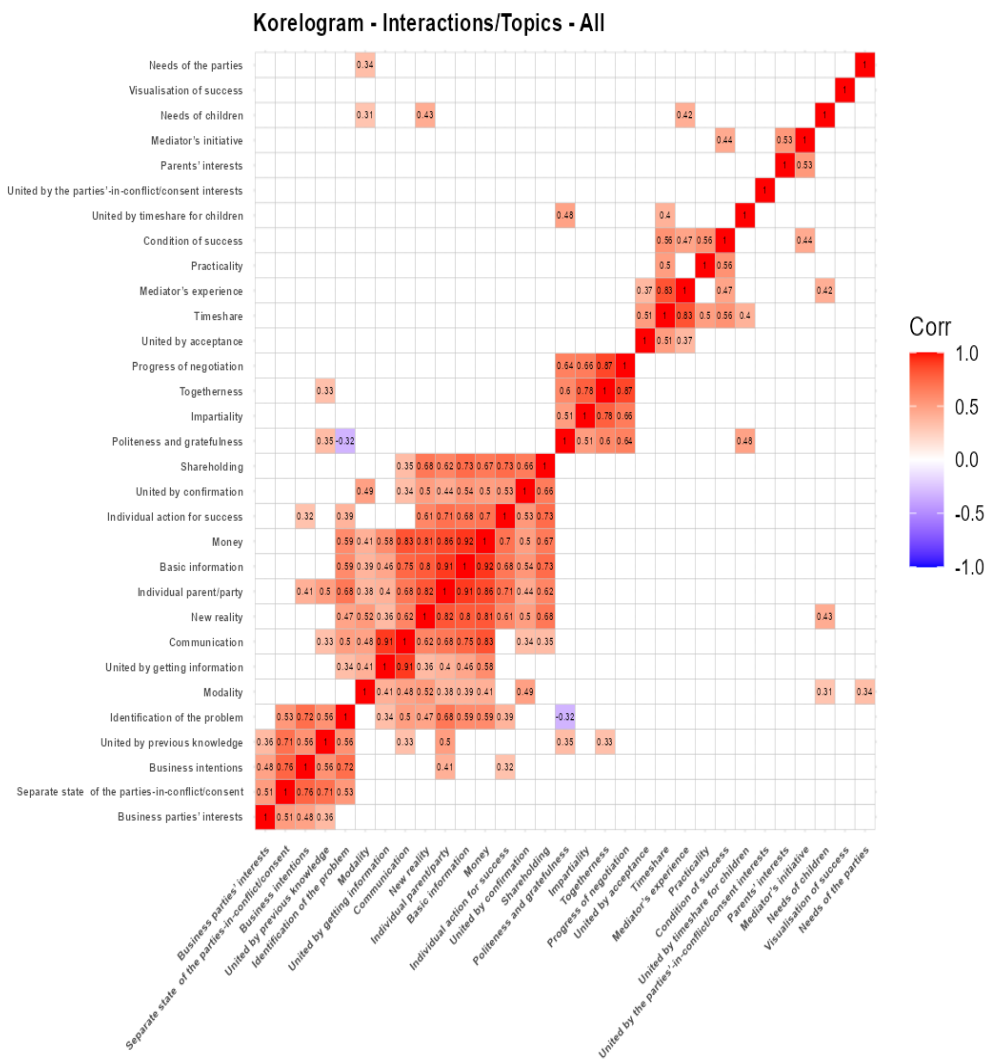
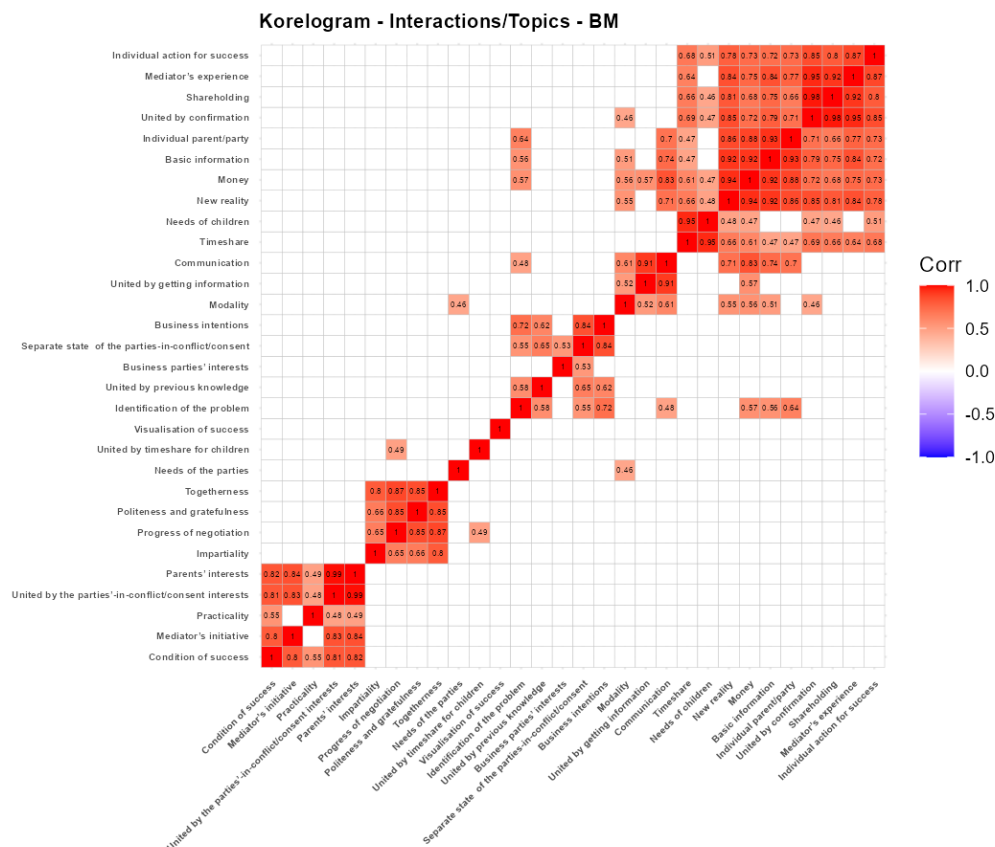


Figure 44 presents the correlation in the dichotomy of topics and interactions jointly for both groups, i.e., the business mediation group and the family mediation group. In this Figure, we visualise strong correlations, which are discussed separately for the BM group in the BM group in Figure 45, and in the FM group in Figure 46 below.

Figure 45

Correlation of topics and interactions in the BM group

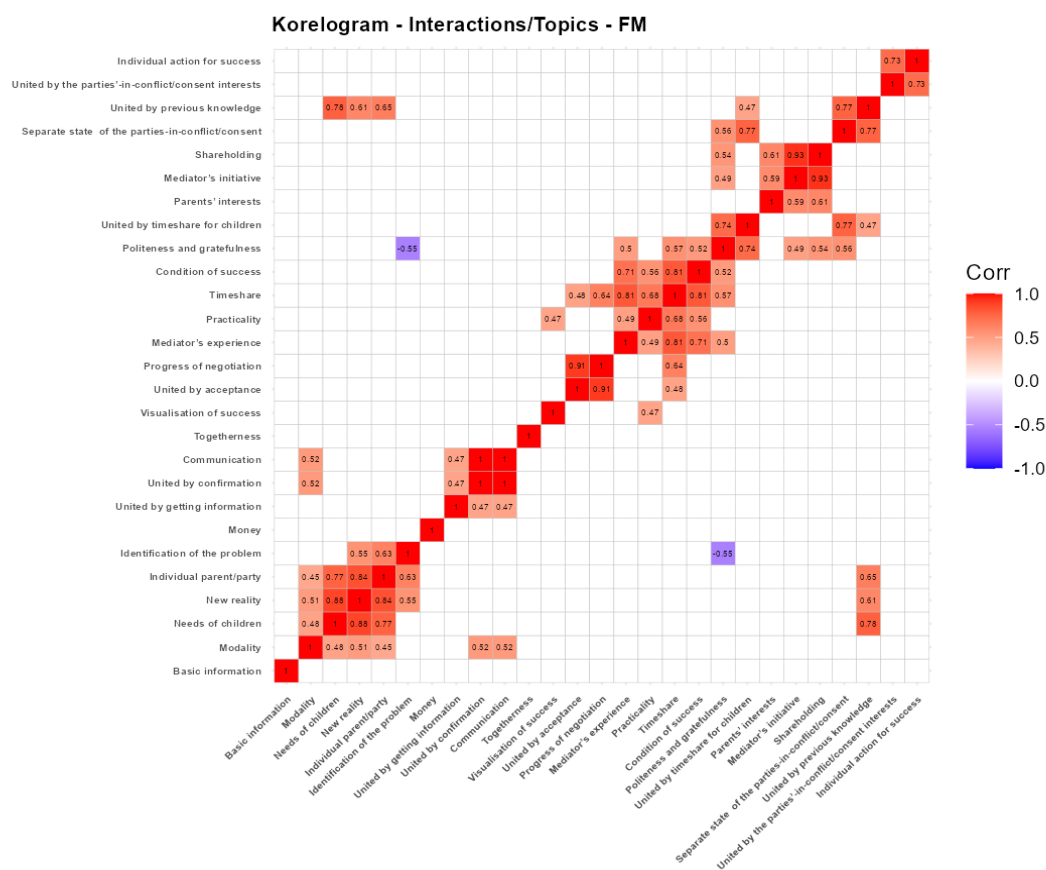


In the group of business mediations, T6- condition of success correlates with T11 - mediator's initiative, T5 - practicality, and topic 4 - parents' interests. T11 - mediator's initiative correlates with T5 - practicality and topic 4 -parents' interests. T5-practicality correlates with topic 4 - parents' interests and I3c – united by the parties'-in-conflict/consent interests. Topic 4 -parents' interests correlates with I3c – united by the parties'-in-conflict/consent interests. T15 - progress of negotiation correlates with I1 - politeness and gratefulness, T1 - togetherness, T16 - needs of the parties, and I3b - united by timeshare for children. I1 - politeness and gratefulness correlates with T1 -togetherness, T16 - needs of the parties and I3b - by timeshare for children. T1 - togetherness correlates with T16 - needs of the parties and I3b - by timeshare for children. T16 - needs of the parties correlates with 3b - united by timeshare for children. T10 - visualisation of success correlates with T18 -identification of the problem, I3a - united by previous

knowledge, and T17- business parties' interests. T18 - identification of the problem correlates with I3a - united by previous knowledge and T17- business parties' interests. I3a - united by previous knowledge correlates with T17 - business parties' interests, and I2 - separate state of the parties-in-conflict/consent. T17 - business parties' interests correlate with I2 -separate state of the parties-in-conflict/consent. T23 - business intentions correlates with T19 - money and T 9 - modality. T20 - communication correlates with I3d- united by getting information, and topic 9 - modality. T16 - needs of children correlates with T2 - timeshare and T20 - communication. T14 - new reality correlates with T13 - individual parent/party, or T19 - money. T19 - money correlates with T13 - individual parent/party. T12 - individual action for success correlates with T7 - mediator's experience, and T21 - shareholding. T7 - mediator's experience correlates with T21 - shareholding. As indicated above, Figure 46 below presents correlation of topics and interactions in the FM group.

Figure 46

Correlation of topics and interactions in the FM group



In the group of family mediations, T8 - basic information correlates with topic 9 - modality. T8 - basic information also correlates with T3 - needs of children, T14 - new reality, T13 - individual parent/party, and T18 - identification of the problem. T3 - needs of children correlates with T14

- new reality, and T13 - individual parent/party. T14 - new reality correlates with T13 - individual parent/party, and T18 - identification of the problem. T13 - individual parent/party correlates with T18 - identification of the problem. I3d - united by getting information correlates with T20 - communication, T1 - togetherness, and T10 - visualisation of success. T20 - communication correlates with T1 - togetherness and T10 - visualisation of success. T1 - togetherness correlates with T10 - visualisation of success and T3e - united by acceptance. T10 - visualisation of success correlates with T3e - united by acceptance. T15 - progress of negotiation correlates with T7 - mediator's experience and T5 - practicality. T7 - mediator's experience correlates with T5 - practicality and T2 - timeshare. T5 - practicality correlates with T2 - timeshare, and T6- condition of success. T2 - timeshare e correlates with T6- condition of success and I1 - politeness and gratefulness. T6- condition of success correlates with I1 - politeness and gratefulness. I3e - united by timeshare for children correlates with topic 4 - parents' interests. T11 - mediator's initiative correlates with T21 - shareholding and I2 -separate state of the parties-in-conflict/consent. T21 - shareholding correlates with I2 -separate state of the parties-in-conflict/consent. I3a - united by previous knowledge correlates with I3c -united by the parties'-in-conflict/consent interests and Individual action for success. T21 - shareholding correlates with I2 -separate state of the parties-in-conflict/consent. I3a -united by previous knowledge correlates with I3c -united by the parties'-in-conflict/consent interests and T12 - individual action for success. I3c -united by the parties'-in-conflict/consent interests correlates with T12 - individual action for success.

In the BM group, significantly stronger and significantly more numerous correlations are observed between interactions and topics. While the correlations in both groups and total are positive, they are much stronger in the BM group.

5.2 Communication strategies and argumentation in the mediation process

In this subchapter, we focus on the results and discussion of the discourse analysis related to the dichotomy of communication strategies and argumentation in both qualitative and quantitative terms.

5.2.1 Mediation communication strategies - results and discussion

In both family and business mediation, we have identified seven communication strategies in five stages of mediation. The communication strategies of the analysed family and business mediations comprise the following: CS1 - nomination, CS2 - repair, CS3 - restriction, CS4 - topic control, CS5 - topic shifting, CS6 - turn-taking, and CS7 – termination.

The distribution of communication strategies in the group of business mediations is presented in Table 80 and in the group of family mediations in Table 81 below.

Table 80

Distribution of communication strategies in business mediations

BM	Communication Strategies						
	Nomination	Restriction	Turn-taking	Topic control	Topic shifting	Repair	Termination
Stage 1	4,78%	0,00%	2,02%	4,65%	2,44%	0,00%	-
Stage 2	47,44%	75,76%	49,83%	58,72%	58,54%	83,33%	-
Stage 3	17,58%	12,12%	17,68%	8,72%	0,00%	16,67%	-
Stage 4	22,87%	12,12%	22,90%	18,02%	39,02%	0,00%	-
Stage 5	7,34%	0,00%	7,58%	9,88%	0,00%	0,00%	-

In the BM group, Stage 2 concentrates the bulk of activity across both Communication Strategies and Argumentation: Repair peaks at 83.33%, Restriction at 75.76%, Topic control at 58.72%, Topic shifting at 58.54%, Turn-taking at 49.83%, and Nomination at 47.44%. Stage 1 shows uniformly low levels (all $\leq 5.00\%$). Stage 3 brings moderate Turn-taking/Nomination (~17–18%), with some Repair (16.67%) but no Topic shifting. Stage 4 provides secondary peaks—Topic shifting rises to 39.02%, Turn-taking and Nomination are ~23%. Stage 5 recedes across the board (e.g., Topic control 9.88%, Turn-taking 7.58%, Nomination 7.34%). Termination is absent throughout. As stated above, the distribution of communication strategies in the group of family mediations is presented in Table 81 below.

Table 81

Distribution of communication strategies in family mediations

FM	Communication Strategies						
	Nomination	Restriction	Turn-taking	Topic control	Topic shifting	Repair	Termination
Stage 1	11,50%	0,00%	1,93%	0,86%	25,00%	0,00%	-
Stage 2	24,34%	30,30%	22,01%	14,66%	25,00%	0,00%	-
Stage 3	28,32%	15,15%	28,19%	22,41%	37,50%	100,00%	-
Stage 4	21,24%	27,27%	31,27%	41,38%	6,25%	0,00%	-
Stage 5	14,60%	27,27%	16,60%	20,69%	6,25%	0,00%	-

In the FM group, Stage 4 concentrates the late-phase activity: Topic control peaks at 41.38% and Turn-taking at 31.27%. Stage 3 is marked by a unique 100.00% for Repair and the highest Topic shifting (37.50%); it also leads Nomination (28.32%) and shows elevated Turn-taking (28.19%). Stage 2 provides the build-up: strong Restriction (30.30%), and mid-range Nomination (24.34%), Turn-taking (22.01%), and Topic shifting (25.00%), but no Repair (0.00%). Stage 1 remains generally low, except for Topic shifting (25.00%) with moderate Nomination (11.50%). Stage 5 tapers across most categories though Restriction stays relatively high (27.27%) and Topic control remains non-trivial (20.69%). Termination is absent throughout.

CS1 - nomination occurs in both family and business mediations. It is a communication strategy where the mediator invites the parties -in-conflict to participate in mediation by introducing the process of mediation in Stage 1 or by asking them to share their ideas on the mediated topic. The breakdown of this communication strategy through stages of mediation shows that the mediator initiates the topic, encourages the parties'-in-conflict participation, and facilitates the dialogue between the parties-in-conflict/consent. In Stage 2, the mediator uses nomination to open up their discussion on the specific topic in their opening statements, in which they have a chance to express their views and perspectives. In all stages of mediation, the mediator encourages them to contribute to the mediation so that all voices are represented. The mediator facilitates the dialogue between the parties-in-conflict/consent so that it is not a one-sided discussion but an interactive dialogue where the parties-in-conflict/consent share their views and perspectives.

The quantitative analysis of CS1 - nomination is presented in Table 82 below.

Table 82

Descriptive statistics and analysis of variance for CS1 - nomination

Nomination									
Group	Stage	min	max	median	q1	q3	mean	sd	p
BM	1	4	8	8,00	7,00	8,00	7,00	2,00	group effect
BM	2	8	107	81,50	51,50	99,50	69,50	44,56	
BM	3	5	57	20,50	9,50	36,75	25,75	23,40	
BM	4	13	61	30,00	24,25	39,25	33,50	20,08	time effect
BM	5	1	30	6,00	1,75	15,00	10,75	13,45	
FM	1	4	8	7,00	5,50	8,00	6,50	1,92	

FM	2	7	34	7,00	7,00	13,75	13,75	13,50	group* time effect
FM	3	7	26	15,50	7,75	23,75	16,00	9,90	0,310
FM	4	7	17	12,00	10,75	13,25	12,00	4,08	
FM	5	5	15	6,50	5,75	9,00	8,25	4,57	

The analysis of CS1 – nomination in the research groups shows no significant group effect but a considerable time effect. The interaction between the group effect and time effect is not statistically significant. ANOVA indicates no between-group difference (group effect $p = 0.177$) but a clear effect of time ($p = 0.005$); the group $\times$ time interaction is not significant ($p = 0.310$). In the BM group, nomination is modest at the outset (Stage 1 mean = 7.00; median = 8.00), then surges dramatically at Stage 2 (median = 81.50; mean = 69.50; sd = 44.56), followed by a retreat to more moderate levels at Stages 3–4 (means = 25.75 and 33.50; medians = 20.50 and 30.00) and a further reduction by Stage 5 (mean = 10.75; median = 6.00). Dispersion is especially large at Stage 2, signalling substantial heterogeneity in how often this strategy was used. The FM trajectory is steadier and lower in magnitude. It starts around Stage 1 mean = 6.50 (median = 7.00), rises through Stages 2–3 (means = 13.75 and 16.00; medians = 7.00 and 15.50), remains comparable at Stage 4 (mean = 12.00; median = 12.00), and tapers slightly at Stage 5 (mean = 8.25; median = 6.50). Taken together, both groups exhibit meaningful changes over time—explaining the significant time effect—while their overall levels remain comparable on average, consistent with the non-significant group and interaction terms.

CS2 - repair is crucial for addressing breakdowns in mediation. The mediator uses this strategy to avoid misunderstanding and foster interactive dialogues between the parties-in-conflict/consent. The mediator helps them clarify their messages, rebuild trust with each other, and move towards conflict resolution. CS2 -repair involves active listening, clarification, rephrasing, acknowledging and regulating emotions, or correcting misinformation. Active listening requires the mediator to focus on the accurate understanding of the parties'-in-conflict/consent messages. Through a set of questions, the mediator seeks further explanation or elaboration on the given topic. He/she rephrases what the parties-in-conflict/consent have said to confirm understanding and avoid misunderstanding. The mediator recognises the feelings expressed by the parties-in-conflict, even if not explicitly articulated, and helps them regulate their emotions in the process of mediation. With different forms of CS2 repair, the mediator rebuilds trust between the parties-in-conflict, prevents escalation of misunderstanding into larger conflicts, encourages a more constructive approach to conflict resolution, and leads to conflict resolution.

The quantitative analysis of CS2 - repair is presented in Table 83 below.

Table 83*Descriptive statistics and analysis of variance for CS2 - repair*

Group	Stage	Repair							p
		min	max	median	q1	q3	mean	sd	
BM	1	0	0	0,00	0,00	0,00	0,00	0,00	group effect
BM	2	0	8	1,00	0,00	3,50	2,50	3,79	0,508
BM	3	0	1	0,50	0,00	1,00	0,50	0,58	
BM	4	0	0	0,00	0,00	0,00	0,00	0,00	time effect
BM	5	0	0	0,00	0,00	0,00	0,00	0,00	0,003
FM	1	0	0	0,00	0,00	0,00	0,00	0,00	
FM	2	0	0	0,00	0,00	0,00	0,00	0,00	group* time effect
FM	3	0	1	1,00	0,75	1,00	0,75	0,50	0,158
FM	4	0	0	0,00	0,00	0,00	0,00	0,00	
FM	5	0	0	0,00	0,00	0,00	0,00	0,00	

The analysis of CS2 – repair in the research groups shows no significant group effect but a significant time effect. The interaction between the group effect and time effect is not statistically significant. ANOVA shows no between-group difference (group effect $p = 0.508$), a significant change over time (time effect $p = 0.003$), and no group $\times$ time interaction ($p = 0.158$). In BM, repair is absent at Stages 1, 4, and 5, appears briefly at Stage 2 with the highest dispersion (median = 1.00; mean = 2.50; $q1-q3 = 0.00-3.50$; $sd = 3.79$; max = 8), and recedes to a low residual at Stage 3 (median = 0.50; mean = 0.50; $sd = 0.58$). FM is at floor in all stages except Stage 3, where a small uptick is observed (median = 1.00; mean = 0.75; $q1-q3 = 0.75-1.00$; $sd = 0.50$). The significant time effect is thus driven by these isolated, mid-process occurrences—more pronounced and variable in BM—against an otherwise zero baseline, consistent with the non-significant group and interaction tests.

CS3 - restriction refers to the boundaries within which the parties-in-conflict communicate to ensure conflict resolution. With the application of this communication strategy, the mediator prevents escalation of the conflict, promotes understanding, and leads the mediation towards conflict resolution. The mediator prevents the escalation of the conflict between the parties-in-conflict by managing the emotional content of the parties-in-conflict by interrupting personal attack or redirecting their attention to constructive and interactive dialogue. The mediator encourages their active listening during which the parties-in-conflict understand each other's views and perspectives. With this communication strategy, the mediator

summarises, reflects, or reframes the parties'-in-conflict utterances. The mediator encourages the parties-in-conflict to focus on improving the current situation rather than dwelling on past grievances. Restriction involves refraining from personal attacks, such as derogatory remarks or insults, and allowing the opportunity to express views and perspectives without interruption. Additionally, it enables the expression of feelings, needs, interests, and emotions without blaming the other party.

The quantitative analysis of CS3 - restriction is presented in Table 84 below.

Table 84

Descriptive statistics and analysis of variance for CS3 - restriction

Restriction									
Group	Stage	min	max	median	q1	q3	mean	sd	p
BM	1	0	0	0,00	0,00	0,00	0,00	0,00	group effect 0,000
BM	2	1	9	7,50	4,75	9,00	6,25	3,78	
BM	3	1	1	1,00	1,00	1,00	1,00	0,00	
BM	4	1	1	1,00	1,00	1,00	1,00	0,00	time effect 0,000
BM	5	0	0	0,00	0,00	0,00	0,00	0,00	
FM	1	0	0	0,00	0,00	0,00	0,00	0,00	
FM	2	1	3	3,00	2,50	3,00	2,50	1,00	group* time effect 0,014
FM	3	1	2	1,00	1,00	1,25	1,25	0,50	
FM	4	2	3	2,00	2,00	2,25	2,25	0,50	
FM	5	0	4	2,50	1,50	3,25	2,25	1,71	

The analysis of CS3 – restriction in the research groups shows a significant group effect and a significant time effect. The interaction between the group effect and time effect is statistically significant. Restriction exhibits pronounced between-group and temporal differentiation: the group effect is significant ($p < 0.001$), the time effect is significant ($p < 0.001$), and the group $\times$ time interaction is also significant ($p = 0.014$). In the BM group, restriction is essentially absent at the beginning and end (Stage 1 and Stage 5 means = 0.00) and appears only briefly at Stage 2, where it peaks (median = 7.50; mean = 6.25; q1–q3 = 4.75–9.00; sd = 3.78; max = 9). Thereafter it drops to a minimal, constant level at Stages 3–4 (means = 1.00; sds = 0.00). The FM group follows a different profile: zero at Stage 1, then a sustained, low-to-moderate presence across Stages 2–5. It starts at Stage 2 with median = 3.00 (mean = 2.50; sd = 1.00), eases slightly through Stage 3 (median = 1.00; mean = 1.25; sd = 0.50) and Stage 4 (median = 2.00; mean = 2.25; sd = 0.50), and shows the widest dispersion at Stage 5 (median = 2.50; mean = 2.25; q1–q3 = 1.50–3.25; sd = 1.71; max = 4). Taken together, BM’s sharp, short-lived spike

versus FM's persistent, moderate use explains both the strong main effects and the significant interaction.

CS4 - topic control is used to manage the process of mediation towards conflict resolution. With this strategy, the mediator limits the coverage of mediations to things acceptable to the parties-in-conflict/consent. The mediator focuses the dialogue on specific topics and prevents unnecessary discussions or interruptions, including past grievances. With this strategy, the mediator maintains coherence of the mediation process and ensures that the mediation stays relevant to the intended purpose. Within topic control, the mediator focuses on definition and purpose. In case of the former, the mediator controls the dialogue by steering it back to the original or intended topic. In case of the latter, the mediator focuses on the primary goal of the topic to achieve its intended outcome. The mediator uses this strategy by various verbal and non-verbal aspects, e.g.

- **Directly stating:** "we are going to talk with you for a few minutes about the process"
[FMRP] in structural element 1 of Stage 1.
- **Asking focused questions:** "What is it that upset you most about the scenario you just set up" [FMRP] in structural element 4 of Stage 2.
- **Summarizing:** "Well I think we can sum up by saying that you achieved quite a lot and you're very different people from the people who came in here two sessions ago"
[FMiA] in structural element 4 of Stage 5.
- **Using non-verbal cues:** Making eye contact, nodding, or using gestures to guide the conversation back to the desired direction [PPFM, FMiA, AILaFM, FMPR, BMD, BMMiA, BGM, IBM],

The quantitative analysis of CS4 - topic control is presented in Table 85 below.

Table 85

Descriptive statistics and analysis of variance for CS4 - topic control

Topic control									
Group	Stage	min	max	median	q1	q3	mean	sd	p
BM	1	1	4	1,50	1,00	2,50	2,00	1,41	group effect
BM	2	3	40	29,00	18,75	35,50	25,25	16,24	
BM	3	2	5	4,00	3,50	4,25	3,75	1,26	
BM	4	3	10	9,00	6,75	10,00	7,75	3,30	time effect
BM	5	0	10	3,50	0,75	7,00	4,25	4,65	
FM	1	0	1	0,00	0,00	0,25	0,25	0,50	

FM	2	3	6	4,00	3,75	4,50	4,25	1,26	group* time effect
FM	3	3	10	6,50	5,25	7,75	6,50	2,89	0,022
FM	4	7	19	11,00	9,25	13,75	12,00	5,10	
FM	5	4	8	6,00	4,75	7,25	6,00	1,83	

The analysis of CS4 – topic control in the research groups shows no significant group effect but a significant time effect. The interaction between the group effect and time effect is statistically significant. ANOVA shows no overall between-group difference (group effect $p = 0.989$), a strong effect of time ($p < 0.001$), and a significant group $\times$ time interaction ($p = 0.022$), indicating distinct temporal profiles for BM and FM. In BM, topic control is modest at Stage 1 (mean = 2.00; median = 1.50; sd = 1.41), surges sharply at Stage 2 (median = 29.00; mean = 25.25; IQR 18.75–35.50; sd = 16.24), and then settles to lower, fluctuating levels: Stage 3 (mean = 3.75; median = 4.00; sd = 1.26), Stage 4 (mean = 7.75; median = 9.00; sd = 3.30), and Stage 5 (mean = 4.25; median = 3.50; IQR 0.75–7.00; sd = 4.65). FM follows a steadier build-up: near floor at Stage 1 (mean = 0.25; median = 0), rising through Stages 2–3 (means = 4.25 and 6.50; medians = 4.00 and 6.50), peaking at Stage 4 (mean = 12.00; median = 11.00; sd = 5.10), and easing at Stage 5 (mean = 6.00; median = 6.00). The interaction is driven by BM’s early spike at Stage 2 versus FM’s gradual rise to a later peak at Stage 4.

CS5 - topic shifting is used to move from one topic to another in the process of mediation. It is used to introduce a new topic, avoid breakdowns in mediation, or to control the interactive dialogue and prevent it from being influenced by sensitive past grievances. The mediator uses this communication strategy to ensure a congenial conciliation rather than a hostile one. The mediator usually uses this communication strategy with the following prompts, e.g.

- Well.... “Well that's a very very big agenda that you've put on there Kate and and all of them very important” [FMiA] in structural element 3 of Stage 4.
- So ... So, let me back up even a little more and talk to both you about your work schedules since you started last time [PPFM] in structural element 2 of Stage 2.
- I know “I know, it's an old Russian” [IBM] in structural element 2 of Stage 2.
- Before we begin, ... “Before we begin , Michelle, I want to remind you that anything you tell me remains confidential” [BGM] in structural element 3 of Stage 4.

The quantitative analysis of CS5 - topic shifting is presented in Table 86 below.

Table 86*Descriptive statistics and analysis of variance for CS5 - topic shifting*

Topic shifting									
Group	Stage	min	max	median	q1	q3	mean	sd	p
BM	1	0	1	0,00	0,00	0,25	0,25	0,50	group effect 0,910
BM	2	1	10	6,50	4,00	8,50	6,00	3,92	
BM	3	0	0	0,00	0,00	0,00	0,00	0,00	
BM	4	1	5	5,00	4,00	5,00	4,00	2,00	time effect 0,000
BM	5	0	0	0,00	0,00	0,00	0,00	0,00	
FM	1	1	1	1,00	1,00	1,00	1,00	0,00	
FM	2	1	1	1,00	1,00	1,00	1,00	0,00	group* time effect 0,000
FM	3	0	3	1,50	0,00	3,00	1,50	1,73	
FM	4	0	1	0,00	0,00	0,25	0,25	0,50	
FM	5	0	1	0,00	0,00	0,25	0,25	0,50	

The analysis of CS5 – topic shifting in the research groups shows no significant group effect but a significant time effect. The interaction between the group effect and time effect is statistically significant. There is no evidence of a group difference ($p = 0.910$), whereas time shows a robust effect ($p < 0.001$) and the interaction between group and time is significant ($p < 0.001$). In BM, topic shifting is absent at Stages 1 and 3–5 (means = 0.00; medians = 0), with two concentrated bursts: a major peak at Stage 2 (median = 6.50; mean = 6.00; IQR 4.00–8.50; sd = 3.92; max = 10) and a smaller pulse at Stage 4 (median = 5.00; mean = 4.00; IQR 4.00–5.00; sd = 2.00). FM shows a low, early presence—Stages 1–2 fixed at 1.00 (means = medians = 1.00; sd = 0)—followed by a modest, variable crest at Stage 3 (median = 1.50; mean = 1.50; IQR 0–3; sd = 1.73) and a return to near floor at Stages 4–5 (medians = 0; means = 0.25; sd = 0.50). The significant time effect reflects the mid-process emergence of this strategy, while the significant interaction derives from the distinct timing and magnitude of peaks (sharp Stage-2/Stage-4 spikes in BM versus a small, early signal in FM).

CS6 - turn-taking is fundamental in mediation. This strategy involves the organised exchange of speaking turns between the mediator and the parties-in-conflict/consent. It ensures that each party in conflict or consent has a chance to contribute to the development of topics and interactions discussed above. The process of turn-taking consists of initiating a turn by taking the floor, maintaining the turn with pausing, using conjunctions or asking questions, yielding the turn usually with a direct question addressed to the listener, and taking the turn in which the mediator or the party-in-conflict/consent builds on the previous speaker's comments

or introduces a new topic. CS6 – turn-taking is managed by verbal clues, e.g., “let me explain to you a typical structure that I use and see if it works for you, okay” [PPFM]. Non-verbal clues such as eye contact, body language, and intonation signal that the mediator or the party-in-conflict/consent is ready to take over and pauses to signal the end of a turn or silence to indicate a need for a response. This communication strategy is used by the mediator firstly to promote effective communication e.g. in Stage 2 when each party-in-conflict has a chance to provide his/her opening statement and other stages when the parties-in-conflict/consent have a change to express their ideas, secondly to foster social connections in family and business mediations by demonstrating active listening and engagement (e.g. the use of pronoun “we”), thirdly by enhancing understanding by clarifying the parties’ -in-conflict points and fourthly by developing social skills by showing the parties-in-conflict/consent to listen attentively, respond appropriately and manage the interactive dialogue effectively towards the conflict resolution.

The quantitative analysis of CS6 - turn-taking is presented in Table 87 below.

Table 87

Descriptive statistics and analysis of variance for CS6 - turn-taking

Turn-taking									
Group	Stage	min	max	median	q1	q3	mean	sd	p
BM	1	1	6	2,50	1,75	3,75	3,00	2,16	group effect
BM	2	8	137	83,00	51,50	109,25	77,75	54,80	
BM	3	5	57	21,50	9,50	38,25	26,25	23,54	
BM	4	13	61	31,00	25,75	39,25	34,00	19,92	time effect
BM	5	1	32	6,00	1,75	15,50	11,25	14,41	
FM	1	0	4	0,50	0,00	1,75	1,25	1,89	group* time effect
FM	2	7	34	8,00	7,75	14,50	14,25	13,18	
FM	3	11	26	18,00	12,50	23,75	18,25	7,37	
FM	4	7	30	22,00	14,50	27,75	20,25	10,44	
FM	5	5	15	11,50	8,00	14,25	10,75	4,65	

The analysis of CS6 – turn-taking in the research groups shows no significant group effect but a significant time effect. The interaction between the group effect and time effect is statistically significant. In BM, turn-taking starts low in Stage 1 (mean = 3.00; median = 2.50; sd = 2.16), surges sharply at Stage 2 (median = 83.00; mean = 77.75; IQR 51.50–109.25; sd = 54.80), then drops to moderate levels at Stages 3–4 (means = 26.25 and 34.00; medians = 21.50 and 31.00) before easing further in Stage 5 (mean = 11.25; median = 6.00). FM follows a gentler, delayed rise: from a near-floor baseline in Stage 1 (mean = 1.25; median = 0.50), it increases through

Stages 2–4, peaking at Stage 4 (mean = 20.25; median = 22.00; IQR 14.50–27.75), and then tapers at Stage 5 (mean = 10.75; median = 11.50).

In our context of analysed mediation, CS7 – termination refers to ending the entire family and business mediation, which, however, is not the case in the research groups (Appendix 10). This communication strategy can be used by the mediator and each party-in-conflict if they want to withdraw from the mediation process. The mediator may terminate the mediation process when further efforts to resolve the conflict are futile, as indicated by the approach of the parties-in-conflict. The parties-in-conflict may also withdraw from mediation and terminate the entire mediation process. The withdrawal of the party-in-conflict from mediation shall be done in writing, and it effectively terminates mediation as a whole, even if the remaining party-in-conflict agrees to continue.

5.2.2 Argumentation - results and discussion

In the process of family and business mediations, argumentation refers to the strategic use of reasoning and persuasive communication by the mediator and the parties-in-conflict/consent to resolve a conflict. Argumentation aims to reach a mutually agreeable conflict resolution, which progresses through mediation stages, during which the parties-in-conflict/consent present and support their claims by articulating their needs, interests, and the desired outcomes, challenge or modify the opposing arguments by refuting the other party's arguments or demonstrating inconsistencies, and changing their offers or presenting other potential options. The mediator performs an essential role in argumentation by facilitating dialogue between the parties-in-conflict, shifting focus from negative emotional arguments to positive constructive and solution-oriented arguments, introducing new perspectives, viewpoints, or providing relevant information to help the parties-in-conflict perceive the situation differently using the arguments based on facts and logic rather than emotional or personal attacks.

The distribution of argumentation forms in the group of business mediations is presented in Table 88 and in the group of family mediations in Table 89 below.

Table 88*Distribution of argumentation in business mediations*

BM	Argumentation	
	Deliberation	Negotiation
Stage 1	5,00%	2,13%
Stage 2	50,00%	44,68%
Stage 3	16,21%	23,40%
Stage 4	21,03%	29,79%
Stage 5	7,76%	0,00%

In the BM group, Stage 2 concentrates on the argumentative side, Deliberation reaches 50.00% and Negotiation 44.68%. Stage 1 shows uniformly low levels (all $\leq 5.00\%$). Stage 3 brings a mid-process uptick in Negotiation (23.40%). Stage 4 provides secondary peaks in Deliberation and Negotiation stand at 21.03% and 29.79%. Stage 5 recedes across the board Negotiation dropping to 0.00%. As stated above, the distribution of communication strategies in the group of family mediations is presented in Table 81 below.

Table 89*Distribution of argumentation in family mediations*

FM	Argumentation	
	Deliberation	Negotiation
Stage 1	11,85%	3,70%
Stage 2	27,49%	0,00%
Stage 3	27,01%	20,99%
Stage 4	18,96%	56,79%
Stage 5	14,69%	18,52%

In the FM group, Negotiation reaches its maximum at 56.79% in Stage 4. Stage 3 is marked by a mid-level Negotiation (20.99%). Stage 2 provides the build-up: the highest Deliberation (27.49%), but no Negotiation (0.00%). Stage 1 reaches Deliberation (11.85%). Stage 5 tapers across most categories—Negotiation falls to 18.52% and Deliberation to 14.69%.

Argumentation in mediation is based on such key elements as clear communication, active listening, respectful engagement, focus on interests, logical reasoning, flexibility, and openness. Clear communication occurs when the parties-in-conflict/consent articulate their arguments clearly and concisely. Their active listening to the arguments of the opposite party-in-conflict/consent helps them understand their perspectives and identify areas of agreement or disagreement. When they focus on their underlying interests and needs, they provide logical

arguments rather than defend their positions. Logical reasoning in argumentation is essential, and it does not rely on subjective opinions or emotions. Flexibility and openness reflect the parties'-in-conflict /consent willingness to consider alternative options, which may lead to the modification of the arguments related to new information or perspective.

Argumentation in mediation has benefits for the parties-in-conflict/consent. Firstly, it enhances the parties'-in-conflict/consent understanding of the opposite party's perspectives and the underlying factors. It improves their communication to be more effective and respectful. By exploring different arguments and potential solutions, the parties-in-conflict/consent enhance problem solving and identify the best mutually agreeable option to solve their conflict. As they participate actively in the mediation process, they become more involved in conflict resolution through logically reasoned discussions based on positive emotions. In essence, argumentation in mediation is a dynamic process that involves strategic communication, critical thinking, and commitment to finding conflict resolutions. Argumentation consists of two forms, i.e., deliberation and negotiation.

In the process of mediation, deliberation refers to the process during which parties-in-conflict/consent carefully consider and discuss the topics at hand, to reach a mutually agreeable option to choose the best option for conflict resolution. This process of deliberation involves a thoughtful exchange of the parties'-in-conflict interests, needs, perspectives, their potential solutions, and consequences, often facilitated by the neutral third party, i.e., the mediator. The core aspects of deliberation involve careful consideration of the conflict and potential option for conflict resolution, active exchange of information related to the conflict, a deeper understanding of the party's-in-conflict/consent interests, needs, as well as a conflict resolution focused approach that generates and assesses the potential options that address interests and needs of all parties-in-conflict/consent. The mediator plays a crucial role in the deliberation process, as they ensure that the mediation process is constructive, respectful, and focused on reaching a conflict resolution.

In family and business mediation, deliberation consists of four stages. The first stage refers to the mediator's introduction to the process of mediation and collection of information about the conflict. The second stage is agenda setting and option generating during which the parties-in-conflict identify the key topics and develop their potential options to solve the problem. The third stage involves deliberation and evaluation as the parties-in-conflict/consent are engaged in discussion to analyse the positive and negative aspects of different options. The fourth stage consists of negotiating and reaching a mutually acceptable agreement to resolve the conflict.

Deliberation in mediation is based on four key principles. The first principle refers to respectful communication between the parties-in-conflict/consent, even if there are disagreements with the underlying conflict. The second principle is that of open-mindedness. The mediator indicates this principle by encouraging the parties-in-conflict to consider different perspectives and modify their views. This principle is executed in Stage 2 of mediation, i.e., opening statement, and Stage 3, i.e., identification of possible options. However, it also occurs in caucuses and Stages 4 and 5. The third principle involves the mediator's fairness and impartiality to ensure the parties-in-conflict/consent to a fair and impartial process that allows them to participate meaningfully. The fourth principle is that of confidentiality to encourage open and honest deliberation. With all those principles taken into account, deliberation in mediation is a structured process during which the parties-in-conflict/consent are engaged in their thoughtful dialogue to explore their potential options, and ultimately to reach a mutually agreeable outcome.

The quantitative analysis of argumentation 1 – deliberation is presented in Table 90 below.

Table 90

Descriptive statistics and analysis of variance for argumentation 1 – deliberation

Deliberation									
Group	Stage	min	max	median	q1	q3	mean	sd	p
BM	1	4	9	8,00	7,00	8,25	7,25	2,22	group effect
BM	2	8	128	77,00	51,50	98,00	72,50	50,08	
BM	3	5	57	16,00	5,75	33,75	23,50	24,34	
BM	4	13	61	24,00	19,75	34,75	30,50	21,05	time effect
BM	5	1	32	6,00	1,75	15,50	11,25	14,41	
FM	1	4	8	6,50	5,50	7,25	6,25	1,71	group* time effect
FM	2	7	34	8,50	7,75	15,25	14,50	13,03	
FM	3	6	23	14,00	7,50	20,75	14,25	8,50	
FM	4	7	12	10,50	9,25	11,25	10,00	2,16	
FM	5	5	10	8,00	5,75	10,00	7,75	2,63	

The analysis of argumentation 1 – deliberation in the research groups shows no significant group effect but a significant time effect. The interaction between the group effect and time effect is not statistically significant. Deliberation varies meaningfully across stages (time $p = 0.016$) but does not differ overall between groups (group $p = 0.190$); the interaction between

group and time is not significant ($p = 0.537$). In BM, deliberation is modest at Stage 1 (mean = 7.25; median = 8.00; sd = 2.22) and then surges at Stage 2 (median = 77.00; mean = 72.50; IQR = 51.50–98.00; sd = 50.08), followed by a decline to moderate levels at Stages 3–4 (means = 23.50 and 30.50; medians = 16.00 and 24.00) and a further easing by Stage 5 (mean = 11.25; median = 6.00; sd = 14.41). The FM profile is lower and smoother: Stage 1 sits near 6–7 (mean = 6.25; median = 6.50), rises through Stages 2–3 (means = 14.50 and 14.25; medians = 8.50 and 14.00), dips at Stage 4 (mean = 10.00; median = 10.50), and settles at Stage 5 (mean = 7.75; median = 8.00). The significant time effect reflects a mid-process intensification of deliberation in both groups, with BM showing a pronounced peak early (Stage 2) and FM exhibiting a milder crest around Stage 3.

In the process of mediation, negotiation is the second form of argumentation. In both family and business mediations, the parties-in-conflict/consent negotiate their options for conflict resolution. Since mediation is a form of assisted negotiation during which the mediator, as a neutral third party, helps the parties-in-conflict/consent facilitate their communication and agreement, the process of negotiation involves the parties

The process of negotiation involves conflict resolution through mutual consent. Essentially, mediation uses negotiation as its primary tool, but with the added benefit of a facilitator. The core aspects of negotiation involve direct involvement of the parties-in-conflict/consent, their control over the process of negotiation, flexibility, and the mediator's facilitation of their communication. The parties-in-conflict/consent are directly involved in a conflict discussion and communication to reach an agreement. They have complete control over the negotiation process and its outcome. When they are concentrated on their underlying needs and interests rather than their rigid positions, the parties-in-conflict/consent are flexible to tailor their options to their specific needs. During negotiation, the mediator's role involves facilitating the process, helping parties-in-conflict/consent identify their needs and interests, explore options, and reach a mutually agreeable conflict resolution. The potential for conflict resolution arises when the parties-in-conflict/consent start to negotiate effectively on their own. In essence, mediation leverages negotiation as its primary method to resolve the conflict. The mediator acts as a facilitator who helps the parties-in-conflict/consent communicate and negotiate more effectively to reach a conflict resolution acceptable to them both.

The quantitative analysis of argumentation 2 – negotiation is presented in Table 91 below.

Table 91*Descriptive statistics and analysis of variance for argumentation 2 – negotiation*

Negotiation									
Group	Stage	min	max	median	q1	q3	mean	sd	p
BM	1	0	1	0,00	0,00	0,25	0,25	0,50	group effect 0,237
BM	2	0	12	4,50	0,00	9,75	5,25	6,19	
BM	3	0	6	2,50	0,00	5,25	2,75	3,20	
BM	4	0	10	2,00	0,00	5,50	3,50	4,73	time effect 0,002
BM	5	0	0	0,00	0,00	0,00	0,00	0,00	
FM	1	0	1	1,00	0,75	1,00	0,75	0,50	group* time effect 0,000
FM	2	0	0	0,00	0,00	0,00	0,00	0,00	
FM	3	0	6	5,50	3,75	6,00	4,25	2,87	
FM	4	5	19	11,00	6,50	16,00	11,50	6,61	
FM	5	3	5	3,50	3,00	4,25	3,75	0,96	

The analysis of argumentation 2 – negotiation in the research groups shows no significant group effect but a significant time effect. The interaction between the group effect and time effect is statistically significant. Negotiation shows no overall difference between groups ($p = 0.237$), a clear effect of time ($p = 0.002$), and a significant interaction between group and time ($p < 0.001$). In BM, negotiation is largely absent at the start and end (Stage 1 and Stage 5 means = 0.25 and 0.00; medians = 0), with a short-lived rise mid-process: Stage 2 reaches its local maximum (median = 4.50; mean = 5.25; q1–q3 = 0.00–9.75; sd = 6.19), followed by moderate levels at Stage 3 (median = 2.50; mean = 2.75; sd = 3.20) and Stage 4 (median = 2.00; mean = 3.50; sd = 4.73) before dropping back to zero at Stage 5. FM follows a different trajectory. After a small baseline at Stage 1 (median = 1.00; mean = 0.75), negotiation disappears at Stage 2 (0 across all metrics), then intensifies from Stage 3 (median = 5.50; mean = 4.25; q1–q3 = 3.75–6.00; sd = 2.87) to a clear peak at Stage 4 (median = 11.00; mean = 11.50; q1–q3 = 6.50–16.00; sd = 6.61), and remains present at Stage 5 (median = 3.50; mean = 3.75). In short, BM exhibits an early, transient burst whereas FM ramps up later and sustains higher levels into the final stages—accounting for the significant temporal effect and the significant interaction.

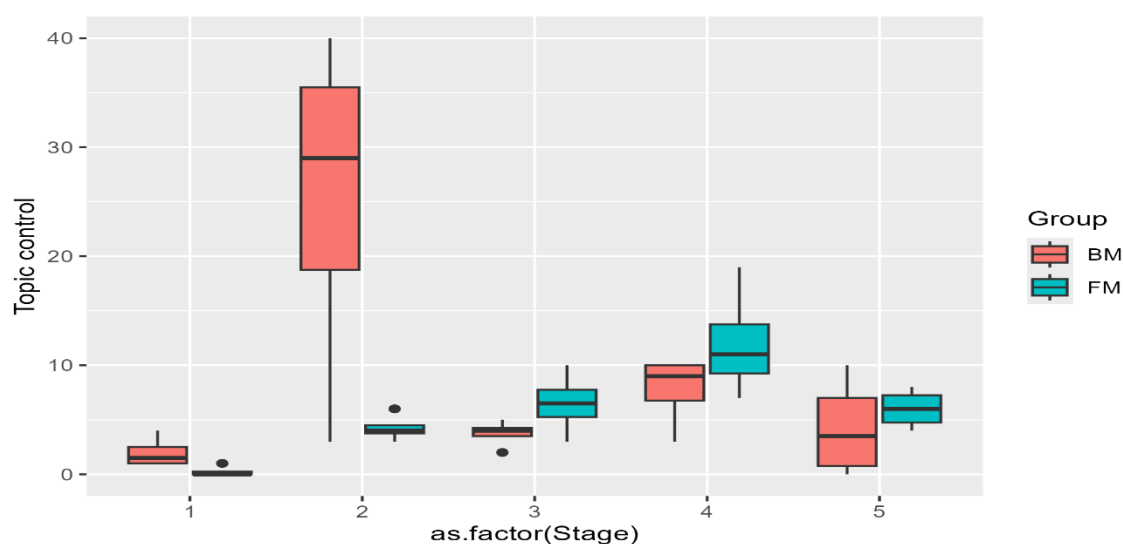
5.2.3 Essential interaction of the group and time effects

In the research groups of the family and business mediations, the statistically significant interaction of the group effect with the time effect is interpreted below for the dichotomy of communication strategies and argumentation.

The statistically significant difference between the research groups of the family and business mediations refers to CS4 – topic control presented in Figure 47, and CS3 – restriction in Figure 48, as well as argumentation 2 - negotiation in Figure 49.

Figure 47

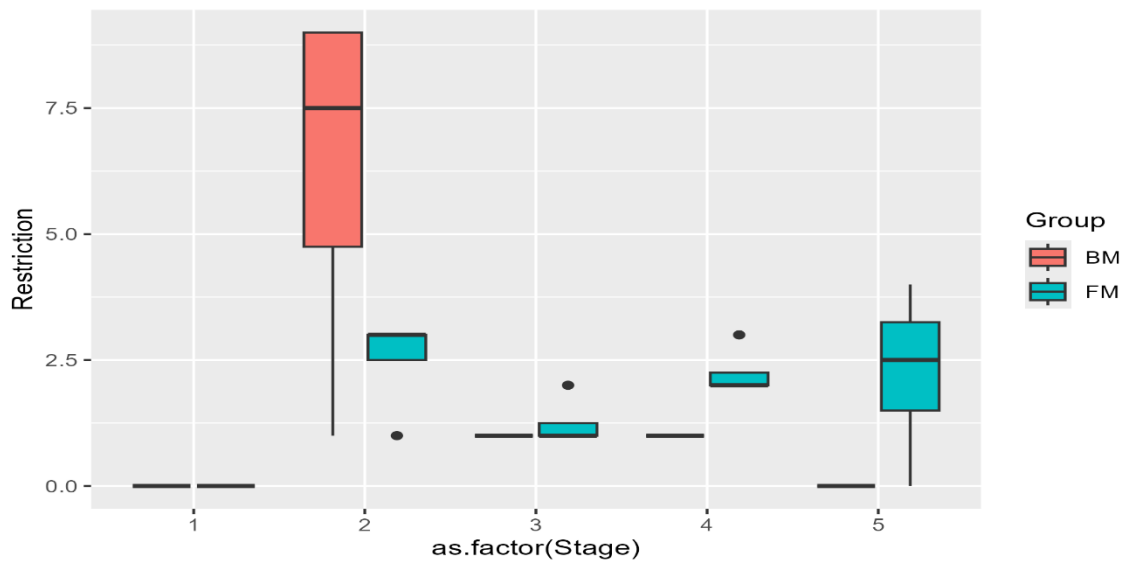
Boxplot for CS4 – topic control



A significantly higher number of CS4 – topic control is observed in Stage 2 of the business mediations; in the other Stages, the number of CS4 – topic control is similar in both groups.

Figure 48

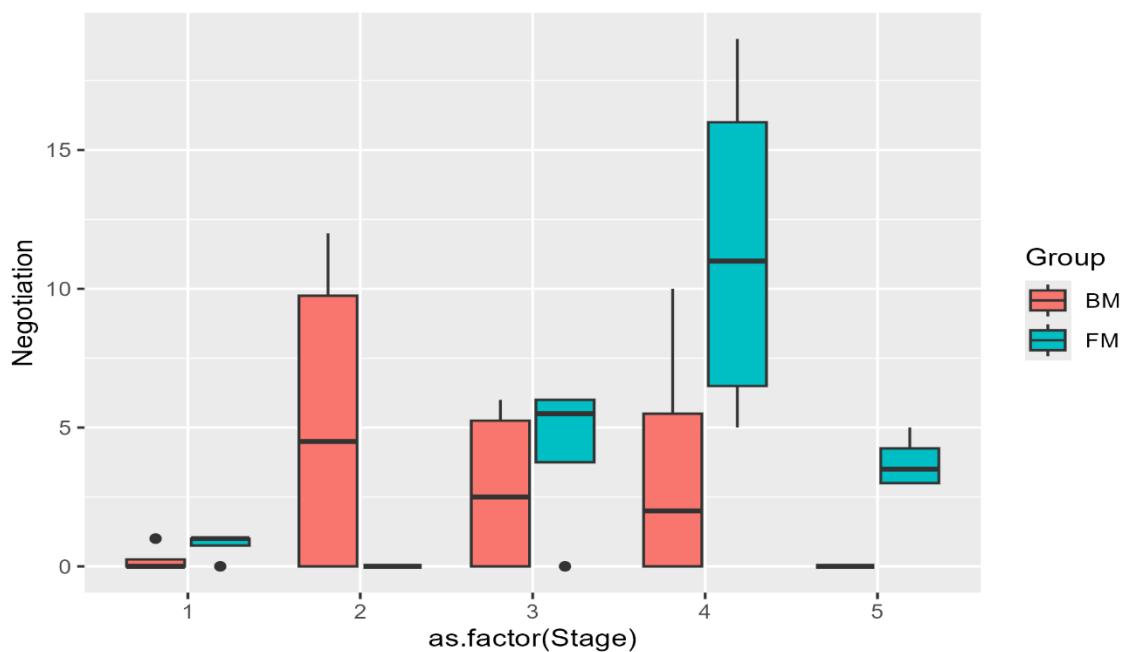
Boxplot for CS3 – restriction



A significantly higher number of CS3 – restriction is observed in Stage 2 of the business mediations, followed by a decrease thereafter. In the family mediation group, an increased number of CS3 – restriction is observed from Stage 3 onwards, but the number of CS3 – restriction is significantly lower than in Stage 2 of the business mediations.

Figure 49

Boxplot for argumentation 2 – negotiation



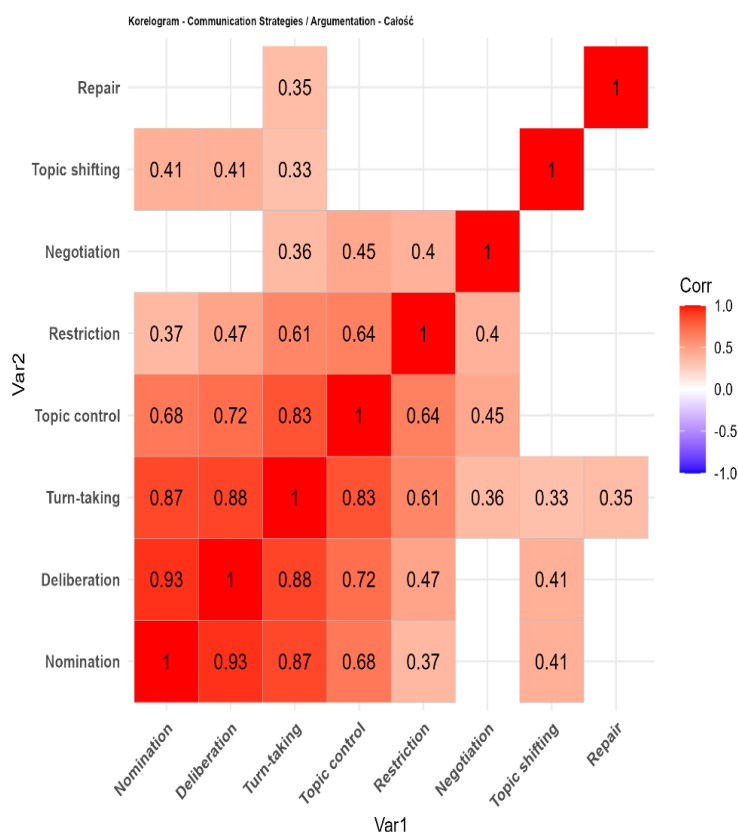
A significantly higher number of argumentation 2 – negotiation is observed in Stage 2 of the business mediations, followed by a stabilisation in Stages 3 and 4. In the family mediation group, an increased number of argumentation 2-negotiation is observed starting from Stage 3, followed by a decrease in the number of argumentation 2-negotiation in Stage 5.

5.2.4 Correlation in the dichotomy of communication strategies and argumentation

In this subchapter, the correlation analysis with Spearman's method is visualised with the heatmap Figures. The correlation in the dichotomy of communication strategies and argumentation without splitting into BM and FM groups is presented below in Figure 50. The correlation in the dichotomy of communication strategies and argumentation in the BM group is presented below in Figure 51, and in the FM group in Figure 52.

Figure 50

Correlation of communication strategies and argumentation without splitting into groups

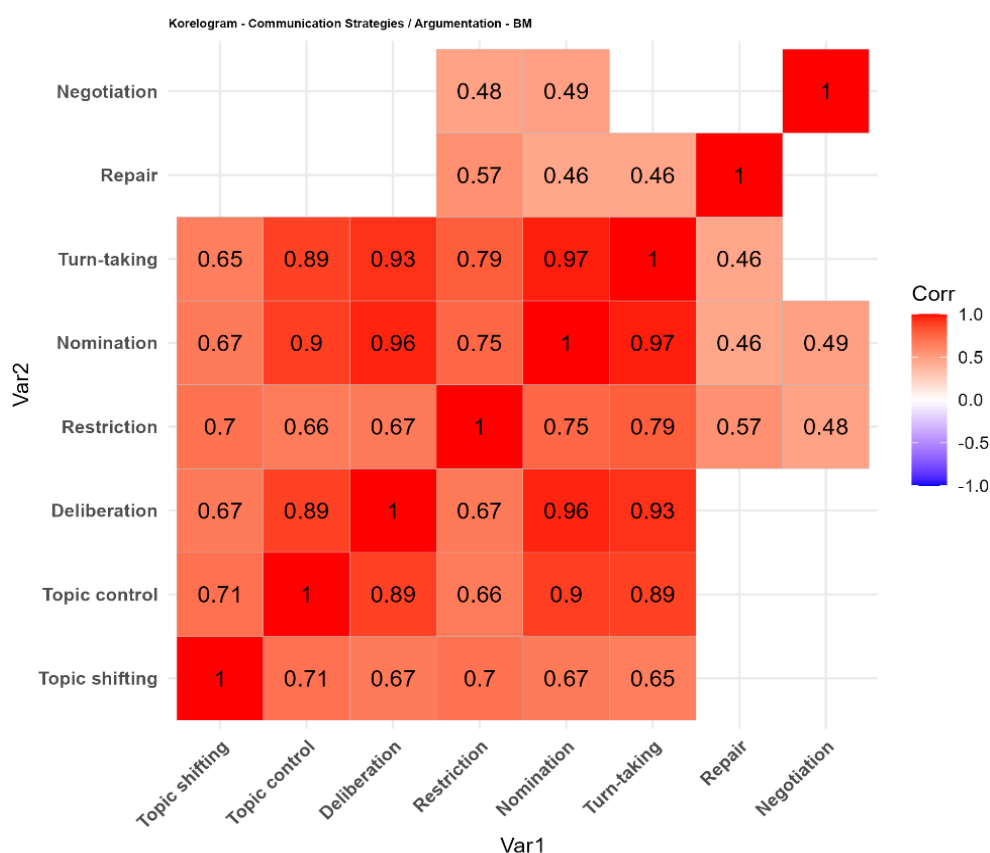


The positive correlation clustering is observed, for CS1 -nomination, argumentation 1 - deliberation, CS6 - turn-taking, CS4 - topic control, when analysed without grouping (see

Figure 50). In the FM group, significant correlations are observed between all items, except Repair and negotiation, which correlated only with nomination and restriction. For business mediation, only CS1 - nomination, argumentation 1 - deliberation, CS6 - turn-taking, and CS4 - topic control are correlated. Notably, a negative correlation is also observed between CS4 - topic control and CS5 - topic shifting. Figure 51 below presents argumentation in the BM group.

Figure 51

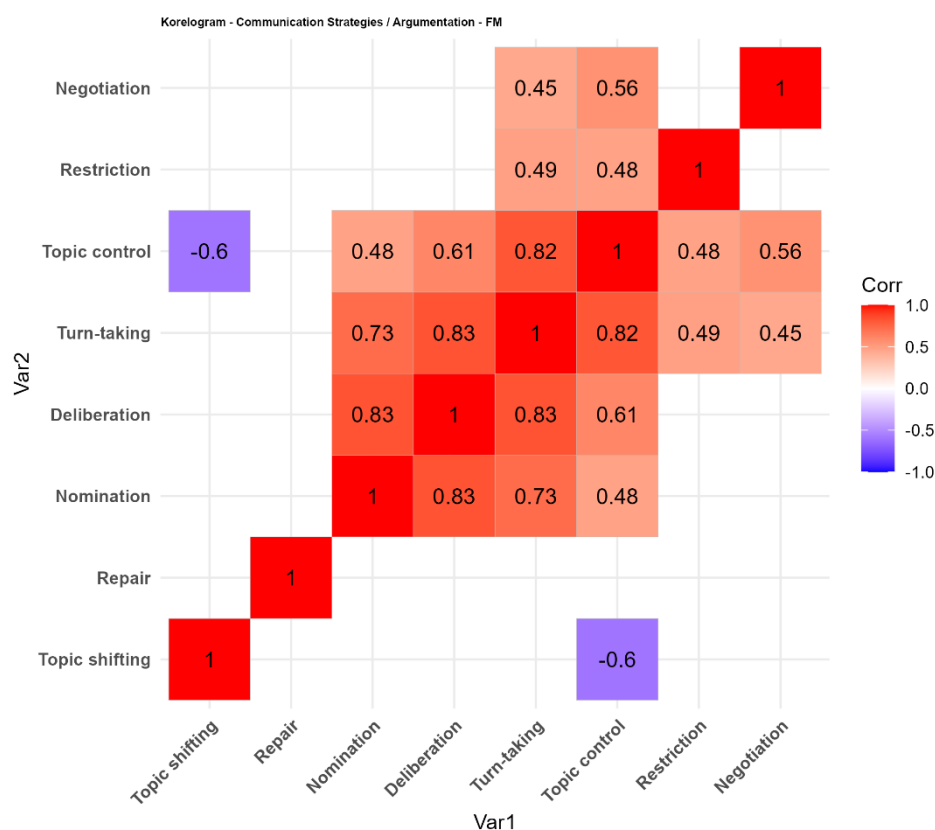
Correlation of communication strategies and argumentation in the BM group



In the business mediation group (see Figure 51), argumentation 1 - deliberation shows a very strong correlation with CS1 - nomination, CS6 - turn-taking, CS4 - topic control, and a strong correlation with CS5 - topic shifting. CS5 - topic shifting correlates with CS1 - nomination, CS3 - restriction, CS6 - turn-taking, and CS4 - topic control. CS4 - topic control correlates very strongly with CS1 - nomination and CS6 - turn-taking. CS6 - turn-taking shows a very strong correlation with CS1 - nomination, and CS3 - restriction, and CS3 - restriction, correlates strongly with CS1 - nomination. Figure 52 below presents argumentation in the FM group.

Figure 52

Correlation of communication strategies and argumentation in the FM group



In the family mediation group (see Figure 52), argumentation 1 - deliberation shows a very strong correlation with CS1 - nomination and CS6 - turn-taking. CS5 - topic shifting shows a strong but negative correlation with CS4 - topic control. CS4 - topic control correlates very strongly with CS6 - turn-taking and CS6 - turn-taking with CS1 - nomination.

5.3 Speech Acts in mediation- pragmatic discourse analysis

This subchapter aims to provide an answer to our research question (Q6), how the relationship between illocutionary act types and forms is structured through the stages of mediation, and additionally to Q9 and Q10.

5.3.1 Illocutionary act types and forms - results, and discussion

The results of the illocutionary acts reconstruction show that such types of illocutionary acts as illocutionary act type 1 - commissive, illocutionary act type 2 - declarative, illocutionary act type 3 - directive, illocutionary act type 4 - expressive, and illocutionary act type 5 - representative-assertive occur in both family and business mediations under analysis.

The distribution of illocutionary act types in the group of business mediations is presented in Table 92 and in the group of family mediations in Table 93 below.

Table 92

Distribution of illocutionary act types in business mediations

BM	Illocutionary Act Types				
	Commissive	Declarative	Directive	Expressive	Representative-assertive
Stage 1	0,00%	0,63%	4,10%	5,60%	4,90%
Stage 2	0,00%	43,13%	55,53%	66,40%	35,66%
Stage 3	0,00%	21,25%	13,32%	11,20%	16,78%
Stage 4	0,00%	23,13%	20,70%	9,60%	30,07%
Stage 5	100,00%	11,88%	6,35%	7,20%	12,59%

In the BM group, Stage 2 concentrates the bulk of illocutionary activity: Expressive peaks at 66.40%, Directive at 55.53%, Declarative at 43.13%, and Representative-assertive at 35.66%. Stage 5 is uniquely characterized by Commissives (100.00%), while all other acts recede (Declarative 11.88%, Representative-assertive 12.59%, Expressive 7.20%, Directive 6.35%). Stage 1 shows uniformly low levels (all $\leq 5.60\%$). Stages 3–4 form a transitional band: Stage 4 elevates Representative-assertive (30.07%) with moderate Declarative (23.13%) and Directive (20.70%), whereas Stage 3 holds mid-level Declarative (21.25%), Representative-assertive (16.78%), and Directive (13.32%) with modest Expressive (11.20%). Overall, the trajectory moves from a quiet opening (Stage 1) to an expressive/directive surge (Stage 2), stabilizes via assertive/declarative moves (Stages 3–4), and closes with commitments (Stage 5).

Table 93

Distribution of illocutionary act types in family mediations

FM	Illocutionary Act Types				
	Commissive	Declarative	Directive	Expressive	Representative-assertive
Stage 1	0,00%	0,00%	10,66%	6,82%	8,05%
Stage 2	42,11%	14,75%	20,81%	34,09%	21,84%
Stage 3	26,32%	14,75%	30,96%	29,55%	32,18%
Stage 4	15,79%	54,10%	23,86%	9,09%	20,69%
Stage 5	15,79%	16,39%	13,71%	20,45%	17,24%

In the FM group, Stage 2 is dominated by Commissives (42.11%) with a strong Expressive component (34.09%); Directives (20.81%), Representative-assertives (21.84%), and Declaratives (14.75%) support this early commitment/affect surge. Stage 3 shifts toward substantive guidance and stating facts: Representative-assertives peak (32.18%) alongside Directives (30.96%) and solid Expressives (29.55%), with Commissives still present (26.32%). Stage 4 formalizes outcomes: Declaratives soar to 54.10% (highest single value in the table), while Directives (23.86%) and Representative-assertives (20.69%) play secondary roles and Expressives recede (9.09%). Stage 5 tapers across acts, with a mild Expressive rebound (20.45%) and balanced, lower levels of Declaratives (16.39%), Representative-assertives (17.24%), and Commissives (15.79%); Directives are lowest (13.71%). Stage 1 opens quietly, led by modest Directives (10.66%) and Representative-assertives (8.05%), with no Commissives or Declaratives. Trajectory goes from a low-key start (Stage 1), through early commitments and emotion (Stage 2), into fact-stating and guidance (Stage 3), formalization/ratification (Stage 4), and a softer wrap-up (Stage 5).

In the process of mediation, illocutionary acts are uttered with a specific goal by the parties-in-conflict/consent, and the mediator. They are formed in the parties'-in-conflict/consent minds, and the mediator's mind to perform particular functions. In the research groups, we have identified sixteen forms, i.e., illocutionary act form 1 - affirming understanding, illocutionary act form 2 - apologising, illocutionary act form 3 - asking, illocutionary act form 4 - committing, illocutionary act form 5 - complaining, illocutionary act form 6 - complimenting, illocutionary act form 7 - confirming, illocutionary act form 8 - declaring, illocutionary act form 9 - informing, illocutionary act form 10 - praising, illocutionary act form 11 - requiring individual action, illocutionary act form 12 - requiring mutual action, illocutionary act form 13 - suggesting, illocutionary act form 14 - telling and illocutionary act form 15 – thanking, and illocutionary act form 16 -objecting.

The distribution of illocutionary act forms in the group of business mediations is presented in Table 94 and in the group of family mediations in Table 95 below.

Table 94*Distribution of illocutionary act forms in business mediations*

BM	Illocutionary Act Forms							
	Thanking	Telling	Requiring mutual action	Requiring individual action	Informing	Affirming understanding	Asking	Declaring
Stage 1	6,25%	2,56%	13,21%	7,50%	3,37%	0,00%	2,76%	0,00%
Stage 2	60,94%	52,82%	64,15%	67,50%	38,20%	12,50%	40,69%	50,00%
Stage 3	6,25%	12,31%	9,43%	12,50%	21,35%	21,88%	22,07%	50,00%
Stage 4	6,25%	26,67%	5,66%	7,50%	26,97%	37,50%	29,66%	0,00%
Stage 5	20,31%	5,64%	7,55%	5,00%	10,11%	28,13%	4,83%	0,00%
BM	Illocutionary Acts Forms							
	Complaining	Committing	Apologising	Suggesting	Confirming	Complimenting	Objecting	Praising
Stage 1	0,00%	0,00%	0,00%	0,00%	0,00%	0,00%	15,38%	0,00%
Stage 2	70,97%	28,57%	66,67%	88,89%	43,53%	36,23%	15,38%	100,00%
Stage 3	19,35%	14,29%	33,33%	0,00%	14,12%	28,99%	30,77%	0,00%
Stage 4	9,68%	42,86%	0,00%	11,11%	25,88%	27,54%	30,77%	0,00%
Stage 5	0,00%	14,29%	0,00%	0,00%	16,47%	7,25%	7,69%	0,00%

In the BM group, Stage 2 concentrates most activity across categories: Suggesting (88.89%), Complaining (70.97%), Requiring individual action (67.50%), Apologising (66.67%), Requiring mutual action (64.15%), Thanking (60.94%), Telling (52.82%), and Declaring (50.00), alongside sizeable Confirming (43.53%), Asking (40.69%), Informing (38.20%), and Complimenting (36.23%). Stage 1 is uniformly low (highest: Complimenting 15.38% and Requiring mutual action 13.21%). Stage 3 shifts toward stance-marking and outcomes, with Declaring at 50.00% (co-peak with Stage 2), Objecting at 30.77% (tied with Stage 4), and elevated Complimenting (28.99%), while Informing (21.35%) and Asking (22.07%) sit mid-range. Stage 4 is defined by the maxima for Committing (42.86%) and Affirming understanding (37.50%), plus secondary rises in Asking (29.66%), Informing (26.97%), Telling (26.67%), and stable Objecting (30.77%). Stage 5 uniquely features Praising at 100.00% and retains non-trivial Affirming understanding (28.13%) and Thanking (20.31%), while most other acts recede (e.g., Declaring, Complaining, Apologising, Suggesting at 0%). Overall, the trajectory runs from a quiet start, through an intense proposal/complaint/request phase in Stage 2, to consolidation and ratification in Stages 3–4, and closes with appreciation in Stage 5.

Table 95*Distribution of illocutionary act forms in family mediations*

FM	Illocutionary Acts Forms							
	Thanking	Telling	Requiring mutual action	Requiring individual action	Informing	Affirming understanding	Asking	Declaring
Stage 1	16,67%	9,09%	28,95%	18,18%	11,48%	4,00%	2,33%	0,00%
Stage 2	0,00%	29,09%	18,42%	18,18%	16,39%	20,00%	19,77%	40,00%
Stage 3	16,67%	34,55%	28,95%	27,27%	24,59%	40,00%	25,58%	60,00%
Stage 4	0,00%	10,91%	13,16%	27,27%	29,51%	8,00%	39,53%	0,00%
Stage 5	66,67%	16,36%	10,53%	9,09%	18,03%	28,00%	12,79%	0,00%
FM	Illocutionary Acts Forms							
	Complaining	Committing	Apologising	Suggesting	Confirming	Complimenting	Objecting	Praising
Stage 1	0,00%	0,00%	0,00%	0,00%	0,00%	0,00%	0,00%	14,29%
Stage 2	42,42%	27,27%	20,00%	0,00%	11,11%	0,00%	0,00%	0,00%
Stage 3	57,58%	31,82%	40,00%	35,71%	25,40%	0,00%	0,00%	0,00%
Stage 4	0,00%	22,73%	40,00%	64,29%	53,97%	100,00%	0,00%	0,00%
Stage 5	0,00%	18,18%	0,00%	0,00%	9,52%	0,00%	0,00%	85,71%

In the FM group, activity clusters into clear phases. Stage 2 marks the onset of stance-taking and problem-raising: Declaring (40.00%), Complaining (42.42%), Committing (27.27%), with Telling (29.09%), Asking (19.77%) and Affirming understanding (20.00%). Stage 3 intensifies this pattern—Declaring peaks at 60.00% and Complaining at 57.58%; Affirming understanding rises to 40.00%, Committing to 31.82%, with strong Telling (34.55%), Asking (25.58%), Suggesting (35.71%) and Apologising (40.00%). Stage 4 pivots toward collaborative solutioning and positive face-work: Suggesting 64.29% (peak), Confirming 53.97% (peak), Complimenting 100.00% (exclusive), plus maxima for Asking (39.53%) and Informing (29.51%); Declaring and Complaining drop to 0%. Stage 5 closes appreciatively—Praising 85.71% (peak) and Thanking 66.67% (peak)—with residual Affirming understanding (28.00%) and some Committing (18.18%). Stage 1 is a quiet baseline (highest: Requiring mutual action 28.95%; most others $\leq 16.67\%$). Cross-cutting: Declaring and Complaining occur only in Stages 2–3; Suggesting appears in Stages 3–4; Complimenting emerges in Stages 4–5; Praising occurs at the bookends (Stages 1 and 5). Requests for action are mid-process: Requiring individual

action ties at its maximum in Stages 3–4 (27.27%), while Requiring mutual action is highest in Stages 1 and 3 (28.95%).

The quantitative analysis of illocutionary act type 1 - commissive is presented in Table 96 below.

Table 96

Descriptive statistics and analysis of variance for illocutionary act type 1 - commissive

Commissive									
Group	Stage	min	max	median	q1	q3	mean	sd	p
BM	1	0	0	0,00	0,00	0,00	0,00	0,00	group effect
BM	2	0	0	0,00	0,00	0,00	0,00	0,00	
BM	3	0	0	0,00	0,00	0,00	0,00	0,00	
BM	4	0	0	0,00	0,00	0,00	0,00	0,00	time effect
BM	5	0	1	0,50	0,00	1,00	0,50	0,58	
FM	1	0	0	0,00	0,00	0,00	0,00	0,00	group* time effect
FM	2	2	2	2,00	2,00	2,00	2,00	0,00	
FM	3	0	3	1,00	0,75	1,50	1,25	1,26	
FM	4	0	2	0,50	0,00	1,25	0,75	0,96	
FM	5	0	2	0,50	0,00	1,25	0,75	0,96	

The analysis of illocutionary act type 1 - commissive in the research groups shows a significant group effect and a significant time effect. The interaction between the group effect and time effect is statistically significant. Commissives differ by group ($p = 0.003$), vary over time ($p = 0.009$), and the interaction between group and time is significant ($p = 0.004$). In BM, commissive acts are absent through Stages 1–4 (all metrics = 0) and appear only at Stage 5 at a very low level (median = 0.50; mean = 0.50; $q1-q3 = 0.00-1.00$; $sd = 0.58$). By contrast, FM shows a clear onset at Stage 2 with uniformly high values (median = 2.00; mean = 2.00; $sd = 0$), followed by lower but persisting usage in Stages 3–5: Stage 3 (median = 1.00; mean = 1.25; $q1-q3 = 0.75-1.50$; $sd = 1.26$) and Stages 4–5 (each median = 0.50; mean = 0.75; $q1-q3 = 0.00-1.25$; $sd = 0.96$). The near-zero BM profile until a minor late emergence, contrasted with FM's early spike and sustained low levels thereafter, explains both the significant group difference and the significant interaction over time.

The quantitative analysis of commissive illocutionary act form 4 - committing, is presented in Table 97 below.

Table 97

Descriptive statistics and analysis of variance for commissive illocutionary act form 4 - committing

Committing									
Group	Stage	min	max	median	q1	q3	mean	sd	p
BM	1	0	0	0,00	0,00	0,00	0,00	0,00	group effect
BM	2	0	2	1,00	0,00	2,00	1,00	1,16	
BM	3	0	2	0,00	0,00	0,50	0,50	1,00	
BM	4	0	2	2,00	1,50	2,00	1,50	1,00	time effect
BM	5	0	1	0,50	0,00	1,00	0,50	0,58	
FM	1	0	0	0,00	0,00	0,00	0,00	0,00	group* time effect
FM	2	0	2	2,00	1,50	2,00	1,50	1,00	
FM	3	1	2	2,00	1,75	2,00	1,75	0,50	
FM	4	0	2	1,50	0,75	2,00	1,25	0,96	
FM	5	0	2	1,00	0,75	1,25	1,00	0,82	

The analysis of illocutionary act form 4 - committing in the research groups, shows no significant group effect but a significant time effect. The interaction between the group effect and time effect is not statistically significant. No between-group difference emerges ($p = 0.282$), whereas scores change across stages (time $p = 0.001$). The trajectory of change is similar for both groups (interaction $p = 0.220$). In BM, committing is absent at Stage 1, appears at a low level in Stage 2 (median = 1.00; mean = 1.00; $q1-q3 = 0.00-2.00$; $sd = 1.16$), dips further at Stage 3 (median = 0.00; mean = 0.50; $q1-q3 = 0.00-0.50$; $sd = 1.00$), reaches its highest central tendency at Stage 4 (median = 2.00; mean = 1.50; $q1-q3 = 1.50-2.00$; $sd = 1.00$), and recedes again by Stage 5 (median = 0.50; mean = 0.50; $q1-q3 = 0.00-1.00$; $sd = 0.58$). FM follows a comparable rise-and-taper pattern from a zero baseline in Stage 1 to a clear presence in Stage 2 (median = 2.00; mean = 1.50; $q1-q3 = 1.50-2.00$; $sd = 1.00$), holding near the top at Stage 3 (median = 2.00; mean = 1.75; $q1-q3 = 1.75-2.00$; $sd = 0.50$), then easing at Stage 4 (median = 1.50; mean = 1.25; $q1-q3 = 0.75-2.00$; $sd = 0.96$) and Stage 5 (median = 1.00; mean = 1.00; $q1-q3 = 0.75-1.25$; $sd = 0.82$). Overall, both groups show emergence of committing mid-process followed by a late-stage decline, which aligns with the significant time effect and the non-significant interaction.

Commissive illocutionary acts are the type of speech acts in which the parties-in-conflict/consent commit themselves to a future course of action under mediation. In family mediation, parties-in-conflict/consent undertake an obligation to perform a specific action concerning their children. In *Parenting Plan Family Mediation*, in structural element 3 of Stage 2, Glen implicitly commits himself to “set certain periods of time during the week and try to keep to that” [PPFM], and explicitly he offers to arrange his schedule so that he can spend time with his children as he states “I’ll be able to arrange my schedule so that I can spend time with them yeah” [PPFM], in structural element 3 of Stage 4. In *Family Mediation in Action*, Matt commits himself to phone Kate when he is “definitely on [his] way” [FMiA] and he confirms it with “Yeah” [FMiA] in structural element 1 of Stage 4. In *An Inside Look at Family Mediation*, Dean and Saya implicitly commit themselves to discussing how involvement in their future private relationships influences their kids when they confirm this with “I think so” and “okay, here, here we go” [AILaFM]. In *Family Mediation Role Play*, Emily commits herself to collecting Jake when she says “I’ll pick him up next week or something. I’ll figure it out” [FMRP] in structural element 4 of Stage 5. In business mediation, the parties-in-conflict/consent express their obligation to solve their conflict and perform their action for conflict resolution. In *Business Mediation Demonstration* Mrs Smith promises to help Mr Sharp adjust his house for his ill daughter’s needs, namely, “I will arrange all the contracting companies that we can use, I will speak with them, I will send to them the floor plans and the additional information that you send me, I will discuss it internally” [BMD] in structural element 4 of Stage 4. In *Business Grievance Mediation*, Michelle commits herself to sending David “on a time management course” [BGM] in structural element 2 of Stage 5. In *Business Mock Mediation in Action*, Courtney commits herself to recommending what has been mediated through the legal representatives when she says “I will recommend that to my clients, if they’re willing to accept that deal, then I would recommend that my clients accept it as well” [BMMiA] in structural element 3 of Stage 4. In *International Business Mediation*, Alex Pushnin, Peter’s attorney, offers “to renegotiate the Licence Agreement right” [IBM] in structural element 2 of Stage 5. In essence, the illocutionary act type 1 - commissives in mediation refer to future actions that occur after the utterance is made. In their utterances, the parties-in-consent reveal their commitments to future-oriented actions. In family and business mediations, commissives express the parties'-in-conflict/consent intentions to perform future actions.

The quantitative analysis of illocutionary act type 2 - declarative is presented in Table 98 below.

Table 98*Descriptive statistics and analysis of variance for illocutionary act type 2 - declarative*

Declarative									
Group	Stage	min	max	median	q1	q3	mean	sd	p
BM	1	0	1	0,00	0,00	0,25	0,25	0,50	group effect
BM	2	1	28	20,00	9,25	28,00	17,25	13,20	
BM	3	2	20	6,00	3,50	11,00	8,50	8,06	
BM	4	5	13	9,50	6,50	12,25	9,25	3,86	time effect
BM	5	1	13	2,50	1,00	6,25	4,75	5,68	
FM	1	0	0	0,00	0,00	0,00	0,00	0,00	group* time effect
FM	2	0	6	1,50	0,75	3,00	2,25	2,63	
FM	3	2	3	2,00	2,00	2,25	2,25	0,50	
FM	4	4	14	7,50	5,50	10,25	8,25	4,35	
FM	5	0	4	3,00	1,50	4,00	2,50	1,92	

The analysis of illocutionary act type 2 - declarative in the research groups shows no significant group effect but a significant time effect. The interaction between the group effect and time effect is not statistically significant. There is no overall difference between groups ($p = 0.059$), whereas scores change markedly over time ($p < 0.001$). The interaction between group and time is not significant ($p = 0.227$). In BM, declaratives show a pronounced surge at Stage 2 (median = 20.00; mean = 17.25; $q1-q3 = 9.25-28.00$; $sd = 13.20$) from a near-floor baseline at Stage 1 (median = 0; mean = 0.25). Levels then recede but remain present at Stages 3–4 (medians = 6.00 and 9.50; means = 8.50 and 9.25), before dropping further by Stage 5 (median = 2.50; mean = 4.75), with wide dispersion at the peak (Stage-2 $sd = 13.20$, Stage-5 $sd = 5.68$). The FM trajectory starts at zero in Stage 1, rises modestly in Stages 2–3 (medians = 1.50 and 2.00), reaches its apex at Stage 4 (median = 7.50; mean = 8.25; $q1-q3 = 5.50-10.25$; $sd = 4.35$), and remains evident at Stage 5 (median = 3.00; mean = 2.50). Together, these profiles capture a mid-process elevation of declarative acts in both groups—earlier and stronger in BM, later and lower in FM—consistent with the significant time effect and the non-significant interaction.

The quantitative analysis of declarative illocutionary act form 8 - declaring, is presented in Table 99 below.

Table 99

Descriptive statistics and analysis of variance for declarative illocutionary act form 8 - declaring

Declaring									
Group	Stage	min	max	median	q1	q3	mean	sd	p
BM	1	0	0	0,00	0,00	0,00	0,00	0,00	group effect
BM	2	0	1	0,50	0,00	1,00	0,50	0,58	
BM	3	0	1	0,50	0,00	1,00	0,50	0,58	
BM	4	0	0	0,00	0,00	0,00	0,00	0,00	time effect
BM	5	0	0	0,00	0,00	0,00	0,00	0,00	
FM	1	0	0	0,00	0,00	0,00	0,00	0,00	group* time effect
FM	2	0	1	0,50	0,00	1,00	0,50	0,58	
FM	3	0	1	1,00	0,75	1,00	0,75	0,50	
FM	4	0	0	0,00	0,00	0,00	0,00	0,00	
FM	5	0	0	0,00	0,00	0,00	0,00	0,00	

The analysis of the function of illocutionary acts, i.e., illocutionary act form 8 - declaring in the research groups shows no significant group effect but a significant time effect. The interaction between the group effect and time effect is not statistically significant. Declaring shows no overall difference between groups ($p = 0.739$), while changing across stages (time $p = 0.002$). The group-by-time interaction is not significant ($p = 0.689$). In both BM and FM, declaring is rare and concentrated mid-process. BM records brief, low-level occurrences in Stages 2–3 (medians = 0.50; means = 0.50; $q1-q3 = 0.00-1.00$; $sd = 0.58$) and zeros elsewhere. FM mirrors this pattern with isolated mentions at Stage 2 (median = 0.50; mean = 0.50) and a small uptick at Stage 3 (median = 1.00; mean = 0.75; $q1-q3 = 0.75-1.00$; $sd = 0.50$), returning to zero in the remaining stages. The near-floor levels throughout, coupled with short, similar spikes, account for the significant time effect and the absence of group or interaction effects.

The quantitative analysis of declarative illocutionary act form 7 - confirming, is presented in Table 100 below.

Table 100

Descriptive statistics and analysis of variance for declarative illocutionary act form 7 - confirming

Confirming									
Group	Stage	min	max	median	q1	q3	mean	sd	p
BM	1	0	0	0,00	0,00	0,00	0,00	0,00	group effect
BM	2	1	28	12,50	9,25	16,75	13,50	11,09	
BM	3	0	20	6,00	3,00	11,00	8,00	8,64	
BM	4	5	13	9,50	6,50	12,25	9,25	3,86	time effect
BM	5	1	13	2,50	1,00	6,25	4,75	5,68	
FM	1	0	0	0,00	0,00	0,00	0,00	0,00	group* time effect
FM	2	0	5	1,00	0,00	2,75	1,75	2,36	
FM	3	0	7	4,50	3,00	5,50	4,00	2,94	
FM	4	4	12	9,00	7,75	9,75	8,50	3,32	
FM	5	0	4	1,00	0,00	2,50	1,50	1,92	

The analysis of illocutionary act form 7 - confirming, in the research groups shows a significant group effect and a significant time effect. The interaction between the group effect and time effect is not statistically significant. In BM, confirming is absent at Stage 1, then peaks early at Stage 2 (median = 12.50; mean = 13.50; q1–q3 = 9.25–16.75; sd = 11.09). Levels ease at Stage 3 (median = 6.00; mean = 8.00; q1–q3 = 3.00–11.00; sd = 8.64), remain comparable in Stage 4 (median = 9.50; mean = 9.25; q1–q3 = 6.50–12.25; sd = 3.86), and then drop further by Stage 5 (median = 2.50; mean = 4.75; q1–q3 = 1.00–6.25; sd = 5.68). FM starts at zero (Stage 1), shows a modest presence in Stage 2 (median = 1.00; mean = 1.75; q1–q3 = 0.00–2.75; sd = 2.36), climbs through Stage 3 (median = 4.50; mean = 4.00; q1–q3 = 3.00–5.50; sd = 2.94), reaches its highest central tendency at Stage 4 (median = 9.00; mean = 8.50; q1–q3 = 7.75–9.75; sd = 3.32), and recedes again at Stage 5 (median = 1.00; mean = 1.50; q1–q3 = 0.00–2.50; sd = 1.92). Overall, BM exhibits an earlier and larger spike, whereas FM builds more gradually to a later peak, consistent with the significant main effects and the lack of a significant interaction.

In family and business mediations, declarative illocutionary acts are utterances that change the current circumstances into a new state of affairs through the act of speaking. When the parties-in-conflict/consent make a declaration, they act to alter the conflict reality. When the mediator makes a declaration, the mediator acts to hold a specific institutional role of mediation.

In *Parenting Plan Family Mediation*, Glen changes the current circumstances of his busy schedule by declaring that “if it's one or two nights, you know generally that's under my control” [PPFM] in structural element 3 of Stage 2. In *Family Mediation in Action*, the mediator declares that the parties-in-conflict will “know from [their] intersession that our conversations here are confidential” [FMiA] in structural element 1 of Stage 1. In *An Inside Look at Family Mediation*, Saya declares David guilty of his relationship with his girlfriend, who influences her kids when she states "that's your fault" in structural element 4 of Stage 3. In *Family Mediation Role Play*, the mediator holds his mediation position when he declares that mediation is "a voluntary process, so that means that you can stay as long as you feel comfortable" [FMRP] in structural element 1 of Stage 1. In *Business Mediation Demonstration*, the mediator declares that "mediation is an entirely voluntary process" [BMD] in structural element 2 of Stage 2. In *Business Grievance Mediation*, the mediator declares that he has the agreements to be signed by the parties-in-conflict as agreed before, namely “I have the agreements here that I will ask all of you to sign. It's basically what we discussed earlier” [BGM] in structural element 2 of Stage 1. In *Business Mock Mediation in Action*, the mediator declares confidentiality during his caucus with Bill, i.e. "Let me just tell you that anything you tell me is absolutely confidential” [BMMiA] in structural element 3 of Stage 2. In *International Business Mediation*, the mediator declares that he will introduce the parties-in-conflict “very briefly into the mediation process” [IBM] in structural element 4 of Stage 1. In essence, declaratives, as a type of illocutionary act, change the world of the parties-in-conflict via the parties'-in-conflict or the mediator's utterances. The latter has a special institutional role, and in a context of mediation, he/she declares or confirms the principles of mediation with the emphasis put on voluntary and confidential aspects of mediation.

Another function performed by declarative illocutionary acts refers to confirming in mediation. In both family and business mediations, the parties-in-conflict must confirm their agreement to participate in mediation, as indicated above in *Business Grievance Mediation*, by signing the agreement. By signing this agreement, they confirm their commitment to the mediation process, including all its principles, particularly confidentiality. In Stage 3 and Stage 4, the parties-in-conflict/consent confirm the status of existing options for conflict resolution to avoid misunderstandings about the progress of mediation. They confirm the options or the best option with the following utterances “yes, it does” “that’s fine with me” [PPFM], “yes” [FMiA, BGM, IBM], “yeah” [PPFM, FMiA, FMRP, BMMiA, IBM], “yes, that’s fine”, “yeah, I would agree, I would agree”, “yeah, agreed” [BMMiA], “[e]xactly, right” [IBM].

The quantitative analysis of illocutionary act type 3 - directive is presented in Table 101 below.

Table 101

Descriptive statistics and analysis of variance for illocutionary act type 3 - directive

Directive									
Group	Stage	min	max	median	q1	q3	mean	sd	p
BM	1	4	6	5,00	4,00	6,00	5,00	1,16	group effect
BM	2	11	130	65,00	34,25	98,50	67,75	52,18	
BM	3	4	33	14,00	10,00	20,25	16,25	12,23	
BM	4	7	51	21,50	17,50	29,25	25,25	18,48	time effect
BM	5	2	24	2,50	2,00	8,25	7,75	10,84	
FM	1	4	7	5,00	4,00	6,25	5,25	1,50	group* time effect
FM	2	5	24	6,00	5,00	11,25	10,25	9,22	
FM	3	7	20	17,00	13,00	19,25	15,25	5,91	
FM	4	6	18	11,50	9,00	14,25	11,75	5,06	
FM	5	2	11	7,00	5,00	8,75	6,75	3,78	

The analysis of illocutionary act type 3 - directive in the research groups shows no significant group effect but a significant time effect. The interaction between the group effect and time effect is not statistically significant. There is no overall difference between groups ($p = 0.425$), while scores vary substantially across stages ($p < 0.001$). The interaction between group and time is not statistically significant ($p = 0.097$). In BM, directives begin at a modest baseline in Stage 1 (median = 5.00; mean = 5.00) and surge sharply in Stage 2 (median = 65.00; mean = 67.75; $q1-q3 = 34.25-98.50$), accompanied by very wide dispersion ($sd = 52.18$). Levels then retreat: Stage 3 (median = 14.00; mean = 16.25) and Stage 4 (median = 21.50; mean = 25.25) remain well below the Stage-2 peak, before dropping further in Stage 5 (median = 2.50; mean = 7.75; $sd = 10.84$). The FM pattern is more tempered: from a similar baseline in Stage 1 (median = 5.00; mean = 5.25), values rise modestly at Stage 2 (median = 6.00; mean = 10.25), reach their peak at Stage 3 (median = 17.00; mean = 15.25), and ease through Stages 4–5 (medians = 11.50 and 7.00; means = 11.75 and 6.75). Overall, BM shows an early, pronounced spike with high variability, whereas FM builds to a mid-process maximum and declines more gradually—consistent with the significant time effect and the absence of group or interaction effects.

The quantitative analysis of the function of directive illocutionary acts, i.e., illocutionary act form 3 - asking, is presented in Table 102 below.

Table 102

Descriptive statistics and analysis of variance for the function of directive illocutionary act form 3 - asking

Group	Stage	Asking							p
		min	max	median	q1	q3	mean	sd	
BM	1	1	1	1,00	1,00	1,00	1,00	0,00	group effect
BM	2	3	34	11,00	3,75	22,00	14,75	14,55	
BM	3	3	17	6,00	5,25	8,75	8,00	6,16	
BM	4	6	19	9,00	8,25	11,50	10,75	5,68	time effect
BM	5	0	4	1,50	0,00	3,25	1,75	2,06	
FM	1	0	1	0,50	0,00	1,00	0,50	0,58	group* time effect
FM	2	0	13	2,00	0,75	5,50	4,25	5,97	
FM	3	3	7	6,00	4,50	7,00	5,50	1,92	
FM	4	2	14	9,00	3,50	14,00	8,50	6,40	
FM	5	0	5	3,00	2,25	3,50	2,75	2,06	

The analysis of the function of directive illocutionary acts, i.e., illocutionary act form 3 - asking in the research groups, shows no significant group effect but a significant time effect. The interaction between the group effect and time effect is not statistically significant. There is no overall difference between groups ($p = 0.085$), whereas levels change markedly across stages ($p < 0.001$). The interaction between group and time is not statistically significant ($p = 0.349$). In BM, asking is minimal at Stage 1 (median = 1.00; mean = 1.00; sd = 0.00), surges at Stage 2 (median = 11.00; mean = 14.75; q1–q3 = 3.75–22.00; sd = 14.55), then eases at Stage 3 (median = 6.00; mean = 8.00) and stabilises at a moderate level in Stage 4 (median = 9.00; mean = 10.75; sd = 5.68), before returning near baseline in Stage 5 (median = 1.50; mean = 1.75; sd = 2.06). The FM pattern is muted but parallel: very low at Stage 1 (median = 0.50; mean = 0.50), a modest rise at Stage 2 (median = 2.00; mean = 4.25; q1–q3 = 0.75–5.50; sd = 5.97), a local peak at Stage 3 (median = 6.00; mean = 5.50), sustained elevation in Stage 4 (median = 9.00; mean = 8.50; sd = 6.40), and a taper in Stage 5 (median = 3.00; mean = 2.75). Overall, both groups intensify asking mid-process, with BM showing an earlier and more pronounced spike and greater dispersion, consistent with the significant time effect.

The quantitative analysis of the function of directive illocutionary acts, i.e., illocutionary act form 11 - requiring individual action, is presented in Table 103 below.

Table 103

Descriptive statistics and analysis of variance for the function of directive illocutionary act form 11 - requiring individual action

Requiring individual action									
Group	Stage	min	max	median	q1	q3	mean	sd	p
BM	1	0	2	0,50	0,00	1,25	0,75	0,96	group effect
BM	2	0	15	6,00	3,75	9,00	6,75	6,24	
BM	3	0	3	1,00	0,75	1,50	1,25	1,26	
BM	4	0	1	1,00	0,75	1,00	0,75	0,50	time effect
BM	5	0	2	0,00	0,00	0,50	0,50	1,00	
FM	1	0	2	1,00	0,75	1,25	1,00	0,82	group* time effect
FM	2	1	1	1,00	1,00	1,00	1,00	0,00	
FM	3	1	2	1,50	1,00	2,00	1,50	0,58	
FM	4	1	3	1,00	1,00	1,50	1,50	1,00	
FM	5	0	1	0,50	0,00	1,00	0,50	0,58	

The analysis of directive illocutionary act form 11 - requiring individual action in the research groups, reveals no significant group effect but a significant time effect. The interaction between the group effect and time effect is not statistically significant. There is no overall difference between groups ($p = 0.766$), while levels change significantly across stages ($p = 0.035$). The interaction between group and time is not statistically significant ($p = 0.235$). In BM, “requiring individual action” is low at Stage 1 (median = 0.50; mean = 0.75; sd = 0.96), spikes sharply at Stage 2 (median = 6.00; q1–q3 = 3.75–9.00; mean = 6.75; sd = 6.24), then drops back toward baseline at Stage 3 (median = 1.00; mean = 1.25), Stage 4 (median = 1.00; mean = 0.75), and Stage 5 (median = 0.00; mean = 0.50). Dispersion is notably largest at Stage 2, indicating heterogeneous use in that phase. FM remains consistently low and tightly distributed throughout: Stage 1 (median = 1.00; mean = 1.00), Stage 2 (all observations = 1.00), Stage 3 (median = 1.50; mean = 1.50), Stage 4 (median = 1.00; mean = 1.50), and Stage 5 (median = 0.50; mean = 0.50). Taken together, the significant time effect is driven primarily by the temporary escalation in BM at Stage 2, whereas FM shows only modest fluctuations around low values; the absence of a significant interaction indicates that the broad temporal pattern does not differ reliably between groups.

The quantitative analysis of the function of directive illocutionary acts, i.e., illocutionary act form 12 - requiring mutual action, is presented in Table 104 below.

Table 104

Descriptive statistics and analysis of variance for the function of directive illocutionary act form 12 - requiring mutual action

Requiring mutual action									
Group	Stage	min	max	median	q1	q3	mean	sd	p
BM	1	0	4	1,50	0,75	2,50	1,75	1,71	group effect 0,961
BM	2	3	16	7,50	6,00	10,00	8,50	5,45	
BM	3	0	3	1,00	0,00	2,25	1,25	1,50	
BM	4	0	1	1,00	0,75	1,00	0,75	0,50	time effect 0,043
BM	5	0	3	0,50	0,00	1,50	1,00	1,41	
FM	1	0	5	3,00	1,50	4,25	2,75	2,22	
FM	2	1	2	2,00	1,75	2,00	1,75	0,50	group* time effect 0,173
FM	3	0	5	3,00	2,25	3,50	2,75	2,06	
FM	4	0	4	0,50	0,00	1,75	1,25	1,89	
FM	5	0	3	0,50	0,00	1,50	1,00	1,41	

The analysis of the function of directive illocutionary acts, i.e., illocutionary act form 12 - requiring mutual action in the research groups reveals no significant group effect but a significant time effect. The interaction between the group effect and time effect is not statistically significant. No overall group difference is detected ($p = 0.961$), whereas levels change meaningfully across stages (time effect: $p = 0.043$). The interaction between group and time is not statistically significant ($p = 0.173$). In BM, “requiring mutual action” rises sharply at Stage 2 (median = 7.50; $q1-q3 = 6.00-10.00$; mean = 8.50; $sd = 5.45$) following a low baseline at Stage 1 (median = 1.50; mean = 1.75). After that peak, values return to low levels: Stage 3 (median = 1.00; mean = 1.25), Stage 4 (median = 1.00; mean = 0.75), and Stage 5 (median = 0.50; mean = 1.00). Dispersion is widest at Stage 2, indicating heterogeneous use in that phase. FM starts higher than BM at Stage 1 (median = 3.00; $q1-q3 = 1.50-4.25$; mean = 2.75; $sd = 2.22$), dips at Stage 2 (median = 2.00; mean = 1.75; $sd = 0.50$), returns to a local high at Stage 3 (median = 3.00; mean = 2.75), and then declines across Stages 4–5 (both medians = 0.50; means = 1.25 and 1.00). Overall, the significant time effect reflects a transient surge in BM at Stage 2 and a rise-then-decline pattern in FM, but the absence of a significant interaction indicates these temporal shifts do not differ reliably between the groups.

The quantitative analysis of the function of directive illocutionary acts, i.e., illocutionary act form 13 - suggesting, is presented in Table 105 below.

Table 105

Descriptive statistics and analysis of variance for the function of directive illocutionary act form 13 - suggesting

Suggesting									
Group	Stage	min	max	median	q1	q3	mean	sd	p
BM	1	0	0	0,00	0,00	0,00	0,00	0,00	group effect
BM	2	0	8	4,00	0,00	8,00	4,00	4,62	
BM	3	0	0	0,00	0,00	0,00	0,00	0,00	
BM	4	0	2	1,50	0,75	2,00	1,25	0,96	time effect
BM	5	0	0	0,00	0,00	0,00	0,00	0,00	
FM	1	0	0	0,00	0,00	0,00	0,00	0,00	group* time effect
FM	2	0	0	0,00	0,00	0,00	0,00	0,00	
FM	3	0	5	0,00	0,00	1,25	1,25	2,50	
FM	4	0	5	2,00	1,50	2,75	2,25	2,06	
FM	5	0	0	0,00	0,00	0,00	0,00	0,00	

The analysis of the function of directive illocutionary acts, specifically illocutionary act form 13, suggests in the research groups that there is no significant group effect but a significant time effect. The interaction between the group effect and time effect is not statistically significant. No significant group effect is observed ($p = 0.637$), whereas there is a clear effect of time ($p = 0.003$). The interaction between group and time is not statistically significant ($p = 0.182$). In BM, “suggesting” is absent at Stages 1, 3, and 5 (all values = 0). It surges at Stage 2 (median = 4.00; $q1-q3 = 0.00-8.00$; mean = 4.00; sd = 4.62), then reappears at a lower level in Stage 4 (median = 1.50; $q1-q3 = 0.75-2.00$; mean = 1.25; sd = 0.96). This pattern indicates a brief, pronounced use during the early intensive phase, followed by a modest presence later on. FM also shows zeros at Stages 1, 2, and 5. Usage emerges in Stage 3 at low-to-moderate levels (median = 0.00 with an upper quartile of 1.25; mean = 1.25; sd = 2.50), and peaks in Stage 4 (median = 2.00; $q1-q3 = 1.50-2.75$; mean = 2.25; sd = 2.06). Collectively, both groups exhibit time-bound spikes (BM earlier, FM slightly later), consistent with the significant time effect and the absence of a differential trajectory between groups.

The quantitative analysis of illocutionary act form 14 - telling, is presented in Appendix 10 since the analysis of illocutionary act form 14 - telling, in the research groups shows no significant differences.

In family and business mediations, directive illocutionary acts are utterances during which the speaker, i.e., the party-in-conflict/consent or the mediator, intends to get the listener

to perform specific actions. In both family and business mediation, we have identified such functions of the directive illocutionary acts as asking, requesting, suggesting, and telling.

In both family and business mediation, directive illocutionary acts perform the function of asking questions. As indicated above, the results of the speech act analysis show the role of the mediator's general and specific questions directed to the parties-in-conflict/consent at all stages of mediation. The Speech Act analysis results show that apart from the linguistic function of the interrogative forms, the mediator's questions perform different pragmatic as well as argumentative functions. The positive value of the mediator's questions is acknowledged at all stages of mediation as the mediator's questions reflect the practical value of inquiring about information, confirming the mediator's understanding, and obtaining the consent of the parties-in-conflict. Additionally, the positive value of the mediator's questions is such that they contribute to the argumentative discussion with and between the parties-in-conflict/consent through the whole process of mediation. The fundamental aspect of the mediator's questions is that apart from the positive value of his questions, there is no contradiction in the mediator's functions and mediation values and principles discussed in subchapter 3.4.

By asking questions, the mediator conducts the mediation process with a varied distribution at various stages. In *Parenting Plan Family Mediation*, e.g., the distribution of asking questions through stages is as follows: Stage 2 - 16%, Stage 3 - 16%, Stage 4 - 38%, and Stage 5- 23%. Since Stage 4 refers to the identification of the best option, the mediator directs the same questions to both Glen and Stephanie. In fact, through the frame of asking questions, the mediator raises specific arguments for the parties'-in-conflict/consent consideration to resolve their conflict. The analysis of directive illocutionary acts with the function of asking shows that the mediator asks questions as a common means to make arguments, give directions, reject or accept the parties'-in-conflict/consent standpoints (see Jacobs, 1989, 2002; van Eemeren et al. 1993).

In the process of mediations, the directive illocutionary acts perform the function of requesting individual action and requesting mutual action, firstly to initiate opening statements of the parties-in-conflict e.g. ‘‘So would one of you like to start with what you're looking for what you think would work best as far as when each of you has the children ‘‘ [PPFM], or ‘‘ should this idea for uninterrupted equal time be okay with you? [BMD], secondly, to identify the background of the conflict, e.g. ‘‘[w]hat are the things that you want to talk about this morning? [FMiA] and ‘‘[t]hank you, David. Sylvia, would you like to add something? [BGM], thirdly, to identify the options ‘‘[h]ow can you be the best parent given that you're in separate homes right now’’ [AILaFM] and ‘‘[s]o, with the \$500,000 that's on the table, what are your

thoughts about that?” [BMMiA] and fourthly to choose the best option, e.g. “[d]id that answer your questions?” [PPFM] or “[w]hat do you think about it?” [IBM].

In the process of mediations, the directive illocutionary acts are related to the function of suggesting and telling. In family and business mediations, suggesting options for conflict resolution is a delicate balance. The parties-in-conflict/consent can offer direct suggestions of options to resolve e.g. “maybe, having him, having the children one or two nights a week” [PPFM], “[w]hat if I pick them up from school on a Friday and I have them for overnight - over two nights on the weekend I see them. And then every other weekend you have them” [FMiA]. The mediator, however, even in facilitative mediation, can only encourage the parties-in-conflict to consider different perspectives to reach a mutually agreeable option, e.g.

so I'm suggesting to you that if you do not talk quite simply quite shortly and then leave your communication – afterwards whether it's by email or text or a phone call. I don't know how you tend to do that, yet, but the handover just keep it short. So, okay, you see the benefit for children [FMiA], or

It's your decision. I'm not suggesting anything, you know, it's your decision. I was just wondering because Warner Bronski could have, as far as I know, very good distribution channels, and they might feel insulted or they may do something against a second distributor distributing similar or the same products in Russia. What would you think if if Warner Bronski starts selling their super premium and premium brands in the United States and elsewhere by making a competition to your, to your High Octane and Octane? [IBM].

Telling a story or storytelling in mediation is a powerful technique through which parties-in-conflict/consent share their conflict-related perspectives and experiences through narratives. In *Parenting Plan Family Mediation*, Glen tells a story of his busy schedule and emergencies. In *Business Mediation Demo*, Mr Sharp, in the caucus with the mediator, tells a story of his ill daughter, which becomes the underlying factor for his conflict with Mrs Smith. In *International Business Mediation*, both parties-in-conflict reveal their stories of the business conflict, and so do Bill and Courtney in *Business Mock Mediation in Action*.

The quantitative analysis of illocutionary act type 4 - expressive is presented in Table 106 below.

Table 106*Descriptive statistics and analysis of variance for illocutionary act type 4 - expressive*

Expressive									
Group	Stage	min	max	median	q1	q3	mean	sd	p
BM	1	1	3	1,50	1,00	2,25	1,75	0,96	group effect
BM	2	6	59	9,00	8,25	21,50	20,75	25,54	0,005
BM	3	2	5	3,50	2,00	5,00	3,50	1,73	
BM	4	1	6	2,50	1,75	3,75	3,00	2,16	time effect
BM	5	1	6	1,00	1,00	2,25	2,25	2,50	0,000
FM	1	0	1	1,00	0,75	1,00	0,75	0,50	
FM	2	2	6	3,50	2,75	4,50	3,75	1,71	group* time effect
FM	3	3	4	3,00	3,00	3,25	3,25	0,50	0,189
FM	4	0	2	1,00	0,75	1,25	1,00	0,82	
FM	5	1	3	2,50	1,75	3,00	2,25	0,96	

The analysis of illocutionary act type 4 - expressive in the research groups shows a significant group effect and a significant time effect. The interaction between the group effect and time effect is not statistically significant. A clear between-group difference is evident for expressive acts ($p = 0.005$), alongside a strong stage effect ($p < 0.001$). The interaction between group and time is not statistically significant ($p = 0.189$). In the BM group, expressive acts are modest at Stage 1 (mean = 1.75, $q1-q3 = 1.00-2.25$) but surge at Stage 2 (median = 9.00, $q1-q3 = 8.25-21.50$; mean = 20.75, $sd = 25.54$), then recede to low levels in Stages 3–5 (means ≈ 3.50 , 3.00, and 2.25). The FM group remains comparatively low throughout, with a small rise at Stage 2 (mean = 3.75) and a brief plateau around Stage 3 (mean = 3.25), before settling near 1–2.5 in later stages. Overall, expressive acts are consistently higher in BM—especially during Stage 2—while both groups follow broadly similar temporal profiles, consistent with the non-significant interaction.

The quantitative analyses of the function of expressive illocutionary acts, i.e., illocutionary act form 2 - apologising and illocutionary act form 6 - complimenting are presented in Appendix 10 since the analysis of the function of expressive illocutionary acts, i.e. illocutionary act form 2 - apologising and illocutionary act form 6 - complimenting in the research groups show no significant differences.

The quantitative analysis of the function of expressive illocutionary act form 5 - complaining, is presented in Table 107 below.

Table 107

Descriptive statistics and analysis of variance for the function of expressive illocutionary act form 5 – complaining

Complaining									
Group	Stage	min	max	median	q1	q3	mean	sd	p
BM	1	0	0	0,00	0,00	0,00	0,00	0,00	group effect 0,594
BM	2	1	11	5,00	1,75	8,75	5,50	4,80	
BM	3	0	4	1,00	0,75	1,75	1,50	1,73	
BM	4	0	3	0,00	0,00	0,75	0,75	1,50	time effect 0,000
BM	5	0	0	0,00	0,00	0,00	0,00	0,00	
FM	1	0	0	0,00	0,00	0,00	0,00	0,00	
FM	2	3	4	3,50	3,00	4,00	3,50	0,58	group* time effect 0,030
FM	3	3	6	5,00	4,50	5,25	4,75	1,26	
FM	4	0	0	0,00	0,00	0,00	0,00	0,00	
FM	5	0	0	0,00	0,00	0,00	0,00	0,00	

The analysis of the function of expressive illocutionary acts, i.e, illocutionary act form 5 - complaining in the research groups, shows no significant group effect but a significant time effect. The interaction between the group effect and time effect is statistically significant. No overall difference between BM and FM is detected ($p = 0.594$), but there are clear stage-dependent changes ($p < 0.001$) and a significant interaction between group and time ($p = 0.030$). In BM, complaining is absent at Stage 1, surges at Stage 2 (median = 5.00; $q1-q3 = 1.75-8.75$; mean = 5.50; $sd = 4.80$), then drops sharply at Stage 3 (median = 1.00; mean = 1.50) and Stage 4 (median = 0.00; mean = 0.75), disappearing again by Stage 5. The wide spread at Stage 2 indicates substantial heterogeneity of complaining in BM. FM shows a different, more concentrated pattern: zero at Stages 1, 4, and 5, with activity clustered at Stages 2–3. At Stage 2 the level is moderate and tightly distributed (median = 3.50; $sd = 0.58$), rising slightly at Stage 3 (median = 5.00; $sd = 1.26$). The interaction reflects these divergent temporal profiles—BM peaks early and tapers off, whereas FM exhibits a short, mid-process window of complaining.

The quantitative analysis of the function of expressive illocutionary act form 10 - praising, is presented in Table 108 below.

Table 108

Descriptive statistics and analysis of variance for the function of expressive illocutionary act form 10 - praising

Praising									
Group	Stage	min	max	median	q1	q3	mean	sd	p
BM	1	0	0	0,00	0,00	0,00	0,00	0,00	group effect 0,001
BM	2	0	0	0,00	0,00	0,00	0,00	0,00	
BM	3	0	0	0,00	0,00	0,00	0,00	0,00	
BM	4	0	0	0,00	0,00	0,00	0,00	0,00	time effect 0,025
BM	5	0	1	0,00	0,00	0,25	0,25	0,50	
FM	1	0	1	0,00	0,00	0,25	0,25	0,50	group* time effect 0,232
FM	2	0	0	0,00	0,00	0,00	0,00	0,00	
FM	3	0	0	0,00	0,00	0,00	0,00	0,00	
FM	4	0	0	0,00	0,00	0,00	0,00	0,00	
FM	5	0	2	2,00	1,50	2,00	1,50	1,00	

The analysis of the function of expressive illocutionary acts, i.e., illocutionary act form 10 - praising in the research groups, shows a significant group effect and a significant time effect. The interaction between the group effect and time effect is not statistically significant. A clear between-group difference is present ($p = 0.001$), alongside a stage effect over time ($p = 0.025$); however, the interaction between group and time is not significant ($p = 0.232$). In other words, praising emerges late in the process in both groups, but its overall level differs between BM and FM. In BM, praising is absent across Stages 1–4 (all values = 0) and appears only sparsely at Stage 5 (median = 0.00; $q1-q3 = 0-0.25$; mean = 0.25; sd = 0.50), indicating isolated occurrences rather than a consistent practice. FM shows a slightly different profile: occasional, low-level instances at Stage 1 (median = 0.00; mean = 0.50; sd = 0.50), no praising in Stages 2–4, and then a marked rise at Stage 5 (median = 2.00; $q1-q3 = 1.50-2.00$; mean = 1.50; sd = 1.00). The late-stage elevation in FM, compared with the much lower BM level at Stage 5, underpins the significant group effect .

The quantitative analysis of the function of expressive illocutionary act form 15 - thanking, is presented in Table 109 below.

Table 109

Descriptive statistics and analysis of variance for the function of expressive illocutionary act form 15 - thanking

Thanking									
Group	Stage	min	max	median	q1	q3	mean	sd	p
BM	1	0	2	1,00	0,75	1,25	1,00	0,82	group effect
BM	2	1	28	5,00	2,50	12,25	9,75	12,42	
BM	3	1	1	1,00	1,00	1,00	1,00	0,00	
BM	4	0	2	1,00	0,75	1,25	1,00	0,82	time effect
BM	5	0	6	3,50	0,75	6,00	3,25	3,20	
FM	1	0	1	0,00	0,00	0,25	0,25	0,50	
FM	2	0	0	0,00	0,00	0,00	0,00	0,00	group* time effect
FM	3	0	1	0,00	0,00	0,25	0,25	0,50	
FM	4	0	0	0,00	0,00	0,00	0,00	0,00	
FM	5	0	2	1,00	0,75	1,25	1,00	0,82	0,094

The analysis of illocutionary act form 15 - thanking in the research groups, reveals a significant group effect but no significant time effect. The interaction between the group effect and time effect is not statistically significant. A clear difference between groups is present ($p < 0.001$), while there is no overall effect of stage across the process ($p = 0.165$). The interaction between group and time is not statistically significant ($p = 0.094$). Descriptively, BM exhibits pronounced bursts of thanking at Stage 2 (median = 5.00; $q1-q3 = 2.50-12.25$; mean = 9.75; $sd = 12.42$), followed by a return to low, steady levels at Stages 3–4 (both medians = 1.00), and a smaller resurgence at Stage 5 (median = 3.50; $q1-q3 = 0.75-6.00$; mean = 3.25; $sd = 3.20$). FM remains near zero throughout most stages (Stage 1 and 3 means = 0.25; Stage 2 and 4 = 0), with a modest uptick only at Stage 5 (median = 1.00; mean = 1.00; $sd = 0.82$). The significant between-group difference is thus driven primarily by BM's spikes—especially the highly variable Stage 2—rather than a consistent temporal trend across both groups.

In family and business mediations, expressive illocutionary acts are utterances during which the speaker, i.e., the party-in-conflict/consent or the mediator, expresses his/her feelings, attitudes, or psychological state towards the current situation. Expressive illocutionary acts

reveal the speaker's internal state towards the conflict and conflict resolution. The primary purpose of expressive acts is to communicate the speaker's emotions that are discussed in Chapter 6 see 6.1.2.

The common examples of expressive illocutionary acts in mediation include thanking e.g. "thank you both for coming in today" [PPFM], "[t]hank you for agreeing for a place and time to meet and for being present today and for being very accurate, thank you both" [BMD], "[t]hank you for coming" [BGM], "All right, Bill, Courtney, I want to thank you" [BMMiA], apologising, e.g. "[h]onestly, I am sorry, I could be late", "[s]orry to interrupt but are we able to meet again tomorrow" [FMiA], "[s]orry for being emotional", "[i]t's not seven zero, I'm sorry, it's not seven zero that you deserve", "[o]h, I'm sorry to hear it" [BMD], complaining, e.g. "well I have a pretty demanding schedule. My clients take a lot of my time now" [PPFM], e.g., blaming, "The last time. I saw my children, I was like half an hour and half an hour is justification in her mind to stop me seeing the children" [FMiA], "She is influencing my kids I have to say in that" [AILaFM], complimenting e.g. "But the two of you have just achieved what is the lion's share of the parenting plan. And that is the date, the typical day-to-day schedule so that's a great job" [PPFM], "[w]ell I think we can sum up by saying that you achieved quite a lot and you're very different people from the people who came in here two sessions ago" [FMiA], "[s]o hopefully there is some agreement and some way to go forward around the children" [AILaFM], and praising e.g. "Great job today" [PPFM], "[s]o I think you've done a very very good job and I think your two children, Rosie and Eden, must be a lot happier now that's a great result. Thank you" [FMiA].

The quantitative analysis of illocutionary act type 5 - representative-assertive is presented in Table 110 below.

Table 110

Descriptive statistics and analysis of variance for illocutionary act type 5 - representative-assertive

Representative-assertive									
Group	Stage	min	max	median	q1	q3	mean	sd	p
BM	1	1	3	1,50	1,00	2,25	1,75	0,96	group effect
BM	2	7	21	11,50	7,75	16,50	12,75	6,55	
BM	3	3	8	6,50	4,50	8,00	6,00	2,45	
BM	4	8	14	10,50	9,50	11,75	10,75	2,50	time effect
BM	5	0	10	4,00	3,00	5,50	4,50	4,12	

FM	1	0	3	2,00	1,50	2,25	1,75	1,26	group* time effect 0,097
FM	2	3	6	5,00	4,50	5,25	4,75	1,26	
FM	3	4	13	6,00	4,75	33,25	33,00	65,34	
FM	4	1	7	5,00	4,00	5,50	4,50	2,52	
FM	5	0	8	3,50	0,75	6,50	3,75	3,86	

The analysis of illocutionary act type 5 - representative-assertive in the research groups shows no significant group effect but a significant time effect. The interaction between the group effect and time effect is not statistically significant. There is no evidence of a between-group difference ($p = 0.072$), while stage has a clear effect ($p < 0.001$). The group-by-time interaction does not reach significance ($p = 0.097$). Examining the distributions, BM rises from a low baseline in Stage 1 (median = 1.50; mean = 1.75) to a pronounced peak in Stage 2 (median = 11.50; $q1-q3 = 7.75-16.50$; mean = 12.75), dips in Stage 3 (median = 6.50; mean = 6.00), rebounds in Stage 4 (median = 10.50; mean = 10.75), and then declines by Stage 5 (median = 4.00; mean = 4.50). FM traces a gentler arc: Stage 1 (median = 2.00; mean = 1.75), Stage 2 (median = 5.00; mean = 4.75), Stage 3 (median = 6.00; mean = 6.00), Stage 4 (median = 5.00; mean = 4.50), and Stage 5 (median = 3.50; mean = 3.75). Overall, both groups show stage-dependent variation, with BM exhibiting the sharper shifts.

The quantitative analysis of the function of representative-assertive illocutionary acts, i.e., illocutionary act form 1 - affirming understanding, is presented in Table 111 below.

Table 111

Descriptive statistics and analysis of variance for the function of representative-assertive illocutionary act form 1 - affirming understanding

Affirming understanding									
Group	Stage	min	max	median	q1	q3	mean	sd	p
BM	1	0	0	0,00	0,00	0,00	0,00	0,00	group effect 0,675
BM	2	0	2	1,00	0,75	1,25	1,00	0,82	
BM	3	0	5	1,00	0,75	2,00	1,75	2,22	
BM	4	0	5	3,50	1,50	5,00	3,00	2,45	time effect 0,044
BM	5	0	4	2,50	1,50	3,25	2,25	1,71	
FM	1	0	1	0,00	0,00	0,25	0,25	0,50	group* time effect 0,257
FM	2	0	3	1,00	0,00	2,25	1,25	1,50	
FM	3	1	5	2,00	1,75	2,75	2,50	1,73	

FM	4	0	2	0,00	0,00	0,50	0,50	1,00
FM	5	0	3	2,00	0,75	3,00	1,75	1,50

The analysis of the function of representative-assertive illocutionary acts, i.e., illocutionary act form 1 - affirming understanding in the research groups, shows no significant group effect but a significant time effect. The interaction between the group effect and time effect is not statistically significant. Statistically, there is no between-group difference ($p = 0.675$). Stage has a modest but reliable effect ($p = 0.044$), and the interaction between group and time does not reach significance ($p = 0.257$). Looking at the trajectories, BM moves from no occurrences in Stage 1 to low values in Stage 2 (median = 1.00; mean = 1.00), rises through Stage 3 (median = 1.00; mean = 1.75) and peaks in Stage 4 (median = 3.50; $q1-q3 = 1.50-5.00$; mean = 3.00), then eases back in Stage 5 (median = 2.50; mean = 2.25). FM remains generally lower and more variable: Stage 1 is near zero (median = 0.00; mean = 0.50), modest in Stage 2 (median = 1.00; mean = 1.25), increases in Stage 3 (median = 2.00; mean = 2.50), dips again in Stage 4 (median = 0.00; mean = 1.00), and rebounds in Stage 5 (median = 2.00; mean = 1.75). Overall, both groups show stage-dependent change, with BM exhibiting a clearer mid-process elevation.

The quantitative analysis of the function of representative-assertive illocutionary acts, i.e., illocutionary act form 9 - informing, is presented in Table 112 below.

Table 112

Descriptive statistics and analysis of variance for the function of representative-assertive, illocutionary act form 9 - informing

Informing									
Group	Stage	min	max	median	q1	q3	mean	sd	p
BM	1	1	3	1,00	1,00	1,50	1,50	1,00	group effect
BM	2	7	13	10,50	7,75	13,00	10,25	3,20	
BM	3	3	7	6,00	4,50	7,00	5,50	1,92	time effect
BM	4	4	10	8,50	6,25	10,00	7,75	2,87	
BM	5	0	7	1,00	0,00	3,25	2,25	3,30	
FM	1	1	3	1,50	1,00	2,25	1,75	0,96	group* time effect
FM	2	1	5	2,00	1,00	3,50	2,50	1,92	
FM	3	3	6	3,00	3,00	3,75	3,75	1,50	
FM	4	3	5	5,00	4,50	5,00	4,50	1,00	
FM	5	0	5	3,00	0,75	5,00	2,75	2,63	

The analysis of the function of representative-assertive illocutionary acts, i.e., illocutionary act form 9 - i.e., illocutionary act form 9 - informing in the study groups shows a significant group effect and a significant time effect. Although the interaction of group and time effects is not statistically significant, it is close to significance at a p-value of 0.058. A significant difference between groups is evident ($p = 0.001$), alongside a clear stage (time) effect ($p = 0.001$). The interaction between group and time does not reach significance, though it trends toward it ($p = 0.058$). Pattern-wise, BM shows a pronounced early surge: from a low baseline in Stage 1 (median = 1.00; mean = 1.50), it peaks in Stage 2 (median = 10.50; $q1-q3 = 7.75-13.00$; mean = 10.25; $sd = 3.20$), then recedes in Stage 3 (median = 6.00; mean = 5.50) and stabilises at an intermediate level in Stage 4 (median = 8.50; mean = 7.75) before dropping sharply by Stage 5 (median = 1.00; mean = 2.25). FM follows a steadier, lower-amplitude climb through Stage 4—Stage 1 (median = 1.50; mean = 1.75) → Stage 2 (2.00; 2.50) → Stage 3 (3.00; 3.75) → Stage 4 (5.00; 4.50; $sd = 1.00$)—and then declines at Stage 5 (median = 3.00; mean = 2.75). Overall, informing is consistently more frequent in BM, particularly at Stage 2, which underpins the significant group effect, while both groups change meaningfully over time.

In family and business mediations, representative-assertive illocutionary acts are utterances designed to convey a specific understanding of a truth related to the underlying conflict or to express a belief about reality or a state of affairs between the parties-in-conflict/consent. The purpose of representative-assertive illocutionary acts in mediation is to inform the listener about the speaker's understanding of the conflict-related reality and possible options for conflict resolution. The speaker in mediation expresses what he/she believes to be a statement of fact, an explanation, an admission, or a conclusion. The functions of the representative-assertive illocutionary acts in mediation consist of affirming understanding, e.g., in structural element 4 of Stage 2 of International Business Mediation, the mediator affirms his knowledge of the problem and receives confirmation from Dede Cruz, the president of Alcopop Inc., based in Chicago.

Mediator 1 Okay, so may I shortly summarise? You are most interested in the KYK Octane right now, to distribute the KYK Octane in the Russian market, and for you, it's very important to have the two-tone stripe and to get up with the eight-sided bottle.

Dede Cruz 1 That's correct [IBM],
and informing, e.g. "[f]rom what I understand from speaking with you both previously, one of the first issues that we need to address is who has the children with", "[h]ow I usually like to

start out is just to get some basic information about your schedules and start to see what we can do to get this information to build a good parenting plan”[PPFM], stating, e.g.

Parenting is messy, and things are always changing, especially with five and ten-year-olds. They're going to be going through different, different developmental stages. They're going to be going through different activities. And that's why we have the yearly review, and we try to keep up to date on what's going on and deal with any issues as they come up [PPFM]

In essence, these examples of representative-assertive illocutionary acts represent a state of affairs prior to and during the mediation, which the parties-in-conflict/consent and the mediator understand.

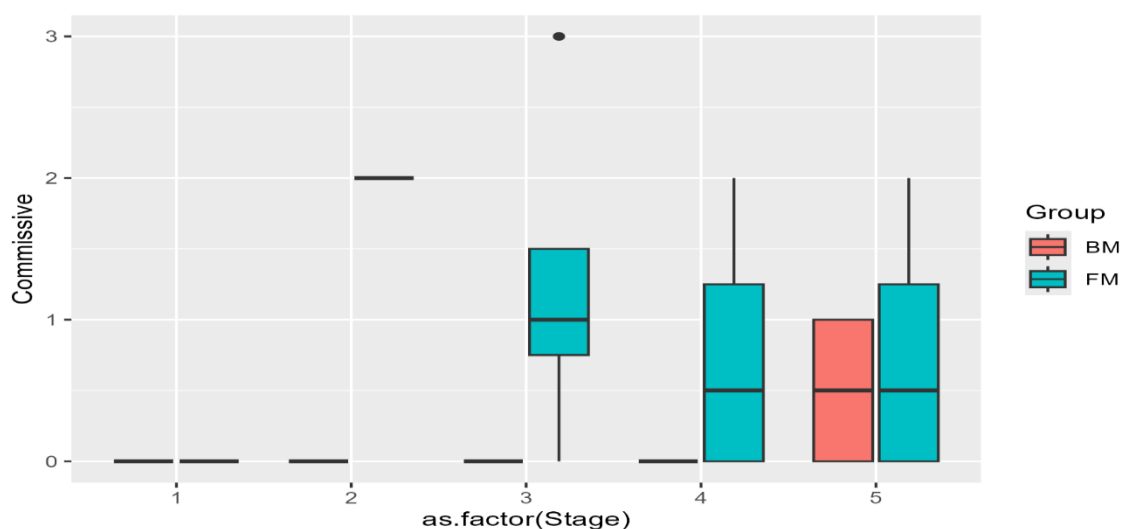
5.3.2 Essential interaction of the group and time effects

The statistically essential interaction between the group effect and time effect in the research groups of family and business mediations is interpreted below, specifically concerning the dichotomy of illocutionary act types and functions.

The statistically significant difference between the research groups of the family and business mediations refers to illocutionary act type 1 – commissive presented in Figure 53, expressive illocutionary act form 5 - complaining in Figure 54 and representative-assertive illocutionary act form 9 – informing in Figure 55.

Figure 53

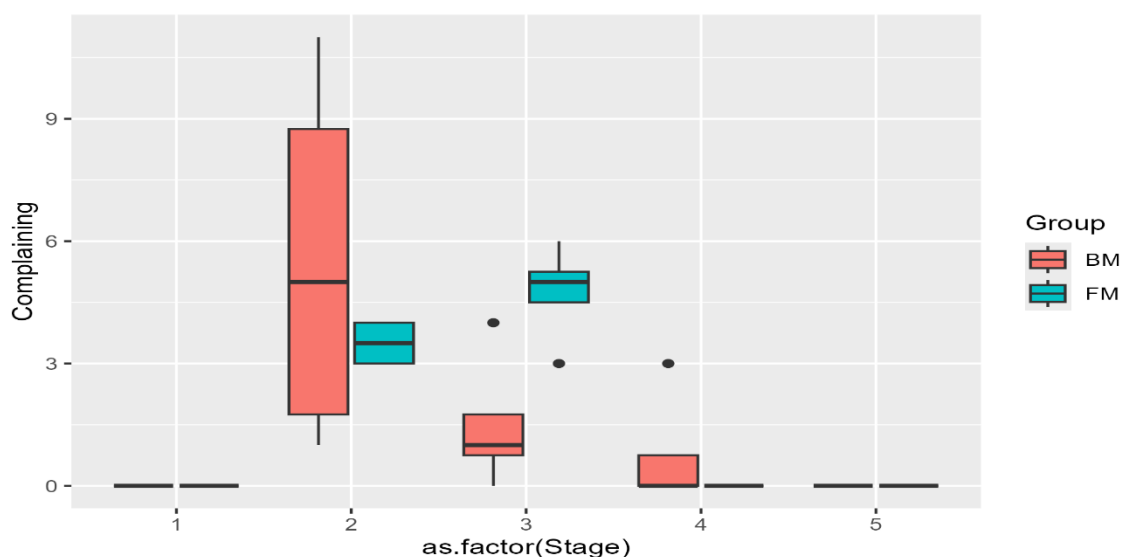
Boxplot for illocutionary act type 1 – commissive



Illocutionary act type 1 – commissive is observed to be significantly higher in the final Stages of mediation, increasing faster in the family mediation than in the business mediation, where the increase only occurred in Stage 5.

Figure 54

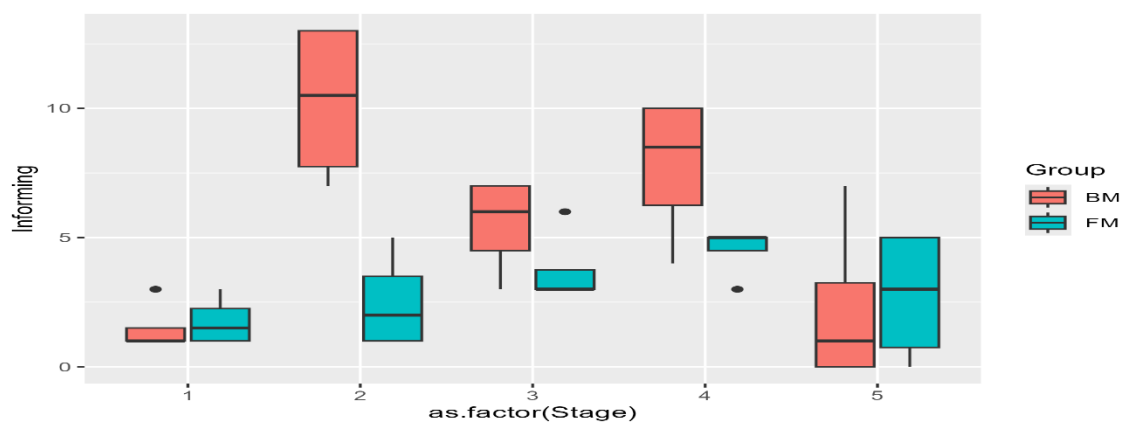
Boxplot for expressive illocutionary act form 5 - complaining



A significantly higher number of expressive illocutionary act form 5 - complaining is observed in Stage 2 for the business mediation group, and then there is a decrease. In the family mediation group, the increase is slower but lasts until Stage 3, to be followed by a sharp decline.

Figure 55

Boxplot for representative-assertive illocutionary act form 9 - informing



A significantly higher number of illocutionary act form 9 - informing is observed in Stage 2 of the business mediations, followed by a decreasing trend. In the family mediation group, an

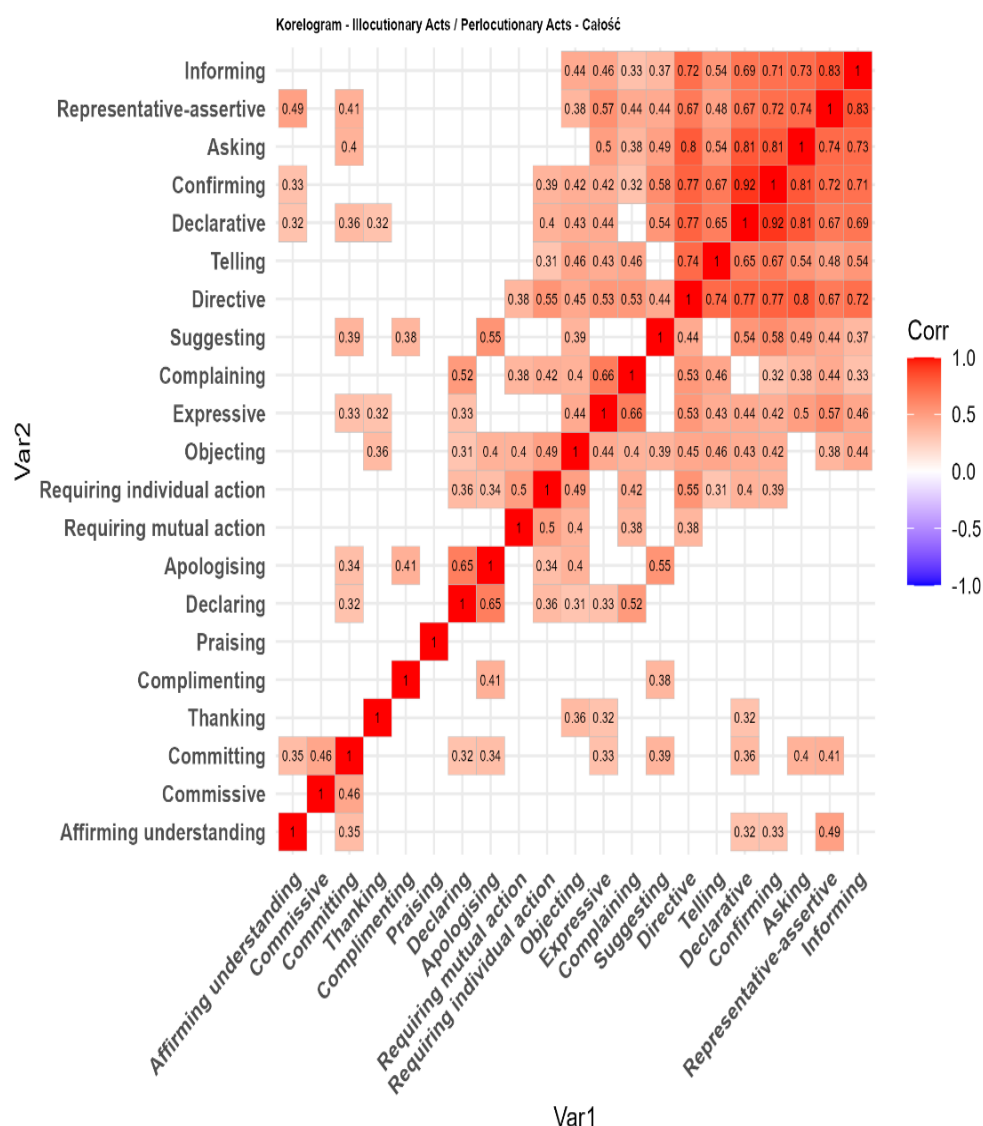
increased number of illocutionary act form 9 – informing is observed up to Stage 4, followed by a slight decrease.

5.3.3 Correlation in the dichotomy of illocutionary act types and forms

The correlation analysis based on Spearman's method is presented below, with the results visualised with the heatmap in Figures. Colour indicates the strength of the correlation between a pair of variables. The correlation of illocutionary act types and forms without splitting into groups is presented in Figure 56 below.

Figure 56

Correlation of illocutionary act types and forms without splitting into groups

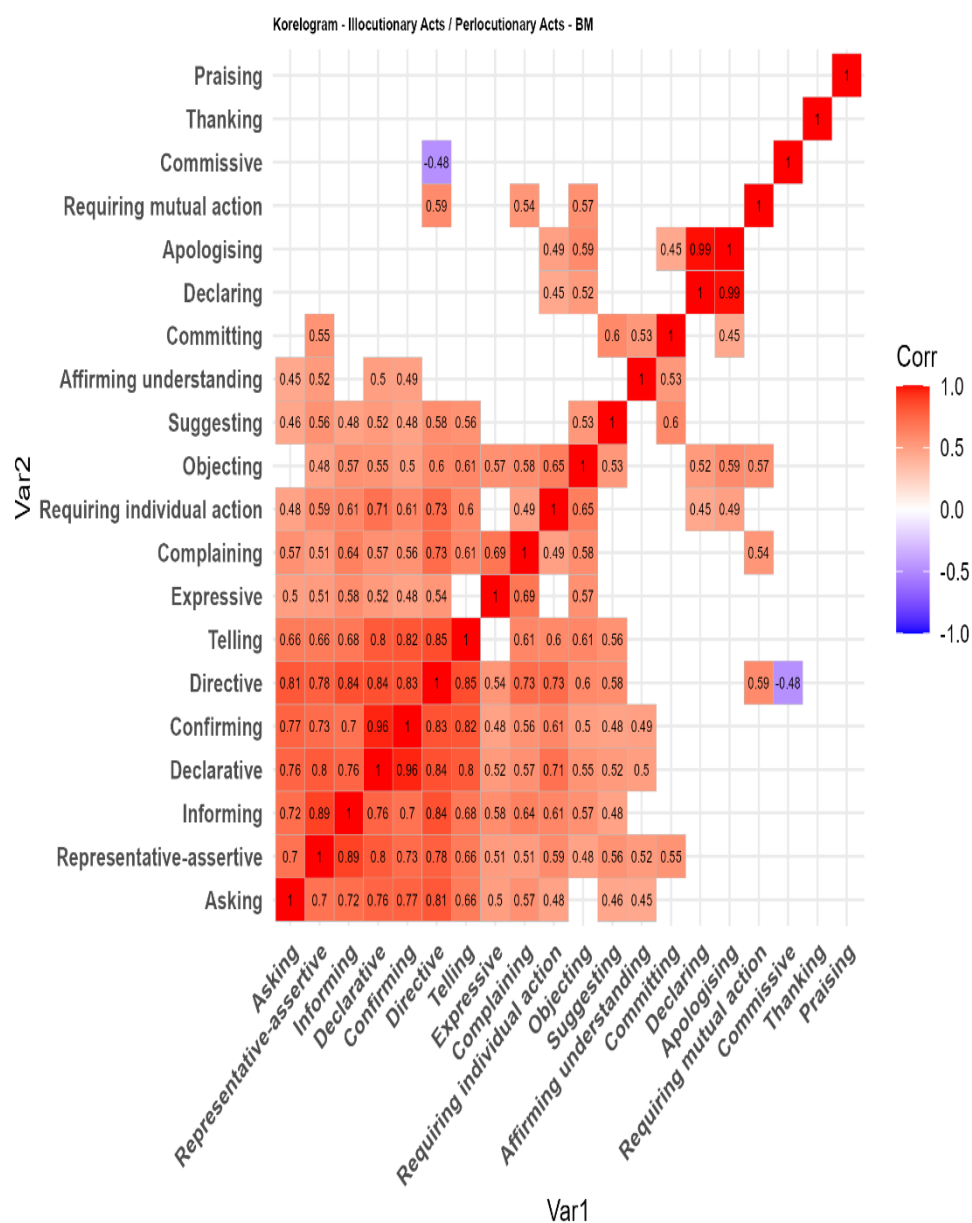


In the analysis of the groups together, a single cluster of positive correlations composed of variables ranging from objecting to informing is observed. In addition, a small cluster consisting

of illocutionary act form 4 - committing and illocutionary act type 1 - commissive is observed on the opposite side. The correlation of illocutionary act types and forms in the BM group is presented in Figure 57 below.

Figure 57

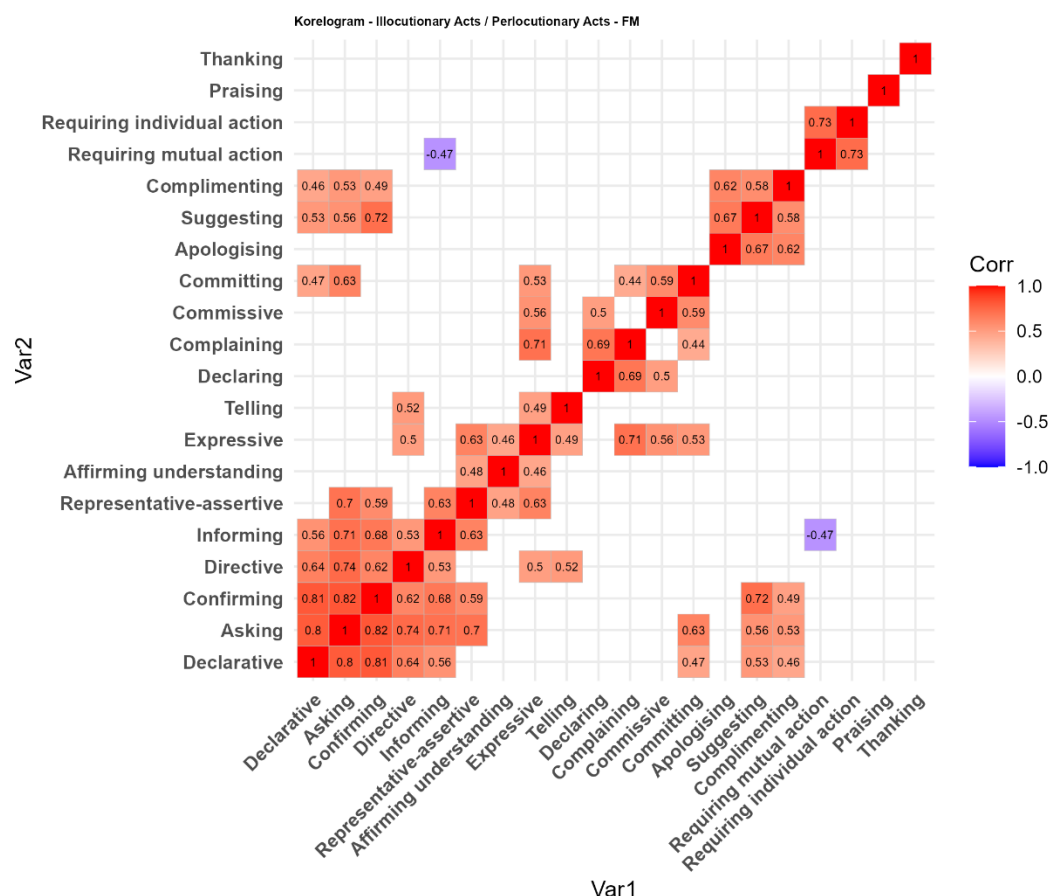
Correlation of illocutionary act types and forms in the BM group



In the analysis of the family mediations, a cluster composed of variables starting with asking, ending with committing, and a single negative correlation of commissive and directive is observed. The correlation of illocutionary act types and forms in the FM group is presented in Figure 58 below.

Figure 58

Correlation of illocutionary act types and functions in the FM group



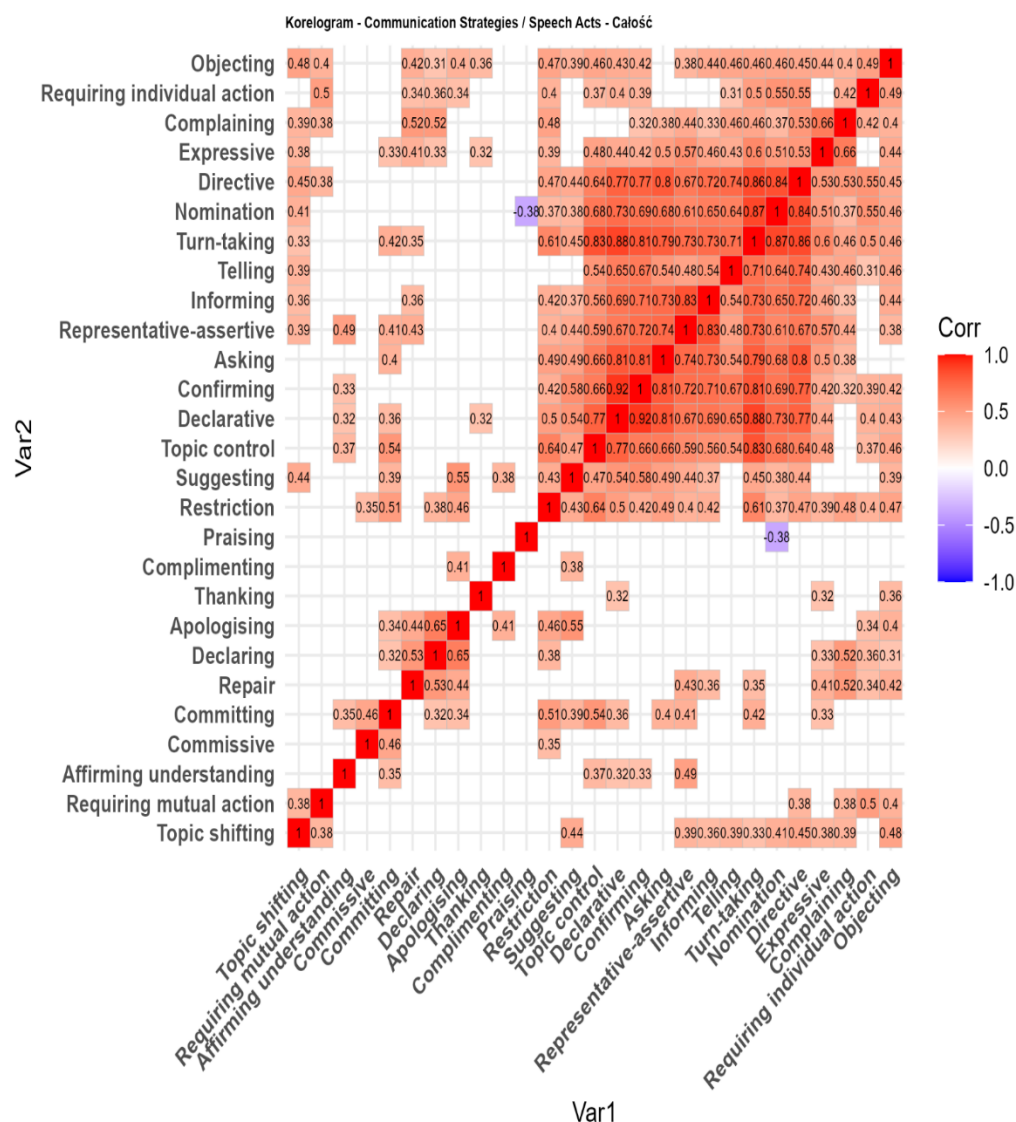
In business mediation, a small cluster of the variables, i.e., declarative, asking, confirming, directive, informing, and representative-assertive, is observed. In addition, a second cluster of complimenting and suggesting correlations is observed with declarative, asking, and confirming. One correlation, informing with requiring mutual action is found to be negative.

5.4 Correlation between communication strategies and speech acts

The results of the correlation analysis based on Spearman's method are presented below, with the heatmap in Figures 59, 60 and 61. The correlation of communication strategies and speech acts without splitting into groups is presented in Figure 59 below.

Figure 59

Correlation of communication strategies and speech acts without splitting into groups

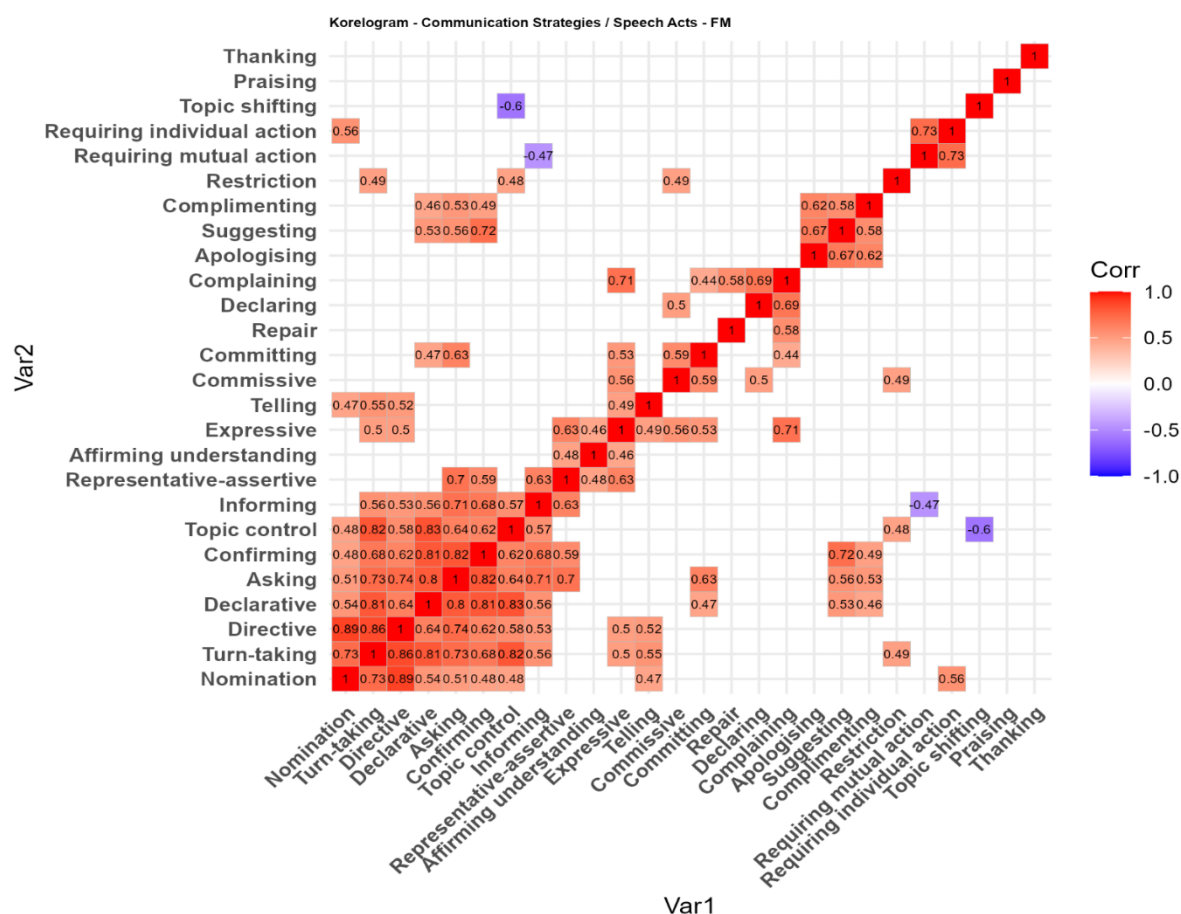


Illocutionary act form 7 - confirming shows a strong correlation with CS1 - nomination, CS6 - turn-taking, CS4 - topic control, illocutionary act type 2 - declarative, illocutionary act type 3 - directive, illocutionary act type 5 - representative-assertive, illocutionary act form 14 - telling, illocutionary act form 9 - informing and illocutionary act form 3 - asking. Illocutionary act form 3 - asking significantly correlates with CS1 - nomination, CS6 - turn-taking, CS4 - topic control, illocutionary act type 2 - declarative, illocutionary act type 3- directive, illocutionary act type 5 - representative-assertive, illocutionary act form 14 - telling, and illocutionary act form 9 - informing. Illocutionary act form 14 - telling shows strong relationships with CS1 - nomination, CS6 - turn-taking, CS4 - topic control, illocutionary act type 2 - declarative, and illocutionary

act type 3 - directive. Illocutionary act form 9 - informing significantly correlates with CS1 - nomination, CS6 - turn-taking, CS4 - topic control, illocutionary act type 2 - declarative, illocutionary act type 3 - directive, and illocutionary type 5 - representative-assertive. Illocutionary act type 3 - directive correlates strongly with CS1 - nomination, CS6 - turn-taking, CS4 - topic control, and illocutionary act type 2 - declarative. Illocutionary act type 2 – declarative shows a correlation with CS1 - nomination, CS6 - turn-taking, and CS4 - topic control. CS4 - topic control significantly correlates with CS1 - nomination, CS3 - restriction, and CS6 - turn-taking. CS6 - turn-taking shows a correlation with CS1 - nomination, and CS3 - restriction. Illocutionary act type 4 - expressive significantly correlates with illocutionary act form 5 -complaining and CS6 - turn-taking. Figure 60 presents the correlation of communication strategies and speech acts in the FM group.

Figure 60

Correlation of communication strategies and speech acts in the FM group

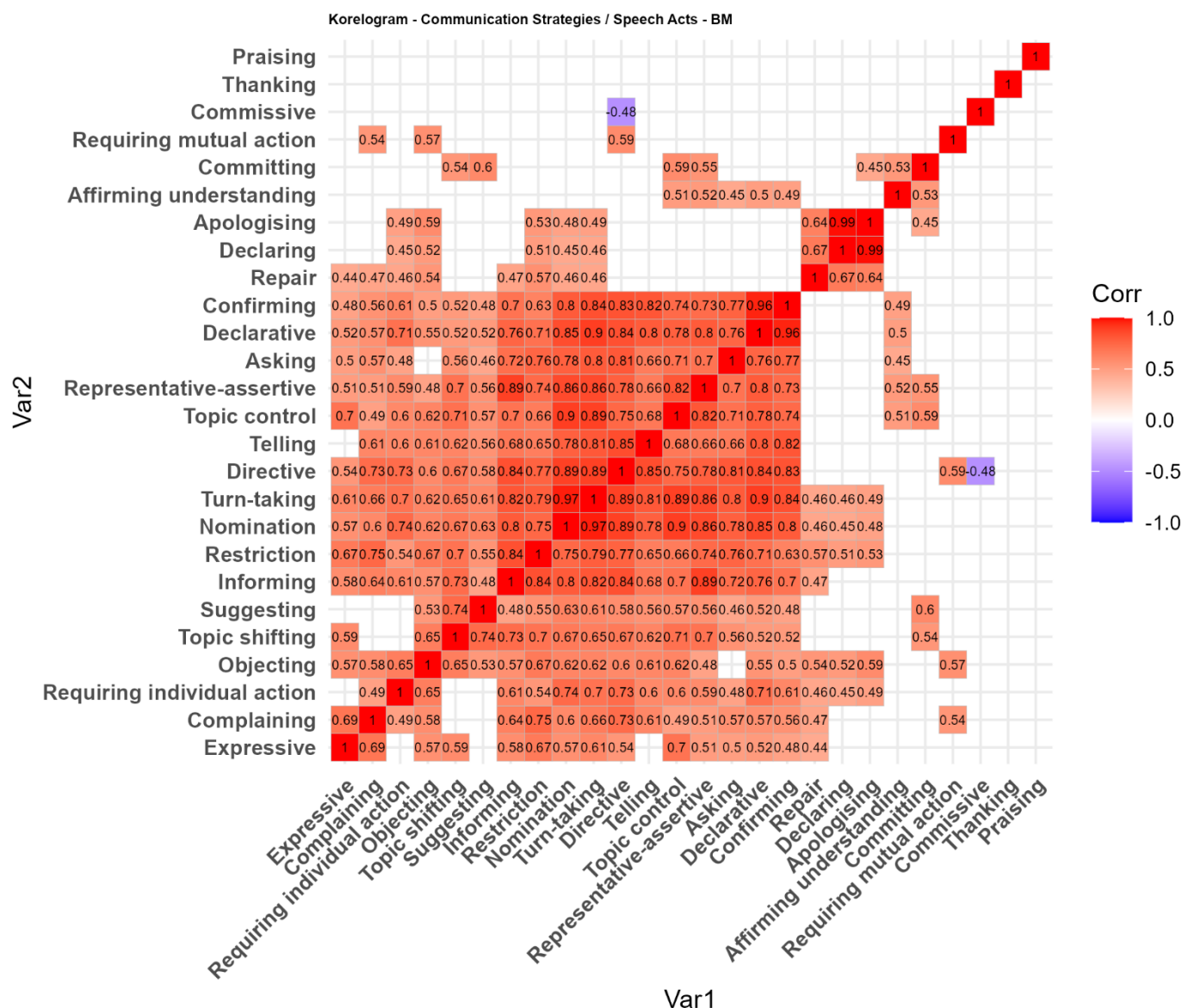


In the family mediation group, a single cluster of correlations is observed, consisting of: CS4 - topic control, illocutionary act form 7 - confirming, illocutionary act form 3 - asking,

illocutionary act type 2 - declarative, illocutionary act type 3 - directive, CS6 - turn-taking, and CS1 – nomination.

Figure 61

Correlation of communication strategies and speech acts in the BM group



Many more, stronger correlations are seen in the business mediation group. One cluster consisting of variables ranging from confirming to expressive is present. In addition, a single negative correlation of directive illocutionary acts with commissive is observed. The BM group exhibits stronger positive correlations than the FM group, with positive correlations dominating over single negative ones.

5.5 Conclusion

The chapter reconstructs the architecture of parenting-plan mediation as communicative action across linguistic, pragmatic, and psychological layers, tracked through five stages in business (BM) and family (FM) mediations. It identifies twenty-four recurring topics and shows how they distribute over stages in each group, with several business-only themes (e.g., business parties' interests, money, shareholding, impartiality, business intentions, business complaints). The analysis combines deep qualitative reading with stagewise statistics to answer the research questions about how topic and interaction co-organise the process.

Topic profiles separate the groups by timing and emphasis. In FM, "timeshare" grows steadily from a low baseline and concentrates late (Stages 4–5), whereas in BM it remains negligible; this yields a significant between-group difference for timeshare despite non-significant time and interaction effects. By contrast, "basic information" is strongly front-loaded in BM (a pronounced Stage-2 spike) and mostly near zero in FM, with clear group and time effects. Other topic findings include a strong between-group effect for "parents' interests" (higher in FM with a Stage-4 rise) and a late BM build for "progress of negotiation" that drives its group effect and time effect without a significant interaction.

Interactional dynamics show BM's early intensity and FM's later consolidation. In BM, Stage 2 is dominated by "confirmation" (100%) and "getting information" (80.36%), followed by a Stage-4 prominence of "parties' interests," and a Stage-5 rise of "politeness and gratefulness" together with a late peak for "timeshare." FM exhibits later maxima for "timeshare," "politeness," and "separate state," and reserves "acceptance" for Stage 5. These patterns align with the qualitative account of how mediators and parties use information-seeking, shared knowledge, and interest-alignment to prepare concrete parenting-plan solutions.

Communication strategies and argumentation reinforce the same chronology. BM concentrates activity in Stage 2 across restriction, repair, topic control/shifting, turn-taking, and nomination; deliberation and negotiation are also high at this point, then recede. FM builds toward Stage 4, where topic control and negotiation peak; repair is uniquely maximal in Stage 3. "Termination" does not occur in either group. Complementary ANOVAs illustrate strong time effects (e.g., for turn-taking), with between-group differences typically modest or absent. Finally, correlation maps tie topics to interactions in coherent bundles. In BM, "condition of success," "mediator's initiative," "practicality," and "parents' interests" interlink, and "progress

of negotiation” co-varies with “politeness and gratefulness,” “togetherness,” “needs of the parties,” and “timeshare.” FM shows its own clusters, for example “basic information” with “modality,” “needs of children,” “new reality,” “individual parent/party,” and “identification of the problem.” These networks capture how informational moves, stance-work, and practical planning cohere differently in the two settings.

Overall, time structures the mediation most strongly: BM displays an early, high-intensity burst centered on Stage 2, whereas FM builds more evenly to a Stage-4/Stage-5 consolidation. Group differences are thus expressed less in overall levels than in how each trajectory unfolds across stages.

The positive correlations are identified between dichotomies topics and interactions, communication strategies and argumentation as well as illocutionary act types and forms as shown in Appendix 12. The conclusions of the identified correlations are presented below, namely,

1. The variable I1 politeness and gratefulness shows a significant positive correlation with I3a united by previous knowledge (0.35), I3b united by timeshare for children (0.48), T1 togetherness (0.60), T15 progress of negotiation (0.64), T22 impartiality (0.51), A2 negotiation (0.37) see Appendix 12 and see Appendix 13.
2. The variable I1 politeness and gratefulness shows a significant negative correlation with T18 identification of the problem (-0.32), IAF 5 complaining (-0.42) see Appendix 12 and
3. The variable I2 separate state of the parties-in-conflict/consent shows a significant positive correlation with I3a united by previous knowledge (0.71), T17 business parties’ interests (0.51), T18 identification of the problem (0.53), T23 business intentions (0.76), CS1 nomination (0.36), CS6 turn-taking (0.36), A1 deliberation (0.33), IAT2 declarative (0.35), IAF9 informing (0.48), IAF3 asking (0.42), and IAF7 confirming (0.41).
4. The variable I3a united by previous knowledge shows a significant positive correlation with T1 togetherness (0.33), T13 individual parent/party (0.50), T17 business parties’ interests (0.36), T18 identification of the problem (0.56), T20 communication (0.33), T23 business intentions (0.56), CS 1 nomination (0.58), CS3 restriction (0.32), CS6 turn-taking (0.53), CS4 topic control (0.51), CS5 topic shifting (0.33), A1 deliberation (0.51), IAT2 declarative (0.59), IAT3 directive (0.40), IAF14 telling (0.44), IAF9 informing (0.51), IAF3 asking (0.71), IAF7 confirming (0.69), and IAF16 objecting (0.36).

5. The variable I3b united by timeshare for children shows a significant positive correlation with T2 timeshare (0.40), and A2 negotiation (0.53).
6. The variable I3c united by the parties'-in-conflict/consent interests shows a significant positive correlation with IAT5 representative assertive (0.51).
7. The variable I3d united by getting information shows a significant positive correlation with T8 basic information (0.46), T9 modality (0.41), T13 individual parent/party (0.40), T14 new reality (0.36), T18 identification of the problem (0.34), T19 money (0.58), T20 communication (0.91), CS 1 nomination (0.49), CS3 restriction (0.32), CS6 turn-taking (0.44), CS4 topic control (0.60), CS5 topic shifting (0.48), A1 deliberation (0.43), IAT2 declarative (0.48), IAT3 directive (0.48), IAF14 telling (0.51), IAF12 requiring mutual action (0.37), IAT11 requiring individual action (0.38), IAF3 asking (0.60), IAF8 declaring (0.32), IAF2 apologising (0.50), IAF13 suggesting (0.59), IAF7 confirming (0.54), and IAF16 objecting (0.63).
8. The variable I3e united by acceptance shows a significant positive correlation with T2 timeshare (0.51), and T7 mediator's experience (0.37).
9. The variable I3f united by confirmation shows a significant positive correlation with T8 basic information (0.54), T9 modality (0.49), T12 individual action for success (0.53), T13 individual parent/party (0.44), T14 new reality (0.50), T19 money (0.50), T20 communication (0.34), T21 shareholding (0.66), CS 1 nomination (0.35), CS3 restriction (0.47), CS6 turn-taking (0.42), CS4 topic control (0.32), CS5 topic shifting (0.40), CS2 repair (0.64), A1 deliberation (0.43), IAT3 directive (0.49), IAT4 expressive (0.68), IAF15 thanking (0.62), IAF14 telling (0.40), IAF12 requiring mutual action (0.52), IAT11 requiring individual action (0.58), IAF8 declaring (0.43), IAF 5 complaining (0.49), IAF13 suggesting (0.35), and IAF16 objecting (0.41).
10. The variable T1 togetherness shows a significant positive correlation with T15 progress of negotiation (0.87), and T22 impartiality (0.78).
11. The variable T2 timeshare shows a significant positive correlation with T5 practicality (0.50), T6 condition of success (0.56), T7 mediator's experience (0.83), A2 negotiation (0.46), and IAT1 commissive (0.42).
12. The variable T3 needs of children shows a significant positive correlation with T7 mediator's experience (0.42), T9 modality (0.31), T14 new reality (0.43), and IAT1 commissive (0.41).

13. The variable T4 parents' interests shows a significant positive correlation with T11 mediator's initiative (0.53).
14. The variable T5 practicality shows a significant positive correlation with T6 condition of success (0.56), A2 negotiation (0.38), and IAF4 committing (0.40).
15. The variable T6 condition of success shows a significant positive correlation with T7 mediator's experience (0.47), T11 mediator's initiative (0.44), CS4 topic control (0.35), A2 negotiation (0.63), and IAF4 committing (0.32).
16. The variable T7 mediator's experience shows a significant positive correlation with CS3 restriction (0.35), A2 negotiation (0.43), and IAT1 commissive (0.52).
17. The variable T8 basic information shows a significant positive correlation with T9 modality (0.39), T12 individual action for success (0.68), T13 individual parent/party (0.91), T14 new reality (0.80), T18 identification of the problem (0.59), T19 money (0.92), T20 communication (0.75), T21 shareholding (0.73), CS 1 nomination (0.86), CS3 restriction (0.75), CS6 turn-taking (0.89), CS4 topic control (0.79), CS5 topic shifting (0.75), CS2 repair (0.79), A1 deliberation (0.90), IAT2 declarative (0.82), IAT3 directive (0.91), IAT4 expressive (0.83), IAF15 thanking (0.80), IAF14 telling (0.84), IAF12 requiring mutual action (0.78), IAT11 requiring individual action (0.93), IAF9 informing (0.65), IAF3 asking (0.39), IAF8 declaring (0.33), IAF 5 complaining (0.60), IAF2 apologising (0.54), IAF13 suggesting (0.68), IAF7 confirming (0.63), and IAF16 objecting (0.91).
18. The variable T9 modality shows a significant positive correlation with T13 individual parent/party (0.38), T14 new reality (0.52), T16 needs of the parties (0.34), T19 money (0.41), T20 communication (0.48), A1 deliberation (0.34), IAT3 directive (0.38), IAT4 expressive (0.34), IAF15 thanking (0.32), IAF14 telling (0.33), IAF12 requiring mutual action (0.45), IAT11 requiring individual action (0.43), and IAF16 objecting (0.40).
19. The variable T11 mediator's initiative shows a significant positive correlation with CS3 restriction (0.32), CS4 topic control (0.35), A2 negotiation (0.51), and IAF6 complimenting (0.62).
20. The variable T12 individual action for success shows a significant positive correlation with T13 individual parent/party (0.71), T14 new reality (0.61), T18 identification of the problem (0.39), T19 money (0.70), T21 shareholding (0.73), T23 business intentions (0.32), CS 1 nomination (0.63), CS3 restriction (0.52), CS6 turn-taking (0.67), CS4 topic control (0.46), CS5 topic shifting (0.52), CS2 repair

- (0.80), A1 deliberation (0.69), IAT2 declarative (0.51), IAT3 directive (0.69), IAT4 expressive (0.80), IAF15 thanking (0.72), IAF14 telling (0.61), IAF12 requiring mutual action (0.63), IAT11 requiring individual action (0.76), IAF9 informing (0.48), IAF 5 complaining (0.67), IAF2 apologising (0.31), IAF13 suggesting (0.37), and IAF16 objecting (0.56).
21. The variable T13 individual parent/party shows a significant positive correlation with T14 new reality (0.82), T18 identification of the problem (0.68), T19 money (0.86), T20 communication (0.68), T21 shareholding (0.62), T23 business intentions (0.41), CS 1 nomination (0.93), CS3 restriction (0.70), CS6 turn-taking (0.93), CS4 topic control (0.75), CS5 topic shifting (0.75), CS2 repair (0.71), A1 deliberation (0.96), IAT2 declarative (0.81), IAT3 directive (0.94), IAT4 expressive (0.75), IAF15 thanking (0.69), IAF14 telling (0.90), IAF12 requiring mutual action (0.71), IAT11 requiring individual action (0.86), IAF9 informing (0.72), IAF3 asking (0.52), IAF8 declaring (0.31), IAF 5 complaining (0.65), IAF2 apologising (0.46), IAF13 suggesting (0.60), IAF7 confirming (0.65), and IAF16 objecting (0.84).
22. The variable T14 new reality shows a significant positive correlation with T18 identification of the problem (0.47), T19 money (0.81), T20 communication (0.62), T21 shareholding (0.68), CS 1 nomination (0.74), CS3 restriction (0.66), CS6 turn-taking (0.78), CS4 topic control (0.64), CS5 topic shifting (0.61), CS2 repair (0.75), A1 deliberation (0.78), IAT2 declarative (0.65), IAT3 directive (0.81), IAT4 expressive (0.79), IAF15 thanking (0.69), IAF14 telling (0.74), IAF12 requiring mutual action (0.67), IAT11 requiring individual action (0.80), IAF9 informing (0.51), IAF3 asking (0.35), IAF8 declaring (0.42), IAF 5 complaining (0.57), IAF2 apologising (0.58), IAF13 suggesting (0.60), IAF7 confirming (0.44), and IAF16 objecting (0.73).
23. The variable T15 progress of negotiation shows a significant positive correlation with T22 impartiality (0.66), IAF1 affirming understanding (0.33).
24. The variable T17 business parties' interests shows a significant positive correlation with T23 business intentions (0.48), IAF14 telling (0.36), and IAF3 asking (0.33).
25. The variable T18 identification of the problem shows a significant positive correlation with T19 money (0.59), T20 communication (0.50), T23 business intentions (0.72), CS 1 nomination (0.69), CS3 restriction (0.66), CS6 turn-taking (0.63), CS4 topic control (0.56), CS5 topic shifting (0.51), CS2 repair (0.34), A1

- deliberation (0.66), IAT2 declarative (0.54), IAT3 directive (0.57), IAT4 expressive (0.32), IAF14 telling (0.56), IAF12 requiring mutual action (0.37), IAT11 requiring individual action (0.49), IAF9 informing (0.65), IAF3 asking (0.65), IAF 5 complaining (0.63), IAF7 confirming (0.56), and IAF16 objecting (0.68).
26. The variable T19 money shows a significant positive correlation with T20 communication (0.83), T21 shareholding (0.67), CS 1 nomination (0.84), CS3 restriction (0.72), CS6 turn-taking (0.86), CS4 topic control (0.81), CS5 topic shifting (0.73), CS2 repair (0.74), A1 deliberation (0.86), IAT2 declarative (0.78), IAT3 directive (0.89), IAT4 expressive (0.77), IAF15 thanking (0.71), IAF14 telling (0.82), IAF12 requiring mutual action (0.73), IAT11 requiring individual action (0.90), IAF9 informing (0.59), IAF3 asking (0.45), IAF8 declaring (0.43), IAF 5 complaining (0.55), IAF2 apologising (0.63), IAF13 suggesting (0.71), IAF7 confirming (0.59), and IAF16 objecting (0.92).
27. The variable T20 communication shows a significant positive correlation with T21 shareholding (0.35), CS 1 nomination (0.72), CS3 restriction (0.61), CS6 turn-taking (0.71), CS4 topic control (0.81), CS5 topic shifting (0.69), CS2 repair (0.37), A1 deliberation (0.69), A2 negotiation (0.34), IAT2 declarative (0.69), IAT3 directive (0.75), IAT4 expressive (0.44), IAF15 thanking (0.42), IAF14 telling (0.74), IAF12 requiring mutual action (0.60), IAT11 requiring individual action (0.69), IAF9 informing (0.39), IAF3 asking (0.60), IAF8 declaring (0.42), IAF2 apologising (0.60), IAF13 suggesting (0.73), IAF7 confirming (0.62), and IAF16 objecting (0.87).
28. The variable T21 shareholding shows a significant positive correlation with CS 1 nomination (0.55), CS3 restriction (0.54), CS6 turn-taking (0.65), CS4 topic control (0.53), CS5 topic shifting (0.60), CS2 repair (0.89), A1 deliberation (0.64), A2 negotiation (0.31), IAT2 declarative (0.53), IAT3 directive (0.72), IAT4 expressive (0.92), IAF15 thanking (0.88), IAF14 telling (0.61), IAF12 requiring mutual action (0.68), IAT11 requiring individual action (0.81), IAF9 informing (0.48), IAF 5 complaining (0.50), IAF2 apologising (0.47), IAF13 suggesting (0.57), and IAF16 objecting (0.57).
29. The variable T23 business intentions shows a significant positive correlation with CS 1 nomination (0.48), CS3 restriction (0.33), CS6 turn-taking (0.40), A1 deliberation (0.46), IAT2 declarative (0.36), IAF14 telling (0.32), IAF9 informing

- (0.50), IAF3 asking (0.50), IAF 5 complaining (0.41), and IAF7 confirming (0.43).
30. The variable CS 1 nomination shows a significant positive correlation with CS3 restriction (0.69), CS6 turn-taking (0.98), CS4 topic control (0.83), CS5 topic shifting (0.82), CS2 repair (0.60), A1 deliberation (0.99), IAT2 declarative (0.89), IAT3 directive (0.95), IAT4 expressive (0.66), IAF15 thanking (0.57), IAF14 telling (0.95), IAF12 requiring mutual action (0.62), IAT11 requiring individual action (0.82), IAF9 informing (0.75), IAF3 asking (0.69), IAF 5 complaining (0.59), IAF2 apologising (0.46), IAF13 suggesting (0.64), IAF7 confirming (0.79), and IAF16 objecting (0.83).
31. The variable CS3 restriction shows a significant positive correlation with CS6 turn-taking (0.75), CS4 topic control (0.81), CS5 topic shifting (0.64), CS2 repair (0.64), A1 deliberation (0.72), A2 negotiation (0.35), IAT2 declarative (0.61), IAT3 directive (0.72), IAT4 expressive (0.63), IAF15 thanking (0.49), IAF14 telling (0.63), IAF12 requiring mutual action (0.53), IAT11 requiring individual action (0.75), IAF9 informing (0.60), IAF3 asking (0.47), IAF8 declaring (0.34), IAF 5 complaining (0.65), IAF4 committing (0.31), IAF2 apologising (0.51), IAF13 suggesting (0.56), IAF7 confirming (0.48), and IAF16 objecting (0.82).
32. The variable CS6 turn-taking shows a significant positive correlation with CS4 topic control (0.87), CS5 topic shifting (0.82), CS2 repair (0.69), A1 deliberation (0.98), A2 negotiation (0.39), IAT2 declarative (0.92), IAT3 directive (0.97), IAT4 expressive (0.74), IAF15 thanking (0.65), IAF14 telling (0.94), IAF12 requiring mutual action (0.64), IAT11 requiring individual action (0.86), IAF9 informing (0.76), IAF3 asking (0.64), IAF8 declaring (0.32), IAF 5 complaining (0.62), IAF4 committing (0.32), IAF2 apologising (0.53), IAF13 suggesting (0.71), IAF7 confirming (0.79), and IAF16 objecting (0.84).
33. The variable CS4 topic control shows a significant positive correlation with CS5 topic shifting (0.75), CS2 repair (0.55), A1 deliberation (0.81), A2 negotiation (0.57), IAT2 declarative (0.82), IAT3 directive (0.85), IAT4 expressive (0.59), IAF15 thanking (0.52), IAF14 telling (0.80), IAF12 requiring mutual action (0.55), IAT11 requiring individual action (0.77), IAF9 informing (0.63), IAF3 asking (0.67), IAF 5 complaining (0.45), IAF4 committing (0.40), IAF2 apologising (0.57), IAF13 suggesting (0.75), IAF7 confirming (0.73), and IAF16 objecting (0.88).

34. The variable CS5 topic shifting shows a significant positive correlation with CS2 repair (0.60), A1 deliberation (0.82), A2 negotiation (0.31), IAT2 declarative (0.70), IAT3 directive (0.86), IAT4 expressive (0.66), IAF15 thanking (0.57), IAF14 telling (0.85), IAF12 requiring mutual action (0.65), IAT11 requiring individual action (0.76), IAF9 informing (0.64), IAF3 asking (0.50), IAF8 declaring (0.34), IAF 5 complaining (0.56), IAF4 committing (0.35), IAF2 apologising (0.50), IAF13 suggesting (0.72), IAF7 confirming (0.59), and IAF16 objecting (0.79).
35. The variable CS2 repair shows a significant positive correlation with A1 deliberation (0.69), IAT2 declarative (0.50), IAT3 directive (0.74), IAT4 expressive (0.95), IAF15 thanking (0.86), IAF14 telling (0.64), IAF12 requiring mutual action (0.69), IAT11 requiring individual action (0.85), IAF9 informing (0.52), IAF8 declaring (0.40), IAF 5 complaining (0.72), IAF2 apologising (0.52), IAF13 suggesting (0.53), and IAF16 objecting (0.67).
36. The variable A1 deliberation shows a significant positive correlation with IAT2 declarative (0.89), IAT3 directive (0.97), IAT4 expressive (0.75), IAF15 thanking (0.66), IAF14 telling (0.95), IAF12 requiring mutual action (0.67), IAT11 requiring individual action (0.87), IAF9 informing (0.76), IAF3 asking (0.61), IAF 5 complaining (0.64), IAF2 apologising (0.48), IAF13 suggesting (0.65), IAF7 confirming (0.75), and IAF16 objecting (0.84).
37. The variable A2 negotiation shows a significant positive correlation with IAT2 declarative (0.46), IAT3 directive (0.33), IAT11 requiring individual action (0.32), IAF3 asking (0.34), IAF4 committing (0.39), IAF2 apologising (0.50), IAF13 suggesting (0.63), IAF7 confirming (0.43), and IAF6 complimenting (0.45).
38. The variable IAT1 commissive shows a significant positive correlation with IAF4 committing (0.46).
39. The variable IAT2 declarative shows a significant positive correlation with IAT3 directive (0.87), IAT4 expressive (0.58), IAF15 thanking (0.54), IAF14 telling (0.83), IAF12 requiring mutual action (0.51), IAT11 requiring individual action (0.74), IAF9 informing (0.71), IAF3 asking (0.69), IAF 5 complaining (0.39), IAF2 apologising (0.48), IAF13 suggesting (0.71), IAF7 confirming (0.92), and IAF16 objecting (0.73).
40. The variable IAT3 directive shows a significant positive correlation with IAT4 expressive (0.80), IAF15 thanking (0.73), IAF14 telling (0.96), IAF12 requiring mutual action (0.75), IAT11 requiring individual action (0.91), IAF9 informing

- (0.71), IAF3 asking (0.56), IAF8 declaring (0.34), IAF 5 complaining (0.62), IAF4 committing (0.32), IAF2 apologising (0.57), IAF13 suggesting (0.76), IAF7 confirming (0.71), and IAF16 objecting (0.86).
41. The variable IAT4 expressive shows a significant positive correlation with IAF15 thanking (0.94), IAF14 telling (0.70), IAF12 requiring mutual action (0.77), IAT11 requiring individual action (0.86), IAF9 informing (0.53), IAF8 declaring (0.32), IAF 5 complaining (0.68), IAF2 apologising (0.47), IAF13 suggesting (0.56), and IAF16 objecting (0.69).
 42. The variable IAT5 representative assertive shows a significant positive correlation with IAF1 affirming understanding (0.36).
 43. The variable IAF15 thanking shows a significant positive correlation with IAF14 telling (0.62), IAF12 requiring mutual action (0.77), IAT11 requiring individual action (0.80), IAF9 informing (0.44), IAF 5 complaining (0.51), IAF2 apologising (0.44), IAF13 suggesting (0.54), and IAF16 objecting (0.62).
 44. The variable IAF14 telling shows a significant positive correlation with IAF12 requiring mutual action (0.62), IAT11 requiring individual action (0.80), IAF9 informing (0.69), IAF3 asking (0.60), IAF 5 complaining (0.56), IAF4 committing (0.34), IAF2 apologising (0.49), IAF13 suggesting (0.69), IAF7 confirming (0.71), and IAF16 objecting (0.81).
 45. The variable IAF12 requiring mutual action shows a significant positive correlation with IAT11 requiring individual action (0.82), IAF9 informing (0.37), IAF8 declaring (0.36), IAF 5 complaining (0.56), IAF2 apologising (0.43), IAF13 suggesting (0.57), and IAF16 objecting (0.70).
 46. The variable IAT11 requiring individual action shows a significant positive correlation with IAF9 informing (0.57), IAF8 declaring (0.40), IAF 5 complaining (0.67), IAF2 apologising (0.60), IAF13 suggesting (0.70), IAF7 confirming (0.53), and IAF16 objecting (0.87).
 47. The variable IAF9 informing shows a significant positive correlation with IAF3 asking (0.59), IAF 5 complaining (0.49), IAF13 suggesting (0.39), IAF7 confirming (0.66), and IAF16 objecting (0.59).
 48. The variable IAF1 affirming understanding shows a significant positive correlation with IAF4 committing (0.31).

49. The variable IAF3 asking shows a significant positive correlation with IAF4 committing (0.36), IAF2 apologising (0.38), IAF13 suggesting (0.48), IAF7 confirming (0.84), and IAF16 objecting (0.52).
50. The variable IAF8 declaring shows a significant positive correlation with IAF 5 complaining (0.46), IAF4 committing (0.32), IAF2 apologising (0.66), IAF13 suggesting (0.39), and IAF16 objecting (0.34).
51. The variable IAF 5 complaining shows a significant positive correlation with IAF2 apologising (0.39), IAF13 suggesting (0.37), and IAF16 objecting (0.55).
52. The variable IAF4 committing shows a significant positive correlation with IAF2 apologising (0.37), and IAF13 suggesting (0.36).
53. The variable IAF2 apologising shows a significant positive correlation with IAF13 suggesting (0.76), IAF7 confirming (0.44), and IAF16 objecting (0.57).
54. The variable IAF13 suggesting shows a significant positive correlation with IAF7 confirming (0.64), and IAF16 objecting (0.69).
55. The variable IAF7 confirming shows a significant positive correlation with IAF16 objecting (0.59).

Chapter 6

Mediation process as an interactive communication of values, emotions, and attitudes –family and business mediation

This chapter aims to construct the knowledge architecture of the professional mediation discourse related to its structural and semantic dimensions as an interactive communication of values, emotions, and attitudes. This functional knowledge architecture of mediation discourse is reconstructed through the philosophical and psychological layers to discover how values, emotions, and attitudes are embedded in the structures and semantics of the professional mediation discourse. In more precise terms, we aim to provide the answer to the research questions (Q7, Q8, Q9, Q10).

6.1 Values and emotions of mediation- axiological discourse analysis

The aim of this subchapter is to provide an answer to our research question (Q7), namely, to know how the relationship between values and emotions is structured through the Stages in the mediation process. The reconstruction of values and emotions is done from philosophical (Scheler, 1973) and psychological perspectives (Plutchik, 1962, 1980, 1991). Additionally, this subchapter should provide information to answer other research questions (Q9, Q10).

6.1.1 Values - results and discussion

As indicated in subchapters 4.1.1, 4.2.1, and 4.3.1 above, the first Stage of family mediation discourse is based on the mediator's monologue, the reconstruction of which through the theories of values and emotions starts with the values of mediation, namely confidentiality, neutrality, safety, self-determination, and quality.

Confidentiality value of mediation is implicit in all mediator's locutionary acts as confidentiality becomes the basic tenant and core value of the mediation process as stipulated in *Directive 2008/52/EC of the European Parliament and the Council of 21 May 2008 on certain aspects of mediation in civil and commercial matter* and indicated in *European Code of Conduct for mediators*. The mediator does not explicitly disclose the outcome of his previous discussion

with the parties in conflict when he expresses his cognitive attitude in his locution, "from what I understand from speaking with you both previously" [PPFM].

In Stage 1, the value of safety is expressed both in verbal and nonverbal modes. Since the balance of power is detrimental in the whole mediation process as it gives a feeling of safety to both parties - in - conflict, it should be indicated here that the mediator sits in the middle between the parties - in - conflict in this mock mediation [PPFM]. In terms of the verbal mode, the value of safety is constructed along the mediator's monologue when he specifies the aim of mediation: "One of the first issues that we need to address is who has the children with, what we refer to as the timeshare" [PPFM]. In his utterance, he develops a feeling of safety among the parties- in - conflict, when he firstly specifies the aim of mediation and secondly, he explains timeshare. The use of the first-person pronoun in the plural *we* is another technique to build safety along the mediation process, namely

So what we want to talk about today is what is based on the needs of your children and your schedules, your flexibility or lack thereof, and your work schedules, and how we can come up with something that's practical and meet your children's needs both in the short term and in the long term. And we may actually divide those up depending on you know what we want to do [...] do we want to try some things out in the short term. See how that works, or do we want to go directly into a long-term plan, so we'll see what works best for the two of you [PPFM].

Through the use of the pronoun *we*, the mediator implicitly reveals the information that the parties - in - conflict are not left alone to solve their problem. Still, the mediator involved in the mediation process shall actively exercise his/her facilitative function for conflict resolution.

The value of self-determination is exercised through the whole mediator's monologue in Stage 1. The mediator is self-determined to exercise his facilitative function, and he concentrates on the topics (Chapter 5 see 5.1). At verbal level, he reveals this value with the use of the first-person pronoun *I* in the following locutionary acts, from "what I understand from speaking with you both previously" [PPFM] or "How I usually like to start is just to get some basic information about your schedules and start to see what we can do to get this information to build a good parenting plan" [PPFM].

The value of neutrality, also known as impartiality, is crucial in the mediation process, as the mediator remains impartial or neutral throughout the process. In Stage 1, the mediator does not show a prior relationship with one or another parties - in - conflict. Verbally, the mediator treats them in equal terms not only through the use of the first-person pronoun in plural *we* in which he incorporates himself and the parties - in - conflict but also through the

use of the second person pronoun in plural *you* postmodified by the determiner *both* as in ‘‘from what I understand from speaking with you both previously’’ [PPFM] or pre-modified by the noun *two* as in ‘we’ll see what works best for the two of you’’ [1]. Neutrality is also indicated through the use of the second-person pronoun in plural *you*, which is pre-modified by the noun *one*, namely ‘would one of you like to start’ [PPFM] or the pronoun *each*, i.e., ‘when each of you has the children’ [PPFM].

In Stage 1, the value of quality is straightforward for the mediator to maintain the mediation quality for the parties in conflict. The value of quality is conditioned by the protection of the other values, i.e., the value of confidentiality, neutrality, safety, and self-determination. The violation of any of those values impairs the value of quality. To preserve the value of quality at the verbal level, the mediator is concerned with the best timeshare for both parties-in-conflict, i.e. ‘‘Do we want to try some things out in the short term. See how that works, or do we want to go directly into a long-term plan, so we’ll see what works best for the two of you’’ [PPFM], and the good parenting plan, i.e., ‘to build a good parenting plan’’ [PPFM].

The distribution of values in the groups of business mediations is presented in Table 113 below.

Table 113

Distribution of values in business mediations

BM	Values	
	Vital Values	Spiritual Values
Stage 1	3,40%	4,06%
Stage 2	49,06%	49,24%
Stage 3	13,96%	17,26%
Stage 4	19,62%	21,32%
Stage 5	13,96%	8,12%

In the BM group, both Vital and Spiritual show a single dominant peak in Stage 2 at 49.06% and 49.24%. Stage 1 is minimal (3.40% and 4.06%). After the peak, both decline, with a secondary shoulder in Stage 4 (19.62% and 21.32%). Stage 3 sits in the mid-range (13.96% for Vital and 17.26% for Spiritual). By Stage 5, Vital remains at 13.96% (matching Stage 3), while Spiritual reaches its minimum at 8.12%. Across Stages 1 through 4, Spiritual slightly exceeds Vital by 0.66, 0.18, 3.30, and 1.70 percentage points, whereas in Stage 5 Vital exceeds Spiritual by 5.84 percentage points. Overall, the pattern starts quietly, rises to a Stage-2 maximum, eases to a moderate Stage-4 level, and ends with a taper that is stronger for Spiritual.

The distribution of values in the groups of family mediations is presented in Table 114 below.

Table 114

Distribution of values in family mediations

FM	Values	
	Vital Values	Spiritual Values
Stage 1	7,23%	7,88%
Stage 2	19,88%	17,73%
Stage 3	22,89%	24,14%
Stage 4	33,73%	36,45%
Stage 5	16,27%	13,79%

In the FM group, both Vital and Spiritual increase steadily from Stage 1 to Stage 4 and then decline in Stage 5. The peak for both occurs in Stage 4, at 33.73% for Vital and 36.45% for Spiritual. Stage 1 is low for both categories (7.23% and 7.88%), Stage 2 moves to a moderate level (19.88% and 17.73%), and Stage 3 rises further (22.89% and 24.14%). By Stage 5, both fall back to 16.27% for Vital and 13.79% for Spiritual. Relative positioning is consistent but small in magnitude: Spiritual exceeds Vital in Stages 1, 3, and 4 (by 0.65, 1.25, and 2.72 percentage points), whereas Vital exceeds Spiritual in Stages 2 and 5 (by 2.15 and 2.48 percentage points). Overall, the pattern is a gradual build to a Stage-4 maximum followed by a moderate taper, with Spiritual slightly leading during the ascent and Vital slightly leading at the end.

The quantitative analysis of vital values is presented in Table 115 below.

Table 115

Descriptive statistics and analysis of variance for vital values

Vital Values									
Group	Stage	min	max	median	q1	q3	mean	sd	p
BM	1	1	4	2,00	1,75	2,50	2,25	1,26	group effect
BM	2	4	60	33,00	20,50	45,00	32,50	23,57	
BM	3	2	20	7,50	2,75	14,00	9,25	8,46	
BM	4	4	28	10,00	8,50	14,50	13,00	10,39	time effect
BM	5	2	21	7,00	3,50	12,75	9,25	8,54	
FM	1	2	6	2,00	2,00	3,00	3,00	2,00	group* time effect
FM	2	5	14	7,00	5,75	9,50	8,25	4,03	
FM	3	9	10	9,50	9,00	10,00	9,50	0,58	
FM	4	7	20	14,50	8,50	20,00	14,00	6,98	
FM	5	2	10	7,50	5,00	9,25	6,75	3,59	

The analysis of vital values in the research groups reveals no significant group effect, but a significant time effect is observed. The interaction of group and time effect is also not statistically significant. A significant effect of stage is present ($p = 0.003$), while neither the between-group difference ($p = 0.759$) nor the group-by-time interaction ($p = 0.434$) is significant. BM shows a sharp surge at Stage 2 (median = 33.00; mean = 32.50; sd = 23.57; q1–q3 = 20.50–45.00) from a low baseline at Stage 1 (median = 2.00; mean = 2.25), followed by a marked drop at Stage 3 (median = 7.50; mean = 9.25) and stabilisation at moderate levels in Stages 4–5 (medians = 10.00 and 7.00; means = 13.00 and 9.25). FM rises more gradually from Stage 1 (median = 2.00; mean = 3.00) through Stages 2–4 (medians = 7.00 → 9.50 → 14.50; means = 8.25 → 9.50 → 14.00) and then declines at Stage 5 (median = 7.50; mean = 6.75). Variability is much higher in BM, especially at Stage 2, whereas FM is comparatively tighter (e.g., Stage 3 sd = 0.58). Overall, both groups peak in the middle stages, with BM's change being steeper and earlier.

In family and business mediations, vital values include self-determination, neutrality, confidentiality, and fairness. The vital value of self-determination means that the parties-in-conflict/consent are in control of the mediation process in terms of identifying options and choosing the best option for conflict resolution. This vital value ensures that the parties-in-conflict/consent are empowered to make their own decision and the process of mediation is unbiased. Neutrality is another vital value in mediation. The mediator is obliged to remain impartial and unbiased towards the parties-in-conflict/consent. The mediator is not allowed to favour any party. The mediator's impartiality and fairness are vital in mediation so that the process is conducted equitably. The vital value of confidentiality implies that information shared in both family and business mediations remains private. Information generated during the mediation process cannot be disclosed in court or any other legal environment unless there are specific exceptions, e.g., in cases of abuse or mandatory reporting. In essence, the mediator must maintain the integrity of the mediation process by following the ethical guidelines and professional standards.

The quantitative analysis of spiritual values is presented in Table 116 below.

Table 116

Descriptive statistics and analysis of variance for spiritual values

Spiritual Values									
Group	Stage	min	max	median	q1	q3	mean	sd	p
BM	1	2	6	4,00	3,50	4,50	4,00	1,63	group effect 0,701
BM	2	4	80	55,00	31,00	72,50	48,50	34,19	

BM	3	3	37	14,00	6,75	24,25	17,00	15,12	
BM	4	9	33	21,00	17,25	24,75	21,00	9,83	time effect
BM	5	1	22	4,50	2,50	10,00	8,00	9,56	0,000
FM	1	3	5	4,00	3,75	4,25	4,00	0,82	
FM	2	3	20	6,50	5,25	10,25	9,00	7,53	group* time effect
FM	3	10	16	11,50	10,00	13,75	12,25	2,87	0,129
FM	4	10	25	19,50	13,75	24,25	18,50	7,23	
FM	5	3	10	7,50	5,25	9,25	7,00	3,16	

The analysis of spiritual values in the research groups reveals no significant group effect, but a significant time effect is observed. The interaction of group and time effect is also not statistically significant. A pronounced stage effect is evident ($p < .001$), whereas neither the between-group difference ($p = 0.701$) nor the interaction between group and time ($p = 0.129$) reaches significance. In BM, Spiritual Values jump sharply from a low baseline at Stage 1 (median/mean = 4.00) to a peak at Stage 2 (median = 55.00; mean = 48.50; sd = 34.19), then recede through Stage 3 (median = 14.00; mean = 17.00) and Stage 4 (median/mean = 21.00), before dropping back at Stage 5 (median = 4.50; mean = 8.00). FM follows a gentler, later-peaking trajectory: Stage 1 is modest (median/mean = 4.00), rises at Stage 2 (median = 6.50; mean = 9.00), continues upward to Stage 3 (median = 11.50; mean = 12.25) and Stage 4 (median = 19.50; mean = 18.50), then declines at Stage 5 (median = 7.50; mean = 7.00). Variability is substantially larger in BM—especially at Stage 2—while FM remains comparatively tighter throughout. Overall, both groups crest in the middle stages, with BM's surge earlier and steeper and FM's increase more gradual and delayed.

Spiritual values in mediation encompass a range of core values that emphasize interconnectedness, empathy, and a holistic approach to conflict resolution. These values can enhance the mediation process by fostering a more profound understanding, promoting trust, and encouraging constructive dialogue. Interconnectedness implies that parties-in-conflict/consent are part of a larger family or business community, and their actions have ripple effects. Empathy as a core value fosters family and business relationships. It improves communication as the parties in conflict try to understand the opposite perspective and cooperate more effectively. Empathy also leads to a deeper understanding as the parties-in-conflict go beyond their perspectives. With a holistic approach, the parties-in-conflict have a better insight into the core of the conflict and can identify the best option for conflict resolution. In essence, spiritual values can lead to more creative and sustainable solutions, as parties are more likely to find common ground and work together to address the underlying issues. Spiritual values in mediation offer a powerful framework for transforming conflict into opportunities for growth, healing, and positive change.

6.1.2 Emotions - results and discussion

The results of the reconstruction analysis show that the mediator and the parties-in-conflict reveal eleven emotions of acceptance, anticipation, complaint, feelings of ego, gratitude, interest, regret, serenity, submission, trust, and vigilance.

The distribution of emotions in the groups of business mediations is presented in Table 117 below.

Table 117

Distribution of emotions in business mediations

BM	Emotions					
	Acceptance	Anticipation	Complaint	Interest	Serenity	Vigilance
Stage 1	3,53%	0,00%	0,00%	3,37%	14,29%	0,00%
Stage 2	16,47%	36,36%	95,65%	50,08%	82,14%	100,00%
Stage 3	27,06%	45,45%	4,35%	17,54%	3,57%	0,00%
Stage 4	28,24%	9,09%	0,00%	21,59%	0,00%	0,00%
Stage 5	24,71%	9,09%	0,00%	7,42%	0,00%	0,00%
BM	Emotions					
	Feelings of ego	Gratitude	Submission	Trust	Regret	
Stage 1	3,54%	7,94%	20,00%	-	0,00%	
Stage 2	61,41%	61,90%	0,00%	-	78,57%	
Stage 3	14,15%	4,76%	80,00%	-	21,43%	
Stage 4	16,40%	4,76%	0,00%	-	0,00%	
Stage 5	4,50%	20,63%	0,00%	-	0,00%	

In the BM group (table below), Stage 2 concentrates most of the affective load: Vigilance reaches 100.00%, Complaint 95.65%, Serenity 82.14%, Regret 78.57%, Gratitude 61.90%, Feelings of ego 61.41%, Interest 50.08%, Anticipation 36.36%, and Acceptance 16.47%, while Submission is absent. Stage 1 is a quiet baseline led by Submission at 20.00% and Serenity at 14.29%, with modest Gratitude at 7.94% and near-zeros elsewhere. Stage 3 shifts toward Submission at 80.00% and elevated Anticipation at 45.45%; Acceptance rises to 27.06%, while Complaint falls to 4.35% and Gratitude dips to 4.76%. Stage 4 is characterized by a stage-peak in Acceptance at 28.24% and sustained Interest at 21.59%, with zeros for Serenity, Vigilance, Complaint, Submission, and Regret. Stage 5 softens the profile, showing Acceptance at 24.71% and a late rebound in Gratitude at 20.63%, with other emotions low or absent. Trust is not observed in any stage.

The distribution of emotions in the groups of family mediations is presented in Table 118 below.

Table 118

Distribution of emotions in family mediations

FM	Emotions					
	Acceptance	Anticipation	Complaint	Interest	Serenity	Vigilance
Stage 1	3,13%	0,00%	0,00%	7,73%	26,67%	0,00%
Stage 2	9,38%	27,27%	42,11%	12,89%	33,33%	37,50%
Stage 3	16,67%	40,91%	57,89%	23,20%	26,67%	37,50%
Stage 4	46,88%	27,27%	0,00%	31,96%	13,33%	25,00%
Stage 5	23,96%	4,55%	0,00%	24,23%	0,00%	0,00%
FM	Emotions					
	Feelings of ego	Gratitude	Submission	Trust		Regret
Stage 1	8,33%	100,00%	25,00%	100,00%		0,00%
Stage 2	22,92%	0,00%	0,00%	0,00%		14,29%
Stage 3	35,42%	0,00%	75,00%	0,00%		85,71%
Stage 4	26,04%	0,00%	0,00%	0,00%		0,00%
Stage 5	7,29%	0,00%	0,00%	0,00%		0,00%

In the FM group, Stage 1 is distinctive for Gratitude and Trust, both at 100.00%, with secondary Serenity at 26.67% and Submission at 25.00%; other emotions are minimal. Stage 2 initiates problem-raising and alertness: Complaint reaches 42.11%, Vigilance 37.50%, Serenity 33.33%, Anticipation 27.27%, with emerging Regret at 14.29% and modest Acceptance at 9.38%; Gratitude, Submission, and Trust are absent. Stage 3 intensifies the mid-process tension: Complaint peaks at 57.89% and Regret at 85.71%; Submission rises to 75.00%; Anticipation climbs to 40.91%; Vigilance holds at 37.50%; Interest increases to 23.20% and Feelings of ego peak at 35.42%. Stage 4 shifts toward resolution, with Acceptance reaching its maximum at 46.88% and Interest peaking at 31.96%; Complaint drops to 0%, Anticipation returns to 27.27%, Vigilance moderates to 25.00%, and other emotions recede. Stage 5 closes at lower intensity: Acceptance remains present at 23.96% and Interest at 24.23%, while most other emotions fall to zero; Anticipation is minimal at 4.55% and Feelings of ego at 7.29%.

In the groups of business and family mediations, the cross-cutting patterns occur. Gratitude and Trust appear only at the outset. Complaint and Regret are confined to the middle stages, both peaking in Stage 3. Submission surfaces at the edges of the process, with 25.00% in Stage 1 and a high 75.00% in Stage 3, and is absent thereafter. Serenity is strongest early to

mid-process and declines to zero by Stage 5. Vigilance is a mid-process phenomenon. Acceptance builds from a low start to a Stage-4 maximum, then eases. Interest rises steadily from Stage 1 through Stage 4 and softens slightly at the end.

The quantitative analysis of emotion 1 – acceptance is presented in Table 119 below.

Table 119

Descriptive statistics and analysis of variance for emotion 1 – acceptance

Group	Stage	Acceptance							p
		min	max	median	q1	q3	mean	sd	
BM	1	0	1	1,00	0,75	1,00	0,75	0,50	group effect
BM	2	2	4	4,00	3,50	4,00	3,50	1,00	
BM	3	0	19	2,00	1,50	6,25	5,75	8,88	
BM	4	2	10	6,00	4,25	7,75	6,00	3,37	time effect
BM	5	1	9	5,50	1,75	9,00	5,25	4,35	
FM	1	0	1	1,00	0,75	1,00	0,75	0,50	group* time effect
FM	2	1	5	1,50	1,00	2,75	2,25	1,89	
FM	3	2	7	3,50	2,75	4,75	4,00	2,16	
FM	4	7	21	8,50	7,00	12,75	11,25	6,65	0,411
FM	5	2	9	6,00	2,75	9,00	5,75	3,78	

The analysis of emotion 1 - acceptance in the research groups reveals no significant group effect, but a significant time effect is observed. The interaction of group and time effect is also not statistically significant. A strong stage effect emerges for Acceptance ($p < .001$), whereas neither the between-group difference ($p = 0.642$) nor the interaction between group and time ($p = 0.411$) is significant. In BM, Acceptance starts very low at Stage 1 (median = 1.00; mean = 0.75), surges at Stage 2 (median = 4.00; mean = 3.50), dips at Stage 3 (median = 2.00) with wide dispersion ($sd = 8.88$; $max = 19$), and then stabilizes higher in Stages 4–5 (medians = 6.00 and 5.50; means ≈ 6.00 and 5.25). FM follows a steadier climb: from Stage 1–3 medians of 1.00 $\rightarrow$ 1.50 $\rightarrow$ 3.50, peaking at Stage 4 (median = 8.50; mean = 11.25) before easing at Stage 5 (median = 6.00). Overall, both groups reach their highest acceptance late in the process, with BM showing an early spike and greater variability, and FM exhibiting a more gradual, smoother rise.

In the family and business mediations, emotion 1 – acceptance refers to the parties'-in-conflict/consent willingness to engage in the process, their willingness to listen actively, and their willingness to be open to suggestions and find a mutually agreeable conflict resolution. Acceptance in mediation creates a space for the parties-in-conflict/consent, even if, e.g., in Stage 2, they do not agree with each other's perspective, but they acknowledge the mediator's role and explore potential solutions. Acceptance in mediation refers to the parties'-in-conflict

acceptance of the Mediator, the process of mediation, the situation, and responsibility. It reveals the parties'-in-conflict/consent willingness to mediate towards conflict resolution.

The quantitative analysis of emotion 2 – anticipation is presented in Table 120 below.

Table 120

Descriptive statistics and analysis of variance for emotion 2 – anticipation

Anticipation									
Group	Stage	min	max	median	q1	q3	mean	sd	p
BM	1	0	0	0,00	0,00	0,00	0,00	0,00	group effect 0,766
BM	2	2	2	2,00	2,00	2,00	2,00	0,00	
BM	3	1	5	2,00	1,75	2,75	2,50	1,73	
BM	4	0	2	0,00	0,00	0,50	0,50	1,00	time effect 0,000
BM	5	0	2	0,00	0,00	0,50	0,50	1,00	
FM	1	0	0	0,00	0,00	0,00	0,00	0,00	group* time effect 0,791
FM	2	1	2	1,50	1,00	2,00	1,50	0,58	
FM	3	1	4	2,00	1,75	2,50	2,25	1,26	
FM	4	0	6	0,00	0,00	1,50	1,50	3,00	
FM	5	0	1	0,00	0,00	0,25	0,25	0,50	

The analysis of emotion 2 - anticipation in the research groups shows that no significant group effect is observed, but a significant time effect. The interaction of group and time effect is also not statistically significant. Anticipation varies meaningfully across stages ($p < .001$), with no overall difference between BM and FM ($p = .766$) and no interaction between group and time ($p = .791$). In BM, Anticipation is absent at Stage 1, peaks early at Stage 2 (fixed at 2.00), remains modest at Stage 3 (median = 2.00; mean = 2.50; sd = 1.73), and then collapses toward zero in Stages 4–5 (medians = 0.00; means = 0.50). FM shows the same mid-process bump: from zero at Stage 1 to small increases at Stage 2 (median = 1.50) and Stage 3 (median = 2.00; mean = 2.25), followed by a return to near-zero at Stage 5. Stage 4 in FM is typically low (median = 0.00) but notably variable (max = 6; sd = 3.00), indicating occasional spikes. Overall, Anticipation emerges around Stages 2–3 and recedes thereafter, similarly in both groups.

In the family and business mediations, emotion 2 – anticipation involves the parties preparation for the process of mediation, potential obstacles, and potential strategies. Their preparation for the mediation process refers to their understanding of the case with its strengths and weaknesses. They anticipate case-related issues and are prepared to reframe them in a manner conducive to conflict resolution. They also recognise the role of the mediator to facilitate the mediation process. The parties-in-conflict anticipate potential obstacles and address them to minimise the risk of failure. By identifying barriers earlier, they can allocate

their resources more effectively, saving time and improving the decision-making process with alternative solutions to the problem. The parties-in-conflict anticipate the potential areas of disagreement and develop strategies for addressing the obstacles. The parties-in-conflict should anticipate the necessity to recognise the other party's-in-conflict emotions which play a significant role in mediation, to be prepared to address them constructively. By anticipating these aspects of the mediation process, parties can increase their chances of reaching a successful and mutually agreeable resolution.

The quantitative analysis of emotion 3 – complaint is presented in Table 121 below.

Table 121

Descriptive statistics and analysis of variance for emotion 3 – complaint.

Group	Stage	Complaint							p
		min	max	median	q1	q3	mean	sd	
BM	1	0	0	0,00	0,00	0,00	0,00	0,00	group effect
BM	2	1	11	5,00	1,75	8,75	5,50	4,80	
BM	3	0	1	0,00	0,00	0,25	0,25	0,50	
BM	4	0	0	0,00	0,00	0,00	0,00	0,00	time effect
BM	5	0	0	0,00	0,00	0,00	0,00	0,00	
FM	1	0	0	0,00	0,00	0,00	0,00	0,00	group* time effect
FM	2	2	8	3,00	2,75	4,25	4,00	2,71	
FM	3	3	9	5,00	4,50	6,00	5,50	2,52	
FM	4	0	0	0,00	0,00	0,00	0,00	0,00	
FM	5	0	0	0,00	0,00	0,00	0,00	0,00	

The analysis of emotion 3 - complaint in the research groups shows a significant group effect and a significant time effect. The interaction of group and time effect is also statistically significant. Complaint differs markedly by group and stage, and their combination: there is a significant group effect ($p < .001$), a pronounced time effect ($p < .001$), and a significant interaction between group and time ($p < .001$). Looking at the trajectories, BM is essentially complaint-free except for a single surge in Stage 2 (median = 5.00; mean = 5.50; sd = 4.80; range 1–11), with all other stages at or near zero (Stage 3 mean = 0.50; the rest 0.00). FM, by contrast, shows a sustained mid-process presence: complaints emerge at Stage 2 (median = 3.00; mean = 4.00; sd = 2.71) and intensify at Stage 3 (median = 5.00; mean = 5.50; sd = 2.52), then drop back to zero in Stages 4–5. The interaction reflects these divergent temporal profiles—BM exhibits a single, isolated spike, whereas FM displays a two-stage arc before resolution.

In the context of mediation, a complaint refers to an expression of dissatisfaction about the mediator or the mediation process, which, however, is not the case in the mediations under analysis. In both family and business mediations, no party-in-conflict expresses their complaint about the mediator's behaviour, impartiality, a lack of fairness, or inadequate communication.

In the analysed mediations, the emotion 3 - complaint is expressed by the parties-in-conflict. They complain about such factors that contribute to the conflict as Glen's working hours [PPFM], or Matt's external obligation [FMiA], Dean's girlfriend [AILaFM], Mr Sharp's family circumstances [BMD], the harassment of Kari by Macho Mike [BMMiA], or David's arrangement with the daycare centre and afternoon meetings with Michelle [BGM]. The parties-in-conflict are dissatisfied with those factors that underline their conflict. Those factors lead to minor misunderstandings [FMiA, AILaFM] as well as serious issues resulting in a lack of communication [BMD, PPFM, BGM, BMMiA]. To address the other party's-in-conflict complaint, active listening, empathy, clear communication, and positive feedback are used to prevent future negative issues.

The quantitative analysis of emotion 4 – feelings of ego is presented in Table 122 below.

Table 122

Descriptive statistics and analysis of variance for emotion 4 – feelings of ego

Feelings of ego									
Group	Stage	min	max	median	q1	q3	mean	sd	p
BM	1	2	4	2,50	2,00	3,25	2,75	0,96	group effect
BM	2	4	80	53,50	31,00	70,25	47,75	33,59	
BM	3	4	24	8,00	7,00	12,00	11,00	8,87	
BM	4	6	15	15,00	12,75	15,00	12,75	4,50	time effect
BM	5	2	5	3,50	2,00	5,00	3,50	1,73	
FM	1	2	2	2,00	2,00	2,00	2,00	0,00	group* time effect
FM	2	3	11	4,00	3,75	5,75	5,50	3,70	
FM	3	8	10	8,00	8,00	8,50	8,50	1,00	
FM	4	5	7	6,50	5,75	7,00	6,25	0,96	
FM	5	1	2	2,00	1,75	2,00	1,75	0,50	

The analysis of emotion 4 – feelings of ego in the study groups shows a significant group effect and a significant time effect. Although the interaction of group and time effects is not statistically significant, but at a p-value of 0.056 it is close to significance. Ego-related feelings vary across stages and differ between groups: there is a borderline group effect ($p = .050$) alongside a strong time effect ($p < .001$). The interaction between group and time falls just short of conventional significance ($p = .056$). In BM, levels are modest at baseline (Stage 1 mean =

2.75) before a dramatic surge at Stage 2 (median = 53.50; mean = 47.75; sd = 33.59; range 4–80). They then retreat through Stage 3 (mean = 11.00) and remain elevated but much lower at Stage 4 (median = 15.00), returning close to baseline by Stage 5 (mean = 3.50). The extreme dispersion in Stage 2 indicates substantial case-to-case variability. FM shows a gentler arc: low and stable at Stage 1 (2.00), rising in Stage 2 (mean = 5.50) and peaking at Stage 3 (mean = 8.50; tight spread, sd = 1.00), followed by a gradual easing in Stages 4 (6.25) and 5 ($\approx$ 2.00). Overall, BM exhibits a sharp early spike that dissipates, whereas FM presents a milder mid-process crest—patterns consistent with the near-significant interaction.

Feelings of ego play a significant role in mediation, often hindering progress towards conflict resolution. Parties-in-conflict/consent may become entrenched in their positions when they are driven by a need to be right or when they avoid admitting their fault. The mediator can also be influenced by his/her ego, which may lead to a focus on his/her self-image or a need to control the outcome. Successfully navigating mediation requires awareness of these ego-driven behaviours and strategies to manage them.

Feelings of ego impact both family and business mediations. At the beginning of the mediation process, the parties-in-conflict are often unwilling to compromise as they see their perspectives as the only valid option for conflict resolution e.g. Glen's requirement for Stephanie to be more flexible, "I mean if could be flexible from week to week that's probably the easiest for me because I can't always plan a rigid schedule from week to week" in structural element 2 of Stage 3 [PPFM]. This leads to difficulty in finding common ground for generating options. Strong negative emotions fuelled by the parties'-in-conflict ego makes it difficult to communicate effectively and rationally [PPFM, FMiA, AILaFM. BMD, BMMiA]. The mediator manages his/her feelings of ego not to influence the outcome, violating values of impartiality and neutrality. When the mediator acknowledges the emotional undercurrents, as in Glen's requirement for Stephanie to be more flexible, he tries to shift from positional arguments to underlying needs, e.g. "let me just throw something out here. Because again I started this off by saying what we want to do is look with practical for the two of you but we also want to integrate the needs of the children and while that might be practical for you" in structural element 2 of Stage 3 [PPFM]. Thus, the mediator shifts the focus from rigid positions to underlying interests, which can help parties-in-conflict see the situation from a different perspective and find mutually beneficial solutions. In the family and business mediations under analysis, the mediator demonstrates high emotional intelligence, enabling them to understand and manage the emotional dynamics of the mediation process. This helps parties-in-conflict navigate difficult emotions and reach a conflict resolution.

From the psychological perspective, the ego is a more complex concept. As a part of the personality, it mediates between the id, i.e., primitive instincts, and the superego. The ego helps the parties-in-conflict/consent adapt to reality, make decisions, and maintain a sense of identity. It is also associated with defence mechanisms, such as denial or projection, which the parties-in-conflict use to protect themselves from unpleasant emotions or situations.

The quantitative analysis of emotion 5 – gratitude is presented in Table 123 below.

Table 123

Descriptive statistics and analysis of variance for emotion 5 – gratitude

Gratitude									
Group	Stage	min	max	median	q1	q3	mean	sd	p
BM	1	1	2	1,00	1,00	1,25	1,25	0,50	group effect
BM	2	1	28	5,00	2,50	12,25	9,75	12,42	
BM	3	0	1	1,00	0,75	1,00	0,75	0,50	
BM	4	0	2	0,50	0,00	1,25	0,75	0,96	time effect
BM	5	0	6	3,50	0,75	6,00	3,25	3,20	
FM	1	0	1	0,50	0,00	1,00	0,50	0,58	group* time effect
FM	2	0	0	0,00	0,00	0,00	0,00	0,00	
FM	3	0	0	0,00	0,00	0,00	0,00	0,00	
FM	4	0	0	0,00	0,00	0,00	0,00	0,00	
FM	5	0	0	0,00	0,00	0,00	0,00	0,00	

The analysis of emotion 5 – gratitude in the research groups shows a significant group effect and a significant time effect. The interaction of group and time effect is also statistically significant. Gratitude differs clearly by group and changes over stages: there is a strong group effect ($p < .001$) and a time effect ($p = .004$), and the stage trajectories differ between groups (significant group–time interaction, $p = .003$). In BM, gratitude is minimal at baseline (Stage 1 mean = 1.25), surges sharply at Stage 2 (median = 5.00; mean = 9.75; sd = 12.42; max = 28), drops back to near-baseline at Stage 3 (≈ 1.00) and Stage 4 (≈ 0.75), then shows a smaller rebound at Stage 5 (mean = 3.25; range 0–6). FM is essentially flat: a modest trace at Stage 1 (mean = 0.50) and zeros from Stage 2 through Stage 5. The large spread in BM Stage 2 indicates that expressions of gratitude are uneven across cases, but they are concentrated in the BM group and largely absent in FM.

In the family and business mediations, emotion 5 – gratitude is a powerful tool to foster positive communication and build a cooperative relationship between parties, potentially leading to more successful conflict resolutions. The mediator's emotion of gratitude expressed in Stage 1 helps the parties-in-conflict create a more collaborative atmosphere and encourages

them to listen to each other's perspectives. In this way, they start working towards a mutually agreeable conflict resolution. Beginning the process of mediation with "thank you" [[PPFM, FMiA, AILaFM, FMRP, BMD, BMMiA, BGM, IBM] immediately shifts the focus from conflict to a more constructive space. The mediator's appreciation for the parties'-in-conflict willingness to engage in the mediation process builds trust and makes them feel more comfortable sharing their perspectives. Thus, by integrating the emotion of gratitude into the mediation process, the mediator helps the parties-in-conflict move beyond their conflict towards possible options and finally to the best option for conflict resolution.

The quantitative analysis of emotion 6 – interest is presented in Table 124 below.

Table 124

Descriptive statistics and analysis of variance for emotion 6 – interest

Interest									
Group	Stage	min	max	median	q1	q3	mean	sd	p
BM	1	4	6	5,00	4,00	6,00	5,00	1,16	group effect
BM	2	7	130	80,00	51,25	103,00	74,25	51,93	
BM	3	7	57	20,00	10,00	36,00	26,00	22,77	
BM	4	13	61	27,00	22,00	37,00	32,00	20,49	time effect
BM	5	2	28	7,00	3,50	14,50	11,00	11,83	
FM	1	3	4	4,00	3,75	4,00	3,75	0,50	group* time effect
FM	2	2	14	4,50	2,75	8,00	6,25	5,44	
FM	3	8	17	10,00	8,75	12,50	11,25	4,03	
FM	4	7	24	15,50	9,25	21,75	15,50	8,27	
FM	5	9	13	12,50	11,25	13,00	11,75	1,89	

The analysis of emotion 6 – interest in the research groups shows no significant group effect but a significant time effect. The interaction of group and time effect is statistically significant. Interest changes meaningfully over time but not by group: there is no significant group effect ($p = .108$), a clear time effect ($p < .001$), and a significant interaction between group and time ($p = .007$). In BM, interest is low at baseline (Stage 1 mean = 5.00) and surges at Stage 2 (mean = 74.25; min–max = 7–130; sd = 51.93), then falls back at Stage 3 (26.00), stabilises at a moderate level in Stage 4 (32.00), and tapers further by Stage 5 (11.00). FM shows a steadier climb from Stage 1 (3.75) through Stages 2–4 (6.25 → 11.25 → 15.50), followed by a slight dip at Stage 5 (11.75). The pronounced spike–decline pattern in BM versus the gradual rise in FM explains the significant interaction.

In family and business mediations, emotion 6 – interest refers to the parties'-in-conflict/consent positive involvement in conflict resolution. From Stage 3 to Stage 5, the parties-in-conflict/consent cooperate to resolve the conflict by negotiating the best option.

Understanding the underlying needs, desires, and motivations of the other party-in-conflict/consent, they aim to find solutions. The mediator's involvement in the mediation process helps the parties-in-conflict/consent firstly articulate their underlying needs, desires, and motivations that drive their positions in conflict. Secondly, it also helps them work together on identifying the options in Stage 3 and the best option in Stage 4. Thirdly, it ultimately enables them to achieve a win-win conflict resolution in Stage 5.

The quantitative analysis of emotion 7 – regret is presented in Table 125 below.

Table 125

Descriptive statistics and analysis of variance for emotion 7 – regret

Group	Stage	Regret					mean	sd	p
		min	max	median	q1	q3			
BM	1	0	0	0,00	0,00	0,00	0,00	0,00	group effect 0,644
BM	2	0	11	0,00	0,00	2,75	2,75	5,50	
BM	3	0	2	0,50	0,00	1,25	0,75	0,96	
BM	4	0	0	0,00	0,00	0,00	0,00	0,00	time effect 0,007
BM	5	0	0	0,00	0,00	0,00	0,00	0,00	
FM	1	0	0	0,00	0,00	0,00	0,00	0,00	group* time effect 0,670
FM	2	0	1	0,00	0,00	0,25	0,25	0,50	
FM	3	0	2	2,00	1,50	2,00	1,50	1,00	
FM	4	0	0	0,00	0,00	0,00	0,00	0,00	
FM	5	0	0	0,00	0,00	0,00	0,00	0,00	

The analysis of emotion 7 – regret in the research groups shows no significant group effect but a significant time effect. The interaction of group and time effect is not statistically significant. Regret varies over time but not by group: there is no significant group effect ($p = .644$), a significant time effect ($p = .007$), and the interaction between group and time is not significant ($p = .670$). Regret is largely absent in both groups. In BM it appears briefly at Stage 2 (mean = 2.75, sd = 5.50, min–max = 0–11), drops to a small value at Stage 3 (0.75), and is otherwise zero (Stages 1, 4, 5). In FM it is essentially zero at Stages 1, 2, 4, and 5 (Stage 2 mean = 0.50) with a modest uptick at Stage 3 (mean = 1.50, sd = 1.00, min–max = 0–2). The transient spikes explain the time effect amid generally low levels.

In the family and business mediations, emotion 7 – regret refers to the dissatisfaction of the party- in-conflict with the underlying conflict, which makes the current situation before mediation difficult. This dissatisfaction may stem from various factors, including past orientation and counterfactual thinking. As a negative emotion, regret is an unpleasant feeling characterised by a sense of disappointment, which occurs at the beginning of mediation in Stage

2 when the parties-in-conflict express their opening statements, e.g., Glen's regret in structural element 2 of Stage 2 "Well, we're in a whole different arrangement. Now things have been, are different now that we're split, okay" [PPFM]. The mediator tries to acknowledge that the parties-in-conflict may introduce positive changes to their current life and relationships, e.g., the mediator responds to Glen's regret as follows in structural element 2 of Stage 2 "So I always work with the understanding that we're starting from scratch. [...] But I also try to work with people not to make assumptions that what has happened in the past is what's going to happen in the future" [PPFM]. Once the emotion of regret occurs in mediation, the mediator tries to increase the parties'-in-conflict self-awareness to lead them to a deeper understanding of their values and priorities.

As the quantitative analysis of emotion 8 – trust in the research groups shows no statistically significant differences, the results are enclosed in Appendix 10; however, trust is essential for effective family and business mediations. When the parties-in-conflict/consent trust the mediator and the mediation process, they are openly engaged in the process and work towards conflict resolution. When they trust the mediator's competence, they express their willingness to compromise, to make concessions, and find the middle ground for the conflict resolution. The mediator's ability to build trust is critical, and it starts with the use of the personal pronoun "we" which refers to the parties-in-conflict/consent and the mediator [FFPM, FMiA, AILaFM, FMRP, BMD, BMMiA, BGM, IBM]. The parties-in-conflict/consent feel more comfortable expressing themselves when they trust the mediator, which is noticeable in all analysed business mediations as the parties-in-conflict have a caucus with the mediator [BMD, BMMiA, BGM, IBM]. Thus, trust is the fundamental emotion upon which successful mediations are built. Without trust, the mediation process is likely to be hindered by defensiveness, miscommunication, and an unwillingness to compromise.

The quantitative analysis of emotion 9 – serenity is presented in Table 126 below.

Table 126

Descriptive statistics and analysis of variance for emotion 9 – serenity

Group	Stage	Serenity							p
		min	max	median	q1	q3	mean	sd	
BM	1	1	1	1,00	1,00	1,00	1,00	0,00	group effect 0,664
BM	2	0	8	7,50	5,25	8,00	5,75	3,86	
BM	3	0	1	0,00	0,00	0,25	0,25	0,50	
BM	4	0	0	0,00	0,00	0,00	0,00	0,00	time effect 0,001
BM	5	0	0	0,00	0,00	0,00	0,00	0,00	
FM	1	1	1	1,00	1,00	1,00	1,00	0,00	

FM	2	0	3	1,00	0,75	1,50	1,25	1,26	group* time effect
FM	3	0	3	0,50	0,00	1,50	1,00	1,41	0,423
FM	4	0	2	0,00	0,00	0,50	0,50	1,00	
FM	5	0	0	0,00	0,00	0,00	0,00	0,00	

The analysis of emotion 9 – serenity in the research groups shows no significant group effect but a significant time effect. The interaction of group and time effect is not statistically significant. Serenity changes over time (time $p = .001$) but does not differ between BM and FM overall (group $p = .664$); the group-by-time interaction is not significant ($p = .423$). Across stages, BM shows a sharp, short-lived surge at Stage 2 (mean = 5.75, sd = 3.86; median = 7.50, IQR = 5.25–8.00; range 0–8) against otherwise negligible levels—fixed at 1.00 in Stage 1 and effectively zero in Stages 3–5. FM remains low throughout: 1.00 at Stage 1, a small rise at Stage 2 (mean = 1.25), tapering through Stage 3 (1.00) and Stage 4 (0.50) to zero by Stage 5. The overall time effect is thus driven primarily by the BM spike in Stage 2.

In the family and business mediations, emotion 9 – serenity refers to the state of the parties'-in-consent calmness and peace in an attempt to achieve the conflict resolution during the process of mediation. It starts to occur in Stage 3, where the parties -in-consent try to resolve their conflict constructively and respectfully. While trying to identify the options for conflict resolution or the best option, the parties-in-consent minimise stress and develop a sense of their well-being. The emotion of serenity creates a safe environment for open communication and the development of positive emotions. Serenity in mediation reduces the emotional toll of conflict in divorce-related situations when the parenting plan is to be developed by parents. Family and business mediations allow the parties-in-conflict to address their emotions and needs and find inner peace. The emotion of serenity also creates a safe environment in which the parties cooperate to find a conflict resolution using techniques such as active listening and empathy, which help them shift their positions into perspectives. Serenity, when combined with emotion 1 – acceptance of what is beyond the parties’ -in-conflict/consent control, as reflected in the Serenity Prayer, namely “*God grant me the serenity to accept the things I cannot change; courage to change the things I can; and wisdom to know the difference*” [2], prevents further harm and damage in their relationship even if the conflict resolution is based on *win-loss* pattern (see Chapter 1 p.20). In essence, serenity in mediation creates a space where the parties-in-conflict/consent navigate their conflict with greater determination and cooperation, ultimately leading to more peaceful and sustainable resolutions.

The quantitative analysis of emotion 10 – submission is presented in Table 127 below.

Table 127*Descriptive statistics and analysis of variance for emotion 10 – submission*

Group	Stage	Submission							p
		min	max	median	q1	q3	mean	sd	
BM	1	0	2	0,00	0,00	0,50	0,50	1,00	group effect 0,602
BM	2	0	0	0,00	0,00	0,00	0,00	0,00	
BM	3	2	2	2,00	2,00	2,00	2,00	0,00	
BM	4	0	0	0,00	0,00	0,00	0,00	0,00	time effect 0,000
BM	5	0	0	0,00	0,00	0,00	0,00	0,00	
FM	1	0	2	0,00	0,00	0,50	0,50	1,00	group* time effect 0,679
FM	2	0	0	0,00	0,00	0,00	0,00	0,00	
FM	3	0	2	2,00	1,50	2,00	1,50	1,00	
FM	4	0	0	0,00	0,00	0,00	0,00	0,00	
FM	5	0	0	0,00	0,00	0,00	0,00	0,00	

The analysis of emotion 10 – submission in the research groups shows no significant group effect but a significant time effect. The interaction of group and time effect is not statistically significant. Submission changes significantly over time (time $p = .000$) but not between BM and FM (group $p = .602$); the interaction between group and time is not significant ($p = .679$). Both groups sit at floor levels in most stages, with a brief surge at Stage 3. BM jumps from near-zero at Stage 1 (mean = 0.50, sd = 1.00) to a uniform 2.00 at Stage 3 (mean = 2.00, sd = 0.00), then returns to 0 thereafter. FM shows the same pattern but slightly lower overall at Stage 3 (median = 2.00, IQR = 1.50–2.00; mean = 1.50, sd = 1.00), with Stage 1 also low (mean = 0.50) and Stages 2, 4, and 5 at 0. The pronounced Stage-3 spike drives the time effect.

Emotion 10 – Submission is understood as a feeling of yielding or compliance to the mediator's authority, as well as compliance with the other party's perspective in conflict. In family and business mediations, submission is closely related to emotion 8 - trust as its derivative. Submission involves the mediator's control of the mediation process and the parties'-in-conflict/consent acceptance of that control, which is expressed by their willingness to follow the mediator's direction. In family and business mediations under analysis, the parties'-in-conflict/consent is characterised by their respect and trust towards the mediator, which is expressed in their provided answers to the questions asked by the mediator [FFPM, FMiA, AILaFM, FMRP, BMD, BMMiA, BGM, IBM].

The quantitative analysis of emotion 11 – vigilance is presented in Table 128 below.

Table 128*Descriptive statistics and analysis of variance for emotion 11 – vigilance*

Group	Stage	Vigilance							p
		min	max	median	q1	q3	mean	sd	
BM	1	0	0	0,00	0,00	0,00	0,00	0,00	group effect 0,641
BM	2	0	90	10,50	7,50	30,75	27,75	41,80	
BM	3	0	0	0,00	0,00	0,00	0,00	0,00	
BM	4	0	0	0,00	0,00	0,00	0,00	0,00	time effect 0,000
BM	5	0	0	0,00	0,00	0,00	0,00	0,00	
FM	1	0	0	0,00	0,00	0,00	0,00	0,00	group* time effect 0,414
FM	2	0	1	1,00	0,75	1,00	0,75	0,50	
FM	3	0	3	0,00	0,00	0,75	0,75	1,50	
FM	4	0	2	0,00	0,00	0,50	0,50	1,00	
FM	5	0	0	0,00	0,00	0,00	0,00	0,00	

The analysis of emotion 11 – vigilance in the research groups shows no significant group effect but a significant time effect. The interaction of group and time effect is not statistically significant. Vigilance changes significantly over time (time $p = .000$) but not between BM and FM (group $p = .641$); the interaction between group and time is not significant ($p = .414$). BM is essentially at floor in Stages 1 and 3–5 (all means = 0.00), with a pronounced but highly variable spike in Stage 2 (min = 0, max = 90; median = 10.50; IQR = 7.50–30.75; mean = 27.75; sd = 41.80). FM stays near zero throughout, showing only a slight uptick in Stage 2 (median = 1.00; mean $\approx$ 0.75; sd = 0.50) and modest variability in Stage 3 (max = 3; mean $\approx$ 0.75; sd = 1.50). The brief Stage-2 surge—driven mainly by BM—accounts for the time effect, while consistently low FM values and return-to-zero BM values keep the group and interaction effects nonsignificant.

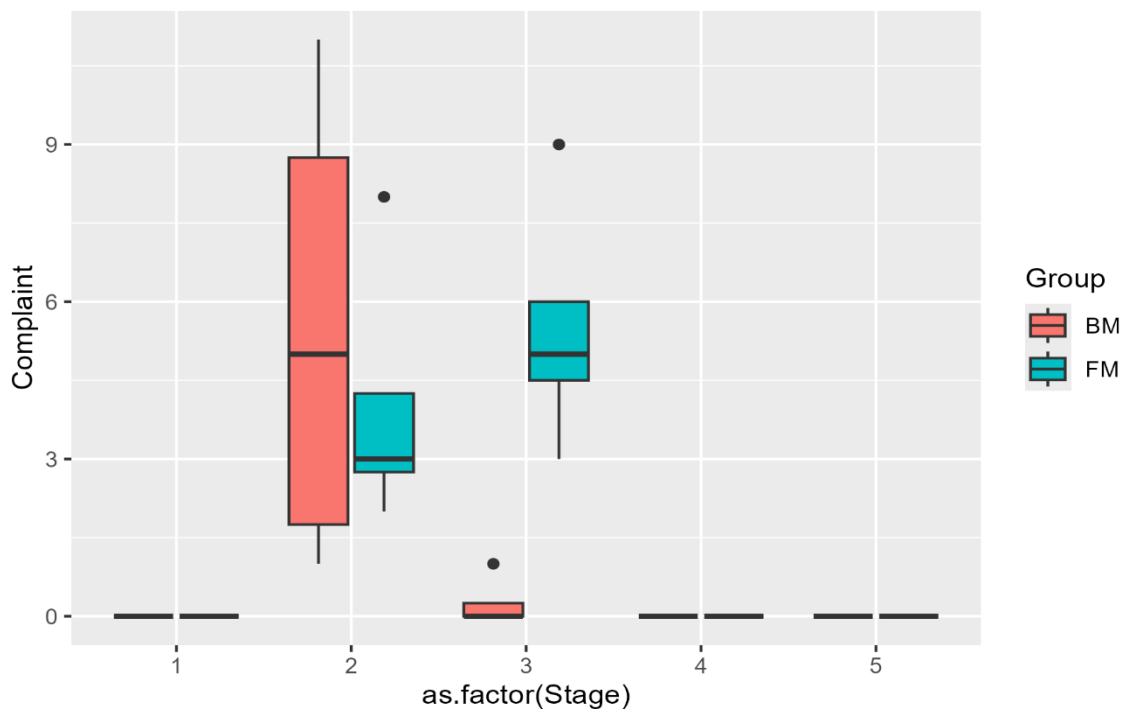
In family and business mediations, emotion 11 – vigilance is closely related to the mediator's as well as the parties'-in-conflict/consent awareness and attention to the mediation process, which adheres to all the mediation values. It involves the mediator's and the parties'-in-conflict/consent active participation in monitoring the subject matter and power dynamics. The mediator demonstrates his/her vigilance by ensuring that the parties-in-conflict/consent understand the mediation process, their rights, and the information shared. The mediator demonstrates vigilance by actively listening to each party-in-conflict/consent and clarifying any misunderstandings, if need be. The parties-in-conflict/consent demonstrate their vigilance by being active and attentive listeners, adjusting their approach to conflict resolution by choosing the best option.

6.1.3 Essential interaction of the group and time effects

The essential interaction between the group effect and time effect in the research groups of family and business mediations is interpreted below, focusing on the dichotomy of emotions and values. The statistically significant difference between the research groups of the family and business mediations refers to emotion 3 - complaint presented in Figure 62, emotion 4 - feelings of ego in Figure 63, emotion 6 - interest in Figure 64, and emotion 5 - gratitude in Figure 65.

Figure 62

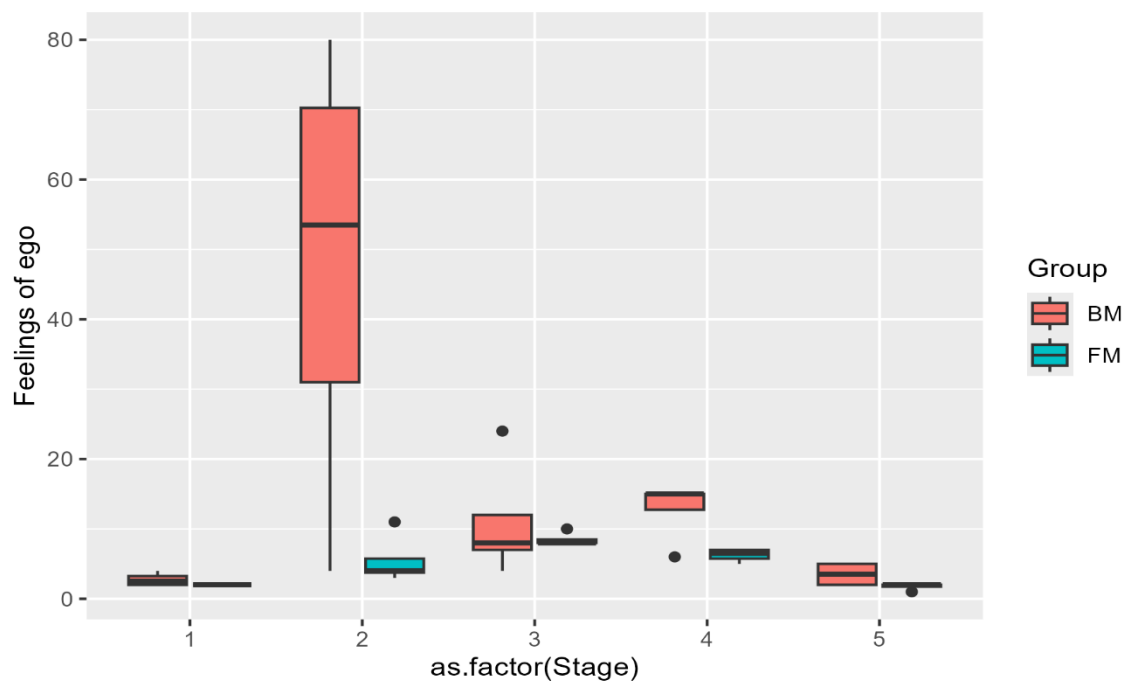
Boxplot for emotion 3 - complaint



A significantly higher amount of emotion 3 3-complaint is observed in Stage 2 of the business mediations, followed by a decrease. In the family mediation group, an increased number of emotion 3 - complaint is observed up to Stage 3, followed by a decline.

Figure 63

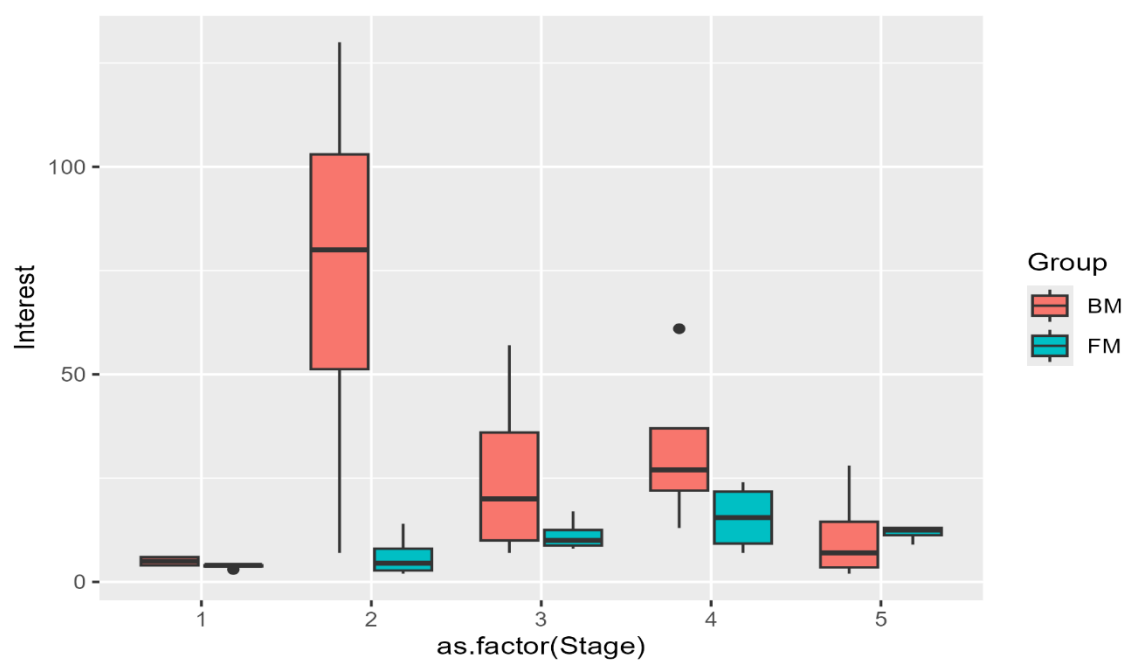
Boxplot for emotion 4 - feelings of ego



A significantly higher number of emotion 4 - feelings of ego is observed in Stage 2 of the business mediations, followed by a decrease. In the family mediation group, a very slight increase is observed over Stages 2 to 4.

Figure 64

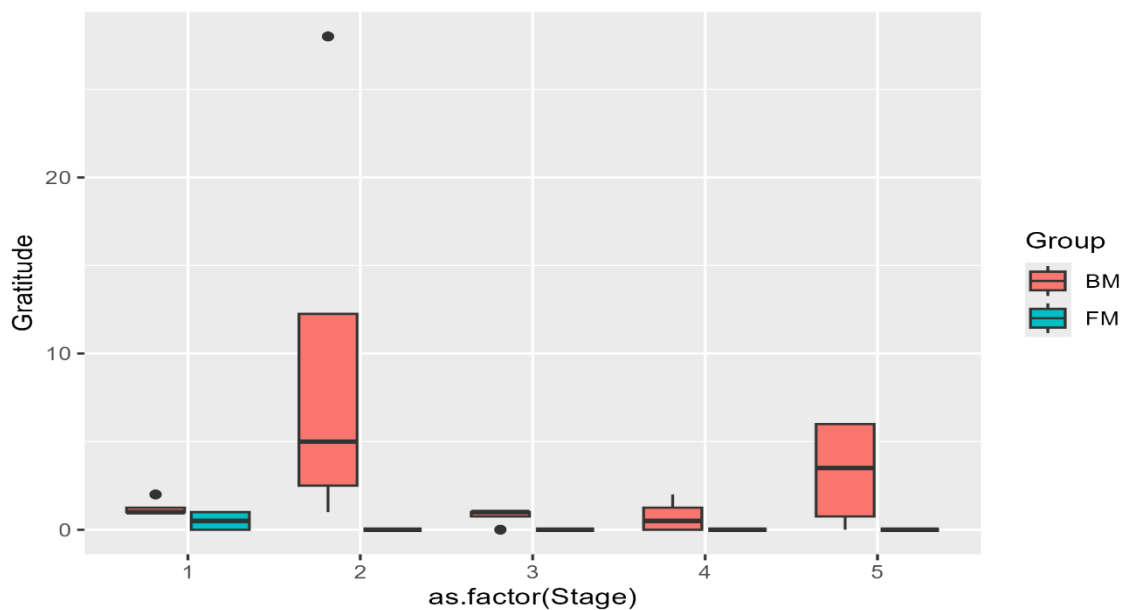
Boxplot for emotion 6 - interest



A significantly higher number of emotion 6 - interest is observed in Stage 2 of the business mediations, followed by a decrease thereafter. In the family mediation group, a very slight increase in the number of emotion 6 - interest is observed across Stages 2, 3, and 4.

Figure 65

Boxplot for emotion 5 – gratitude



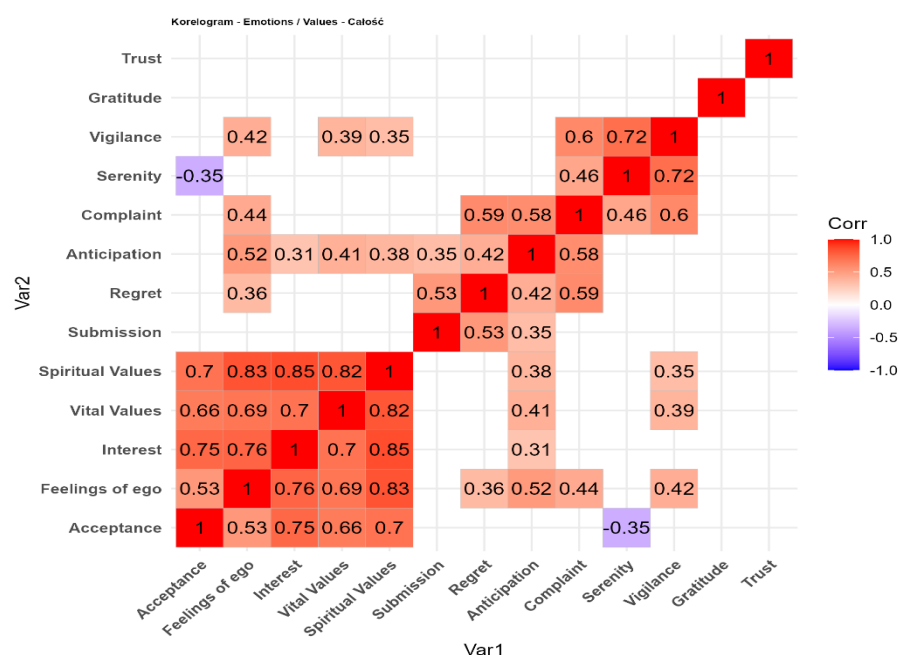
A significantly higher number of emotion 5 - gratitude is observed in the business mediation group, which is observed throughout the whole mediation process.

6.1.4 Correlation in the dichotomy of emotions and values

The correlation in the dichotomy of emotions and values, without splitting into BM and FM groups, is presented below in Figure 66. The correlation in the dichotomy of emotions and values in the BM group is presented below in Figure 67, and in the FM group in Figure 68.

Figure 66

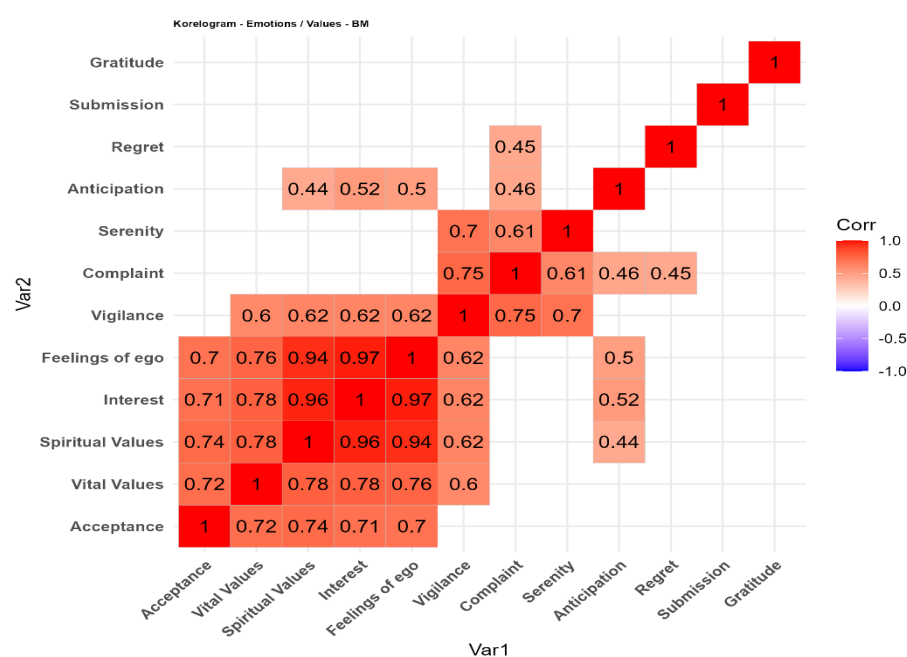
Correlation of emotions and values without splitting into groups



In the holistic analysis, without splitting into business and family mediation groups, a single larger cluster is observed, consisting of variables from acceptance to spiritual values, with single correlations outside of it, including one negative correlation.

Figure 67

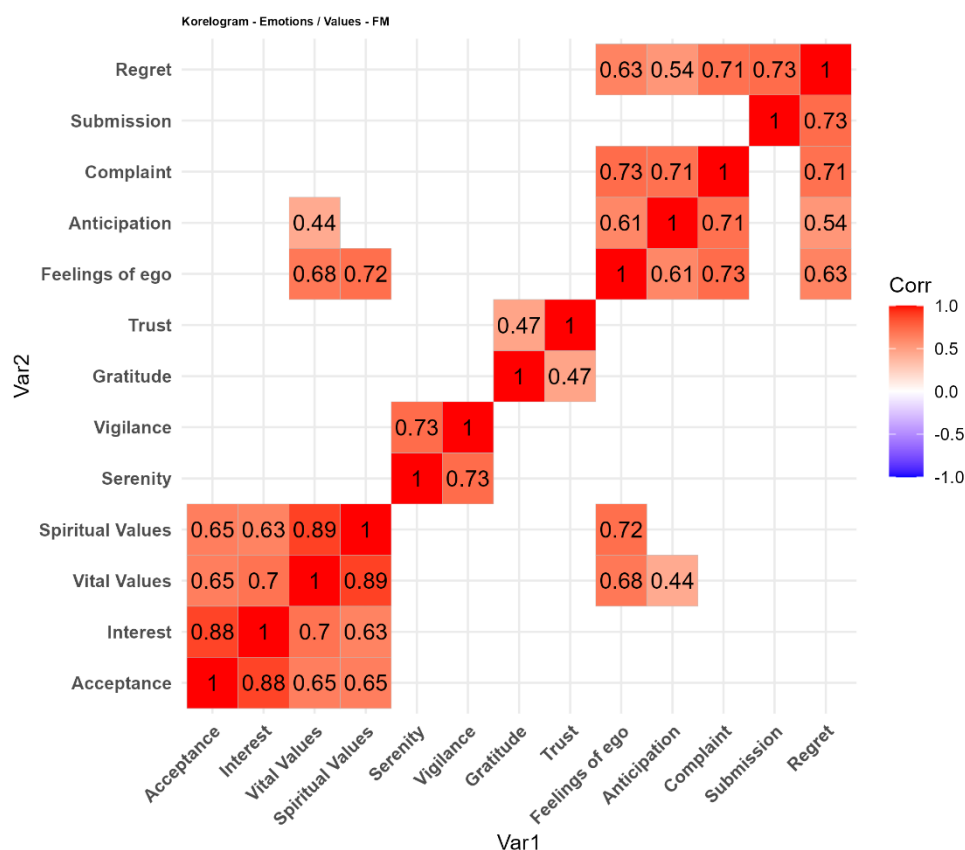
Correlation of emotions and values in the BM group



In the correlation analysis of the BM group, a single larger cluster is observed, consisting of variables from vigilance to acceptance, with a single correlation outside of it from serenity to complaint. A similar situation is observed in the business mediation group, while several small clusters of positive correlations are observed in the family mediation group.

Figure 68

Correlation of emotions and values in the FM group



In the correlation analysis of the FM group, a single larger cluster is observed, consisting of variables from spiritual values to acceptance, with single correlations outside of it, such as vigilance and serenity, or submission and feelings of ego. several small clusters of positive correlations are observed in the family mediation group. In the business mediation group, the correlations are much stronger, and there are more correlations than in the family mediation group.

6.2 Attitudes and attitude functions of mediation- psychological discourse analysis

The aim of this subchapter is to provide an answer to our research question know-how the relationship between attitude and attitude function is structured through the Stages in the process of mediation (Q8).

6.2.1 Attitudes and attitude functions – results and discussion

The results of the attitude reconstruction reveal that in both family and business mediations under analysis, three types of attitudes are identified, i.e., affective attitude, behavioural attitude, and cognitive attitude.

The distribution of attitudes and attitude functions in business mediations is presented in Table 129 below.

Table 129

Distribution of attitudes and attitude functions in business mediations

BM	Attitudes			Attitude Functions		
	Affective Attitude	Behavioural Attitude	Cognitive Attitude	Value expressive function	Instrumental function	Knowledge function
Stage 1	2,05%	5,29%	2,56%	2,04%	5,29%	2,56%
Stage 2	65,64%	35,88%	52,56%	65,82%	35,88%	52,56%
Stage 3	14,36%	22,94%	16,03%	14,29%	22,94%	16,03%
Stage 4	9,74%	28,24%	21,15%	9,69%	28,24%	21,15%
Stage 5	8,21%	7,65%	7,69%	8,16%	7,65%	7,69%

In the BM group, Stage 2 is the clear centre of gravity across the board. Affective Attitude reaches 65.64% and its functional counterpart, Value-expressive function, reaches 65.82%. Cognitive Attitude sits at 52.56%, exactly mirrored by the Knowledge function at 52.56%, and Behavioural Attitude peaks at 35.88%, identically mirrored by the Instrumental function at 35.88%. Stage 1 is uniformly low for all six series. After the Stage-2 maximum, Affective/Value-expressive drop most sharply (to 14.36%/14.29% in Stage 3 and 9.74%/9.69% in Stage 4), while Cognitive/Knowledge decline more moderately (to 16.03% in Stage 3 and 21.15% in Stage 4). Behavioural/Instrumental show a mid-process dip (22.94% in Stage 3) followed by a secondary rise in Stage 4 (28.24%), making Stage 4 the most behaviour- and instrument-oriented part of the trajectory relative to the other attitudes. Stage 5 closes at low, compact levels for all series ($\approx 7-8\%$ for Behavioural/Instrumental and Cognitive/Knowledge,

≈8% for Affective/Value-expressive). The two blocks are near one-to-one mirrors: Affective aligns with Value-expressive, Behavioural with Instrumental, and Cognitive with Knowledge, with only minor rounding differences in the affective/value pair.

The distribution of attitudes and attitude functions in family mediations is presented in Table 130 below.

Table 130

Distribution of attitudes and attitude functions in family mediations

FM	Attitudes			Attitude Functions		
	Affective Attitude	Behavioural Attitude	Cognitive Attitude	Value expressive function	Instrumental function	Knowledge function
Stage 1	2,40%	7,44%	8,25%	2,30%	6,82%	8,10%
Stage 2	16,17%	19,01%	13,59%	18,39%	22,73%	15,24%
Stage 3	26,95%	35,54%	25,73%	27,01%	35,61%	25,24%
Stage 4	38,32%	28,10%	34,47%	36,78%	25,76%	33,81%
Stage 5	16,17%	9,92%	17,96%	15,52%	9,09%	17,62%

In the FM group (Attitude and Attitude Function), the trajectory builds from a low baseline in Stage 1 to a broad maximum in Stage 4, followed by a modest pullback in Stage 5. Affective Attitude and its Value-expressive function rise steadily across Stages 1–4, peaking in Stage 4 at 38.32% and 36.78%, then easing to 16.17% and 15.52% in Stage 5. Cognitive Attitude and the Knowledge function show the same climb-to-Stage-4 pattern, reaching 34.47% and 33.81% at the peak and settling at 17.96% and 17.62% in Stage 5. Behavioural Attitude and the Instrumental function peak one stage earlier: both climb through Stage 3 (35.54% and 35.61%), then drop in Stage 4 (28.10% and 25.76%) and again in Stage 5 (9.92% and 9.09%). Stage-by-stage leadership reflects these shapes: Stage 2 is led by Behavioural/Instrumental (≈19–23%) over Affective/Value (≈16–18%) and Cognitive/Knowledge (≈14–15%); Stage 3 is dominated by Behavioural/Instrumental (≈35–36%); Stage 4 shifts leadership to Affective/Value and Cognitive/Knowledge; Stage 5 shows a general comedown with Cognitive/Knowledge the relatively strongest pair.

Across all stages, each attitude closely tracks its corresponding function with small differences (typically within a few percentage points): Affective with Value-expressive, Behavioural with Instrumental, and Cognitive with Knowledge. The overall pattern is a gradual build, an earlier crest for behaviour/instrumentality, a later crest for affect/cognition, and a uniform soft landing at the end.

The quantitative analysis of the affective attitude is presented in Table 131 below.

Table 131*Descriptive statistics and analysis of variance for affective attitude*

Affective Attitude									
Group	Stage	min	max	median	q1	q3	mean	sd	p
BM	1	1	1	1,00	1,00	1,00	1,00	0,00	group effect
BM	2	2	58	34,00	14,00	52,00	32,00	26,43	
BM	3	2	21	2,50	2,00	7,50	7,00	9,35	
BM	4	2	8	4,50	2,00	7,25	4,75	3,20	time effect
BM	5	2	6	4,00	2,00	6,00	4,00	2,31	
FM	1	1	1	1,00	1,00	1,00	1,00	0,00	group* time effect
FM	2	3	10	7,00	4,50	9,25	6,75	3,30	
FM	3	5	23	8,50	6,50	13,25	11,25	8,10	
FM	4	6	23	17,50	10,50	23,00	16,00	8,45	
FM	5	2	9	8,00	5,75	9,00	6,75	3,30	

The analysis of the affective attitude in the research groups shows a significant group effect and a significant time effect. The interaction of group and time effect is not statistically significant. Affective attitude differs between groups and changes over time (group $p = .011$; time $p < .001$), while the interaction between group and time is not significant ($p = .150$). In BM, values jump from a floor at Stage 1 (mean = 1.00) to a pronounced surge at Stage 2 (median = 34; IQR = 14–52; mean = 32.00; sd = 26.43), then recede sharply at Stage 3 (median = 2.50; mean = 7.00) and stabilise at low levels through Stages 4–5 (means ≈ 4 –5). In FM, the pattern is a steady build rather than a spike: from Stage 1 (mean = 1.00) through Stage 2 (mean = 6.75) and Stage 3 (mean = 11.25) to a peak at Stage 4 (median = 17.50; IQR = 10.50–23.00; mean = 16.00), followed by a drop at Stage 5 (mean = 6.75). The significant group effect reflects BM's large Stage-2 elevation relative to the more gradual FM trajectory, but the non-significant interaction indicates broadly similar overall temporal profiles.

In the family and business mediations, the affective attitude refers to the emotional component of the mediator as well as that of the parties-in-conflict/conflict towards the conflict and its resolution or the mediation process. It consists of emotions and related feelings that influence how the parties'-in-conflict/consent experience and respond to the conflict and mediation. The affective component of the parties'-in-conflict/conflict is characterised by their emotional reactions towards the discussed topics. To illustrate this, we refer to Mr Sharp's response to Mrs Smith's inquiry in structural element 3 of Stage 2 in *Business Mediation Demo*, e.g.

Mrs S8 Mr Sharp, I understand it may be difficult to delve into personal matters and I just wish to underline once more, you're not in a courtroom. If we're in this informal ambulance mediation where you can disclose anything you deem necessary and it will remain completely confidential. So, I know you disregarded at some point the importance of the topic of communication. Yet, in the very beginning both of you shared that something's changed 12 months ago, that something changed dramatically after many many years of successful commercial cooperation. So, you, Mr Sharp, from what I grasped, mentioned some personal matters, and that you don't have much time right now to devote to the company. Could I just go, if that's comfortable with you, a step further just to make sure that we're on the same page and to ask what it is that, just very generally and broadly, that you need to devote your time and financial resources to presently.

Mr S10 Oh, sorry Mister but I don't want to talk about this. It's very sensitive for me, experienced very hard days or months maybe or year. So, I don't think it's a part of this. I just want to finish and get the money and work on other things, which are much more important for me, maybe the most important thing right now. This is my daughter, and I don't think it's connected with the business [BMD]

The negative emotional tension is noticeable in the above-mentioned verbal encounter between Mrs Smith and Mr Sharp. Mrs Smith emphasises her understanding of difficulty "to delve into personal matters" [BMD]; however, it is difficult for her to understand that "something changed dramatically after many years of successful commercial cooperation" [BMD]. She insists on getting the answer to her question "what it is that, just very generally and broadly, that you need to devote your time and financial resources to presently" [BMD]. Mr Sharp objects strongly to Mrs Smith's inquiry by referring to the mediator e.g. "Oh, sorry Mister but I don't want to talk about this. It's very sensitive for me, experienced very hard days or months maybe or year. [...] This is my daughter, and I don't think it's connected with the business [BMD]. As indicated above, the deep-seated anger towards the other party-in-conflict due to past grievances creates the obstacle in mediation. The mediator effectively addresses this emotional aspect of the conflict by suggesting a caucus with Mr Sharp. In essence, understanding and managing affective attitudes are crucial for successful mediation. It is also essential to transfer the negative emotions into positive ones, since when the parties-in-conflict move beyond their

negative feelings, they become the parties-in-consent, concentrated on finding the best option for conflict resolution.

The quantitative analysis of the behavioural attitude is presented in Table 132 below.

Table 132

Descriptive statistics and analysis of variance for behavioural attitude

Behavioural Attitude									
Group	Stage	min	max	median	q1	q3	mean	sd	p
BM	1	2	3	2,00	2,00	2,25	2,25	0,50	group effect 0,283
BM	2	3	22	18,00	12,00	21,25	15,25	8,73	
BM	3	3	18	9,00	6,75	12,00	9,75	6,24	
BM	4	10	16	11,00	10,75	12,25	12,00	2,71	time effect 0,000
BM	5	1	4	4,00	3,25	4,00	3,25	1,50	
FM	1	2	3	2,00	2,00	2,25	2,25	0,50	group* time effect 0,278
FM	2	1	10	6,00	4,00	7,75	5,75	3,78	
FM	3	5	23	7,50	5,75	12,50	10,75	8,34	
FM	4	4	10	10,00	8,50	10,00	8,50	3,00	
FM	5	3	3	3,00	3,00	3,00	3,00	0,00	

The analysis of the behavioural attitude in the research groups shows no significant group effect but a significant time effect. The interaction of group and time effect is not statistically significant. Behavioural attitude shows no between-group difference but clear change across stages (group $p = .283$; time $p < .001$; interaction between group and time $p = .278$). In BM, scores jump from a low baseline (Stage 1 mean = 2.25) to a peak at Stage 2 (median = 18.00; IQR = 12.00–21.25; mean = 15.25; sd = 8.73), soften at Stage 3 (mean = 9.75), tick up slightly at Stage 4 (mean = 12.00), and drop back by Stage 5 (mean = 3.25). FM follows a gentler arc: Stage 1 mean = 2.25, rising through Stage 2 (mean = 5.75) to a maximum at Stage 3 (mean = 10.75), easing at Stage 4 (mean = 8.50), and settling lower at Stage 5 (mean = 3.00). Both groups thus trace a mid-process elevation with late-stage decline, consistent with the significant time effect and the non-significant interaction.

In the family and business mediations, the behavioural attitude is crucial for a successful mediation process. It involves the mediator's and parties'-in-conflict/consent active listening, empathy, respect, and careful processing of information. The behavioural attitude of the mediator and parties-in-conflict/consent refers to their observable actions and their verbal conduct in response to a specific family and/or business situation. It shows how they act verbally, involving both their emotions and cognition.

Behavioural attitudes are not internal feelings, emotions, or thoughts, but rather their external actions that result from their internal states. By observing the behavioural attitudes, the mediator and parties-in-conflict/consent understand the other party's behaviour and tailor their strategies to reach a conflict resolution. In essence, behavioural attitudes provide a window into how underlying attitudes translate into observable actions and how these actions are understood and potentially influence others. In structural element 3 of Stage 2 in *Business Mediation Demo* behavioural attitudes underlying the conflict are articulated by Mrs Smith, who states that "for the last 12 months [they] cannot work together" [BMD], she cannot agree to the give 70% to Mr Sharp, as "[her] position is, we stick to the division of profits 50/50". Behavioural attitudes are noticeable in Mr Sharp's and Mrs Smith's argumentation below,

Mr S28 She's acting like a generous lady, but she's not generous. She wants 50% and she deserves 30% maximum, so it's very easy to prove it. She said she's some tax recommendation.

Mrs S22 Okay, go prove it in court. I mean, if that's the conversation you wanna leave, go prove it in court, okay, I'm fine. Go prove it in court [BMD].

Mr Sharp's and Mrs Smith's behavioural attitudes are transferred into their verbal actions involving going to court and proving the division of profit in court.

The quantitative analysis of the cognitive attitude is presented in Table 133 below.

Table 133

Descriptive statistics and analysis of variance for cognitive attitude

Group	Stage	Cognitive Attitude							p
		min	max	median	q1	q3	mean	sd	
BM	1	3	6	3,50	3,00	4,50	4,00	1,41	group effect 0,407
BM	2	4	158	83,00	50,50	114,50	82,00	64,40	
BM	3	5	57	19,00	5,75	38,25	25,00	24,73	
BM	4	13	61	29,00	24,25	37,75	33,00	20,15	time effect 0,000
BM	5	2	32	7,00	5,00	14,00	12,00	13,57	
FM	1	3	6	4,00	3,75	4,50	4,25	1,26	group* time effect 0,079
FM	2	3	14	5,50	3,75	8,75	7,00	4,97	
FM	3	9	25	9,50	9,00	13,75	13,25	7,85	
FM	4	7	27	18,50	13,00	23,25	17,75	8,69	
FM	5	6	12	9,50	8,25	10,50	9,25	2,50	

The analysis of the cognitive attitude in the research groups shows no significant group effect but a significant time effect. The interaction of group and time effect is not statistically significant. Cognitive attitude shows no between-group difference (group $p = .407$) but a

pronounced change across stages (time $p < .001$); the interaction between group and time is not statistically significant ($p = .079$). In BM, scores start low (Stage 1 mean = 4.00), spike sharply at Stage 2 (median = 83; IQR = 50.50–114.50; mean = 82.00; sd = 64.40), then fall back through Stage 3–5 (means $\approx 25.00 \rightarrow 33.00 \rightarrow 12.00$). FM follows a steadier climb from Stage 1 (mean = 4.25) to a peak at Stage 4 (median = 18.50; IQR = 13.00–23.25; mean = 17.75), tapering at Stage 5 (mean = 9.25). The pattern—mid-process elevation followed by attenuation in both groups—aligns with the strong time effect and the non-significant interaction.

In family and business mediations, the cognitive attitude refers to the mediator's and parties' in-conflict/consent beliefs, thoughts, and knowledge. It is one of the three components of attitude, alongside the affective component, which is based on emotions, and the behavioural component, which is based on actions. The cognitive component involves the mediator's and parties' in-conflict/consent perceptions, ideas, and beliefs about the topic under discussion. For example, as indicated above, Mr Sharp has a negative attitude towards discussing his private matters in the business environment, and later on, in concluding part 4 of Stage 2 of *Business Mediation Demo*, he reveals the cognitive component of his attitude that includes his beliefs and thoughts, see below.

M1 I do respect your decision, Mr Sharp, entirely. I do understand that you may be in a difficult situation, you don't want to delve into. Now, what I did tell you in the very beginning is that at any time during the session you have the option to adjourn to a so called caucus or a private session with me. I do believe that now it would be a suitable time for us to adjourn to such separate meetings. How do you perceive this as an option?

Mrs S1 Well, if you think it would be useful...

M2 Indeed, indeed, I do.

Mr S1 So...

M3 This is shock, I understand entirely that it might be difficult for you.

Mr S2 Yes, to be fair really difficult. But if you think it will help us and lead us to do some settlement...

M3 Indeed, I think it will be a perfect solution to this impasse and the walking in circles that we found ourselves in, in the very beginning of this discussion. So, Mr Sharp, I know it's hard for you. Maybe we could, despite this, begin with a separate session with you.

Mr S3 Okay, let's do it. [BMD].

Mr Sharp reveals his cognitive attitude when he states that discussing his private matters in the caucus is difficult, namely, "to be fair really difficult" [BMD]. Although initially he hesitates to follow the mediator's suggestion of the caucus, he paraphrases the mediator's argumentation, e.g. [b]ut if you think it will help us and lead us to do some settlement" [BMD], and after active listening to the mediator's verbalised thoughts "I think it will be perfect solution to this impasse [...] So, Mr Sharp, I know it's hard for you. Maybe we could, despite this, begin with a separate session with you" he agrees to the caucus with the mediator, e.g. "Okay, let's do it" [BMD].

The quantitative analysis of the instrumental function is presented in Table 134 below.

Table 134

Descriptive statistics and analysis of variance for instrumental function

Instrumental function									
Group	Stage	min	max	median	q1	q3	mean	sd	p
BM	1	2	3	2,00	2,00	2,25	2,25	0,50	group effect
BM	2	3	22	18,00	12,00	21,25	15,25	8,73	
BM	3	3	18	9,00	6,75	12,00	9,75	6,24	time effect
BM	4	10	16	11,00	10,75	12,25	12,00	2,71	
BM	5	1	4	4,00	3,25	4,00	3,25	1,50	
FM	1	2	3	2,00	2,00	2,25	2,25	0,50	group* time effect
FM	2	5	10	7,50	6,50	8,50	7,50	2,08	
FM	3	6	23	9,00	8,25	12,50	11,75	7,63	
FM	4	4	10	10,00	8,50	10,00	8,50	3,00	
FM	5	3	3	3,00	3,00	3,00	3,00	0,00	

The analysis of the instrumental function in the research groups shows no significant group effect but a significant time effect. The interaction of group and time effect is not statistically significant. There is no evidence of a between-group difference in the instrumental function (group $p = .424$), while changes across stages are robust (time $p < .001$). The interaction between group and time is not significant ($p = .383$). In BM, the measure jumps from a low baseline (Stage 1 mean = 2.25) to a clear peak in Stage 2 (median = 18.00; IQR = 12.00–21.25; mean = 15.25), eases in Stage 3 (mean = 9.75), nudges up in Stage 4 (mean = 12.00), and drops back by Stage 5 (mean = 3.25). FM shows a gentler rise from Stage 1 (mean = 2.25) through Stage 2 (mean = 7.50) to a Stage-3 high (median = 9.00; IQR = 8.25–12.50; mean = 11.75), followed by a modest decline (Stage 4 mean = 8.50) and a low end state (Stage 5 mean = 3.00). The shared pattern—mid-process elevation with end-stage attenuation—drives the strong time effect without a differential group trajectory.

In the family and business mediations, the instrumental function refers to how behavioural attitudes help the mediator and the parties-in-conflict/consent achieve their desired outcomes and avoid negative consequences. In the context of the mediation process, the instrumental function of attitudes is a utility-based assessment where the mediator and the parties-in-conflict/consent weigh the potential benefits and drawbacks of a particular action towards the discussed topics. This function develops their positive or negative attitudes toward discussed topics based on the principle of maximizing positive outcomes and minimizing negative ones.

The instrumental function also develops through behaviour-related experiences that are associated with positive or negative consequences. In the mediation interaction, the instrumental function of positive attitudes towards the mediator and the party-in-conflict/consent offers support or positive reinforcement of the actions and choices that lead to desired outcomes. In essence, the instrumental function of attitudes highlights the pragmatic and goal-oriented nature of how the mediator and the parties-in-conflict/consent form their opinions and preferences.

The quantitative analysis of the knowledge function is presented in Table 135 below.

Table 135

Descriptive statistics and analysis of variance for knowledge function

Knowledge function									
Group	Stage	min	max	median	q1	q3	mean	sd	p
BM	1	3	6	3,50	3,00	4,50	4,00	1,41	group effect
BM	2	4	158	83,00	50,50	114,50	82,00	64,40	
BM	3	5	57	19,00	5,75	38,25	25,00	24,73	
BM	4	13	61	29,00	24,25	37,75	33,00	20,15	time effect
BM	5	2	32	7,00	5,00	14,00	12,00	13,57	
FM	1	3	6	4,00	3,75	4,50	4,25	1,26	group* time effect
FM	2	3	14	7,50	6,00	9,50	8,00	4,55	
FM	3	9	25	9,50	9,00	13,75	13,25	7,85	
FM	4	7	27	18,50	13,00	23,25	17,75	8,69	
FM	5	6	12	9,50	8,25	10,50	9,25	2,50	

The analysis of the knowledge function in the research groups shows no significant group effect but a significant time effect. The interaction of group and time effect is not statistically significant. No between-group difference emerges for the knowledge function (group $p = .491$), while changes across stages are pronounced (time $p < .001$). The interaction between group and time is not significant ($p = .139$). BM rises from a low baseline (Stage 1 mean = 4.00) to a sharp

Stage-2 peak (median = 83.00; IQR = 50.50–114.50; mean = 82.00), then contracts through Stage 3 (mean = 25.00) and Stage 4 (mean = 33.00) to a lower endpoint in Stage 5 (mean = 12.00). FM follows a steadier build—from Stage 1 (mean = 4.25) to Stage 2 (mean = 8.00), Stage 3 (mean = 13.25) and a Stage-4 high (median = 18.50; IQR = 13.00–23.25; mean = 17.75)—with a modest decline by Stage 5 (mean = 9.25). The common “mid-process rise, end-stage easing” pattern explains the strong time effect without a differential group trajectory.

In family and business mediations, the knowledge function refers to how attitudes help the mediator and the parties-in-conflict/consent understand, organise, and interpret conflict-related information and make the conflict manageable towards the conflict resolution. This function allows the mediator and the parties-in-conflict/consent to categorise and make sense of their experiences, reducing ambiguity and increasing cognitive efficiency. The knowledge function of the mediator and the parties' attitudes, whether in conflict or consent, provides a framework for understanding the roots of the conflict and determining the best course of action to resolve it. It contributes to the development of cognitive attitudes expressed by logical judgments and decisions to guide their responses. In the process of mediation, the parties'-in-conflict/consent knowledge function of attitudes help them organise the information in attributing the party's-in-conflict negative behaviour to situational factors rather than his/her characteristics. In essence, the knowledge function of attitudes in the family and business mediations highlights how the mediator's and the parties'-in-conflict/consent attitudes serve as cognitive tools that help them understand the complexities of the conflict and the options, with the best option for conflict resolution.

The quantitative analysis of the value expressive function is presented in Table 136 below.

Table 136

Descriptive statistics and analysis of variance for the value expressive function

Value expressive function									
Group	Stage	min	max	median	q1	q3	mean	sd	p
BM	1	1	1	1,00	1,00	1,00	1,00	0,00	group effect
BM	2	2	59	34,00	14,00	52,25	32,25	26,76	
BM	3	2	21	2,50	2,00	7,50	7,00	9,35	
BM	4	2	8	4,50	2,00	7,25	4,75	3,20	time effect
BM	5	2	6	4,00	2,00	6,00	4,00	2,31	
FM	1	1	1	1,00	1,00	1,00	1,00	0,00	group* time effect
FM	2	5	10	8,50	7,25	9,25	8,00	2,16	
FM	3	7	23	8,50	7,00	13,25	11,75	7,63	

FM	4	6	23	17,50	10,50	23,00	16,00	8,45
FM	5	2	9	8,00	5,75	9,00	6,75	3,30

The analysis of the value expressive function in the research groups shows a significant group effect and a significant time effect. The interaction of group and time effect is not statistically significant. Evidence points to a between-group difference (group $p = .006$) and a strong time effect (time $p < .001$), while the group-by-time interaction is not significant ($p = .165$).

In BM, values jump from a flat baseline at Stage 1 (mean = 1.00) to a sharp Stage-2 peak (median = 34.00; IQR = 14.00–52.25; mean = 32.25; sd = 26.76). They then drop markedly in Stage 3 (median = 2.50; mean = 7.00), stabilise at low levels in Stage 4 (median = 4.50; mean = 4.75) and Stage 5 (median = 4.00; mean = 4.00). FM shows a steadier, lower-amplitude trajectory: a minimal baseline at Stage 1 (mean = 1.00), a rise through Stage 2 (median = 8.50; mean = 8.00) and Stage 3 (median = 8.50; mean = 11.75), a Stage-4 high (median = 17.50; IQR = 10.50–23.00; mean = 16.00), and a modest easing by Stage 5 (median = 8.00; mean = 6.75). Overall, BM exhibits an early spike and greater volatility; FM builds gradually to mid-late stages and then tapers.

In family and business mediations, the value-expressive function of an attitude refers to how the mediator's and the parties'-in-conflict/consent attitudes help them express their core values, beliefs, and self-concept. Essentially, the value expressive function uses attitudes to communicate to the mediator and the parties-in-conflict/consent who they are and what they stand for. This function is closely tied to the mediator's and the parties'-in-conflict/consent identity and how they want to be perceived by others. In the family and business mediations, attitudes that serve a value-expressive function are closely related to their self-concept – the way they see themselves and their values. In the mediation process, the mediator and the parties-in-conflict/consent share their values, which are consistent with the family or business-related group or ideology. Their value-expressive attitudes encompass their views, beliefs, and attitudes towards the topics under discussion, all of which often reflect their core values and identity. In essence, the value expressive function in mediation highlights that the mediator's and the parties' attitudes are not just about their feelings, but also about how they present themselves in the conflict and resolution process, and how they connect with others based on shared values.

6.2.2 Transformation of conflict into conflict resolution

Conflict discussed in Chapter 1 in 1.1.2, 1.1.3 and 1.1.4 is transformed into conflict resolution following either Single-Mediator Model (Fairchild, McDaniel, 2017, p. 1262) (see Figure 5 in Chapter 1) or Multilevel Mediation Model (MacKinnon, 2014), (see Figure 6 in Chapter 1). The first type of conflict transformation is noticeable e.g. in *Business Mediation Demo*, *Business Grievance Mediation*, *Family Mediation in Action*, *An Inside Look at Family Mediation* or *Family Mediation Role Play*. The second type of conflict transformation is visible in e.g. *Business Mock Mediation in Action*, *International Business Mediation* or *Parenting Plan Family Mediation*.

As our research material is based on mock mediation, we should state it clearly here that it is an educational recorded material for the potential mediator as well as active mediators. As an educational material, mock mediation are based on the real -life scenarios but conducted by the highly experienced mediators, who know how to solve conflict. In fact, all those mock mediations in both groups include the elements of the psychotherapist skills. We do not imply that only psychotherapists should be mediators, but that the mediator is trained to help the parties-in-conflict with their emotional issues to understand their emotions and behaviour and to facilitate communication through active listening, empathy, and conflict resolution techniques.

With the standards of mediation identified in Stage 1, the mediator follows them throughout the mediation process to discover the underlying cause of the conflict, which frequently occurs in Stage 2 [BMD, BMMiA, IBM, PPFM, FMRP] or Stage 3 [BGM, AILaFM, FMiA] either in the joint mediation, e.g., PPFM or caucus, e.g. BMD. The identification of the problem becomes a key element in the mediation process, as it helps the parties-in-conflict understand their attitudes, emotions, needs, and values that ensure their boundaries and expectations.

The analysed mock mediations show that there is a difference between conflict transformation and conflict resolution. Conflict transformation in mediation focuses on the underlying dynamics of a conflict [PPFM, BMD, IBM, BMMiA]. It aims to foster positive change in relationships, communication and their mutual understanding and action, which leads to more constructive outcome in Stage 3 and Stage 4. Conflict transformation in mediation focuses on rebuilding relationships and long-term cooperation. Problem-solving is the ultimate aim of mediation and it focuses on finding a solution to the immediate problem, e.g. dating

versus parenting [AILaFM, FMiA, FMRP]. Conflict transformation in mediation emphasises changing the underlying patterns of interaction, communication and attitude that contribute to conflict resolution [PPFM, BMD, IBM, BMMiA].

In the group of business mediations, the central goal of conflict transformation is to rebuild relationships between Mr Sharp and Mrs Smith, the shareholders of the company. This conflict is resolved constructively and they start functioning as they used to when they were friends [BMD]. As Mrs Smith realises that the underlying causes of their conflict is the illness of Mr Sharp's daughter, she addresses the root issues and prevents future conflicts in structural element 3 of Stage 3, namely,

Mrs S3 So you need the money to support Lily and you need the time to take care of her.

Mr S4 For sure, to take care of her and according to the doctors I'm able to take care of her and not live in the hospital but take it to my home but I need to make some changes to our house and also take care of her by myself, so this is the reason I was not able to tell you.

Mrs S4 Yeah, I'm really sorry about the situation and I'm sure how difficult it is and how depressed you might have found in, not sharing it with me. I understand how frustrated you were with the situation and just let me know what I can do and then...

Mr S5 If we can handle that, this thing and just make sure, all this thing must be done for Lily, I would be very grateful.

By addressing the root causes and transforming the relationship dynamics, conflict transformation leads to more sustainable and lasting peace and cooperation between Mr Sharp and Mrs Smith [BMD]. This is also the turning point when the parties-in-conflict are transformed into the parties-in-consent to foster better communication and manage future conflicts constructively.

In *Business Mediation Demo*, *Business Grievance Mediation*, *Family Mediation in Action*, *An Inside Look at Family Mediation* or *Family Mediation Role Play*, the mediator acts as a trigger for conflict transformation by facilitating communication, helping parties-in-conflict understand each other's needs, and fostering a shift in perspective and behaviour (see Figure 5 in Chapter 1). This goes beyond simply resolving the conflict in the form of conflict resolution. In fact, it changes the underlying dynamics of the conflict and improve relationships.

In *Business Mock Mediation in Action*, *International Business Mediation* or *Parenting Plan Family Mediation* the mediator is a catalyst for conflict transformation (see Figure 5 in Chapter 1). The mediator helps the parties-in-conflict articulate their needs and perspectives, and fosters empathy and understanding. The mediator helps the parties-in-conflict see the conflict from different angles as the mediator shifts the focus from blame to shared interests. The mediator guides communication to be more constructive and less reactive, thus promoting active listening and respect.

We illustrate Multilevel Mediation Model (see Figure 6) on the example of *Parenting Plan Family Mediation*, as the mediator helps the parties -in-conflict understand each other's communication styles and work pressures, leading to a more collaborative and respectful environment, even beyond the specific issue that brought them to mediation.

In Stage 3 the reconstruction of vital and spiritual values shows the bearers of value structure that relate to the bearers of individual values, collective values, values of intention values of feeling states values of feeling states and values of action and values of success (see Chapter 1, 1.2.4, 1.2.5). The bearers of individual values are noticeable in Stephanie's and Glen's utterances when they discuss how many days Glen should spend with children. In the discussion of the topic of time, Glen shows the bearers of his intention "I want to get more active with them since we're not a you know cohesive family unit anymore. You know I'd like to take a look at that maybe become more involved in their sports activities. At least interest me more than you know the other some of the other stuff they're doing" [PPFM], as well as the bearers of values related to feeling-states which show his regret that they are no longer a cohesive family unit. The bearers of the values of action and those of success are linked with the bearers of collective values and values of intention in the mediator's utterance, i.e. "you might going forward become more evolved [...] We don't want to, I think just you know, have it a kind of Higley Pigley week to week, [...] we want we want some flexibility but we also want consistency within that" [PPFM]. The mediator's utterance is not only the paraphrase what the parties'-in-conflict have identified as their best option, but also the deliberation on topics of consistency, transition and flexibility with the verbal expression of the bearers of the values of feeling-states.

Similarly, to Stage 2, the reconstruction of the values of feeling- states shows the emotional diversification of the mediation participants. Despite the emotions of interest, acceptance and anticipation, both Glen and Stephanie display negative emotions related to complain and regret e.g. "I can't always plan a rigid schedule from week to week.... I can't sign them up because I don't know if you're going to be wanting to take them or not" [PPFM]. The

negative emotions that dominate the beginning of Stephanie's and Glen's interaction are transformed into positive ones with the help of the mediator who draws their attention to the topics of consistency, transition and flexibility as necessary prerequisite of the parenting plan mediation action and success. Similarly to Stephanie and Glen, the mediator also express the feelings of ego. However, there is an essential difference in this expression of the feelings of ego by the mediation participants in Stage 3. Both Stephanie and Glen express their negative and positive emotions reflecting their inner perceptions of their experience related to their separation. The mediator facilitates the mediation and express the positive feelings of ego that involves the present experience of causality, time and space as an entity under mediation.

In Stage 3 of the mediation process, the reconstruction results of the mediator's dialogue with Stephanie and Glen show vital and spiritual values as well as the positive emotions, see Table 137 below.

Table 137

The model of identifying options in its value and emotion structure representation: Stage 3 with 4 structural elements [PPFM]

S1 vital and spiritual values of safety and knowledge	S2, G1 vital and spiritual values of safety, quality, self-determination and knowledge M vital and spiritual values of safety, quality, neutrality, confidentiality, self-determination, and knowledge.	G2, G3 the vital and spiritual values of safety, self-determination, quality and knowledge M3 the vital and spiritual values of safety, quality, neutrality, self-determination, confidentiality, and knowledge	M4, M5 vital and spiritual values of safety, self-determination, quality and knowledge S3 vital and spiritual values of safety and quality.
S1	G1- M1- S2 -M2	G2 – M3- G3	M4-S3-M5
S1 interests and submission.	S2, G1 interests, feelings of the ego anticipation G complaint, regret M, interest, acceptance	G2, G3 interest, complaint anticipation, feelings of the ego, regret M interest,	M4 feelings of ego, interests, anticipation S3 joy, acceptance

In Stage 3, the mediator's, Stephanie's and Glen' dialogue show that the vital and spiritual values include the mediation value standards, i.e. confidentiality, neutrality, safety, self-determination and quality as well as values of knowledge, timeshare, intention, needs of children, success, flexibility and feeling states. The emotions articulated in verbal and nonverbal modes reveal the mediator's, Stephanie's and Glen's positive emotions of acceptance, anticipation, interest, and feelings of ego. Only Glen expresses the emotions of complaint in structural elements 2 and 3, which finally he converts into positive emotions in structural element 4.

The pragmatic analysis results show the Glen's external and internal conflict identified in Stage 2 is successfully mediated by the mediator in Stage 3. Due to his work schedule and clients' demand, Glen expects Stephanie to be flexible for his satisfaction of the need to meet children. The verbalisation of Glen's expectations towards Stephanie noticeable at the beginning of his utterance is immediately mediated by the mediator, who elaborates on the topics of practicality and consistence for both parents and children. The mediator's elaboration on those two aspects of the parenting plan prevents Stephanie from answering Glen's question and ultimately prevents their conflict from acceleration. In fact, it is the turning point in the mediation as Glen understands that mediation is based on equal rights between the parties-in-conflict. It also makes Glen aware that his expectations towards Stephanie are the cause of the conflict. Once Glen realises it, he undergoes internal transformation. As a result, Glen starts concentrating on his flexibility space to identify his option for the parenting plan agreement. At this Stage the facilitative function of the mediator contributes to Glen's transformation of negative values, emotions, and attitudes as well as attitudes function into positive ones.

6.2.3 Correlation in the dichotomy of attitudes and attitude functions

The correlation in the dichotomy of attitudes and attitude functions without splitting into BM and FM groups is presented below in Figure 69. The correlation in the dichotomy of attitudes and attitude functions in the BM group is presented below in Figure 70, and in the FM group in Figure 71.

Figure 69

Correlation of attitudes and attitude functions without splitting into groups

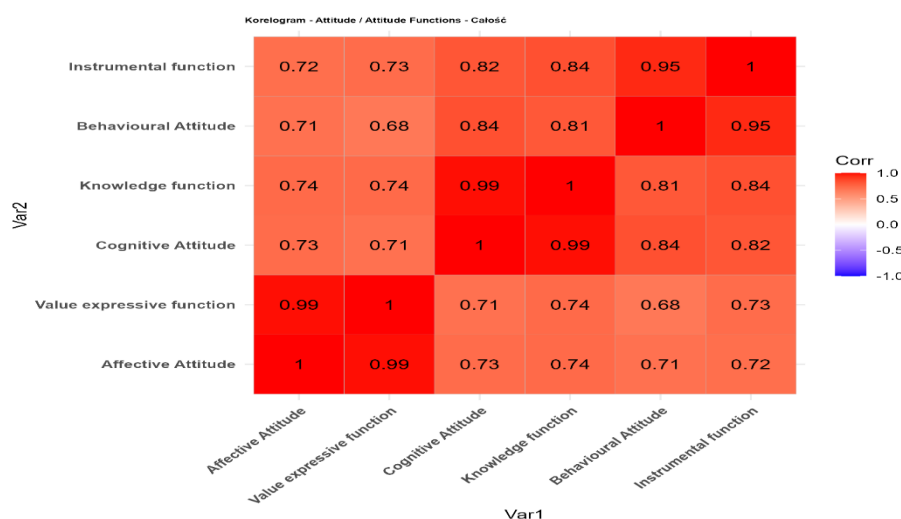


Figure 69 shows strong correlations between attitudes and attitude functions without splitting into BM and FM groups.

Figure 70

Correlation of attitudes and attitude functions in the BM group

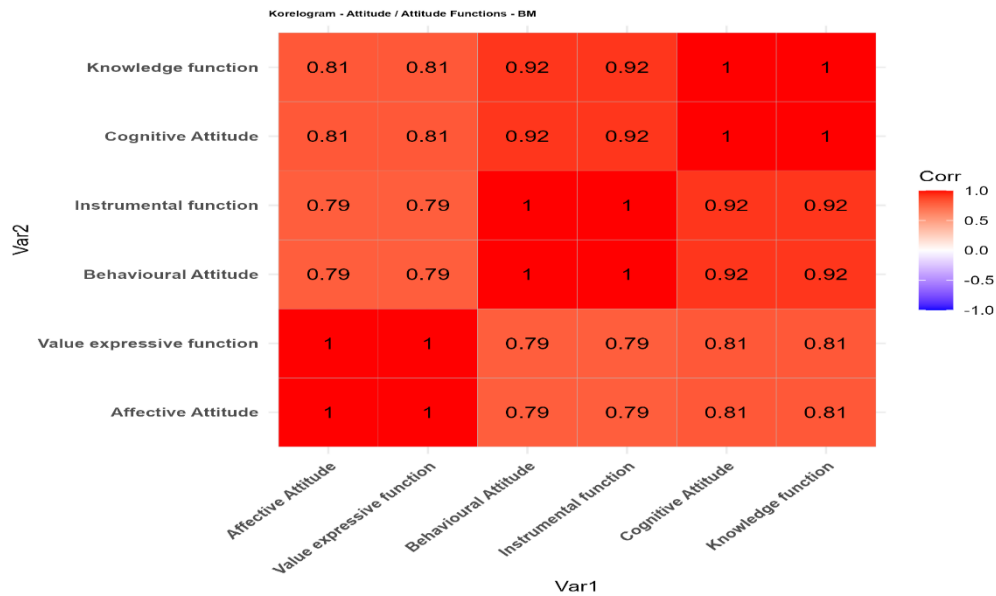


Figure 70 shows strong correlations between attitudes and attitude functions in the BM group.

Figure 71

Correlation of attitudes and attitude functions in the FM group

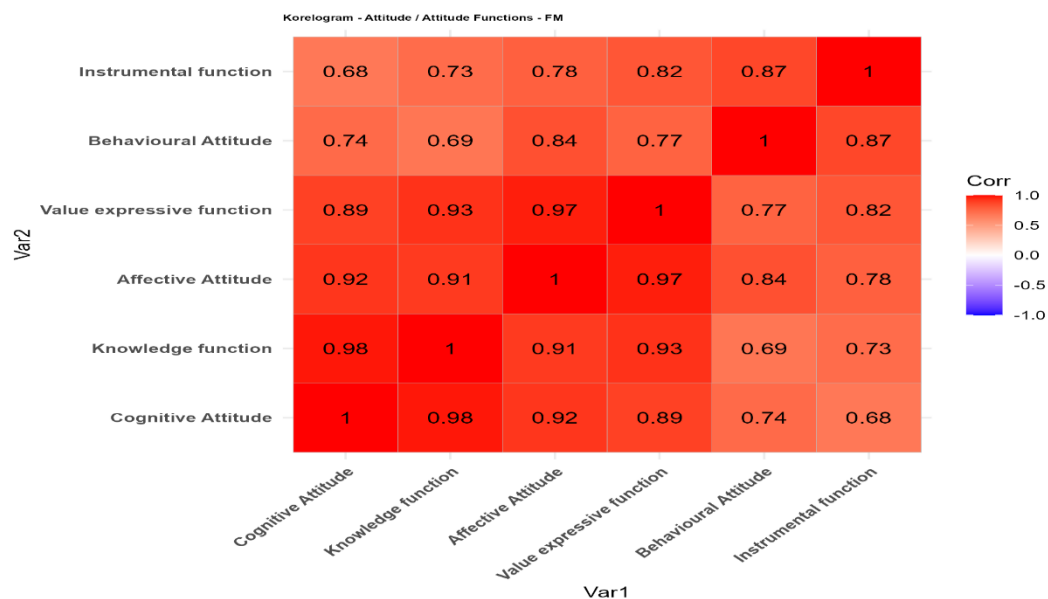


Figure 71 shows strong correlations between attitudes and attitude functions in the FM group.

In respect of Figures 69, 70, and 71, we draw the conclusion that **all components are strongly positively correlated with each other in both groups and without clustering.**

6.3 Conclusion

Chapter 6 reconstructs business and family mediations as an interactive communication of values, emotions, and attitudes, linking structural/semantic patterns to psychological layers and answering Q7–Q10. It models how these components unfold across the five stages in business (BM) and family (FM) mediations.

For values, both groups show strong stage effects, but no overall BM–FM difference. BM peaks early at Stage 2 for both Vital and Spiritual values and then declines; FM climbs steadily to Stage 4 and eases at Stage 5. Variability is much higher in BM (especially at the Stage-2 peak). ANOVAs confirm a significant time effect for Vital ($p = .003$) and for Spiritual ($p < .001$), with no significant group or group $\times$ time effects.

For emotions, BM concentrates affect in Stage 2 (notably Vigilance 100%, Complaint 95.65%, Serenity 82.14%, Regret 78.57%, Gratitude 61.90%, Interest 50.08%), then shifts toward Acceptance in Stages 3–5. FM is distinctive at Stage 1 for Gratitude and Trust (both 100%), builds mid-process tension with Complaint and Regret peaking at Stage 3, and reaches highest Acceptance at Stage 4 before softening. Inferentially, Complaint shows significant group, time, and interaction effects; Interest shows a significant group $\times$ time interaction without an overall group difference; Gratitude is strongly higher in BM with a significant interaction; Feelings of ego shows a strong time effect and a borderline group effect ($p = .050$). Several emotions (e.g., Acceptance, Anticipation, Serenity, Submission, Vigilance) display robust time effects with limited or no group differences.

For attitudes and attitude functions, BM's profile is an early, Stage-2 surge: Affective/Value-expressive, Cognitive/Knowledge, and Behavioural/Instrumental all crest there and fall back. FM rises more evenly, with Behavioural/Instrumental peaking at Stage 3 and Affective/Value-expressive and Cognitive/Knowledge peaking at Stage 4, then tapering.

ANOVAs show consistent time effects across components; Affective attitude and Value-expressive function also differ by group (BM higher), while Behavioural/Instrumental and Cognitive/Knowledge show no between-group differences. Interactions are generally non-significant, indicating similar overall temporal shapes despite different peak timings.

Correlation maps link these pieces into coherent bundles. Without splitting groups—and again within BM—values and emotions form one larger, positive cluster; FM shows several

smaller positive clusters. Overall, BM exhibits more and stronger correlations than FM, consistent with its concentrated Stage-2 surge. For attitudes/functions, all components correlate strongly and positively in both groups, with no clear clustering.

Taken together, Chapter 6 shows that time is the main driver of change: BM features an early, high-intensity spike (Stage 2) followed by attenuation, while FM builds steadily to a later consolidation (Stages 3–4) and then eases. Group differences appear mostly in how trajectories unfold (through interactions for specific emotions and in the timing of attitude/function peaks), rather than in persistent level offsets.

The positive correlations are identified between dichotomies topics and interactions, emotions and values as well as attitudes and attitude functions as shown in Appendix 13. The conclusions of the identified correlations are presented below, namely,

1. The variable I1 politeness and gratefulness shows a significant positive correlation with I3a united by previous knowledge (0.35), I3b united by timeshare for children (0.48), T1 togetherness (0.60), T15 progress of negotiation (0.64), T22 impartiality (0.51), and E1 acceptance (0.46).
2. The variable I1 politeness and gratefulness shows a significant negative correlation with T18 identification of the problem (-0.32), E3 complaint (-0.36), and E10 submission (-0.32).
3. The variable I2 separate state of the parties-in-conflict/consent shows a significant positive correlation with I3a united by previous knowledge (0.71), T17 business parties' interests (0.51), T18 identification of the problem (0.53), T23 business intentions (0.76), E1 acceptance (0.45), E2 anticipation (0.42), E6 interest (0.35), Vital Values (0.32), Spiritual Values (0.32), Behavioural Attitude (0.38), and Instrumental function (0.37).
4. The variable I3a united by previous knowledge shows a significant positive correlation with T1 togetherness (0.33), T13 individual parent/party (0.50), T17 business parties' interests (0.36), T18 identification of the problem (0.56), T20 communication (0.33), T23 business intentions (0.56), E1 acceptance (0.46), E6 interest (0.49), E9 serenity (0.37), E11 vigilance (0.42), E4 feelings of ego (0.40), Vital Values (0.44), Spiritual Values (0.58), Affective Attitude (0.33), Behavioural Attitude (0.47), Cognitive Attitude (0.43), Instrumental function (0.44), and Knowledge function (0.43).
5. The variable I3b united by timeshare for children shows a significant positive correlation with T2 timeshare (0.40), and E1 acceptance (0.32).

6. The variable I3c united by the parties'-in-conflict/consent interests shows a significant positive correlation with: E3 complaint (0.34).
7. The variable I3d united by getting information shows a significant positive correlation with T8 basic information (0.46), T9 modality (0.41), T13 individual parent/party (0.40), T14 new reality (0.36), T18 identification of the problem (0.34), T19 money (0.58), T20 communication (0.91), E6 interest (0.45), E9 serenity (0.50), E11 vigilance (0.97), E4 feelings of ego (0.57), Vital Values (0.40), Spiritual Values (0.60), Affective Attitude (0.53), Behavioural Attitude (0.34), Cognitive Attitude (0.42), Value expressive function (0.53), Instrumental function (0.36), and Knowledge function (0.43).
8. The variable I3e united by acceptance shows a significant positive correlation with T2 timeshare (0.51), and T7 mediator's experience (0.37).
9. The variable I3f united by confirmation shows a significant positive correlation with T8 basic information (0.54), T9 modality (0.49), T12 individual action for success (0.53), T13 individual parent/party (0.44), T14 new reality (0.50), T19 money (0.50), T20 communication (0.34), T21 shareholding (0.66), E3 complaint (0.44), E6 interest (0.40), E9 serenity (0.39), E4 feelings of ego (0.45), E5 gratitude (0.62), E7 regret (0.64), Vital Values (0.46), Spiritual Values (0.32), Affective Attitude (0.40), Cognitive Attitude (0.46), Value expressive function (0.45), and Knowledge function (0.47).
10. The variable T1 togetherness shows a significant positive correlation with T15 progress of negotiation (0.87), and T22 impartiality (0.78).
11. The variable T2 timeshare shows a significant positive correlation with T5 practicality (0.50), T6 condition of success (0.56), and T7 mediator's experience (0.83).
12. The variable T3 needs of children shows a significant positive correlation with T7 mediator's experience (0.42), T9 modality (0.31), T14 new reality (0.43), and E3 complaint (0.33).
13. The variable T4 parents' interests shows a significant positive correlation with T11 mediator's initiative (0.53).
14. The variable T5 practicality shows a significant positive correlation with T6 condition of success (0.56).
15. The variable T6 condition of success shows a significant positive correlation with T7 mediator's experience (0.47), T11 mediator's initiative (0.44), and E1 acceptance (0.33).
16. The variable T8 basic information shows a significant positive correlation with T9 modality (0.39), T12 individual action for success (0.68), T13 individual parent/party

(0.91), T14 new reality (0.80), T18 identification of the problem (0.59), T19 money (0.92), T20 communication (0.75), T21 shareholding (0.73), E3 complaint (0.50), E6 interest (0.90), E9 serenity (0.81), E11 vigilance (0.54), E4 feelings of ego (0.94), E5 gratitude (0.80), E7 regret (0.70), Vital Values (0.84), Spiritual Values (0.85), Affective Attitude (0.83), Behavioural Attitude (0.60), Cognitive Attitude (0.92), Value expressive function (0.83), Instrumental function (0.59), and Knowledge function (0.92).

17. The variable T9 modality shows a significant positive correlation with T13 individual parent/party (0.38), T14 new reality (0.52), T16 needs of the parties (0.34), T19 money (0.41), T20 communication (0.48), E9 serenity (0.47), E11 vigilance (0.37), E4 feelings of ego (0.38), E5 gratitude (0.33), Vital Values (0.32), Spiritual Values (0.32), Affective Attitude (0.31), and Value expressive function (0.34).
18. The variable 'Visualisation of success' shows a significant positive correlation with E10 trust (0.58).
19. The variable T11 mediator's initiative shows a significant positive correlation with E1 acceptance (0.35).
20. The variable T12 individual action for success shows a significant positive correlation with T13 individual parent/party (0.71), T14 new reality (0.61), T18 identification of the problem (0.39), T19 money (0.70), T21 shareholding (0.73), T23 business intentions (0.32), E3 complaint (0.53), E6 interest (0.68), E9 serenity (0.56), E4 feelings of ego (0.66), E5 gratitude (0.71), E7 regret (0.74), Vital Values (0.64), Spiritual Values (0.53), Affective Attitude (0.59), Behavioural Attitude (0.46), Cognitive Attitude (0.70), Value expressive function (0.59), Instrumental function (0.45), and Knowledge function (0.70).
21. The variable T13 individual parent/party shows a significant positive correlation with T14 new reality (0.82), T18 identification of the problem (0.68), T19 money (0.86), T20 communication (0.68), T21 shareholding (0.62), T23 business intentions (0.41), E3 complaint (0.57), E6 interest (0.92), E9 serenity (0.80), E11 vigilance (0.51), E4 feelings of ego (0.90), E5 gratitude (0.70), E7 regret (0.64), Vital Values (0.87), Spiritual Values (0.87), Affective Attitude (0.78), Behavioural Attitude (0.67), Cognitive Attitude (0.92), Value expressive function (0.77), Instrumental function (0.66), and Knowledge function (0.92).
22. The variable T14 new reality shows a significant positive correlation with T18 identification of the problem (0.47), T19 money (0.81), T20 communication (0.62), T21 shareholding (0.68), E3 complaint (0.62), E6 interest (0.74), E9 serenity (0.72),

- E11 vigilance (0.43), E4 feelings of ego (0.81), E5 gratitude (0.69), E7 regret (0.75), Vital Values (0.74), Spiritual Values (0.72), Affective Attitude (0.71), Behavioural Attitude (0.55), Cognitive Attitude (0.76), Value expressive function (0.72), Instrumental function (0.55), and Knowledge function (0.76).
23. The variable T15 progress of negotiation shows a significant positive correlation with T22 impartiality (0.66).
24. The variable T17 business parties' interests shows a significant positive correlation with T23 business intentions (0.48).
25. The variable T18 identification of the problem shows a significant positive correlation with T19 money (0.59), T20 communication (0.50), T23 business intentions (0.72), E2 anticipation (0.44), E3 complaint (0.49), E6 interest (0.64), E9 serenity (0.69), E11 vigilance (0.47), E4 feelings of ego (0.66), Vital Values (0.54), Spiritual Values (0.63), Affective Attitude (0.49), Behavioural Attitude (0.59), Cognitive Attitude (0.59), Value expressive function (0.49), Instrumental function (0.60), and Knowledge function (0.59).
26. The variable T19 money shows a significant positive correlation with T20 communication (0.83), T21 shareholding (0.67), E3 complaint (0.46), E6 interest (0.88), E9 serenity (0.79), E11 vigilance (0.65), E4 feelings of ego (0.95), E5 gratitude (0.72), E7 regret (0.69), Vital Values (0.81), Spiritual Values (0.84), Affective Attitude (0.85), Behavioural Attitude (0.64), Cognitive Attitude (0.88), Value expressive function (0.86), Instrumental function (0.64), and Knowledge function (0.88).
27. The variable T20 communication shows a significant positive correlation with T21 shareholding (0.35), E6 interest (0.71), E9 serenity (0.72), E11 vigilance (0.94), E4 feelings of ego (0.83), E5 gratitude (0.42), E7 regret (0.33), Vital Values (0.68), Spiritual Values (0.80), Affective Attitude (0.76), Behavioural Attitude (0.52), Cognitive Attitude (0.71), Value expressive function (0.77), Instrumental function (0.54), and Knowledge function (0.71).
28. The variable T21 shareholding shows a significant positive correlation with E3 complaint (0.46), E6 interest (0.65), E9 serenity (0.49), E4 feelings of ego (0.67), E5 gratitude (0.88), E7 regret (0.88), Vital Values (0.66), Spiritual Values (0.52), Affective Attitude (0.63), Behavioural Attitude (0.40), Cognitive Attitude (0.71), Value expressive function (0.63), Instrumental function (0.39), and Knowledge function (0.71).
29. The variable T23 business intentions shows a significant positive correlation with E1 acceptance (0.36), E2 anticipation (0.37), E6 interest (0.45), Vital Values (0.34),

- Spiritual Values (0.37), Behavioural Attitude (0.42), Cognitive Attitude (0.38), Instrumental function (0.42), and Knowledge function (0.38).
30. The variable E1 acceptance shows a significant positive correlation with Vital Values (0.32), Spiritual Values (0.35), Affective Attitude (0.35), Behavioural Attitude (0.42), Value expressive function (0.34), and Instrumental function (0.40).
 31. The variable E2 anticipation shows a significant positive correlation with E6 interest (0.33), E10 submission (0.34), Vital Values (0.37), Spiritual Values (0.37), Affective Attitude (0.38), Behavioural Attitude (0.45), Cognitive Attitude (0.33), Value expressive function (0.40), Instrumental function (0.51), and Knowledge function (0.33).
 32. The variable E3 complaint shows a significant positive correlation with E6 interest (0.43), E9 serenity (0.64), E4 feelings of ego (0.52), E5 gratitude (0.45), E7 regret (0.65), Vital Values (0.48), Spiritual Values (0.38), Affective Attitude (0.52), Behavioural Attitude (0.50), Cognitive Attitude (0.47), Value expressive function (0.53), Instrumental function (0.55), and Knowledge function (0.47).
 33. The variable E6 interest shows a significant positive correlation with E9 serenity (0.72), E11 vigilance (0.55), E4 feelings of ego (0.95), E5 gratitude (0.67), E7 regret (0.60), Vital Values (0.92), Spiritual Values (0.95), Affective Attitude (0.84), Behavioural Attitude (0.78), Cognitive Attitude (0.99), Value expressive function (0.84), Instrumental function (0.77), and Knowledge function (0.99).
 34. The variable E9 serenity shows a significant positive correlation with E11 vigilance (0.60), E4 feelings of ego (0.84), E5 gratitude (0.51), E7 regret (0.50), Vital Values (0.68), Spiritual Values (0.71), Affective Attitude (0.69), Behavioural Attitude (0.49), Cognitive Attitude (0.72), Value expressive function (0.69), Instrumental function (0.48), and Knowledge function (0.72).
 35. The variable E11 vigilance shows a significant positive correlation with E4 feelings of ego (0.67), Vital Values (0.50), Spiritual Values (0.70), Affective Attitude (0.62), Behavioural Attitude (0.45), Cognitive Attitude (0.52), Value expressive function (0.61), Instrumental function (0.45), and Knowledge function (0.52).
 36. The variable E4 feelings of ego shows a significant positive correlation with E5 gratitude (0.68), E7 regret (0.64), Vital Values (0.89), Spiritual Values (0.93), Affective Attitude (0.87), Behavioural Attitude (0.74), Cognitive Attitude (0.95), Value expressive function (0.87), Instrumental function (0.74), and Knowledge function (0.95).
 37. The variable E5 gratitude shows a significant positive correlation with E7 regret (0.84), Vital Values (0.63), Spiritual Values (0.53), Affective Attitude (0.60), Behavioural

- Attitude (0.33), Cognitive Attitude (0.72), Value expressive function (0.60), Instrumental function (0.31), and Knowledge function (0.72).
38. The variable E7 regret shows a significant positive correlation with Vital Values (0.62), Spiritual Values (0.46), Affective Attitude (0.61), Behavioural Attitude (0.41), Cognitive Attitude (0.66), Value expressive function (0.62), Instrumental function (0.42), and Knowledge function (0.66).
 39. The variable Vital Values shows a significant positive correlation with Spiritual Values (0.91), Affective Attitude (0.87), Behavioural Attitude (0.72), Cognitive Attitude (0.93), Value expressive function (0.88), Instrumental function (0.72), and Knowledge function (0.93).
 40. The variable Spiritual Values shows a significant positive correlation with Affective Attitude (0.88), Behavioural Attitude (0.80), Cognitive Attitude (0.94), Value expressive function (0.88), Instrumental function (0.79), and Knowledge function (0.94).
 41. The variable Affective Attitude shows a significant positive correlation with Behavioural Attitude (0.77), Cognitive Attitude (0.87), Value expressive function (1.00), Instrumental function (0.77), and Knowledge function (0.87).
 42. The variable Behavioural Attitude shows a significant positive correlation with Cognitive Attitude (0.78), Value expressive function (0.76), Instrumental function (0.98), and Knowledge function (0.78).
 43. The variable Cognitive Attitude shows a significant positive correlation with Value expressive function (0.87), Instrumental function (0.77), Knowledge function (1.00)
 44. The variable Value expressive function shows a significant positive correlation with Instrumental function (0.77), and Knowledge function (0.87).
 45. The variable Instrumental function shows a significant positive correlation with Knowledge function (0.77).

Conclusions

The key research problem of the dissertation – stated as *how professional mediation discourse for conflict resolution is organised and functions* – has been solved based on *eight cases set up in two groups of our research sample, four of which refer to family mediation and the other four to business mediation. To solve it, we studied literature from four mediation corpus sources, i.e., legal, academic, and mediation and mock mediation corpus as such. It has helped us*

(1) collect the optimal research sample,

(2) reconstruct the qualitative and quantitative research data, which permitted to carry out both case studies and multiple comparative analyses of cases in accord with key discourse categories,

(3) take a methodological choice, based on integrative and triangulation methods.

(4) set three hypotheses on practical analysis.

All three hypothesis, namely,

Hypothesis 1 - there is a significant relationship between the number of categories studied, depending on the stage of mediation, and a significant difference between business and family mediation,

Hypothesis 2 - there are significant correlations between the categories used,

Hypothesis 3- there are specific groupings of categories that are correlated with each other, forming clusters

have been verified with the following results

Hypothesis 1 is confirmed for a number of categories, and tables with detailed interpretation are made for all of them (see Chapters 4, 5, 6).

Hypothesis 2 is confirmed for a number of categories (see Chapters 4, 5, 6 and Appendixes 11, 12, 13).

Hypothesis 3 is confirmed by showing the existence of clusters within the studied categories. (see Chapters 4, 5, 6 and Appendixes 11, 12, 13).

To render the study more insightful, we have chosen the integrative methodological perspective theory and theoretical modelling procedure within the Causal Genetic Approach to theoretical discourse modelling. This approach adds to the mediation academic corpus of research to show how professional mediation transforms the conflict into conflict resolution through the linguistic representation of mediation as an activity and to shape the parties'-in-

conflict knowledge, affective and instrumental attitudes, their vital and spiritual values as well as their feeling states expressed through language in use in the mediation process.

The research results have been discussed at both macro and micro levels of discourse functioning. At **the macro level**, the discourse of professional mediation appears is represented by the family discourse community under mediation. At this macro level, the professional mediation discourse is approached from **Text Linguistics and Discourse Linguistics**, which are positioned in Linguistic traditions incorporating the theories of semiology and semiotics, lingua-semiotic theories, discourse theories, communication theories, and pragmatic theories. The integrative and complex interdisciplinary studies have been the focus of our attention because they specify language, text, and textual as well as verbal action as research elements to reconstruct the content produced by Language-in-Use (Saussure, 1916, 1959, 1983, Halliday, 1978, 1994, Halliday and Matthiessen, 2004) and the context as a part of the content of a language sign (Peirce, 1931-1958, 1992a, 1992b, 1955a 1955b, Scollon, 2001). Additionally, the research in our dissertation is based on Social Studies (Kleinginna and Kleinginna, 1981; Plutchik, 1962; 1980, 1991; Katz, 1960; Eagly and Chaiken, 1993; Haddock and Maio, 2008) and Communication Studies tradition (West and Turner, 2018; Barge, 2009). Finally, the theoretical and empirical research is based on macro-linguistic traditions (Maingueneau, 2002; Oukhvanova, 2016, 2018, 2020, Swales, 1990).

In our dissertation, **mediation discourse** is viewed as **a phenomenon, idea, and activity**. This triple structure of the mediation discourse results in the **integrative functional model of each stage of the mediation process** and, finally, the **holistic, integrative functional model of the mediation process**. The theories involved in this research, and embedded in Text Linguistics and Discourse Linguistics, are the text theories (e.g., de Beaugrande, Dressler, 1981; Swales, 1990) and discourse theories, e.g., Causal Genetic Approach (Oukhvanova, 2016, 2018, 2020), Critical Discourse Analysis (e.g., Fairclough, 1995a, 1995b, Stubbs, 1983; van Dijk, 1991, Wodak, and Meyer, 2001) and Habermas's (1984) Theory of Communicative Acts, focusing on its meaningful model of action. With this theoretical background, we have achieved the goal and provided the answers to all research questions.

The **findings of the research** presented in our dissertation allow us to conclude that **professional mediation is a complex phenomenon, idea, and activity not only as a philosophical, psychological, and legal concept but also as a linguistic entity capable of transforming conflicts into conflict resolutions**. In this respect, the findings of our study

provide more insights into the nature of **conflict and its transformational process into conflict resolution**.

The conclusion to the analysis results presented in Chapter 4 refers to professional **mediation discourse** as **an idea**, as family and business mediation is a particular type of discourse where content and context are equally important. They form a reciprocal frame in which mediation content and context structure consists of elements supporting each other. A dialectic idea of accepting the categories of a contrastive nature into holistic dichotomies is essential in the Causal-genetic approach. So, it is natural that this approach, being functionally oriented, considers the opportunity to evaluate the functional quality of discourse via attracting verification practices from the inter and intradisciplinary approaches.

The verification analysis using the categories of text linguistics shows that applying its categories as cluster-built units adds essential knowledge to the know-how architecture. It refers to how the discourse of family and business mediation is organised and functions. The research has demonstrated a **repeated pattern of each stage organisation**. We conclude that each structural element of the mediation stage is based on one of these clustering sets, i.e., in all five stages, the **introductory part** of that actualises in its structure the **dichotomy “informativity – situationality”**. The **dichotomy “intentionality – acceptability”** reveals itself in the **central part** of each stage organisation. The **dichotomy “intertextuality – interdiscursivity”**, closely related to discourse linguistics, appears in the **concluding part** of each stage in family and business mediations. Further research on the material of the professional mediation discourse may verify this specific trait of our research object.

The conclusion to **professional mediation discourse** as a **phenomenon** refers to the applied categories of CGA. In our research, we have used the key (as if confronting) **categories** of the CGA **“referents”** and **“corteges”** – the **phenomena**, which function as highly informative signs as they are viewed in their development – referents as structured, evaluated, and verbally represented, and corteges as evaluated, sequentially developed and formatted. The research shows that these categories help us see family and business mediation as an interactive, contextualized, oriented type of discourse that actualises itself in a specific format organisation with typical patterns of interaction, just as specific, individually chosen textual action and socially and culturally dependent context.

In CGA, the results of the reconstruction analysis show that **professional mediation discourse** is an **activity** targeted at conflict resolution. The reconstructed strategies, as intentional moves, construct reality, both verbal and nonverbal, actual and potential (latent). The research reveals that the strategy of applying object-bias strategies in family and business

mediation is strong, though subject-bias strategies remain necessary, specifically for framing the family and business mediation stages and structural elements.

The empirical research sample is based on Professional Mock Mediation Online to understand **how language influences the mediation process for a win-win outcome**. In other words, **how the conflict is transferred into conflict resolution** (Q 9). The research results show that the **conflict transformation into conflict resolution** is the outcome of the mediation process that consists of **5 stages**, each organised into introductory, central, and concluding parts involving structural elements 1 for an introductory part, structural elements 2 and 3 for the central part, and structural element 4 for the concluding part.

The reconstruction of the conceptual meanings in the mediation discourse shows that in both business mediation and family mediation groups, **conflict is both intrapersonal and intrapersonal**. The **intrapersonal conflict** results from the **discrepancy between parenting needs and professional needs**. This psychological conflict goes together with the **interpersonal conflict** between the parties-in-conflict as one party-in-conflict expects the other party-in-conflict to be flexible. The expectation that **only one party-in-conflict** should be **flexible** may result in mediation failure or **a win-loss mediation outcome**. The results show that **flexibility** is expected from both parties-in-conflict to **reach conflict resolution** and finish with the **win-win mediation outcome**.

The **reconstructed mediation process** follows the linear communication model (cf. Figure 16) as the analysed mediation shows its structure and semantics as well as psychological and philosophical aspects related to values, emotions, and attitudes. The mediation process also follows the interactional communication model (cf. Figure 17) as the mediator frequently provides feedback to the parties'-in-conflict/consent and shares his experience and knowledge with them. Since we have analysed the mediation process with a positive result, we can conclude here that the transactional model of communication (cf. Figure 17) is the best one for reaching success, as the parties-in-conflict should share the field of experience or knowledge, which is gradually built during the mediation process starting with Stage 1.

The reconstructed mediation process is based on five stages, which vary in terms of content related to referential/thematic and cortege structure, topic and interaction structure, communication strategy and argumentation structure, illocutionary act and intended perlocutionary act structure, value and emotion structure, and attitude and attitude function structure. These stages confirm the know-how research questions ranging from Q1 to Q10.

The conducted analyses show **how conflict is transformed into conflict resolution and confirm research question Q9**. The results confirm our assumption that **interpersonal**

conflict has its roots in intrapersonal conflicts and should be mediated as presented in the Single-Mediator Model (Figure 5) and Multi-level Mediation Model (Figure 6). Therefore, it is necessary **to identify the cause of the conflict** in professional mediation, which may be done **through the question-answer frame**. Once the parties-in-conflict realise the intrapersonal cause of conflict, they try to find **semantic space for a change**, as indicated in Stage 2 in the case of Glen's intrapersonal and interpersonal conflict. **The knowledge of the cause of the conflict is essential for transforming the conflict into conflict resolution, as exemplified in the dissertation.**

The **conflict transformation into conflict resolution** is a gradual step-by-step process that goes through stages. In the mediation process, the mediator consciously or subconsciously helps the parties-in-conflict identify their intrapersonal conflict between their parenting and professional needs. To achieve success, the parties-in-conflict should define their flexibility in the semantic space for a change. As shown in the dissertation, if the parties in conflict define flexibility, they start to mediate to reach a win-win mediation outcome. The **conflict transformation into conflict resolution goes through the stages of identifying the options (Stage 3), identifying the best option (Stage 4), and preparing the agreement (Stage 5).**

The conflict transformation into conflict resolution is skilfully managed by the mediator, who focuses the attention of the parties'-in-conflict to mediation topics. He informs the parties-in-conflict about the topics which the parties'-in-conflict should take into consideration. In **Stage 1**, the mediator deals with topics such as needs, **time**, and **success**. Although Stage 1 is the mediator's monologue, he informs the parties what is needed to reach success. In the mediator's terms, the parties should provide information on their needs as well as the needs of children in the temporal dimension to achieve success. In **Stages 2, 3, and 4**, the **topics of needs, time, flexibility, transition, and consistency** are the **sources of information, knowledge, and experience** shared during the mediation process. **Stage 5** confirms the horizontal multi-level hierarchy of discourse topics with **a slight change in the temporal dimension.**

The results of the communication strategies and argumentation, as well as Speech Acts analyses, show that the relationship between them is differently structured through the stages of the mediation process. Additionally, the results of the conducted analyses related to communication strategies, argumentation, and Speech Acts show how the mediator manages the mediation process and which communication strategies, argumentation forms, and illocutionary act types and forms the mediator uses at different mediation stages to facilitate the conflict resolution.

The results of the conducted analyses in Chapters 4 and 5 lead us to the conclusion that the mediation process is not only a communicative action but also a cognitive, affective and behavioural action expressed through language-in-use. The axiological and psychological layers of values, emotions, and attitudes are interwoven in the complex relationship structure (see Appendix 11, 12, 13), however, they are differently organised in the stages of the mediation process. The results show that the mediator's and the parties'-in-conflict/consent feelings and emotions are related to the values expressed in their cognitive, affective, and behavioural attitudes. The structures of their mental acts are verbalised and convey the semantics of their feelings, thinking, and willingness. The stratification of their emotions with the system of values shows that the mediator's and the parties'-in-conflict/consent emotions and values are interrelated in their functional and intentional layers and expressed in the language use. Their emotions and values are expressed at the affective, cognitive, and behavioural levels of their attitudes which perform their instrumental, ego-defensive, values-expressive, and knowledge functions, thus leading to the attitude change. As indicated above, the results show that flexibility contributes to the shift in attitude toward conflict transformation into conflict resolution.

Additionally, based on the results of the analyses, we conclude that **four inherent categories of discourse** are actualised in the mediation process. **Format**, as a situation of communication and a social macrostructure, builds certain norms of interaction/message exchange in mediation discourse. The presence of the mediator is a specific constraint for the parties-in-conflict. The mediator sets up the format for the parties-in-conflict to follow when he starts with the maxima of communication politeness. The format set up by the mediator leads to conflict resolution. **Genre** is another category through which the mediator and the parties-in-conflict/consent present their points of view either in a monologue or a dialogue. The reconstruction of **interactivity** brings a deeper understanding of the parties'-in-conflict/consent social practices. **Orientation** reveals that when the parties-in-conflict/consent attitude is focused on the topics to be discussed, they are target-oriented to discuss the future, not the past, which results in conflict resolution.

The conducted analyses reflect **new knowledge** related not only to discourse of professional mediation as a special type of discourse and the content-context structure actualised as a multi-dichotomy-based functional structure, but also to correlations between the categories under discussion (see Appendices 11, 12, 13) in family and business mediations for conflict resolution and the relationship between open coding, axial coding and selective coding (see Appendix 14) to be subject to further research in terms of their statistical verifications.

Summary in English

The dissertation, *Discourse of Professional Mediation for Conflict Resolution*, covers the research **problem** of how professional mediation is organised and functions to transform conflict into conflict resolution. We reconstruct the referential and interactional, content-context structures and object vs. subject-biased strategies, topics and interactions, communication strategies and argumentation, illocutionary and intended perlocutionary acts, values and emotions, as well as attitudes and attitude functions not only to fulfil the aim of the dissertation but also to generate know-how to manage conflict with the language-in-use.

The theories involved in this research, and embedded in Text Linguistics and Discourse Linguistics, are the text theories (e.g., de Beaugrande, Dresseler, 1981; Swales, 1990) and discourse theories, e.g., Causal Genetic Approach (Oukhvanova, 2016, 2018, 2020), Critical Discourse Analysis (e.g., Fairclough, 1995a, 1995b, Stubbs, 1983; van Dijk, 1991, Wodak, and Meyer, 2001) and Habermas's (1984) Theory of Communicative Acts, focusing on its meaningful model of action. With this theoretical background, we have achieved the goal and provided the answers to all research questions.

The findings of the research presented in our dissertation allow us to conclude that professional mediation is a complex phenomenon, idea, and activity not only as a philosophical, psychological, and legal concept but also as a linguistic entity capable of transforming conflicts into conflict resolutions. In this respect, the findings of our study provide more insights into the nature of conflict and its transformational process into conflict resolution.

Our dissertation consists of the theoretical and empirical parts, preceded by the Introduction and succeeded by the Conclusions. The theoretical part comprises three chapters, whereas the empirical part comprises three data analysis chapters that report and discuss the results. The first two theoretical chapters review the literature related to mediation and discourse. The third theoretical chapter provides the methodological background and describes the operational methods for analysing the collected data. We discuss the results of our empirical research in Chapters 4, 5, and 6.

The first theoretical chapter, *Mediation with underlying conflict - An Interdisciplinary Perspective*, focuses on mediation as a professional activity and a process. Mediation as a professional activity concentrates on the linguistic perspective on mediation, philosophical perspective on conflict, communication perspective on conflict, psychological perspective on conflict and mediation, and psychological perspective on emotions and attitudes. Mediation as a process discussed from an interdisciplinary angle, i.e., linguistic perspective on the Mediator,

typology of mediation practices, current international law on professional mediation, Discursive Psychology on mediation, and Philosophical perspective on values and feelings in mediation

The second theoretical chapter, *Architecture of Discourse*, provides the literature review in three sections: discourse theories of both phenomenological and ideational character, discourse as an idea and activity, and integrative theories of discourse. The first section includes the ontological approach to the definitions of discourse, semiology and semiotic theories, lingua-semiotic theories, and critical discourse approach (CDA). The second section covers text theory as a part of discourse theory, communication modelling theories, pragma dialectic models of argumentation narration and representation theories, discourse community representation theory, and genre theory of discourse. The third section relates to integrative theories of discourse as activity, Habermas's theory of social action, Fairclough's theory of textual action and Oukhvanova's causal-genetic integrative perspective, approach and theoretical modelling of different discourses.

The third chapter, *Methodological approaches to practical analysis*, consists of two sections: the discussion of the methodological background and the description of the research design. The first section embraces six methodological perspectives of research, a qualitative research paradigm, and reconstruction as a primary research method and a method of argumentative discourse. The second section describes the research sample, practical research problems, data collection techniques, and the empirical analysis procedure.

The fourth chapter, *Reconstruction and modelling of professional mediation discourse within its dichotomy, organisation and functioning - a case of family and business mediation*, focuses firstly on the content-context reconstruction based on discourse representation via textual categories actualized in dichotomy-built clusters, secondly on the referent-cortège clusters reconstruction, and thirdly on the reconstruction of the dichotomy "object-subject targeted strategies" as a verification analysis. Chapter 4 finishes with the integrative functional model of mediation discourse as a phenomenon, idea, and activity within the Causal Genetic Approach (CGA) and Causal Genetic Modelling (CGA).

The fifth chapter, *Reconstruction of Mediation Process as a communicative action - a case of family and business mediation*, focuses on the relationships between mediation topics and interaction, mediation communication strategies and argumentation, and Speech acts in mediation, with an emphasis on illocutionary act types and forms.

The sixth empirical chapter, *Reconstruction of mediation process as a cognitive, affective, and behavioural action - a case of family and business mediation*, is based on axiological discourse analysis and psychological discourse analysis. The former concentrates on the reconstruction of values and emotions in the mediation process, whereas the latter focuses on the reconstruction of attitudes and attitude functions in mediation.

Summary in Polish

Rozprawa doktorska, *Dyskurs profesjonalnej mediacji dla rozwiązania konfliktu*, obejmuje problem badawczy, w jaki sposób profesjonalna mediacja jest zorganizowana i funkcjonuje w celu przekształcenia konfliktu w jego rozwiązanie. Rekonstruujemy odniesienia i interakcje, struktury treści-kontekstu oraz strategie przedmiotowe i podmiotowe, tematy i interakcje, strategie komunikacyjne i argumentację, rodzaje i formy aktów illokucyjnych, wartości i emocje, a także postawy i funkcje postaw nie tylko po to, aby zrealizować cel rozprawy, ale także, aby wygenerować know-how do zarządzania konfliktem za pomocą używanego języka.

Teorie zaangażowane w te badania i osadzone w lingwistyce tekstu i lingwistyce dyskursu to teorie tekstu (np. de Beaugrande, Dresseler, 1981; Swales, 1990) i teorie dyskursu, np. Causal Genetic Approach (Oukhvanova, 2016, 2018, 2020), krytyczna analiza dyskursu (np. Fairclough, 1995a, 1995b, Stubbs, 1983; van Dijk, 1991, Wodak i Meyer, 2001) oraz teoria aktów mowy, aktów komunikacyjnych Habermasa (1984), koncentrująca się na znaczącym modelu działania. Dzięki tym teoretycznym podstawom osiągnęliśmy cel i udzieliliśmy odpowiedzi na wszystkie pytania badawcze.

Wyniki badań przedstawione w naszej rozprawie pozwalają nam stwierdzić, że profesjonalna mediacja jest złożonym zjawiskiem, ideą i działaniem nie tylko jako koncepcja filozoficzna, psychologiczna i prawna, ale także jako byt językowy zdolny do przekształcania konfliktów w ich rozwiązanie. W tym względzie wyniki naszego badania zapewniają lepszy wgląd w naturę konfliktu i jego proces przekształcania się w rozwiązanie.

Nasza rozprawa składa się z części teoretycznej i empirycznej, poprzedzonych wstępem i zakończonych wnioskami. Część teoretyczna obejmuje trzy rozdziały, podczas gdy część empiryczna składa się z trzech rozdziałów poświęconych analizie danych, w których przedstawiono i omówiono wyniki. Pierwsze dwa rozdziały teoretyczne zawierają przegląd literatury związanej z mediacją i dyskursem. Trzeci rozdział teoretyczny przedstawia tło metodologiczne i opisuje operacyjne metody analizy zebranych danych. Wyniki naszych badań empirycznych omawiamy w rozdziałach 4, 5 i 6.

Pierwszy rozdział teoretyczny, *Mediacja z ukrytym konfliktem - perspektywa interdyscyplinarna*, koncentruje się na mediacji jako działalności profesjonalnej i na procesie mediacyjnym. Mediacja jako działalność profesjonalna obejmuje językową perspektywę

mediacji, filozoficzną perspektywę konfliktu, interpersonalną komunikacyjną perspektywę konfliktu, psychologiczną perspektywę konfliktu i mediacji oraz psychologiczną perspektywę emocji i postaw. Mediacja jako proces jest przedstawiona z interdyscyplinarnego punktu widzenia, tj. lingwistycznej perspektywy mediatora, typologii praktyk mediacyjnych, aktualnego prawa międzynarodowego dotyczącego mediacji profesjonalnej, psychologii dyskursywnej mediacji oraz filozoficznej perspektywy wartości i emocji w mediacji.

Drugi rozdział teoretyczny, *Architektura dyskursu*, zawiera przegląd literatury w trzech obszarach: teorii dyskursu o charakterze zarówno fenomenologicznym, jak i ideacyjnym, dyskurs jako idea i aktywność oraz integracyjne teorie dyskursu. Pierwszy obszar obejmuje ontologiczne podejście do definicji dyskursu, semiologię i teorie semiotyczne, teorie językowo-semiotyczne oraz krytyczne podejście do dyskursu (CDA). Drugi obszar obejmuje teorię tekstu jako część teorii dyskursu, teorie modelowania komunikacji, pragma-dialektyczne modele narracji argumentacyjnej i teorie reprezentacji, teorię reprezentacji społeczności dyskursu oraz gatunkową teorię dyskursu. Trzeci obszar odnosi się do integracyjnych teorii dyskursu jako aktywności, teorii aktywności społecznej Habermasa, teorii działania tekstowego Fairclougha i przyczynowo-genetycznej integracyjnej perspektywy Profesora Iriny Oukhvanovej, podejścia i teoretycznego modelowania różnych dyskursów.

Rozdział trzeci, *Metodologiczne podejścia do analizy praktycznej*, składa się z dwóch części: omówienia podstaw metodologicznych i opisu projektu badawczego. Pierwsza część obejmuje sześć metodologicznych perspektyw badawczych, paradygmat badań jakościowych oraz rekonstrukcję jako podstawową metodę badawczą i metodę dyskursu argumentacyjnego. Druga część opisuje próbę badawczą, praktyczne problemy badawcze, techniki zbierania danych oraz procedurę analizy empirycznej.

Czwarty rozdział empiryczny, *Rekonstrukcja i modelowanie profesjonalnego dyskursu mediacyjnego w ramach jego dychotomii organizacja i funkcjonowanie - mediacje rodzinne i biznesowe*, koncentruje się po pierwsze na rekonstrukcji treści-kontekstu w oparciu o reprezentację dyskursu za pomocą kategorii tekstowych zaktualizowanych w elementach strukturalnych mediacji w ramach omawianych dychotomii, po drugie na rekonstrukcji tematów i relacji w elementach strukturalnych mediacji, a po trzecie na rekonstrukcji dychotomii „strategie ukierunkowane na obiekt-podmiot” jako analiza weryfikacyjna. Rozdział 6 kończy się integracyjnym modelem funkcjonalnym dyskursu mediacyjnego jako zjawiska, idei i aktywności w ramach przyczynowego podejścia genetycznego (CGA) i przyczynowego modelowania genetycznego (CGA).

Rozdział piaty, *Rekonstrukcja procesu mediacji jako działania - mediacje rodzinne i biznesowe*, koncentruje się na związkach między tematami mediacji a interakcją, strategiami komunikacji mediacyjnej a argumentacją oraz aktami mowy w mediacji, z naciskiem na rodzaje i formy aktów illokucyjnych.

Rozdział szósty, *Rekonstrukcja procesu mediacji jako działania poznawczego, afektywnego i behawioralnego - mediacje rodzinne i biznesowe*, opiera się na aksjologicznej i psychologicznej analizie dyskursu mediacyjnego. Pierwsza z nich koncentruje się na rekonstrukcji wartości i emocji w procesie mediacji, podczas gdy druga skupia się na rekonstrukcji postaw i funkcji postaw w mediacji.

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Appendix 1
Transcript of Part 1 of Family Mediation
FM 1- Parenting Plan Family Mediation
Organised into Stages, Parts and Structural Elements

Stage 1 of Parenting Plan Mediation

Introductory part (Stage 1)

Structural element 1: M1-M2

- M1 Well, thank you both for coming in today.
- M2 From what I understand from speaking with you both previously, one of the first issues that we need to address is who has the children with.

Central part (Stage 1)

Structural element 2: M3-M4

- M3 What we refer to as the timeshare.
- M4 So, what we want to talk about today is what makes based on the needs of your children and your schedules your flexibility or lack thereof and your work schedules, and how we can come up with something that's practical and meet your children's needs both in the short term and in the long term. The possibility to divide those up depending on, you know, what we want to do.

Structural element 3: M 5-M6

- M5 Do we want to try some things out in the short term? see how that works; or do we want to go directly into a long-term plan? so we'll see what works best for the two of you.
- M6 How I usually like to start out is just to get some basic information about your schedules and start to see what we can do to get this information to build a good parenting plan.

Concluding Part (Stage 1)

Structural element 4: M 7

- M7 So would one of you like to start with what you're looking for what you think would work best as far as when each of you has the children.

Stage 2 of Parenting Plan Mediation

Introductory part (Stage 2)

Structural element 1: S1

- S1 Well, I think they need to spend their weekday nights at my house so that they can get their homework done and eat, have a consistent place to live.

Central part (Stage 2)

Structural element 2: M1-G1-M2

- M1 Okay, so consistency during the midweek nights is important to you. Okay, okay, okay. Glen, what are your basic thoughts?
- G1 Well I'd like to share time with them during the week too. Though I don't see any problem with having them spend a night or two over my house. I can have them do

homework ay. You know where I am, - Okay, okay so that's I say, get work with them. Well, we're in a whole different arrangement. Now things have been, are different now that we're split ok

- M2 often, sometimes there is a certain transition, or sometimes just a very direct flash cut depending on how things happen with the different timetables. Once one person moves out. So I always work with the understanding that we're starting from scratch. Here we need to look at what's happened in the use that. But I also try to work with people not to make assumptions that what has happened in the past is what's going to happen in the future. Because it's a very different circumstance or both of you, okay, with that approach, okay. So, let me back up even a little more and talk to both you about your work schedules since you started last time. Do you mind if I start with Glen Clint? Tell me a little bit about the structure of your work, you know, the number of hours you work or flexibility that kind.

Central part (Stage 2)

Structural element 3: G2 -M3 -G3

- G2 Of thing well I have a pretty demanding schedule. My clients take a lot of my time now that I've been spending more time with the kids. I've tried to structure it a little more but I work hard during the week. And you know having the kids spend most of the nights of the week with Stephanie. You know that's okay with me I'm just like you know one or two nights to you know keep in touch with them during the week so that I've got time with them and it's not just being a weekend dad or something like that
- M3 okay great great, So your work hours are fairly demanding. You have some flexibility, but your clients sometimes might demand that their you work extra hours
- G3 Is that accurate? You know the client emergencies and I work hard but usually I can I can set certain periods of time during the week and try to keep to that you know if it's one or two nights you know generally that's under my control.

Concluding Part (Stage 2)

Structural element 4: M4

- M4 What we're going to be doing here is building the typical structure of course. There's going to be deviations or things that come up emergencies etc. That we'll need to build a structure for and we will we'll have a flow chart that talks about the scheduled parent. The parent that was normally scheduled during that time the parent. And whether the other parent would be willing to take over if there's an emergency. And then we'll also talk about what I call approved caregivers. These are people there both of you are comfortable with taking care of the children if an emergency comes up or something happens with your schedule. So we'll work through that process. But what we're looking at right now is how do we come up with the typical timeshare range who has two children when. And what I'm hearing from you is that you're fine with Stephanie having the children the majority of the weeknights, but you'd like to be able to break up that time period a little bit so that you had some interaction with the children. Oh, a night or two during the week great so a few. What you can you can respond in one or two ways. You can just tell me originally what your thoughts were which I think you went over a little bit before. Or you can respond to what, what Glen is saying. What are your thoughts on maybe having him having the children?

Stage 3 of Parenting Plan Mediation

Introductory part (Stage 3)

Structural element 1: S1

S1 maybe, having him, having the children one or two nights a week.

Central part (Stage 3)

Structural element 2: G1- M1- S2 -M2

G1 night three thinking about. Well, I was necessarily thinking about any particular nights. I have to look at my schedule I mean if you could be flexible from week to week that's probably the easiest for me because I can't always plan a rigid schedule from week to week.

M1 let me just throw something out here. Because again I started this off by saying what we want to do is look with practical for the two of you but we also want to integrate the needs of the children and while that might be practical for you.

My concern there is that consistency for the children can be very helpful. So it might be helpful if we and I don't know if these are the unites but you know Tuesday Thursday nights they were with you or maybe it's back-to-back nights so there's not as many transitions.

S2 transition which is another. The same days every week because otherwise if they want to do like something after school then I can't sign them up because I don't know if you're going to be wanting to take them or not.

M2 or generally, the studies have shown that more consistency is better for the children. They understand okay Monday Tuesday I'm a dad's house, Wednesday Thursday Friday I'm at mom's, or whatever it's going to be. But the minimizing of the transitions back and forth is generally better. And having as much consistency week to week is better. Do you think that's something you can make work with your schedule?

Central part (Stage 3)

Structural element 3: G2-M3-G3

G2 Sure that you know I can pick them up during the nights that I'm going to have them mm-hmm

M3 Now are there certain activities that either of you are involved in that you are coaches for activities or you're very involved in certain activities for either of the children

G3 Children well I haven't been up until now but you know now that I want to get more active with them since we're not a you know cohesive family unit anymore. You know I'd like to take a look at that, maybe, become more involved in their sports activities. At least interests me more than, you know, the other some of the other stuff they're doing.

Concluding part (Stage 3)

Structural element 4: M4-S3-M5

M4 okay so you might going forward become more evolved and that gets us back to having some flexibility in the parenting plan. We don't want to, I think just you know, have it a kind of Higley Pigley week to week. You know it's Monday this week it's Thursday the next week. But this also doesn't have to be set in stone for the next 13 years. Since you've got a five year old and we want we want some flexibility but we also want consistency within that.

So of things scheduled if the schedule changes because the sports seasons change or the activities change, you could either work that out on your own informally or you could come back in and see me and we could work through that. I generally try to work with people on at least every other yearly basis and often times a yearly basis.

So that we have a proactive meeting. We get together, we talk about what's working what's not working what we need to change in the parenting plan, and also kind of

error in any of the issues that have come up during that time frame. So that instead of things exploding at six o'clock on a weeknight when either of you have had a long day and things don't just go well in the transition with the children. We get a chance to proactively address those issues so that's something we'll talk about more down the road. They're really good. Yeah, anything so makes sense to me. Okay, what I generally do is we build it into the agreement and there's an opt-out clause so if both of you agree. One year everything's fine we don't need to come in. You don't have to come in and meet with me. But if one of you says I really think we should get together then the agreement is that both parties come in or both of you, okay, with that.

S3

it's really good, yeah, great thank you.

M5

We'll we'll build that into the agreement.

Appendix 2

Transcript of Part 2 of Family Mediation - Parenting Plan Family

Mediation

Organised into Stages, Parts and Structural Elements

Stage 4 of Parenting Plan Family Mediation

Introductory part (Stage 4)

Structural element 1: M1-S1- M2

- M1** Now let's... let's talk about what makes sense. Now one of your... one of the things that was really important to you was the consistency and minimizing the transitions with the children. So, we're there: certain nights, certain midweek nights you think it'd be good for them to be with you.
- S1** Are we doing ... are we doing okay? Can I just ask first? Are we doing like every other weekend or we haven't addressed it yet.
- M2** we haven't addressed it yet.

Central part (Stage 4)

Structural element 2: S2-G1-S3-M3-S4-G2-M4-S5-M5-S6-M6-G3

- S2** because then that might make a difference on what days during the week you could take earlier in the week. Oh Glen, would that make a difference to you? I mean, no they're gonna mix one day, these are lighter workdays for you. I think I'd rather work like early in the week, so, I don't know if you could take earlier in the week.
- G1** Earlier in the week alright. Maybe I was thinking midweek because then you know if I had them on the weekends, then it wouldn't be as many days we can meet.
- S3** maybe we get to the weekend Friday Saturday Sunday. And then one of us takes Monday Tuesday, one of us takes Wednesday, Thursday, that way it's the same every week okay.
- M3** and that's the plan that a lot of people find works well. One parent has Mondays and Tuesdays nights consistently. The other parent has Wednesday and Thursday nights consistently. And then the weekend includes Friday if you're going out of town or if there's something going on oftentimes it can be helpful to have the children starting from when they get out of school on Friday. So, you were asking you started this by asking. How can we alternate weekends? Would that be your preference and I come in?
- S4** Okay, if Glen... could you take two days during the week?
- G2** the week okay yeah that makes sense to me okay?
- M4** which do you think would work better for you in general? You said that.
- S5** I'd rather have them on Monday or Tuesday.
- M5** okay do you want them on Monday or Tuesday.
- S6** Yeah.
- M6** And you, Glen, for Wednesday Thursday.
- G3** Yeah.

Central part (Stage 4)

Structural element 3: M7, S7, M8, S8, M9, S9, M10, S10, M11, G4

- M7** so, Monday Tuesday they'll be with Stephanie, Wednesday Thursday they will be with Glen and then we'll alternate every weekend.
- S7** now that sounds good.
- M8** Does it work for you?
- S8** yes, it does.
- M9** okay does it work for you?
- S9** yeah. That's great for me, that's me, if he doesn't, you know them. Do we put something in if he's not able to take care of the children?
- M10** absolutely.
- S10** come to my house instead then or he would call me or how would that work?
- M11** Okay let me explain to you a typical structure that I use and see if it works for you, okay? And, this is a coverage flowchart. And, by coverage, I mean who has responsibility for the children. What we oftentimes do is we've got the scheduled parent, the parent who is supposed to pick them up or be with them at a certain time. If that scheduled parent can't make it then the other parent has what I call the right of first refusal. So the ... the scheduled parent calls the other parent and says I can't make it. I can't pick them up, that kind of thing, And the other parent gets to have the right of first refusal to say I'd like to take care of the children during that time but they don't have the responsibility to do that if they have something else going on. Then it would go to the approved caregivers you both have agreed upon that way if just by using what you're talking about and but no ... no disrespect plan but if you do start having to work late a lot. It's not that Stephanie has to take the children but she has the option to and if she doesn't the responsibility for scheduling and paying for a caregiver would fall on you during your time. What do you think about that structure?
- G4** that's why I'm going to be. I'm sure they're going to be sometimes with Stephanie. I won't be able to take the kids to and hopefully, I'll be able to arrange my schedule so that I can spend time with them yeah

The concluding part (Stage 4)

Structural element 4: M12, S11, G5, M13, G6

- M12** This is the best balance I've seen between maximizing the time that you each get to spend with the children. And also not creating a burden on one party if the other party has a lot of emergencies or you know their schedule is changing a lot. Does that work for both okay?
- S11** will you pick them up from school?
- G5** yeah.
- M13** or after work?
- G6** Well, it depends from week to week. But I'm gonna try to make the time. So I can do it. I'll pick them up from school, okay?

Stage 5 of Parenting Plan Family Mediation

Introductory part (Stage 5)

Structural element 1: M1-S1

- M1** so I just want to confirm the agreement we have here because we basically came up with the timeshare in a very short period. The timeshare is one of the most significant elements of the parenting plan. So what I'm understanding is that on Monday and Tuesday nights, they are going to be with you Stephanie. Wednesday and Thursday nights are going to be with you, Glen. And weekends are gonna consist of Friday Saturday Sunday night so starting whenever they get out of school on Friday.

S1 And you have the alternative weekends Is that correct?
 then whoever has them for the weekend takes them to school on Monday.

Central part (Stage 5)

Structural element 2: M2- S2-G1-M3-G2-M4

M2 That was gonna be my next question is how far is that weekend extent? Is that fine whoever has them for the weekend has them Sunday night, takes him to school the next morning?

S2 I think it is better if they can spend more time.

G1 That's fine with me.

M3 okay okay and this is also the added benefit of the transitions. Generally if not exclusively being at school. So what have you dropped them off? Sure the other one picks them up and that well like you said does minimize the interaction between the two of you, especially during this stressful period at the beginning.

G2 everyone I have it that way. I can take them on my way to work and then we don't have to see each other.

M4 okay great there are a lot of other things that we're going to work through as far as the parenting plan, a lot of the exceptions, talking about holidays, birthdays, special days, how we deal with summer vacation, Spring Break. There are a lot of other things that we're going to deal with to round out the parenting plan, to come up with a comprehensive parenting plan. But the two of you just achieved what is the lion's share of the parenting plan. And that is the date, the typical day-to-day schedule so that's a great job. And I think what we'll do is in our next session. We'll move into the details of all the other things as I mentioned the holidays except.

Central part (Stage 5)

Structural element 3: S3- M5- S4- M6- G3

S3 What if this arrangement doesn't work out are we stuck with this?

M5 Well let's talk about that. What I would say is since we're beginning mediation we start this plan now and see how it works out over the next year too. As we're working through the other issues such as support and division of property and then we'll kind of have a test run, if you will, to see how it's working out. And if it is working out great we stick with what we have. If it's not working out we, we address the issues and see what we're doing. But to answer your question very directly anything in mediation is confidential until we write it up in a judgement and submit it to the court. So since it's confidential that means it's not binding until you submit it to the court. So right now my expectation is this is the agreement until the two of you specifically discuss something different but that doesn't preclude us from discussing something different. Did that answer your questions?

S4 yeah no.

M6 Glen? Do you have any questions?

G3 that's fine with me let's see how it works and you know try to make it work. If we need some adjustments later we'll talk about it then parenting when I worry about failure at the beginning.

Concluding part (Stage 5)

Structural element 4: M7

M7

Parenting is messy and things are always changing especially with five and ten-year-olds. They're going to be going through different, different developmental stages. They're going to be going through different activities. And that's why we have the yearly review and we try to keep up to date on what's going on and deal with any issues as they come up. But right now we've got a great plan. I think that both of you are comfortable with and we'll see how it works out okay works out okay. Thank you very much. Great job today.

Appendix 3

Transcript of Part 1, Part 2 and Part 3 of Family Mediation in Action Organised into Stages, Parts and Structural Elements

Part 1

Stage 1 of Family Mediation in Action

Introductory part (Stage 1)

Structural element 1: M1-M2

M1 You'll know from your intersession that our conversations here are confidential.

M2 They stay within family mediation.

Central part (Stage 1)

Structural element 2: M3

M3 My job quite simply is to help you to have the conversation that you want to have about Rosie and Eden.

Structural element 3: M 4

M4 So whatever we talk about I'll always be going from one side to the other to get both points of view.

Concluding Part (Stage 1)

Structural element 4: M 5 - M 6

M5 What are the things that you want to talk about this morning.

M6 Who would like to start Kate.

Stage 2 of Family Mediation in Action

Introductory part (Stage 2)

Structural element 1: K1

K1 The one who's ever turned up at 10 o'clock in the morning ever and twice he hasn't arrived at all. When I give him around so he appeared late for a few weeks.

Central part (Stage 2)

Structural element 2: Ma1

Ma1 The first time that she's talking about I did turn up but I turned up late. I hadn't it. I turned up late but they were gone from the house by that point. So there's nothing I can do about that.

Central part (Stage 2)

Structural element 3: Ma2

Ma2 But the second time I over ran on something that I was doing and I wasn't able to make it. I did try to call. there's no answer at the house.

Concluding Part (Stage 2)

Structural element 4: M1

M1 There is a need to make some negotiation here for the children's sake.

Stage 3 of Family Mediation in Action

Introductory part (Stage 3)

Structural element 1: M1

M1 So the contact that we're supposed to happen didn't happen in a smooth way and as a result it's broken down. That's what you're telling me.

Central part (Stage 3)

Structural element 2: Ma1- M2- Ma2 -K1-Ma3-K2-Ma4-K3-M3-Ma5-K4

Ma1 The last time. I saw my children. I was like half an hour and half an hour is justification in her mind to stop me seeing the children.

M2 You say you are planning to do a weekend contact. What would the routine be for you and children.

Ma2 It depends on what we do when we go. On Saturday if we go out we go to the zoo. I will treat them

K1 Chips, chips, chips?

Ma3 I will treat them chips, whatever chips and burger, whatever. It is once a week.

K2 Honestly, I am sorry, I could be late (ironic)

Ma4 On Sunday, I cooked for them. It was a hot day but we were cooking together.

K3 That's a lie, absolute lie.

M3 Ok.

Ma5 That's not a lie.

K4 Absolute rubbish.

Central part (Stage 3)

Structural element 3: K5- Ma6- M4- K6- M5- Ma7-M6- Ma8

K5 He's got his own place now. He's got his own flat and I don't know. I didn't see inside it. I don't know what it looks like. I don't know what they've got. I don't know what their beds look like at all but there's a new girlfriend. So is there her stuff in the house as though there is her stuff in the bathroom. I have no idea. Does she live here. Does she move out for a weekend. Or as when she is there. And I know they haven't made. I know they really haven't made and they're not gonna meet her, for well. they're just not gonna meet her actually.

Ma5 The decision that I have made is no they haven't met because yeah they're not quite ready to realize that I've, I've moved on from their mom. And I know that I'm not I'm not as immature as she seems to think I am. I know that.

M4 Okay, so it is obviously something on the horizon..

K6 They're aware of. They know

M5 I want you both to talk about first of all to each other without me right?

What I'm going to propose to is that we meet next week.

Ma6 Sorry to interrupt but are we able to meet again tomorrow.

M6 No, not tomorrow Matt. What I was going to suggest is that our next meeting should be in a week's time, which covers this weekend.

Ma7 Which this weekend, I'm not again not gonna see my children.

Concluding part (Stage 3)

Structural element 4: M7- Ma8- M8- K7

M7 What we regard this session as is the homework or the ground work that we do for making contact happen and in fact next week's session would the agenda would be to plan the contact weekend. What you've done today it might not seem very much because it might be might feel very negative to you. But in fact you have looked at what are real

concerns to you both and you've named them. You want the contact to happen again. Both of you both said. You've both talked about how the children are anxious for it to happen again in order for contact to happen and not only to happen once a month but to continue to happen. The the communication between you two as parents is vital. You can't continue to argue because that is what exposes children to upset. That it's not the fact that you've split apart that hurts the children so much as the fact that if you continue the warfare with each other now. I always hold in my mind a kind of a a mental picture of the children here and over them there is an umbrella or like a rainbow that protects them. That rainbow is the communication between mom and dad and if they if your children know that you're meeting and you're talking about them they'll feel safe. But if that rainbow is not there above their head, if mom and dad don't talk to each other the children, even if it's something said they feel it they feel the hostility. They feel frostiness. The next week's agenda quite simply is let's get the show on the road. Let's plan the next weekend the Saturday the Sunday Let's plan the time. Let each other know in general what you're going to do and then make it happen. Did you understand?

Ma8 yeah

M8 Okay Is that fair with you Kate?

K7 thank you it is

One week later

Part 2

Stage 4 of Family Mediation in Action

Introductory part (Stage 4)

Structural element 1: K1- M1-K2- M2- Ma1

K1 All possible. Could you phone before you leave your house, just to tell that you are on your way so that we know that you're definitely on your way.

M1 So that would help, so that gives you the reassurance that the day is happening I guess the children will be excited to see their dad.

K2 Yes, yes..

M2 Okay fine. are you okay with that Matt

Ma1 Yeah

Central part (Stage 4)

Structural element 2: M3- Ma2 - M3-Ma3-K3- Ma4-K4-M4-Ma5- M5-Ma6

M3 What's next that needs to be shared between you as planning.

Ma2 I've got an idea of what I would like to do with them.

M3 yeah Will you share it with us.

Ma3 Yeah, that's fine. Absolutely. What I was doing I've checked the weather the weather's looking good at the weekend. I was planning on taking them over to North Berwick. And there's a lovely little beach area down there we can camp over night and then come back to my house the next day and and have some dinner.

K3 you'll probably get angry but I want it every two weekends that they are with Matt.

Ma4 That would become two days in 14. I would see that.

K4 I know

M4 That would be two

Ma5 Two days in 14.

M5 Okay

Ma6 that doesn't seem in any way.

Central part (Stage 4)

Structural element 3: K5- M6- Ma7- K6- M7- K7- M8- Ma8

- K5** We don't have any arrangements for for holidays or for anything for birthdays for anything like that at all. So I don't know can we can, can I, can holidays be Can you have them for a week or a couple of weeks. It means can we do it definitely at the moment you getting them every weekend. I'm getting the rubbish during the week.
- M6** Well that's a very very big agenda that you've put on there Kate and and all of them very important. So we're going to have to look at that but what it's saying really is that the whole situation needs to be looked at because this is new.
- Ma7** What if I pick them up from school on a Friday and I have them for overnight - over two nights on the weekend I see them. And then every other weekend you have them
- K6** We can try it I suppose.
- M7** Okay is that your suggestion?
- K7** Yes. That's that's Saturday you've got them right. Next the weekend after it is my weekend and we can start the routine. They have it done for a weekend and me for a weekend.
- M8** So Matt when you come back with the children from any contact weekend I was suggesting that you both do have a long conversation, the two of you because it's likely to become an argument given the past history. Therefore you shouldn't tempt fate.
- Ma8** Historically, but we have talked about it in positive way. I think we tried not to do it in front of the kids. you do but obviously they're going to pick up on it. It's not it's not very pleasant.

The concluding part (Stage 4)

Structural element 4: M9-K8-M10

- M9** so I'm suggesting to you that if you do not talk quite simply quite shortly and then leave your communication – afterwards whether it's by email or text or a phone call. I don't know how you tend to do that, yet but the handover just keep it short. So okay you see the benefit for children
- K8** yes
- M10** it might seem a small thing but if the children see you looking after them and handing them over and it's peaceful they sleep peacefully in bed. It's as little as that because they know that mom and dad are doing things and they're not arguing anymore like they used to. Okay you've planned the weekend you've planned the times. You plan the phone calls it should go smoothly hopefully and you've agreed that the handovers will be short and sweet up to the point and atmosphere that the children can appreciate.

Three weeks later

Part 3

Stage 5 of Family Mediation in Action

Introductory part (Stage 5)

Structural element 1: M1-Ma1-M2-K1

- M1** both time you've had the first weekend of contact and then you've had with you and fortnightly contact with you. Did the first weekend go?
- Ma1** We got a lovely day and then we camped overnight and the kids loved it
- M2** and the handover itself?
- K1** it was okay, it was quite hard, but it was ok because that's the first time they've been away for quite a while about well seven weeks before

Central part (Stage 5)

Structural element 2: M3- Ma2- M4

- M3** I know that you haven't been talking to each other over the last few weeks when things were bad. And we've kept handovers to minimum simple and things. So there's no friction there. Do you appreciate that you actually do need to talk to each other a little bit. Are you aware of that?
- Ma2** Yeah. I mean we've only got anywhere through being in this room and talking to each other. So yeah.
- M4** okay go ahead. you need time to think about that and you have got the ability to to move positions.

Central part (Stage 5)

Structural element 3: K2- M5

- K2** So we need to come back then when we are stuck.
- M5** You can. The door is always open here.

Concluding part (Stage 5)

Structural element 4: M6

- M6** Well I think we can sum up by saying that you achieved quite a lot and you're very different people from the people who came in here two sessions ago. So I think you've done a very very good job and I think your two children Rosie and Eden must be a lot happier now that's a great result. Thank you. .

Appendix 4

Transcript of Part 1, Part 2 and Part 3 of An Inside Look at Family

Mediation

Organised into Stages, Parts and Structural Elements

Part 1

Stage 1 of An Inside Look at Family Mediation

Introductory part (Stage 1)

Structural element 1: M1-D1

M1 Are you ready to go?.

D1 Yeah.

Central part (Stage 1)

Structural element 2: M2

M2 Okay, good.

Structural element 3: M3

M3 Well what I am always doing my mediations have separate time with each of you before we decide to go ahead to a joint session

Concluding Part (Stage 1)

Structural element 4: M4

M4 Make sure, making sure that mediation is the right choice for you and just getting a perspective from you about what you see you need to work on in mediation on just to get your viewpoint.

Stage 2 of An Inside Look at Family Mediation

Introductory part (Stage 2)

Structural element 1: S1

S1 Well I'm here because he won't work out what needs to be worked out..

Central part (Stage 2)

Structural element 2: S2

S2 He's not dealing with me with me on the house. He thinks everything's fine and it's not. We have huge problems and he won't even look at them

Central part (Stage 2)

Structural element 3: D1-M1-D2

D1 Well I mean basically I'm here because we haven't spoken at all and Saya seems to think we need to do something.

M1 Yeah.

D2 I don't want to go to court trying to avoid pain as much as I can

Concluding Part (Stage 2)

Structural element 4: M2-D3-M4

- M2 yeah and the court step usually only happens when you're fighting and you can't resolve the fighting. So mediation is a way for you to try to work through the differences here in a more peaceable way. And hopefully it'll help you get to a settlement and you'll have some resolution and you won't have to go to court. that's the goal. yeah okay.
- D3 Okay
- M3 Okay

Stage 3 of An Inside Look at Family Mediation

Introductory part (Stage 3)

Structural element 1: M1

- M1 So, you're both struggling. It seems to me when you know how can we be a carrot parent to your daughter

Central part (Stage 3)

Structural element 2: M2- D1- M3 -D2-M4

- M2 How can you be the best parent given that you're in separate homes right now and yeah you. Each probably had this different parenting style when you were in the same home right and it worked just fine because she had that all the time. Now that you're in separate homes. It seems to me like you're concerned that you're not having the chance to influence her in the way that you would like to. And you're saying she's a teenager. I'm not fully understanding what she's doing but that is not a major issue for you.
- D1 No
- M3 what she calls herself
- D2 no what she calls herself isn't a major issue for me. I don't always understand what she's doing is something of an issue.
- M4 Ok.

Central part (Stage 3)

Structural element 3: S1- D3- S2- D4- S3- D5- S4-D6

- S1 well I'm glad to hear that [__] Is there I think there there is things there are things that she is doing that you don't know about. And she's with you more which is part of the reason why I'm here and you're not watching her.
- D3 What is it that she's doing that I don't know about?
- S2 Well, have you not seen the black clothes that she's taken to
- D4 Of course I've seen the black clothes that she has taken to.
- S3 Wow and she's calling herself a cat. There's something not right about this whole picture she is angry all the time
- D5 Of course, she's angry. Her parents split up.
- S4 That's not the only reason she's angry. She needs time and attention and she's not getting it..
- D6 But when we talk on the phone it's like that. Tell your dad this and then let's talk about all this other stuff. Let's talk about how I don't like your girlfriend. Let's talk about it's not just practical matters that you want to talk about and I'm not always willing to do that just because you decide that it's time.

Concluding part (Stage 3)

Structural element 4: S5- D7- S6- D8-S7-D9-S8

- S5 yeah and what so what's happening as a result is that any concerns I have with you about your girlfriend, they're not getting addressed. She is influencing my kids I have

- to say in that.
- D7 And whose fault is that?
- S6 that's your fault.
- D8 how is that my fault
- S7 because you do have like 23 year old baby to try and guide my kids.
- D9 And you decided that you didn't like her and that is it.
- S8 She is only twenty three. She is like a little teenager.

Stage 4 of An Inside Look at Family Mediation

Introductory part (Stage 4)

Structural element 1: M1

- M1 Yeah, this is hard this is hard for both of you. Okay and let's just kind of pull it back a little bit and try to slow that down. It sounds like you're saying I do want to talk about the communication and the messages and pick up some deliveries and issues around the children. I don't want it suddenly to become a discussion around my new girlfriend.

Central part (Stage 4)

Structural element 2: D1-M2

- D1 No I don't.
- M2 okay so you're saying wait a minute she impacts it. She's part of this whole package here and we need to find a way to talk about her as well. So let's just put that in that you need to have some discussion as well around just your involvement with your new relationship and how she sits with the kids or just because your relationship basically is going to be private just as when you have future relationships they'll be private. But at the same time how they impact with the kids. Is something that affects all of you so you may need to discuss that a little bit today.

Central part (Stage 4)

Structural element 3: S1-M3-D2

- S1 I think so
- M3 yeah okay
- D2 okay here here we go

The concluding part (Stage 4)

Structural element 4: M4

- M4 yeah for me the bottom line is that they go away feeling that they are able to get on with their lives that they've made some progress in bringing closure to their marriage as spouses. And they've made some good progress and beginnings to redefining their relationship as parents and recognizing that. It's ongoing so that they need to continue and will continue talking. This is going to build help them build on that.

Stage 5 of An Inside Look at Family Mediation

Introductory part (Stage 5)

Structural element 1: M1

- M1 So I think we had a good session.

Central part (Stage 5)

Structural element 2: M2

M2 The other day with just the three of us there and you work through a number of issues around the children and how you're going to communicate better around them regularly.

Central part (Stage 5)

Structural element 3: M3

M3 You're each going to you're going to be spending more time with them. And you're each going to be spending more time with them separately.

Concluding part (Stage 5)

Structural element 4: M4

M4 So hopefully there is some agreement and some way to go forward around the children.

Appendix 5

Transcript of Part 1, Part 2 and Part 3 of Family Mediation Role Play Organised into Parts, Stages and Structural Elements

Part 1

Stage 1 of Family Mediation Role Play

Introductory part (Stage 1)

Structural element 1: MS1-MD1-MS2-MD2-J1

- MS1 I appreciate very much that you guys are coming in today. We're gonna talk with you for a few minutes about the process. Just to gonna get moving forward but before we do that. I'm Sarah and this is
- MD1 I'm Duke, we are mediators.
- MS2 So I had Jeffrey and Emily. Is that right you guys
- MD2 Jeffrey versus Jeff or doesn't matter
- J1 Either

Central part (Stage 1)

Structural element 2: MS3

- MS3 Are you ok and you are and I know this is about a child. Can you tell me your child's name Jake Jake, and how old is Five Ok now name we're going to be having a conversation together today um to talk a little bit about whatever the plans are that you want to. It's a voluntary process so that means that you can stay as long as you feel comfortable staying so we'll maybe taking a few notes down that's just for our references but everything that you say here neither Duke nor I will rape you outside this room.

Structural element 3: MD3-J2

- MD3 We hope the conversation all the decisions are going to be yours so we're not allowed to give opinions or make suggestions or give advice when we usually listen to what's important to the two of you we give an opportunity see if you can come up with ideas that fits the needs for both of you and for Jake and anybody else. Okay
- J2 okay

Concluding Part (Stage 1)

Structural element 4: MD4

- MD4 so when you start as we say what brings you to mediation and then we can get a chance just to speak to each other you may hear us repeat back or ask questions or take notes but the first stage is conversational so we want to have a conversation what is it that we're going to be.

Stage 2 of Family Mediation Role Play

Introductory part (Stage 2)

Structural element 1: E1

- E1 The school is the issue on the table.

Central part (Stage 2)

Structural element 2: J1-E2-J2-MD1-J3-E3-J4-E4

- J1 To be more specific our son Jake is about to start school for the first time and we are at odds as to where you think you should go.
- E2 Why can't we agree on this we've got we've got our mommies
- J2 Let me put it this way I'm very busy I spend hours in the emergency room. I want to make sure that Jake has some baby due it's not going to be shuffled off to Grandma every freaking night I want him to have extracurriculars I wanted to have maybe some sports in his life
- MD1 so what explain. With cheese well it's changed
- J3 well it's changed what's changed is that Jack's mother
- E3 It's me that's good Yeah
- J4 It is not in the picture one to two weeks have every month. So it all falls on me to look for or look after him take him to school pick him up from school.
- E4 That has not changed at all that has been the way it has been since the day he was born that has not changed. What has actually changed? Tell him what's actually changed

Structural element 3: J5-E5-J6-E6-J7-E7-J8-E8-MD2-E9-J9-MD3-J10-E10-J11-E11-J12-E12-J13-E13-J14-MD4-E14-J15-E15-J16

- J5 Why don't you tell him what you think has actually changed
- E5 He brings this other woman into this into his house and and
- J6 Now have every right to by the way
- E6 Absolutely I'm not saying you don't, I'm saying that now just in the last couple months everything is going haywire everything you have an issue with the...
- J7 This isn't like a really really serious relationship yeah I guess I'll call it my girlfriend but she's not
- E7 What are you even talking about it this isn't serious but she's cooking for your kid what are you doing to your kid if it's not serious why would you have them meet why would you have him hang out with her
- J8 Because my time is a commodity and sometimes
- E8 my time is a commodity
- MD2 You're looking to create stability for your son and you're saying how do you do that what you're looking at timing issues like when you do it
- E9 I mean if you're gonna bring somebody into your home and you're gonna have them meet your family you'd think that that's pretty serious right so you're saying that because if you said okay so much
- J9 What should I do keep her a secret huh
- MD3 So you're trying to balance an honesty
- J10 Yeah I don't know what you want you want me to not see anybody
- E10 Just be thoughtful about we are introducing him to and
- J11 It's not really enjoy asking is it
- E11 Yes I am there are plenty of times during your day when your son in a collective
- J12 Because I'm oh
- E12 I'm saying that you're introducing him to another woman
- J13 Yeah
- E13 so that's a big deal don't say that in the same sentence that you're saying that it's not serious. Do you think I'm being inappropriate by wanting people wanting just a little bit of respect wanting her to not play mommy in the house with my son.
- J14 Is that that's not I'm talking
- MD4 So the question is whether or not establishing those kind of roles is that like out of line dressing
- E14 Yeah, I guess

- J15 I don't see a problem if you wanted to separate roles of mother versus girlfriend versus friend the problem is I just feel like you have a big problem with my dating at all
- E15 You you you can date whoever you want I don't give a who you date okay date everybody date six women at once. I don't care. I do not want Jake around them. I am NOT want Jake to be a part of your dating life I don't want him to to like them and then have them disappear I don't want him to want to hang out with them more than me I don't want them to discipline him I don't want them in his life. I do not want you dating with our son around
- J16 I don't see what the problem is because you get two weeks every month to go and do whatever you want and no of course. It's not gonna interfere with with Jake's upbringing because you're on the other side of the country he doesn't have to see you dating at all but for me you know I've got him all the time and I need some I need some time to go and do what I want to do about that time

Concluding Part (Stage 2)

Structural element 4: E16-MD5-E17

- E16 Is your life you've chosen it this is your lifestyle you have decided to go into residency what do I do what do I do with someone who is dating people and bringing them into the house I'm not around I have no idea what's happening and then and then I'm just supposed to trust it and feel okay about it and hear from Jake that like daddy's got a new friend who hangs out what how am I supposed to feel about that
- MD5 What is it that upset you most about the scenario you just set up that there's gonna be new people around what's the most sad upsetting about that
- E17 That yeah, I'm just totally out of the total control I have no idea what's happening.

Stage 3 of Family Mediation Role Play

Introductory part (Stage 3)

Structural element 1: MD1

- MD1 For you too it's a sense of equality you're saying if Emily has the ability to have downtime from Jake and socialized date see people that you want something like that in your life where you have the ability.

Central part (Stage 3)

Structural element 2: J1-E1-J2-E2-J3-E3-J4-MS1-J5-MS2-MD2

- J1 Yeah I'd like to not have to worry about some psycho getting on my case because I want to meet new people
- E1 Really because I've set my life up in such a way that I have time away
- J2 No because you're a hypocrite because when I want something it's not okay but you can go and do anything you want on your two-week freedom period
- E2 You can you can have the same you you have chosen the way that I've chosen you have chosen to do what you're doing in your life
- J3 I don't have a problem with what you're doing the same way you have a problem with what I'm doing
- E3 And you shouldn't because I'm not involving our son in what I'm doing I don't bring him to the oppos
- J4 And you are leaving him all on me and my family and the babysitter's So
- MS1 so you feel like you're carrying the brunt of this
- J5 Yeah oh yeah
- MS2 So you don't have the freedom and the luxury of doing

- MD1 So then what we do with the process is we ask you to try to do that come up with ideas that would provide the boundaries and protection that you're looking for and also the freedom independence and authenticity that you're looking for and we ask you to come up with a few ideas anything that comes to mind that might get you the boundaries you're looking for it might get you the authenticity and the freedom you're looking for

Central part (Stage 3)

Structural element 3: E4-MD3-J6-MD4-MS3-J7-MD5-E5-J8-E6-MD6-E7

- E4 Having your dating be separate from having from your parenting
 MD3 I'm gonna write that down as an suggesting that dating be separate for parenting
 J6 I hardly see how I can ever stop parenting
 MD4 That's what brainstorming is usually we're not asking to to try to settle and come up with something
 MS3 so there's a but I just had any need of time of having when we're talking about dating you need the time to be able to fit in both parenting and dating right.
 J7 yeah
 MD5 so it's got any doable we got it yeah that's realistic all right so whatever what else what are you on what
 E5 I definitely liked hearing you say that there's not affection being shown so like I said if they are in contact they are at the house not having that not having it be in a relationship status setting
 J8 Do you think I'M an idiot?
 E6 Yeah
 MD6 So the sort of request would be to limit the public display of affection
 E7 Yeah

Concluding part (Stage 3)

Structural element 4: MD7-E8-J9-E9-J10-E10-J11-E11

- MD7 Well what else
 E8 Having parenting be first and foremost
 J9 You know frankly I find this insulting
 E9 And I do not want her picking him up from school I do not want her spending time alone whoever she is alone with my son
 J10 I see the problem you you still feel like the women who I may be bringing into his life are going to replace you frankly that's more up to you they don't be be the strong Emily figure in his life that you sometimes come close to being you
 E10 Why are you saying that I spend time with him I'm here
 J11 I'm just saying you want to we be a bigger figure in his life spend time with him
 E11 Okay are we making a list about how to be dating or are we bashing me and my lifestyle

Stage 4 of Family Mediation Role Play

Introductory part (Stage 4)

Structural element 1: MD1-E1-J1-E2

- MD1 It is about brainstorming how to make dating work for both of you so what we got is keep parenting separate from dating limit PDAs set parenting first and your mind dates aren't to be used as babysitters that you're gonna work to protect each other's roles as parents also make an effort to keep your dating life private from each other what else
 E1 It's relatively consistent so if you can make plans with your dates
 J1 Be very easy if I wasn't the only person responsible

E2 you are not

Central part (Stage 4)

Structural element 2: J2-E3-MD2

J2 times at times and for that amount of time if he's not with me he's got to be someplace that I feel comfortable with him being and sometimes there's no place that I don't feel more comfortable with him being than with me and sometimes I also want to have a social life and so I take it with me everywhere I go

E3 Is this appropriate? Is it allowed?

MD2 To answer that kind of question that you're asking of us right now is you set that parameter with each other like you decide what's the level of appropriate you decide what's the level of honest versus private those are the questions that you answer like whether or not a judge or Oprah or dr. Phil has ideas that's that's out there but it's not coming from here

Central part (Stage 4)

Structural element 3: E4-J3-E5-J4-E6-J5-E7-MD3-J6-E8

E4 Okay so so we've got we've got an issue that you can't keep in your pants for more than two weeks when I'm out of town so you have to bring our kid around on dates is that is that am I hearing you correctly

J3 Well don't take my out of my pants when Jake's in the room

E5 I get that

J4 Or around the house

E6 Okay that's good to hear

J5 So I go to their homes

E7 Okay it's really cute it's really fun

MD3 So sex is off site is basically we're saying that generally sex is off site

J6 So that's what I said I I don't want him wandering into my either

E8 Okay that's great sex off-site off-site sex I love it

The concluding part (Stage 4)

Structural element 4: MD4-E9

MD4 Are you worried about what's being said about you to Angela

E9 Well yeah I mean you hear them talk it's it's very negative it's very absent, absent I'm such an absent mother and I don't I am trying not to be I don't feel like I, you know

Stage 5 of Family Mediation Role Play

Introductory part (Stage 5)

Structural element 1: E1-J1-E2-J2

E1 Yeah maybe it would help or anything like that

J1 I mean to be honest I think I'll feel pretty awkward

E2 A handshake

J2 A handshake

Central part (Stage 5)

Structural element 2: E3-MS1-E4

E3 I have know not to kill her I don't I'm not trying to ruin your life I just know it might help us you know turn us all into people instead

MS1 So it makes her real to you so that you know who Jake spending time with and it makes you real to her so that she sees who your mom who Jake's mom is

E4 Yeah and Jake's can be there witness seeing us meeting each other so that Jake can feel like Oh adults can function all in the world

Central part (Stage 5)

Structural element 3: MD1-J3-MS2-E5-J4

MD1 And kind of address the issue that has been raised about it being real
J3 I mean it sounds like a fine idea a little bit awkward
MS2 So puts you in kind of a weird place
E1 But we're in an awkward situation if that's what it is I mean
J4 So what do you want to do

Concluding part (Stage 5)

Structural element 4: E6-J5-E7

E6 What else what else do
J5 Do you want to pick Jake up some that before Angela and I go out I'll drop him off at your house
E7 No, I'll pick him up next week or something I'll figure it out

Appendix 6

Transcript of Part 1, Part 2 and Part 3 of Business Mediation Demo Organised into Parts, Stages and Structural Elements

Part 1

Stage 1 of Business Mediation Demo [1]

Introductory part (Stage 1)

Structural element 1: M1

M1 Thank you for agreeing for a place and time to meet and for being present today and for being very accurate, thank you both. Now, as you know, my name is George Jalenkow, you could freely call me George, I prefer first names, and I do work for CDR associates as a professional mediator.

Central part (Stage 1)

Structural element 2: M2

M2 It would be my honor today to assist you and try to solve your commercial dispute, amicably. Now, just very briefly, prior to beginning with the actual negotiation, I ought to say that today will be reasoning out solutions for your commercial dispute so that, the present situation within the company you're holding together, will be altered in a way that will not affect adversely any third parties, the functioning of the company itself, all the provision of quality service, which you both stated in the pre mediation discussions, and as being of utmost importance for you. So now, I ought to say that mediation is an entirely voluntary process you're here because this is your business decision and your willingness to try to reason out jointly solutions for what you're facing. I do not have the authority nor will I attempt at any point to make any decisions in your behalf. I'm not here as a judge or an arbitrator, and also I will try to maintain throughout the whole session my utmost impartiality, so please know that I do not hold any preconceived biases towards any solution to your commercial dispute or towards one of you over the other, so should at any time you feel that my impartiality is compromised, please bring this behavior to my attention and I'll try to alter it.

Structural element 3: M3

M3 Once more, you're here because this is your mediation at any point you may decide to stop negotiations, replace the mediator which I strongly advise you against, and also pursue other means of settlement, though I strongly encourage you to give a chance to our meeting today. So floor will be yours in a minute but first just two procedural guidelines. The first one being the following; at some point you may want some break from the joint session and you may wish to meet with me privately in a separate meeting, or the so called caucus, where we shall discuss matters that for instance you feel uncomfortable to bring out into joint discussion. This is an option for you so keep it in mind, and also what my experience tells me is that it's good to start in the very beginning of the session with some uninterrupted, equal time for either party to explain their perspective how they perceive the case at hand, what brought them to mediation.

Concluding Part (Stage 1)

Structural element 4: M4

M4 So should this idea for uninterrupted equal time be okay with you?

Stage 2 of Business Mediation Demo

Introductory part (Stage 2)

Structural element 1: Mrs S1-M1-Mrs -S2-M2

Mrs S1 Absolutely.

M1 I would like to begin in this way. Alright, then thank you. I think we can start, and Mr. Sharp, you were the initiator of this session so maybe you could begin with elaboration, prior to that just tell me who you are, what brings you to mediation today, and give the floor to a Mrs. Smith to do the same then, if that is okay with Mrs. Smith.

Mrs S2 Oh yeah.

M2 You can begin your elaboration.

Central part (Stage 2)

Structural element 2: Mr S1-Mrs S3-Mr S2-Mrs S4-M3-Mr S3-Mrs S5-Mr S4-Mrs S6-Mr S5-Mrs S7-Mr S6-Mrs S8-Mr S7-Mrs S9-Mr S8-M4-Mr S9-M5-Mr S10-M6-Mr S11-Mrs S10-Mr S12-Mrs S11-Mr S13-Mrs S12-Mr S14-Mrs S13-Mr S15-M7-Mr S16-M8-Mr S17-M9-Mr S18-M10-Mrs S14-Mr S19-Mrs S15-Mr S20-Mrs S16-Mr S21-Mrs S17-Mr S22-Mrs S18-Mr S23-Mrs S19-Mr S24-Mrs S20-Mr S25-Mrs S21-Mr S26-Mrs S23-Mr S27-M11-Mrs S23-M12-Mr S28-Mrs S24-Mr S29-Mrs S25-Mr S30

Mr S1 Thank you. So my name is Ian Sharp, and I'm the shareholder of the company "No Need to pay Limited". I have 50% of the shares

Mrs S3 I have the other 50 of the shares.

Mr S2 Yeah, that's the problem, that's the biggest problem.

Mrs S4 My name is Julia Smith, shareholder of "No Need to pay".

M4 Alright, so please.

Mr S3 So the company-, we are working in the field of tax optimization and tax consulting, and we established the company in 1992. From the beginning, the company was working very well and all of money-, well, we have a lot of clients and the business was increasing very very highly and very very rapidly I would say so both of us were very happy, we earned a lot of money so we just started to do another businesses, we bought four houses, so we work in the real estate area as well, and also we do the training for the tax professionals. This is the activity of our company right now and from the beginning. I couldn't go through the fact that the business increased very largely and very rapidly. We divided our activities between us, we are both tax professional so we provided our clients with the, we used to provide our clients with our services, and I'm specialized in client acquisitions and she is supposed to work in the area of real estate and the training. So, that's the basic situation right now, and everything was working perfectly. For a very long time we were kind of happy I would say, we were friends, everything was perfect. About one year ago something happened. I really don't know what, but something happened. We are not able to cover it, we are not able to work together, we are not able to communicate, and right now the situation is that I'm the only one who works for the clients from the beginning till the end. I'm the only one who makes the profit of the company and I'm the only one who does all the activities of the company. She doesn't do anything. She says "I'm looking for the real estate things and the training" but it's not sufficient. Right now I don't want to be useful idiot anymore, and the only one who earns the money and she's just-

Mrs S5 C'mon, c'mon, c'mon, c'mon, c'mon. Are you kidding me?

Mr S4 No, that's the truth.

Mrs S6 Are you kidding me?

Mr S5 Do I look like that? I'm the only one who earns the money. The whole money, so I'm the owner who works 24 hours.

Mrs S7 Where do you think the money comes from? I'm sorry-

Mr S6 From the clients, from the clients, I get the clients, I worked for the clients. We have the company that works for the clients.

Mrs S8 We are a training company that's professional.

Mr S7 A training company, that's a completely different company that I have.

Mrs S9 What? So we have different companies.

Mr S8 Yeah, seems to be. Let's finish this, settle down, I will get the money and get rid of this completely.

M4 If I may step in, I think it was useful, this little confrontation.

Mr S10 Not only useful, just the truth.

M5 Let's steam off, now at such times, I always bring the parties back to the procedure that we chose together, and the procedure was to following each party talks uninterrupted...

Mr S11 I didn't.

M6 ...and then the other party explains. So please, as you know, a pencil and a pen have been distributed to both of you so while the other party is speaking in this very beginning of the session please jot down any observation or remark you have. We will discuss it in detail I assure you. So thank you for this, and now Mr. Sharp do you wish to elaborate on anything further?

Mr S12 I think the most important things were said but right now I'm the only one who works for the company, who earns the money so I think I deserve 70% of the profit, and I think we are not ready to cooperate- yeah 70 percent yeah

Mrs S10 70 percent? Like 7? Like 7 percent?

Mr S12 Yeah, I know the number.

Mrs S11 It's not seven zero, I'm sorry, it's not seven zero that you deserve.

Mr S13 70 is seven zero.

Mrs S12 No, you don't deserve the seven zero

Mr S14 You have to see it, you know it.

Mrs S 13 I do not know anything that's not based on the facts.

Mr S15 So now you know, now you know. Could you just tell her to make some notes or something? I'm the one who's in charge right now.

M6 I'll just tell both of you that we should stick to the procedure. I know it's hard. You mentioned, both of you actually mentioned, even though Mrs. Smith still hasn't got the chance to explain her perspective. You mentioned this communication discrepancy between the two of you. It is visible right now and I see it's difficult to start discussing it in such an informal manner, true mediation, but please let us try in the beginning to stick to the procedure tightly, and Mr. Sharp could you just continue? If there is anything else you'd like to talk about.

Mr S16 Maybe, maybe that's all. I'm just the one who's working so I think I deserve 70% of the profit, that's all.

M7 So to echo what you said, what I think grasped from your presentation and to recap it, you are concerned that there is unequal division of labor within the company...

Mr S17 And profit.

M8 ...and even though you noted that prior to the discrepancy that occurred one year ago, everything was functioning, or if I quote you here: "working perfectly", so right now of course methods altered in such a way that you would like to sell the company and to divide the profit 70 to 30. Is this a fair recap of what you-?

Mr S18 I think it's not only very fair recap but fair settlement as well.

M9 Alright, so thank you for this, and now I would like to ask Mrs. Smith to present her perspective.

Mrs S14 Well, there's been much to say. Thank you for that, and yes it is, it was and still is very hard for me to be here to address those issues but we are where we are and we need to confront what brought us here today. I can agree that, yes, we initially were very profitable shareholders of "Need to Pay Ltd.". We set it up as a business adventure I would say. Part of the business plan at the beginning was that what we'll be doing is tax consultations, and yes Mr. Sharp, acknowledgment to him, is good at that, I'm also good in this, so we were having clients and servicing them with our tax optimization structures, but that was at the very early stages of the company's development. Later on we moved on to the real estate management, and today that's like another aspect of the company I would say, like a separate division, a second subdivision of the company, an entirely different business from tax services that we used to and we still are providing, no question to that. That's today, but in addition to today's work, we also have trainings for tax professionals and that's entirely on my shoulders, this is part of the business that I'm in charge of and I think that, perhaps because Mr. Sharp doesn't get to see it day to day, he probably doesn't even know that it exists, but if you look into the accounting you would see that a lot of the cash flow comes from those trainings that we provide for tax professionals.

Mr S19 No, sorry Mrs. Smith but I have to say something about that, because the documentation, the data documentation. There's no profit, no huge profit, at all huge profit from this branch of our company. 30%, this is okay 70/30, I don't have a problem with that, as I said.

Mrs S15 I've heard the 70% number before. Like, this has been on the table always, and I don't see- for him it seems like everything is about money money money money and no intention whatsoever to look into the matter and where we are. We have a potential with this company, he just doesn't get it.

Mr S20 We have tax advisor company.

Mrs S16 I can disagree, but because I've heard you argue many times to 70 percent and I've never heard, even once, for change any documentation or the basis that you use to come up with the number.

Mr S21 Did you see the number? The profit of the company? The money our clients are paying? Did you see that?

Mrs S17 And you may be interested in seeing this document and I'm sure that the mediator is gonna be interested. This is a valuation of the assets we hold.

Mr S22 I have all the documentation that we need, and it's saying that more than 70% of the profit comes from our clients, clients.

Mrs S18 Where are those clients? I don't see them. I don't see clients. I don't see clients.

Mr S23 Maybe you should leave the house and sometimes go to the office and see the people.

Mrs S19 Really? You have the guts to tell me this? No, that's absurd.

Mr S24 That's the situation. See the accounts. See the Swiss bank for our bills.

Mrs S20 Okay, I'm not going to go your route. So my suggestion is, you don't wanna work with me, fine, I don't wanna work with you either. Okay?

Mr S25 Perfect.

Mrs S21 We can agree on that. What we can and should agree then is how we part, and I suggest we part with grace, which means sticking to our initial work which is 50/50.

Mr S26 But the situation changed, changed a lot.

Mrs S22 That's the profit division we agreed on.

- Mr S27 But from the beginning it was 50/50, I agree, there's no reason not to agree but right now the situation completely changed. I am earning more than 70% of the profit of the company and you are getting 50%. It doesn't make sense
- M11 Now if I may- just, Mr. Sharp please consider the initial procedure that we all agreed on, and just as I asked Mrs. Smith while you were talking, I would also advise you to jot down any remark that you have. We will discuss it in detail, just let Mrs. Smith, should that be alright for you, to continue with elaboration. So what else do you wish to share at this point?
- Mrs S23 I don't think there is much more to say. You've seen the exact status of our communication, and it's been like that for the last 12 months so obviously, we cannot work together, and now you can agree that if you want to put an end to the business, that's alright, I mean, that's where we are, fine by me. But what I cannot agree on and this is my position, we may discuss if we want to continue, and how we want to continue with that big case, but if we are not to proceed with the business, and if we need to liquidate "No Need to pay", I very very much- I cannot agree to give 70%. My position is, we stick to the division of profits 50/50. That was the initial plan. I'm not- I'm not requesting for more, because I trust that part of that share. I had plans to ask for more than 50%, but I have the honor to say that, this was the initial plan and this still is a plan, so that's my position.
- M12 Alright, thank you Mrs. Smith. So I actually thank you both for your patience, your elaboration, please.
- Mr S28 She's acting like generous lady, but she's not generous. She wants 50% and she deserves 30 maximum, so it's very easy to prove it. She said she's some tax recommendation.
- Mrs S24 Okay, go prove it in court. I mean if that's the conversation you wanna leave, go prove it in court, okay, I'm fine. Go prove it in court.
- Mr S29 Then this session is useless if you're saying it this way.
- Mrs S25 Well, I thought that we are coming here to have some discussion, right? I mean, let's listen to him for once, okay? He might have something to say.
- Mr S30 As you said, you have the documentation. I have the documentation as well so let's see the bank account and say; okay, you are earning this money and you are earning this money

Structural element 3 M13-Mrs S26-M14-Mr S31-M15-Mr S32-M16-Mrs S27-M17-Mr S33-Mrs S28-Mr S34-Mr S35-Mrs S29-Mr S36-Mrs S30-Mr S37-Mrs S31-Mr S38-Mrs S32-Mr S39-Mrs S33-Mr S40

- M13 Alright, I know. First of all, I understand all of this is very very hard for you after one year of turbulent communication or lack of communication to sit here, at the same table, and discuss these matters with the help of a third body. I understand, it's hard. I also understand that you came here quite prepared with the relevant accountancy documentation that we may easily delve into. Should that be the way you perceive this negotiation today? If once more, I urge you to stick to the procedure we chose and to try to go patiently through topics. For instance, at some point you started discussing the 30 or 70 percent or the equal division of the profit from the company, should it go liquidated. Yet, this is a solution to one of the two scenarios that you perceived, which is either continuing with the company or not. So let's just go patiently through all of that and before we do it, let me just recap what Mrs. Smith shared with us, and it is briefly the following, please correct me if I'm wrong with anything, but from what I grasped, you perceived that there is equal division of the workforce within no pay, no need to pay limited, that with view to the sub-branch of the real estate and some other occupations and obligations of yours, you deserve to receive, should the company be sold, an equal

amount of the profit. And, you also mentioned, just as Mr. Sharp, that communication is a very important matter in your commercial cooperation. So, what my experience tells me is that it's also always very good to have some plan or some agenda to give structure to our discussion, to give some firm ground beneath our feet. So, to help you with this, I came up with three main topics from what you just shared. Three main topics that seem to be utterly important for the two of you today and these are the following. First, of course, your shareholding within the company. Then, the second topic would be the possibility of future business together. And of course, the third matter, communication that there were the word we keep repeating throughout this session. So, can we consolidate that these three topics represent a fair recap of what we ought to discuss today?

Mrs S26 Okay, great, yeah.

M14 So should this agenda be also alright for you, Mr. Sharp?

Mr S31 Yes but I don't think we are able to cooperate in the future. But, if you want to make agenda like this, I don't know have problem with that.

M15 We can just put it down on the flip chart, just as a possibility.

Mr S32 Okay, I'm okay with that.

M16 So now that I mentioned the flip charts, one of the most useful tools in the toolbox of the mediator, I'd like to write down the three main topics in this agenda that we consolidated on. So, one of the topics could be the shareholding of the company. I just write down "shareholding" and is this visible? Another topic may be the so called "future business together". And in this ambiance of mediation I take the liberty to underline the word "together". And, the third team, the third important topic, which you both considered as being very very important for you, would be the communication matter. So, as you can see, I'm deliberately abstaining from enumerate in the topics. You may conduct your negotiation in any manner you want, this is just to give some structure to your dialogue. So, this is the agenda that we jointly team up with. So now, as I told you, I have not enumerated the topics, this is entirely your joint choice how to proceed and with which topic to enter the discussion, please.

Mrs S27 May I suggest we start with communication? I believe this is the root of our problem. I believe communication is also the way to solve our problem and I think it would be very useful to really have a way of communication, a way of listening to each other, with hearing each other, a way of even being hurt. So I suggest we spend some time with this.

M17 Alright, how do you perceive this, Mr. Sharp?

Mr S33 I don't think its necessary. It used to be very important, we cooperated. Right now we're not cooperating anymore.

Mrs S28 So how we can solve the problem if we are not able to talk?

Mr S34 so you have numbers, I have numbers, we have mediator so we can just make sweet ending with that just to say how much money I get.

Mrs S29 But...

Mr S36 It's about business, just business, we don't need to talk about it.

Mrs S30 It looks like we have an invisible elephant in the room, we are not allowed to speak about it. Then what are we doing? We're not addressing the issues at hand.

Mr S37 But we are speaking about what do you do, what I do, what you deserve and I deserve. That's simple it's a business, this is the thing for the diagram. No communication. Its important , I know, it used to be much more valued. Its not important anymore. Right now I just want to finish this thing to sell the company, get the money. My energy, my time and the money I earn when I get into something else, something much more important for me, much more personal for me.

Mrs S31 But we're friends, come on.

Mr S38 We used to be friends. The last year,,, You saw the last year. Every single conversation means arguing. I just want to sub later, I need to sort it out.

Mrs S32 You cannot separate things, you cannot separate personal and business. Yes, in ideal world you can but they are intermingling to each other so if you have something personal and not aware of, I cannot be an assistance to you.

Mr S39 I don't want to talk about this.

Mrs S33 Mr. Sharp, I understand it may be difficult to delve into personal matters and I just wish to underline once more, you're not in a courtroom. If we're in this informal ambulance mediation where you can disclose anything you deem necessary and it will remain completely confidential. So, I know you disregarded at some point the importance of the topic of communication. Yet, in the very beginning both of you shared that something's changed 12 months ago, that something changed dramatically after many years of successful commercial cooperation. So, you, Mr. Sharp, from what I grasped, mentioned some personal matters and that you don't have much time right now to devote to the company. Could I just go, if that's comfortable with you, a step further just to make sure that we're on the same page and to ask what it is that, just very generally and broadly, that you need to devote your time and financial resources to presently.

Mr S40 Oh, sorry Mister but I don't want to talk about this. It's very sensitive for me, experienced very hard days or months maybe or year. So, I don't think it's a part of this. I just want to finish and get the money and work on other things which are much more important for me, maybe the most important thing right now. This is my daughter and I don't think its connected with the business.

Concluding Part (Stage 2)

Structural element 4: M18-Mrs-S34-M19-Mr S41-M20-Mr S42-M21-Mr S43

M18 I do respect your decision, Mr. Sharp, entirely. I do understand that you may be in a difficult situation, you don't want to delve into. Now, what I did tell you in the very beginning is that at any time during the session you have the option to adjourn to a so called caucus or a private session with me. I do believe that now it would be a suitable time for us to adjourn to such separate meetings. How do you perceive this as an option?

Mrs S34 Well, if you think it would be useful...

M19 Indeed, indeed, I do.

Mr S41 So...

M20 This is shock, I understand entirely that it might be difficult for you.

Mr S42 Yes, to be fair really difficult. But if you think it will help us and lead us to do some settlement...

M21 Indeed, I think it will be perfect solution to this impasse and walking in circles that we found ourselves in, in the very beginning of this discussion. So, Mr. Sharp, I know it's hard for you. Maybe we could, despite this, begin with a separate session with you

Mr S43 Okay, let's do it.

Private session with Mr Sharp

Introductory part M1

M1 Mr. Sharp. Please make yourself comfortable and thank you once more for choosing to adjourn with me to a caucus to agreeing through this private session. Now, in the beginning of your negotiation with your partner Julia, you mentioned that you worked very fine prior to last year when something in your communication occurred that

altered your entire commercial relationship and that every since things have not been the same. Julia called this the “invisible elephant in the room” and you said that you would abstain from delving into this as this is personal matter for you, that is very important. So now, at the outset of this private session I want to underline that everything you share here shall be strictly confidential and I will not disclose it to your partner Julia, unless you of course instruct me specifically to do so. So now that we are in private, could you elaborate more on what is that you need to devote your time, your financial resources to presently. What is this, that is troubling you so strongly?

Central part

Structural element 2 Mr S1-M1-Mr S2-M2-Mr S3

Mr S1 Well, I can try but it's very hard for me.

M1 Please, take your time.

Mr S2 Sorry for being emotional but it's very...

M2 I understand you completely, Mr. Sharp.

Mr S3 So, I'm experiencing very hard times right now, like last year, it's very very complicated for me I would say. I'm divorced and I have a daughter, Lily which is 10 years old and one year ago the doctors found that she's seriously ill. So, after I found this information, I have only one option and this is my daughter so I tried to find some solution. They said that I can take care of my child at home but it takes time and also some changes, the house must be done. So I said “Okay, I will do anything for my child”. So I just tried to find some possible solution. It cost a lot of money. It is costs for the medicine, for doctors, for the adjustments of the house. So the only option for me is to stop the business, sell the business, get the money from that and take care of my child. So that is the reason why I need the money. I know that Julia used to be friend and maybe it's not really family but a very close friend and after I realized that this problem caused couple of complications. I wanted to talk to someone. You can't even imagine what happen if the whole world, the whole life just changed like this very very bad thing. So, after couple of weeks I tried to talk to her just to explain what happened and what I'm experiencing but it's impossible to talk because we're just arguing all the time. I'm just trying to say something and she's talking about business which is not important for me at all right now. I just want to take care of my child and that's all. So, this is it maybe.

Structural element 3

M3 Mr. Sharp, it is more than sufficient. I just want to say firstly two words and they are thank you. Thank you for choosing to speak about this personal trouble of yours, it's in a manner, that is so direct and so honest. I believe that honesty is the key in mediation and especially in this case with you and Julia, who have cooperated successfully as friends for so many years. Honesty is the only right path and I thank you once more, you are in the most difficult situation imaginable and now it is more clear what motivates you to and I'm making a short recap here to choose as an only option to sell the company and to devote all your time and energy to health care of your daughter, specifically by meeting the doctor bills and also making some necessary house adjustments that we also mentioned. So, I said that honesty is the key. Do you think that when we go back to the joint session with Julia, if you choose honesty one more time and if you share this personal issue with her directly, just as you did right now, this may change the whole climate, the whole negotiation climate in the room, would that be an option for you?

Mr S1 But how to say, I tried couple of times and we knew each other for very long time so she has to know that something is happening. So, I tried, it didn't work so if you maybe help me with that, could you just tell her that also?

- M2 I will begin presenting this personal matter. Yet, I feel strongly that it might be best if it comes from you, Mr. Sharp
- Mr S2 So, if you think it would help, I can try it. But still, it would be difficult and I'm just a little bit afraid of the results. It's still hard for me to talk to anyone, especially to Julia
- M3 I understand clearly and with you today thank you once more for making this choice of sticking with honesty when dealing with your business partners. Is there anything else, now that we're in private, that you may wish to share with me additionally?
- Mr S3 I don't think that would be anything else. This is it, the case is all about this.

Concluding part

Structural element 4 M1-Mr S1-M2

- M1 Thank you, Mr. Sharp. I have to ask you for some patience now while I hold the separate meeting with Mrs. Smith
- Mr S1 Okay, thank you.
- M2 Thank you.

Private session with Mrs Smith

Introductory part M1

- M1 So, Mrs. Smith, please make yourself comfortable. Thank you for agreeing to adjourn to this caucus. Now, at the outset of our private session I need to underline that everything you share here shall be regarded by me as strictly confidential, unless of course you instruct me to disclose it to Mr. Sharp. So, now that we're in private, is there anything that you'd like to discuss, anything you would like to elaborate on that you didn't have the chance to talk about during the joint session?

Central part

Structural element 2 Mrs S1-M1

- Mrs S1 Thank you for giving me the chance. Well, in reality, and as I said I do believe we have communication issues. I see it very clearly now that he's troubled and this troubles me as well because I still deem him as a friend or somebody close so the mere fact that he wasn't comfortable sharing it out loud is pretty troubling which indicates to me that we have a lot of work to do in order to reach sort of a solution. I'm hoping that you manage in the private time that you talk with him to really open him up a little bit because I believe what happened 12 months ago has an impact today and for me it would be important to get the understanding so as to be able to find a solution and we'll see, we'll see. I remain open for that.
- M1 It was very transparent in the joint session and right now it's also quite lucid that for you it is important to clear out the matter of communication firstly and I have positive news with regards to this. Indeed, in the private session, you guessed correctly, Mr. Sharp agreed to discuss some very personal, very emotional matters to discuss the openly and in honest fashion with you during the joint session, so I have a strong belief that this would alter instantly the whole climate, the whole negotiation climate. So is here anything else that you want to talk about now that we're in private.

Structural element 3 Mrs S1-M1-Mrs S2

- Mrs S1 Yeah, well first, that's great news because I believe that's the key to finding a solution and it's a part of the solution. Something that I'm ready to share with him is that I'm really willing to continue the business, so my proposal to him would be to buy him out. I see that the business, as much as we have had our challenges in the past, it is something I want to devote myself for and I clearly see that he needs the money. So from my

perspective, we may have a settlement there, it's just a matter of finding the right price for the buying out of his shares.

M1 So from what I grasp, it is an adequate commercial option, the business option for you to buy out the share of Mr. Sharp and my follow-up question is, is it okay for you to present this as an idea during the joint session?

Mrs S2 Well, I would first wait for his opening because I think that might have an impact on whatever solution we come up with but afterwards I'll absolutely feel comfortable sharing it with him, proposing it directly with him and of course I would rely on your guidance and assistance to help support me in this and to probably find a way out.

Concluding part

Structural element 4 M1-Mr S1-M2

M1 Let's hope you do, let's hope you do. So provision obliges me to ask you whether I could share this with Mr. Sharp.

Mrs S1 Yes, please.

M2 So let's now go back to the joint session thank you.

Mrs S2 Thank you.

Stage 3 of Business Mediation Demo

Introductory part (Stage 3)

Structural element 1: M1

M1 So, Mrs. Smith, Mr Sharp, thank you for your patience and also for your very active participation in the private sessions with me. I think those were very useful in that, for instance, with Mr. Sharp we managed to tackle the very sensitive topic of the personal reasons for his preference to discontinue his commercial activity with No need to pay limited. So, Mr Sharp, as we discussed, you're in quite a difficult personal situation and there are matters that you find hard to openly share, yet during the private sessions you made the firm choice to try to explain the situation to your partner and your friend I believe, Mrs Smith. So now that we are back together could you please elaborate on this.

Central part (Stage 3)

Structural element 2: Mr S1-Mrs S1-Mr S2-Mrs S2-Mr S3

Mr S1 I can try at least. So the situation that brought us here, you remember Lily?

Mrs S1 Of course, how is Lily?

Mr S2 Not very well. Well, the reason is she's not very well. She is ill for a couple of months right now and right now I'm taking care of her. She has some serious problems.

Mrs S2 Oh, I'm sorry to hear it.

Mr S3 It's a very hard situation for me and for her so I'm not able, to be honest, willing to put my energy and my money into anything else than Lily, so this is the reason why I have to finish the whole company to get the money because it costs a lot of money and personal energy and time in this thing, so this is at the beginning of our situation.

Central part (Stage 3)

Structural element 3: Mrs S3-Mr S4-Mrs S4- Mr S5

Mrs S3 So you need the money to support Lily and you need the time to take care of her.

- Mr S4 For sure, to take care of her and according to the doctors I'm able to take care of her and not live in the hospital but take it to my home but I need to make some changes to our house and also take care of her by myself, so this is the reason I was not able to tell you.
- Mrs S4 Yeah, I'm really sorry about the situation and I'm sure how difficult it is and how depressed you might have found in, not sharing it with me. I understand how frustrated you were with the situation and just let me know what I can do and then...
- Mr S5 If we can handle that, this thing and just make sure, all this thing must be done for Lily, I would be very grateful.

Concluding part (Stage 3)

Structural element 4: Mrs S5

- Mrs S1 Well, this entirely changes the scene for me. I now feel totally different and of course we will find a way out so you can take the care that you need to and in the same time we can just find solution to the issues that we've already raised.

Stage 4 of Business Mediation Demo

Introductory part (Stage 4)

Structural element 1: M1

- M1 Mr Sharp thank you for speaking about this in such an honest manner and Mrs Smith thank you for mirroring this with so much empathy. Now, to give you some structure, from what you shared on the one side, an important topic present in your discussion would be the money methods regarding the healthcare of Lily and also the necessary house adjustments and resources that need to be allocated for that. So this could be one of our two new topics of the agenda and also, for Mr Sharp, from what I understand, your most preferable option and business path would be to discontinue your activity with the company, so maybe a second topic could be the company with two possible commercial scenarios but before both of you, one of the being to sell the company and the other being to, and with this I'm nodding to what we discussed in our private session of Mrs Smith, the second option could be to not sell the company and there you perhaps would need to elaborate on the specific conditions under which this business scenario will transpire. Is this proposal for a new agenda satisfying for you at this point?

Central part (Stage 4)

Structural element 2: Mrs S1-Mr S1-M2- Mr S2-M3- Mr S3-M4-Mr S4-M5-Mrs S2-Mr S5 - Mrs S3- M6-Mrs S4-Mr S6

- Mrs S1 Yeah, I just want to make one side comment, maybe just one addition to this. I already spoke with Georgie about it during the private session but what I can propose as a way forward to buy your shares out. I think that may be the fastest way forward and to allow you to focus immediately on the most important thing which is Lily. So take it as a proposal from me as to the options and I would like maybe to explore this a little bit further. If you agree that such a course...
- Mr S1 That's new information for me. To be honest I don't much care where do I get the money, I just need to take care of my child. That's all I think I need but if it would be suitable for all of us then I would be happy if you continue with the company because we worked for years and if it's working very well I will be happy to put it be lead by you for sure but it depends on the conditions but I said in the final settlement that I need the money.
- M2 So you said it depends on the conditions, so let us explore together these conditions and I again turn to the flip charges to chop down the ideas for topic that we brainstormed. So from what we just discussed I believe we could consolidate on the topic of share

- transfer and specifically on the price. So here I turn to you Mr Sharp and I post the following question, you mentioned that you need to meet some medical expanses on the one hand, on the other hand some costs for house adjustments. Could you present to us specifically the exact numbers and for each of these different obligations.
- Mr S2 So the obligations right now, two of them and the first one is the doctor's which will cost 30000 euros.
- M3 So I put down those and the sum of 30 000 euros.
- Mr S3 And also we have to pay in couple of days or weeks 75 000 euros for the medication and other related things.
- M4 Okay so we could put down if this is okay with you, medication and the number is 75 000?
- Mr S4 Yes, and the biggest, the house adjustments which will probably cost around 220 000 euros
- M5 Okay, so we can write down house adjustments 220 000 euros. Alright, well you are the business people so it is your task now talking numbers, so Mrs Smith how do you perceive these expenses that Mr Sharp presented?
- Mrs S2 Well, I see that the expenses are total in the number of 325 000 euros if I'm correct in my calculations and unfortunately I don't have that amount of money, I don't have 325 000. The biggest that I can pay to you is 275 000, so there is a difference to 15 000 that we are apart from each other, but what can we do about that difference? Is there any way we can...
- Mr S5 These expenses I have to spend for sure.
- Mrs S3 When do you need it by? Is it due now or you can...
- M6 The first two, yes, the bills must be paid in one month or something like that and the house adjustments it will take some time for me definitely so I have to prepare the house for Lily like in half a year, but part of the house is supposed to be done in one month just to take her home.
- Mrs S4 So within a month you need 105 000 euros?
- Mr S6 Yes, that's the bills and making the first changes in the flat, in like one month but that's not the biggest reconstruction but it must be done in one month, two months or something like that but it will cost that money

Central part (Stage 4)

Structural element 3: Mrs S5-Mr S7-Mrs S6-Mr S8-Mrs S7-Mr S9-Mrs S8-Mr S10-Mrs S9-Mr S11-Mrs S10-Mr S12-M7-Mr S13

- Mrs S5 Just for me to understand, you know real estate management, I'm in that business, how did you come up with a number, I mean did you have your contractor that has given you...
- Mr S7 Not yet, as you can hopefully understand I was completely depressed and I'm taking care of Lily so I just asked some friends or some companies and showed them what I have to...
- Mrs S6 Why don't I help you here? I mean that's my field, that's my expertise.
- Mr S8 That's new information.
- Mrs S7 Absolutely I'd love to help you and quite honestly I think that this... I know your house, I think this amount in refurbishment is a little bit overrated, it could be.
- Mr S9 Well, I'm not professional in this
- Mrs S8 I think we can reduce your number, so if I got my department companies that we actually use for our business I think we could pretty much reduce the number.

Mr S10 Well to be honest, I don't much care who is going to do it and I don't need the money, it's not money for me, it's money for the adjustments so if the changes will be done somehow, I don't care how much it costs.

Mrs S9 I actually, right now I'm thinking I have like great companies that are pretty good. I'm sure they will make a good job and actually the pricing would be far lower than this number. I'm certain about it.

Mr S11 If you arrange it, if you are able to assist me in this or make this changes then I don't have a problem with that. It must be done, this is the only option, only goal I have.

Mrs S10 So the what I will need from you is the floor plans and the specifics that you would need the house to be...

Mr S12 I have it here so I can send it immediately after our meeting. It is supposed to be done very quickly, like in one month or something.

M7 So maybe you should fix some deadlines, for instance and appoint another meeting?

Mr S13 I will send it immediately, the information on how much time to the companies or your colleague.

The concluding part (Stage 4)

Structural element 4: Mrs S11-Mr S14

Mrs S11 So then I suggest, the mediator is actually kindly inviting us to do this, I will arrange all the contracting companies that we can use, I will speak with them, I will send to them the floor plans and the additional information that you send me, I will discuss it internally. It may be that they need to come and see the house just for a better understanding of what exactly needs to be changed and let's meet one week from now with the concrete information, specific deadlines, designs, so you can approve it and the we can go ahead.

Mr S14 I'll be happy to.

Stage 5 of Business Mediation Demo

Introductory part (Stage 5)

Structural element 1: M1

M1 So first of all, just to step back, it's extraordinary how you face these communication discrepancies. For one year, for whole 12 months you could not communicate properly and now just after some time in this mediation environment you're discussing concrete proposals. So let me just make sure that we're all on the same page with regards to these proposals. So what you agreed on while analysing the scenario in which Mr Sharp's share is transferred to Mrs Smith is the following: Mrs Smith would pay the amount of a 105 000 euros which would be due immediately as far as I understand and also she would undertake obligation to assist Mr Sharp in the refurbishment and the necessary house adjustments in the house of Mr Sharp within the next month. So you would contact, you say that you would take this task home and you would contact the three partnering companies you're using, to discuss the floor plans which Mr Sharp would immediately provide you with and also the additional specifications that are required for your analysis and you would present Mr Sharp with an option, yet the total amount which you could not exceed is the total sum of 275 000 euros. Is this correct?

Central part (Stage 5)

Structural element 2: Mrs S1-M2-Mr S1

Mrs S1 It's totally correct from my side. Of course I assume that if the total refurbishment is far lower than 275, we just go with whatever the amount is.

M2 Is this agreeable to you Mr Sharp?

Mr S1 I have to have it done. This is the most important thing to me so if it's going to be done, I am okay with that.

Central part (Stage 5)**Structural element 3: M3-Mr S2-Mrs S2**

M3 Alright then, thank you once more and I brought to the table the topic of specific deadlines and when your nice meeting ought to be, you agreed to meet in one week, so my next question to both of you is: do you need my assistance and my presence during this subsequent meeting or do you think you can reason out the matters of house adjustments on your own?

Mr S2 Oh, thank you for the offer but I think hopefully we are able to settle down.

Mrs S2 Yes, it will be fine. Thank you again for asking. We'll keep you informed on whatever we come up with.

Concluding part (Stage 5)**Structural element 4: M4-Mr S3-Mrs S3**

M4 I'm looking forward to seeing what have you agreed upon in the end and now I want to thank you Mrs Smith and Mr Sharp and to wish firstly to Mrs Smith broad commercial horizons before no need to pay limited and to Mr Sharp on the other hand, I wish sincerely a speedy and full recovery of young Lily. Thank you both.

Mr S3 Thank you.

Mrs S3 Thank you very much.

A week later

Mrs S1 Hello Mr. George Lenko

M1 Oh Mrs. Smith, yes hello hello Oh Mr. Sharp. I can hear you two in the distance, yeah. So how are things going nine days after the end of our mediation session. You did you did agree well. you did agree on the house adjustments the specific sums? (question with raised intonation) good excellent. I'm very very happy and rewarded to hear that. Thank you well good speed to you both and thank you thank you to you too thank you good luck if you like

Appendix 7

Transcript of Part 1, Part 2 and Part 3 of Business Mock Mediation in Action Organised into Parts, Stages and Structural Elements

Part 1

Stage 1 of Business Mock Mediation in Action

Introductory part (Stage 1)

Structural element 1: M1-C1

M1 All right, Bill, Courtney, I want to thank you.

C1 Alright, sounds good. Thank you.

Central part (Stage 1)

Structural element 2: M2

M2 I've read both your briefs and I want to just let you know that from what I've seen in the briefs, this is a really good case to mediate, and I think that you guys and your client should be commended for submitting to the mediation process to see if we can get it resolved.

Structural element 3: M3

M3 Bill, I'd like to spend a little bit of time talking with you about the case if I could. So, Courtney, if I could okay?

Concluding Part (Stage 1)

Structural element 4: M4

M4 Alright, sounds good. Thank you.

Stage 2 of Business Mock Mediation in Action

Private session with Bill Munoz:

Introductory part (Stage 2)

Structural element 1: M1-B1-M2

M1 Okay. Bill, how are you?

B1 Good, how you doing, Peter?

M2 Good, how's your client doing?

Central part (Stage 2)

Structural element 2: B2-M3-B3-M4-B4-M5-B5-M6-B6-M7-B7-M8-B8

B2 You know, she's pretty emotional. I mean, this is a big deal for her, as a single mother of two. You know, this is really been tough on her, reliving all this, her harassment by Macho Mike. It's been tough. It's been tough

M3 Yeah.

B3 And so, there's a lot of emotion here, so...

M4 Is she available today to talk to?

B4 Uh, she's available, but you know, I'm a little hesitant to, you know, to let her talk to you. Um, because I think she's so emotional. Um, you know, she's okay talking with me, but I'm a little concerned that, if someone is maybe pressing her a little bit on some of the issues, that may just, send her off the deep end. So, I'm a little concerned there.

- M5 I don't want to do that. I don't want to do that. So, I've read the brief, but tell me what I... tell me what's not in the brief that I need to know. Tell me what's... what's going on. Why is it that it seems like this wasn't much of a big deal? What am I missing in terms of those facts?
- B5 Well, I think the problem here is that everything was fine, so to speak. Um, you know, I think there was some friendly banter going on between, you know, Kari and Macho Mike. Um, but, you know, Kari thought nothing of it. Uh, the guy's married, I'm not interested in any work romance, it's just coworkers, you know, getting along. Um, but, you know, when it started to change a little bit, and the friendly banter became something more like, "Hey, let's go out to lunch," and then it was, "Let's go out to dinner," and then, you know, starting to make suggestive comments about the way that she's dressed and how, you know, how good she looks, virtually every day. It started to get a little weird. Um, and you know, she kind of blew it off initially, as, you know, for whatever reason. Um, you know, and she, you know, was taking care of her kids and would go and, you know, "Hey Mike, I need to leave work early or I can't or I'm not going to be in tomorrow," because she had to do something with her kids or take her kids to school or doctor, whatever. And it was never a problem. It was only when, you know, after the first or second time that he asked her out to dinner, and she said no, the things start to change. Uh, and for no other reason. I mean, work product has always been good
- M6 How long has all this been going on?
- B6 It's been going on really this last year. The first three years, there's, you know, she had good performance reviews, got bonuses, and no issue. But, again, you know, the asking, the banter and stuff, and asking out, that didn't occur until this year, and I don't know what it made. Maybe something happening with Macho Mike and his wife. I don't know, but it intensified this year. I mean, it really, really came about this year. And, you know, given her past track record of being such a good employee, there's only one... I mean, you can only point to one thing here as to why the negative performance, why no bonuses, and that is because Macho Mike dinger, after... TimeWise, you know, temporarily, uh, it was right after she refused to go out on a date.
- M7 Did your client ever talk to anybody about any of this stuff? Did she report it to you that she spoke to anybody?
- B7 Not until after the, the negative performance review, that she didn't report it to HR because she thought it was retaliatory, for her not, you know, succumbing to his advances. Um, but prior to that, she, you know, like I said, she kind of blew it off, didn't think much of it, thought it was more of the friendly banter. It's only, you know, when he started commenting on her looks and, you know, how good she looked, and then the dates, you know, a lunch here and there. I think that's not uncommon with colleagues. But when she started to perceive it as something different and, you know, something more sexual in nature, that's when she declined. That's when she, uh, gets dinged for it. That's when she reports it.
- M8 Okay, so she didn't talk to any friends or coworkers and say, "Yeah, Mike keeps asking me out," or anything along those lines?
- B8 No, she didn't, because she didn't... again, like I said, she didn't think much of it, at that point in time until it got weird, and then she went to HR.

Structural element 3: M9-B9-M10-B10-M11-B11-M12-B12-M13-B13-M14-B14-M15-B15-M16-B16-M17-B17

- M9 Is she currently working? Did she get another job?

B9 Uh, she's not. She's been so distraught, I mean, this has just kind of broke her. I mean, she just kind of is losing faith in working, for, you know, anyone, male or female, I guess at this juncture. So, she hasn't, doesn't necessarily... I mean, she's looked but not probably as intensely as she, she should. I mean, recognizing, I know there's some mitigation issues, but, I think mentally, she's pretty messed up from this situation.

M10 And remind me again, if you can, what was she... what was she making? Was it on an hourly basis or salary when she was with MerchCo?

B10 She was making, um, like \$75,000 a year.

M11 Okay, with the bonuses, right?

B11 Right. Right. Okay.

M12 Alright, um.. helpful. Anything else I need to know before I go and talk to Courtney, that you think it's important and it can be confidential as well. Let me just tell you that anything you tell me is absolutely confidential. I'll make note and I'll make sure not to disclose to the other side. Otherwise the information that we convey back and forth, I'm going to assume that's okay to go ahead and talk to the other side, okay?

B12 Sure, sure. Um, you know, I think, um, you know, there's been... I'm aware of another incident that Macho Mike had. Um, they kind of downplay it, but you know, I think that's the me too issue. I'm, I'm... that's probably going to come in at trial, um, and that's not going to bode well for them. I think secondarily, their investigation was a Roose. Um, that email is not cryptic in any way. That's pretty clear that the guy was asking her out. You don't send 'Hey, what are doing on Friday?' with the winking emoji. That is pretty clear, I don't think that's going to bode well for them, and yet they're keep downplaying. I think that's going to come back and bite them in the butt, if they don't take that seriously. You know I'm at \$250,000 already in fees in this case and that's only going to get worse, so they need to step up and get real.

M13 I saw your demand was for \$750,000. Is that the first time that demand's been made?

B13 Uh, it has. Um, you know, my client wanted to ask for a lot more, and you know, I thought we're going to go to mediation. We don't want to scare them right out the door and ask for some ridiculous number, because I want you to send the right message. Um, you know, here we want to resolve the case but we're not going to... you know give away the house to do it, and so I thought, we talked about it and I thought that was a fair number to start at.

M14 Okay, you and your client are willing to move off that number, right?

B14 Uh, well, I know I am. Uh, you know, my client, you know, I told her, you know, I obviously explained the process to her, and, you know, it's a negotiation, and the whole thing of the mediation is the compromise. So, you've got to be willing to, you put a number out recognizing that's not going to be your final number until you get to that point where it is and so... I think I got her on board, she will come off the \$750,000.

M15 Okay. Tell me this, where are you on the process ? Obviously your client has never been through this before, right?

B15 Correct.

M16 Okay, this is the first time. Where do you stand on, um, procedural status or.. and you're in discovery, obviously. What's been done there?

B16 Um, not a lot. We've, I've interviewed like the, the person who was involved in the prior incident. I interviewed her, she's going to make a really good witness. Um, I have some PMQ depositions set up for, MerchCo and I'm, I'm getting in the... I've already noticed Macho Mike's deposition. I'm going to depose his wife too, because I'm pretty sure his wife doesn't know what's going on. Um, and so, I'm sure he's not going to be particularly happy about that. And so, that, that should be incentive for them to really think about, um, settling the case. Although Mike is not personally named as far, you

- know, in the, in the lawsuit, I just, I'm going after MerchCo, but it's going to be good, so that's where we're at. My client has not yet been deposed.
- M17 Um, I thought your client had been deposed.
- B17 Oh, she... oh, no, you're right. Sorry, yeah, I was thinking of a different case. Different case. And I thought she made a good witness. So, I think she'll be very sympathetic to the jury. But that's, that's kind of where we're at. We kind of held off on all the other depositions, while we try to, to settle the case.

Concluding Part (Stage 2)

Structural element 4: M18-B18-M19-B19

- M18 Okay, excellent. I, I'm going to go because I'm, up against the time wall now for, the amount of time I told Courtney I'd be away. So, let me go talk with her for a few minutes, and then I'll come back and we can figure out a game plan going forward, okay?
- B18 Very good.
- M19 All right, thanks.
- B19 Yep.

Private session with Courtney O'Brien

Introductory part (Stage 2)

Structural element 1: M1-C1-M2-C2

- M1 Courtney, are you there?
- C1 Hi, I'm here.
- M1 I'm good. How are you?
- C2 Good.

Central part (Stage 2)

Structural element 2: M3-C3-M4-C4-M5-C5-M6-C6-M7-C7

- M3 Okay, Bill sort of filled me in on procedurally where things are at. Um, sounds like he's got some depositions that are going to be, scheduled. He hasn't taken them but they're going to be scheduled, and, I don't know, has he sent out notices for those?
- C3 Uh, no, not yet.
- M4 Okay.
- C4 We talked a little bit about availability, but no notices yet.
- M5 Okay, all right. So, he's holding off on those. He's also, he said your client's deposition went forward.
- C5 Yes, it did. Um, and, you know, I mean, I think that, it went well for us. Mike is... and by the way, we object to him being called "Macho Mike." His name is actually, Melo Mike. Um, he's a very, you know, mellow guy. His only fault, maybe, is that he is at sometimes maybe too friendly with his team. Um, but, you know, he really loves his job, he loves his coworkers, and he loves his family. And I think that came off in the deposition. Um, and you know, it's unfortunate that maybe some of it was interpreted wrong, but there was absolutely no ill intent on Mike's part. And, I think that was evident in the deposition. I think he will make a very good witness.
- M6 What was Mike's attitude regarding the litigation?
- C6 You know, I think he's embarrassed, he regrets, if he did anything to make Kari feel uncomfortable. That was not his intent at all. He sincerely feels, he thought they were co-workers and colleagues and friends. I think he has probably learned a lesson from this, but at the end of the day, you know, when a sales employee has excessive absences they're not making sales and that's really what this comes down to. I know that Kari disputes that her work product declined but how could it have not? She was so absent

from work so much that her work really did suffer and that's what all of this is about, unfortunately, that it's trying to pass the buck which is unfortunate for everybody involved.

M7 Brian mentioned that there was a prior complaint by another employee and he didn't go into all the details so I don't really know what that's all about but are you familiar with that?

C7 I am, yeah, and I think we mentioned it briefly in our brief. Again it was, you know, Mike has been an employee for 10 years and he has always had excellent performance reviews. There was an incident, a similar incident, where a female colleague misinterpreted and felt that her, she wasn't given the bonus that she deserved, but that also was investigated and nothing was found.

Structural element 3: M8-C8-M9-C9-M10-C10-M11-C11-M12-C12-M13-C13-M14-C14-M15-C15-M16-C16-M17-C17-M18-C18-M19-C19

M8 Okay. Between you and me, do you think that ever sees the light of day inside the courtroom in this case?

C8 You know, I think it could and you know that's definitely something that we are keeping in mind, even though, we really do think that this is, we really think that these allegations are very unfair but we would like to try to resolve the case if we can.

M9 Okay. And you representing Mike as well as the company?

C9 That's correct.

M10 Okay and is Mike facing any personal exposure to your knowledge?

C10 Well yeah, it sounds like he might be, you know, the carrier has reserved rights on any intentional conduct and I believe that plaintiff is also seeking punitives. I don't think that she's going to be able to get any but that's also something that the carrier would not cover so it's possible, I think there's a remote Chance of that but again we're trying to keep that in mind as well so I'm trying to figure out what's best for Mike as well as the employer here.

M11 Is there a reservation rights letter that's been issued?

C11 Yes, there is.

M12 Okay. Do you know whether there is any talk by the carrier about possibly bringing a declaratory relief action on those issues?

C12 I'm not aware of that yet.

M13 Okay. Do you know whether Mike has personal counsel?

C13 He doesn't yet. He is a midlevel management employee and that's really something we'd like to avoid if we can. He doesn't have any money to be able to hire his own attorney or personally contribute, so we're hoping we can try to avoid that.

M14 No I agree, I think that's a good plan. You know, candidly from what Bill said it sounds like it is a classic he said she said situation and there really aren't too many or there aren't any other witnesses to what occurred. So it's a difficult case but answer me this, obviously your best day trial would be defending the case, what's your worst day look like, how do you evaluate that?

C14 Well, you know, we really think that plaintiff, she has a duty to mitigate her damages and she is an educated employee with some really good work experience and I understand she's not back working anywhere yet which I think is pretty unreasonable, so we would think that our worst day would be something really in the neighbourhood of what their demand is so I think their demand is way inflated and this case should hopefully settle for much less than that and my client only has \$200,000 policy so for them to think that they're going to get a large contribution from the company or from the Mike personally I think is unrealistic.

- M15 All right, so I assume you've probably spoken to your client about whether or not he needs to be looking to pull money of his pocket or that the company would need to pull money out of the pocket. Sounds to me what you're saying is everybody really want to settle this within the policy and then be done, if that's possible, right?
- C15 That's correct.
- M16 Okay. Are they aware though that there's a possibility that if this goes to trial, they might have to all come out of pocket?
- C16 Yes, everybody's aware of that.
- M17 Okay, all right, good. What else do I need to know that I don't already know from your brief? Is there anything else?
- C17 You probably need to know that although both of my clients would really like this to get settled within the policy limit, I do not have the authority for that from the carrier yet, so we're still working on that.
- M18 Okay. And they're available by phone for you in case you need the?
- C18 You probably need to know that although both of my clients would really like this to get settled within the policy limit, I do not have the authority for that from the carrier yet, so we're still working on that.
- M19 Okay. And they're available by phone for you in case you need them
- C19 Yes, they are.

Concluding Part (Stage 2)

Structural element 4: M20-C20

- M20 Let me go back and talk to Bill for a few minutes, okay?
- C20 Okay, thank you.

Private session with Bill

Introductory part (Stage 2)

Structural element 1: M1-B1-M2

- M1 Hey Bill, are you there?
- B1 Yeah, I'm here.
- M2 I asked Courtney this question, I'm going to ask you the same question. Obviously a best case, worst case scenario, best case is, worst case is, you get your case defense. How do you see your best case, what does that look like to you? And be candid with me

Central part (Stage 2)

Structural element 2: B2-M3-B3-M4-B4-M5-B5

- B2 Sure. You know she's 38 years old, she's college educated so she has experience and I imagine she can probably find a new job, probably fairly quickly so that will reduce any future potential wage loss, so best case scenario, somewhere between the five and 750 that I demanded is the best case scenario. If they buy her story and believe that Macho Mike's conduct was severe and pervasive as we allege, then they're looking at punitive damages which is maybe not much from Mike because maybe he doesn't have any money, I don't know, I still have MerchCo on the hook for that too, so between five and 750 I think is very realistic at trial
- M3 All right. I'm going to you pull your crystal ball if you can and take a look how many times of ten do you think you get your best case and how many times out of ten you get substantially less than that?.
- B3 Seven out of ten.
- M4 Not the best odds. Your client is aware of those risks?
- B4 Yes.

- M5 More realistically I think your best day is somewhere around 3 to \$400,000 that's my gut. Given the county you're in, given all the what you've said and given factual disputes that I'm seeing. I don't know that you ever get to the top of the line, I think your best case is substantially less but that's my opinion for whatever it's worth, take it or leave it, with that in mind I'm hoping that I'm trying to give you some guidance in terms of where I think the case should be positioned to try to settle. I hear what your client's saying and these cases oftentimes are highly emotional, especially when you sit down in front of 12 jurors and have to tell the story it becomes even more emotional. It's a tough road for plaintiff to do and I hope your client is aware that is not something that I think she should want to have to do, I think that should be something that would be the last thing you'd ever want to do if at all possible, so with that in mind, I'm hoping we can find some place that is more realistic in terms of the number and I don't know what the other side's willing to do or able to do at this point in time so I can't guide you as far as that goes but I do want to let you know that, I don't know have you done any written discovery yet?
- B5 Just your basic written discovery, special rocks, form rocks, employment rocks and request for production.

Structural element 3: M6-B6-M7-B7-M8-B8-M9-B9

- M6 Are you familiar with insurance coverage issues?
- B6 I know there's probably, you know, I've done defense work so I release these types of claims. I typically know there's a reservation of rights certainly. Punitive damage is in intentional conduct but I haven't seen any reservation of rights. I only assume there's one, as I think about it I'm not even sure, I recall at this moment what the policy limits are so I would need to be refreshed on that before I can certainly council my client on anything but regardless of what the limits are, I made a policy limits demand early on so they didn't accept it, I don't really care what the limits are because in my view the policy's opened. Let me go back to what you were saying about your view of the case and I respectfully disagree but if that's where you're looking, it's not unreasonable, that's certainly a fair range, given my experience, the problem is going to be getting my client in some realm, assuming that can get the case done, getting my client into that posture. Extremely emotional, she would prefer to have her day in court so she can explain this, so she can out Mike in the conduct he's been undergoing or undertaken with me, with this other employee there and how MerchCo just kind of swept it under the carpet, under the guise of independent investigation. No independent investigator could have found it contrary to there being sexual harassment, it clearly was, the email show sit so she wants to be vindicated, so trying to get her off the ledge to come down into an area that you're talking about is going to be extremely difficult. Maybe her expectations were unrealistic perhaps but I've had that conversation with her about having to sit in front of the jury and tell your story to people you don't know might be embarrassing. You know who knows what they're going to think but she relished the idea, she wanted to do that. „Okay, that's what you want to do, I'm fine with that but recognize we're here trying to settle the case so you got to be flexible and compromised” so that's where I'm at in terms of my client.
- M7 You know your client best. Do you think it would be helpful for her to talk with me and to get it off her chest?
- B7 I'm going to kind of defer to you on that. Like I said I'm trying to get her into that realm of where you're thinking. Is going to be extremely hard, if you think that you talking to her would help then I'm okay with it. I just knowing her and kind of the way she is, she's responded to the claim and kind of their response to all the allegations, is kind of

set her off, so I want this to be productive. If you think that will help and it may help her go off the ledge.

M8 Let's put it in the back pocket for right now to see whether or not, I'm trusting that you have complete client control over her and I don't want to interfere with your relationship with her at all. If my involvement or my conversation with her would somehow be counterproductive so I'm going to defer to you on what you think is best as far as that goes. I was told by Courtney, the reservation right, this letter does in fact exist as well as that there's a policy of only \$200,000. Courtney is not aware of whether or not the carrier is standing on those rights or whether they're going to move forward with some sort of a relief action or anything along those lines, so that's good, at least we still have a live carrier involved. I don't know what temperature read is as far as the carrier on willing to pay substantial amount of money in this case, for example up to policy, but I'm going to try to get that information next time I talk to Courtney but I just wanted to get a read on you whether or not you know your numbers are something that your client is hard and fast on, if it is that the realm we're looking at or I'm getting a signal that you're willing to negotiate, you're willing to come off that number and you have enough client control to be able to get your client to sort of move down off of those numbers and to avoid having to go trial

B8 I'll give you my lawyer answer. It depends what are the policy limits, I refreshed my memory.

M9 I thought it's \$200,000.

B9 That's going to go over like a load of bricks, I can tell you right now. If that's the case someone is going to need to write a check above and beyond that \$200,000 in order to get this thing settled. If I have to depose Mike's wife, tell her about all these allegations. Maybe it's Mike, I don't know, I'm going to do it but \$200,00 that's not going to cut it.

Concluding Part (Stage 2)

Structural element 4: M10-B10-M11-B11-M12-B12

M10 All right, I want you to think about that, because there are limits and parameters which neither you nor I can deal with or adjust. They are what they are, so you know you're going to run into collectability issues beyond the policy with Mike, obviously. I think you recognize that you're going to run into collectability problems with the company as well. You know, you and I both know how difficult it is to collect on a judgment these days. So, I want you to think about that. I'm going to go talk to Courtney for a few minutes, okay?

B10 They going to come back with an offer?

M11 Yeah, I'm going to get a number from her.

B11 All right.

M12 That's yeah exactly.

B12 Okay, thank you

Stage 3 of Business Mock Mediation in Action

Private session with Courtney O'Brien

Introductory part (Stage 3)

Structural element 1: M1-C1

M1 Hey Courtney.

C1 Hi.

Central part (Stage 3)

Structural element 2: M2-C2

- M2 I'm trying to get a temperature read on the room with Bill right now. His client seems to be highly emotional, and so we're sort of working on that. I think part of the issue is the fact that Bill's made a demand. Be worthwhile at this point in time to let them know or send a signal to them? Hopefully, a signal that you, the carrier, and the company are serious about trying to get this thing settled. Their demand is 750. I'm getting pushback from Bill regarding numbers in the range of the policy, but I'm trying to get him to understand that winning the battle and winning the war are two different things. His ultimate battle is going to be, if he were to win anything beyond the policy, the collectability problem that sits out there. He could theoretically end up spending way more money than is collectible in this case, and I'm trying to get him to understand that. I think he is, but I'd like to come back to him with a number that makes sense, that you're comfortable with, and that also sends the right signal. Okay, did you have a number in mind that you wanted to start with?
- C2 Well, I had a number in mind, but I'm not sure it's going to send the right signal, as you said, or you won't feel it does. You know, we're really struggling with this being a valuable case. It's like I said-there's no reason why she shouldn't already be employed. She didn't even talk to anybody at the company about these supposed events until after she received a negative performance evaluation, which I think is a problem for her. And if we didn't have these personal exposure issues, I don't think this is anywhere near a \$200,000 case. So, that's what I'm struggling with. I normally... Go ahead, sorry.

Structural element 3: M3-C3-M4-C4-M5-C5-M6-C6

- M3 It seems to me you've also got the exposure of his attorney's fees as well. So, that's sitting out there too. Even a nominal verdict is going to result in a fairly sizable attorney's fee award. So, I mean, I trust that that's going into your calculation in terms of what you're thinking.
- C3 Yeah, it is, and you know, because of that, I think, we would probably start with an offer around 50,000, recognizing that, we may not have a lot more room to move. So, what do you think about that?
- M4 I think that's fair. I think that's a good number to start with. Obviously, it's a signal that you're for real-50,000 is real money. But I also think it signals the opposite, which is that we don't have a lot of room to move, given the parameters of what your policy provides and the issues that are the reluctance on the part of the carrier to want to go all the way in at some point. So, what I'd like to do is, am I authorized to go back to Bill with 50?
- C4 Yes that's fine.
- M5 Is there anything else in that that I need to? Any other terms that you feel as though I that we should probably get on the table now? If not, then I'll just let them know the number.
- C5 No, I can't think of any other terms.
- M6 Okay.
- C6 Yeah.

Concluding Part (Stage 3)

Structural element 4: M7-C7

- M7 All right let me go talk to Bill and I'll be right back, okay?
- C7 Okay, thanks.

Private session with Bill

Introductory part (Stage 3)

Structural element 1: M1-B1

M1 Hey Bill.

B1 Hey.

Central part (Stage 3)

Structural element 2: M2-B2-M3-B3-M4-B4

M2 A Hey, I got a number. It's not a bad number, I don't think. I think it's actually it's an interesting signal. It's \$50,000. There aren't any other terms that they have attached to that number, so it's just-right now-they're just it's just a fairly clean deal. But it's \$50,000, obviously paid, buying through the carrier. At this point, they-you know, to be fair-they recognize their exposure is not just the liability side but also the attorney's fees. You know, they've I truly believe Courtney's a good lawyer, and I believe that she's fairly evaluated this. I think that there's-my sense is, and she hasn't said this to me. My sense is that there's other issues that are, that are, that she's bumping up against that are causing her to, to, to negotiate the way that she is. But I don't have any question, and there's no doubt in my mind that Courtney has evaluated this properly and is doing the best she can with those numbers. So the number to you is \$50,000. What are your thoughts?

B2 You need another zero to get this thing done.

M3 You're killing me Bill, you're killing me.

B3 I know, but I'm telling you, I don't see it their way. You know, it's the temporal aspect of this alone-they're never going to get summary judgment, so I'm not worried about that...

M4 I think that everybody knows that.

B4 In of itself, it's a tribal issue of fact, certainly on a retaliation claim, for sure. You know, \$50,000 for a year's worth of sexual advances-that's kind of a slap in the face. That doesn't cover, you know, her salary for that year. So, you know, I recognize the mitigation issue. I mean, but I'm really focusing on what she experienced and the trauma she experienced in that year, after having three good years with this company that she liked working for. But she felt that they just abandoned her when, you know, "Macho Mike," the 10-year guy supervisor, you know, got called on his-excuse my language-bullshit. And, you know, now they're backed into a corner, and, you know, she just feels like they turned their back on it. And, you know, this-it's not right so..

Structural element 3: M5-B5-M6-B6-M7-B7-M8-B8

M5 There's an argument to be made that her termination had nothing to do with Mike and that she more or less just got fed up with the place and wasn't making enough money. I mean, there's all sorts of ways of trying to spin that. And so she's been out of work for three months, so that... And the argument would be, I think, would be that it was of her own doing. Um, just playing devil's advocate with you, that could be the opposite side, which would reduce the potential downside exposure. And then there's always the possibility that a jury looks at this and says she's just being overly emotional about this, and that it was really no big deal. There's that component, too. I know that you've taken-you're a good lawyer as well-you've taken this all into consideration. You can get a lot of different opinions from a lot of different people sitting on a jury panel in terms of what is or isn't harassing conduct. You and I both know that, that you can see that in different ways. So you recognize that there are people who will not view that-couple of advances, which she didn't take and didn't involve any touching; it was just mostly

verbal, is what I'm hearing-that maybe she's just being a little bit oversensitive. That is one way it could be viewed. I'm not saying that's the way it would be, but I'm just saying that that's a possibility. So with that in mind, that could affect your value of the case going forward.

- B5 You know, it could-you know, I get that. I mean, you know, I'm not sticking my head in the sand and ignoring what a jury could do. Yeah, I get that. You know, the problem is my client doesn't get that, and no amount of conversation I have with her will help sink-let that sink in. So, you know, I'm kind of going back to your original thought about talking to my client, and you know, I recognize the risks involved here. I may be inclined to let you talk to her just to have her hear it from somebody else. Because, yeah, I could try this case, and you know, maybe I win, maybe I don't. But if I don't win, obviously it doesn't help my client at all. I'd much rather see her get something so she can get on with her life and do bigger and better things. But I'm going to need help-she won't listen to me. If I try to go when you tell her it's \$50,000 or I tell her it's \$50,000, uh, she's going to go ballistic.
- M6 Do you have authority beyond, do you have authority to negotiate down?
- B6 I do, I have some authority, yeah, I mean I have authority to go to 500 but...
- M7 Okay.
- B7 You know, that's about where I'm at right now.
- M8 Am I authorized to make to make that offer?
- B8 Yeah.

Concluding Part (Stage 3)

Structural element 4: M9-B9

- M9 Okay. All right, let me go talk to Courtney and know that that's where the numbers at, okay?
- B9 Okay.

Stage 4 of Business Mock Mediation in Action

Private session with Courtney O'Brien

Introductory part (Stage 4)

Structural element 1: M1-C1

- M1 All right. Hey Courtney.
- C1 Hi.

Central part (Stage 4)

Structural element 2: M2-C2

- M2 Yeah, I'm not surprised. Bill's a strong lawyer and a really good trial attorney, and so he's playing his cards pretty close to his vest right now. His number, he's come down from \$250,000 to \$500,000. I think that's a good signal. I think that's a very positive signal from them because I think what they're doing is-that was a significant move downward. He is indicating that his client is-there's going to be a point where she's going to start standing pat, and she's not going to want to try to move. I don't think we're there yet. I don't get that sense. I get the sense they're still willing to talk. And I'm really trying to convey to Bill the fact that, you know, as much as he thinks he could win the case, he just as easily could lose this case. Your case is not that weak. There's just a lot of circumstances, evidence, and ultimately, it's going to depend on, you know, a dozen people who are going to hear the matter and who may not view this as being anything other than just normal office conversation going back and forth. And if that's the case, then they may just, you know, accuse her of being overly sensitive. Bill's aware of that.

He understands that that's a possibility that can happen. I said, I'm not trying to prejudge. I'm not here to decide anything. I'm just saying I think we've all seen where juries have made decisions that have been a little baffling, um, in some sense. On the other hand, it makes perfect sense given their own personal life choices. So, with the \$500,000 that's on the table, what are your thoughts about that?

- C2 Well I agree, I think it's a decent move. I still think they're way up in the stratosphere. Are, is she here? Can I ask that?

Structural element 3: M3-C3

- M3 She's available. I haven't spoken to her right now. I kind of get the sense Bill has been-I don't know whether she wants to talk to me or whether Bill's having difficulty with her. I'm not sure what the deal is there, but Bill has indicated that he'd allow me to talk to her. I haven't taken him up on that offer yet. I think what I'd like to try to do is see what we can do with the numbers before I go and have that conversation. There may be a time where I have to have that conversation with her about-should, you know, about when we get to, I think, crunch time, whether or not that would do well. She's a very spirited, from what I understand. She wants to tell her story. She's not afraid of coming into a courtroom. I think that could change the closer they get to trial. I think that oftentimes does, as people, all of a sudden, the nerves kick in and it becomes a little tougher. And, you know, as time goes on, it's more and more difficult. And so, oftentimes, what looks like it's no big deal today, when you get closer in time, becomes a little bit more traumatic and difficult. She's not there yet, but again, I think we have an opportunity to try to bring the numbers closer, as close as we can. I want to ask you for a counter demand, if I can. Can you give me a number in response to their \$500,000?
- C3 Yeah, um, yeah, no, I just-I find it a little strange that she wants to tell her story and she's not here. But recognizing that they did make a pretty decent move, I think we can go to \$75,000.

Concluding Part (Stage 4)

Structural element 4: M4-C4

- M4 Okay, I don't know that that's going to be well received, but I'm going to go ahead and take that to them and, um, see what we can do. Okay?
- C4 Okay, thank you.

Private session with Bill

Introductory part (Stage 4)

Structural element 1: M1-B1

- M1 Hey Bill.
- B1 Hello.

Central part (Stage 4)

Structural element 2: M2-B2

- M2 Yeah, I had a feeling we were going to get to this point. I think the carrier is viewing this wildly different from how you see this. They've come up to \$75,000. I don't think that's their last number. I'm pretty sure it's not their last number. I'm not getting that signal from her. But I do think that this is a signal that they're probably trying to work this out so that the settlement would fall within policy limits and not go beyond on that. And I know that's not where you're going, what you're shooting for, but I do want you to think about that. You know, today, the day that you have an opportunity-and your client has an opportunity-to really put this thing behind her. And that, you know, she's

going to have sunk costs in this case going forward, and a lot of by that, I mean a lot of time and a lot of her own costs and that sort of thing. But she's obviously, you're going to look to have her pay the cost going forward. She's going to end up having those things, and she doesn't sound to me like she's in a position to be able to do that very easily. Which means either you go, you know, 100% in and take the risk, or share the risk with her. But if you share the risk, she's going to have a problem, I'm sure, trying to fund that. But I do think that there's an opportunity to try to get us as close as we possibly can to the policy, if not the policy. But I need to get a signal from you as to whether or not, if we were to do that today, and this was something that we could-your client could feel comfortable that she's closing the door on this chapter in her life, and she's able to move forward with some money in her pocket, whether or not that's something that we can do today. Is that something that you would be comfortable with, and she would be comfortable with? I know that's a big drop, but I'm not asking for a number, I'm just asking for, you know, your sense, your feeling from her.

- B2 Uh, well, first of all, I would have taken a substantial cut in my fees, which I don't typically do, number one. And I think her expectations are, you know, she has to have at least six figures in her pocket, um, to make this work. What that six-figure number is, I don't know. It's obviously somewhere, you know-it's not, ideally, would be \$500,000; ideally, would be \$750,000. But we recognize that that's not going to be the case. I don't know that I would ever be able to get her to \$200,000. I mean, I-

Structural element 3: M3-B3-M4-B4-M5-B5-M6-B6

- M3 Let me ask you this, let me just stop you right there. Courtney hasn't given me authority and I don't know whether I'm going to get it but if I were to get you the policy limits, and honestly that's the you know that may be. Unfortunately it's only 200,000 but that's what it is. If I were to be able to get you the 200,000, would you recommend that to your client and say: yeah I think you should take this because I think it's important to try to shut this thing down, would you do that?
- B3 I think the only way that I could do that ethically, at least from my perspective, is I would need something from MerchCo and Macho Mike that they have no assets, because if they have any assets and, I'm committing Mal practice, I'm not going to do that.
- M4 I got you. So, if I were to get some sort of, get that information, as well as a commitment from the carrier to pay the 200,000, you'd recommend that to your client? And, assuming obviously that there are no other assets available.
- B4 Right, right. If that's the best that she can do I would try to, I would recommend it but I'm going to need your help there.
- M5 Okay.
- B5 Because I know that she's going to go ballistic.
- M6 And I don't have that from Courtney side either, so I need to go talk to her and see if I can get that from her as well, okay?
- B6 Right.

Concluding Part (Stage 4)

Structural element 4: M7-B7

- M7 So let me go talk to her again, I'm not committing you to anything. I just want to get a sense okay?
- B7 Sure, I understand.

Private session with Courtney O'Brien

Introductory part (Stage 4)

Structural element 1: M1

M1 Okay, yeah. Courtney?

Central part (Stage 4)**Structural element 2: M2-C2**

M2 Okay, yeah. Courtney? All right. She didn't give a response counter to your number, but let me ask you this. Do you believe that there's a carrier that could get to 200,000? I mean, Bill's indicating that he would possibly be willing to go to accept the policy limits on the case. Provided that he also gets a declaration from the company, as well as from the Mike as to their financial assets and status. Obviously that would be done within the mediation context, it would be strictly confidential. But, if you were to go to the carrier and say: listen \$200,000 and the financial information from Mike, as well as the company is to their ability to pay an excess judgment. And I'm presuming, I'm assuming that they would be able to do that or be willing to do that. But, if they were able to do those two things, would you recommend to the carrier to go ahead and pay that, pay the 200,000?

C2 I, as I said, I do not have that authority today but I would recommend that. And, I think that both of my clients would be willing to do those declarations.

Structural element 3: M3-C3-M4

M3 Okay so you. And, it's I'm not committing you to anything, I'm not asking you to make that as a counter to anything. I just wanted to talk with Bill to be able to give him a signal that. Bill, if you're, if your client is willing to go there and the carrier is willing to accept your recommendation and the company is willing to provide these additional financial information. That, I think that you are going to likely have a deal. And again, I'm not committing anybody to anything at this point in time but I think what we see is there's a road map there in terms of how we could possibly structure a deal that might make sense. And, obviously you got some homework to do with your clients. And, Bill's obviously going to have some homework to do with his clients and I'm going to remain available to work with you and all of you to talk and, if you need me involved with the carrier I'm happy to do so. But, to try to work through these issues to see if we can't get to the dollar amount that's agreed upon and then provide the additional information that satisfies Bill's concern as to whether or not he's leaving any money on the table, okay?

C3 I will recommend that to my clients, if they're willing to accept that deal then I would recommend that my clients accept it as well.

M4 Okay, sit tight let me go talk to Bill and make sure that he's on the same page and then we'll go there go forward.

Concluding Part (Stage 4)**Structural element 4: C4- M4-C5**

C4 Okay. And, we should probably, we have a lot of questions in the chat if we leave a few minutes at the end

M4 Yeah.

C5 Thanks.

Stage 5 of Business Mock Mediation in Action**Introductory part (Stage 5)****Structural element 1: M1-B1-M2-K1-M3**

M1 Hey, Bill. Courtney's willing to recommend it exactly as you had provided. Obviously, nobody's going to be committed to anything, I will told Courtney, I'll tell you the same

thing. I am, will remain involved with the process to continue to and talk with your client to try to move her in that direction. But, I think that if you're willing to, if your client's willing to accept the policy limits plus the declarations or information from both the company and Mike, Courtney's going to work with us to try to get that to happen as well. Okay?

B1 All right, all right. Sounds good.

M2 Okay. Katy with that I'd like to turn it back to you.

K1 That is me. Would you like me to launch our poll here into the audience, Peter?

M3 Yeah, please do that.

Central part (Stage 5)

Structural element 2: K2-M4-K3-M5-B2-M6-B3-M7-B4-C1-B5-K4-M8

K2 Great, so we have the proposal out on the table and I am going to launch a poll to everybody here in the audience to get your feedback. The question is: should the insurance company take the offer that's on the table? So, you got a little popup on your screen there, feel free to give your response the yes or no and once we get some answers we'll see what people think.

M4 And Katy, are there questions that we can help with?

K3 There are a number of questions. You know, one of them was pretty general for the associates in the audience: if an associate is attending a mediation when the partner does most of the talking and negotiating what advice do you have for them. Really they're asking how can an associate be impactful in pushing for a resolution in that situation.

M5 Truth be told, and I think Bill would agree with me and Courtney as well, is that the associate typically knows more about the case than the partner does.

B2 Exactly.

M6 And, that is a plus. So, you need to step up and sort of insert yourself and say: hey listen, I've got more detailed information about what's going on and your partner should be willing to go ahead and allow that to happen. Because one: it allows you to get some to speak up and during the mediation process but two: your insights and your background and your understanding of the facts in the case are invaluable to the mediator, for us to be able to move forward. If the partner doesn't know certain questions, and it happens all the time, where we're answering questions we're getting questions or we're asking questions and we're not getting any response. Because that somebody says well I don't know that I never asked the client that question, to have somebody there is invaluable.

B3 Yeah. I would agree, I would agree.

M7 So, step up.

B4 That's your place to shine as the associate, because you do typically know the facts better than the partner for the most part at that stage and, so don't feel. I mean you got to kind of maneuver a little bit because you don't want to make the partner look bad. But you know, you come in when to fill in the gaps, I mean you know, you know the media can come back and say well they said X Y and Z you know how' you respond. I think that's a perfect opportunity for the associate to say well you know, we have these seven emails that are contrary to what they're saying there and there are exhibits three four and five whatever you know. That's a perfect opportunity for the associate to come in and fill in the gap where the partner may not have that granular level of knowledge yet.

C1 Yeah and I think that the partner is probably going to be willing to listen to what you have to say otherwise they wouldn't have you there with them.

- B5 Exactly.
- K4 I do want to share we got the results from our poll here. So, the feedback was that 85% of our audience thought that yes the insurance company should accept the offer and 15% thought no.
- M8 So I had, so it looks like I have 15% of plain's lawyers sitting out there at least. Go trial ones that said no, no roll the dice.

Central part (Stage 5)

Structural element 3: B6-K5-M9-B7-C2-B8-K6-M10-B9-M11-B10-K7

- B6 Yeah, there's one question that I saw in the chat. That's about you know, my client was being, I was being difficult about not letting the mediator speak to the client. I, as a mediator, always want to talk to the client and I would encourage the law- I would take the lawyer out of the room and say hey Peter I think it's really important for me to talk to your client and here's why. Because I think, as Peter mentioned and I think we mentioned the last time we were together, it's important for the party to get their have their say. Because they're not really going to get it any other place so I think it's crucial as a mediator to be able to talk to both parties.
- K5 We had somewhat of a related question, that Courtney I saw you pinned, that said: seems to me that the plaintiff needs to hear the mediator's comments rather than having them relayed by council.
- M9 Unfortunately this format doesn't allow us to do that, that was the only reason. Otherwise I would have and ordinarily what I do is I spend a good deal of time with the clients, both sides, and I think a good mediator does that. Spends time with both sides really talking to the clients, those people who are the decision makers and those whose you know fate is in somebody's else's hands. And be able to really get a feel for who they are and their story and allow them to be heard.
- B7 Yeah, because you have along those same lines. The mediator only knows what he or she's been communicated by the parties in briefs so. And maybe the media doesn't know both the lawyers, maybe only knows one of the lawyers. You got to be able to develop that trust with not only the lawyers but with the parties themselves and I think it's important. And oftentimes lawyers want the mediator to tell their client the way it is in terms of the way that mediator sees it so the client can hear the mediator's comments directly as opposed to being filtered by the lawyer.
- C2 Yeah, we talked at the first session of this a couple weeks ago about how it's a really good opportunity to get a neutral third party' opinion of your case. And it's definitely sometimes helpful, sounds like it may have been helpful in this case, for the plain if to hear that. And the defendant you'll want to try to have your, if you're a defense attorney, have your clients at mediation also.
- B8 Yeah, agreed.
- K6 We had one here that was interesting as well. How far apart is a good time to propose brackets or a mediator's proposal? That's kind of a question for you Peter
- M10 It depends on the situation, it really kind of, you have to read the room and figure out exactly where the parties are. If you're miles apart there's no point in doing it, if you start getting closer and you and the mediator gets a feel that I just need to ooch them a little closer. Then brackets come out and they're helpful but it's a two-edged sword. Brackets can also be counterproductive because the moment you propose them you can have people saying well there's no way on God's green earth I'm ever going to get to that number so don't even bother.
- B9 Right.

- M11 So, it really comes into understanding exactly where people are, what their motivations are and where the process is. It can't be done too soon, it has to be done later on when to try to close the gap, I think.
- B10 Yeah, I think you know, I'm not a fan of brackets. Because, you know, often times when it comes up it's the parties are too close for really a bracket to be effective and if you're too far apart they're not effective either. I think it's really dependent upon the parties and the lawyers and the situation, you know, will that nudge them together maybe. So, you as a mediator have to have all those tools in your pocket to do that, I kind of go with the approach that Peter does. You know, when you're getting close as opposed to brackets I start thinking about, you know, what if I can get them here. Would you be willing to accept that number, you know, where no one's making that offer it's just the mediator is getting a sense of where the case should land and trying to get some buy in from both sides as to whether or not that number would work or something close to it, and I found that to be more effective than doing brackets.
- K7 And I do want to be conscious of people's time but we had a question that I wanted you to address about premediation work and calls. I know that's something that you normally do, in the interest of time we didn't do those calls, but can you talk just a little bit about the value and kind of what would be talked about at a premediation call for this situation?

Concluding part (Stage 5)

Structural element 4: M12-B11

- M12 That's a, I do it in all my cases but I think Bill does too and Courtney as well. I think we all rely on that to be able to use that as sort of a forum that is outside the ears of your client, where the lawyer can be real candid with the mediator and I can ask really candid questions about their case and dig deep and, you know, procedurally where we at. You know, what are the facts that have been developed, what are the weaknesses in the case, what are the strengths in the case, what are, you know what's your thought process and how you've evaluated the damages that sort of thing. We sort of go into all that, so that at the day of the mediation really we're focusing on not trying to learn about the case but we're really trying to take what we know and begin to move the ball forward and move the case forward towards resolution. It's counterproductive, it's always been counterproductive to try to learn about the case during the mediation, you want to do that all beforehand. That's why I encourage the lawyers to be really candid with me even on a confidential basis perfectly fine but just be really candid so that I can see all the warts in the case, I can see the good parts and the bad parts, and it helps me to begin to formulate a plan in terms of where I think the case can go and how it should be handled.
- B11 You know, and just follow up on Peter's point there is in this scenario here. I was having client control problems and that would have been a perfect opportunity for in the premediation call for Peter to say hey Bill do you have any control issues and I could say yeah I'm going to need some help here. You know, my clients' way up here and I recognize the cases probably you know in this range. So, I'm going to need your help, that's the perfect opportunity to have those discussions..

Appendix 8

Transcript of Part 1, Part 2 and Part 3 of Business Grievance Mediation Organised into Parts, Stages and Structural Elements

Part 1

Stage 1 of Business Grievance Mediation

Introductory part (Stage 1)

Structural element 1: M1-K1

M1 Good morning, Karl. Thank you for coming. Do you know Sylvia?

K1 We've talked on the phone but we've never actually met. Hi Sylwia.

Central part (Stage 1)

Structural element 2: M2

M2 I have the agreements here that I will ask all of you to sign. It's basically what we discussed earlier

Structural element 3: M3

M3 So if you'd like to take a look at that now, and sign them.

Concluding Part (Stage 1)

Structural element 4: M4

M4 It's a necessary part of the process that ensures that everybody's on the same page...

Stage 2 of Business Grievance Mediation

Introductory part (Stage 2)

Structural element 1: D1-M1

D1 ...Well, Michelle, I'm here to find a solution to this problem we have. I want you to understand what I have been going through and I'd like to see some changes. Things cannot stay the way they are – I think we can all agree to that, so I hope we can work something out here, today.

M1 Thank you David. Sylvia, would you like to add something?

Central part (Stage 2)

Structural element 2: S1-M2

S1 Just one thing, thank you: I would like to emphasize what David has just said. Things have to change. Now, ideally we'll be able to work together today and find a solution; but if not, we're fully prepared to take all the necessary steps to get this issue resolved.

M2 Thank you Sylvia, Thank you David. Michelle?

Structural element 3: M1-M3

M1 Thank you ... Well, it's critical that our section delivers a high-quality product to our clients; and judging by what they're telling me, that's not what we're doing right now. So that means that all of us in our section really need to work together as a team and we need to work harder. So, I'm hoping that today, we can come to an understanding that will allow us to get back to business as soon as possible.

M3 Thank you Michelle. Karl?.

Concluding Part (Stage 2)

Structural element 4: K1-M4

- K1 Well I've been involved in Mediation before and I've seen how it can work. It lets people take responsibility for finding their own solutions, and I think that's good. I'd like us to reach an agreement today that's reasonable and fair for everybody here so that we can bring closure to this issue.
- M4 Thank you Karl. Okay, well I think we're off to a good start.

Stage 3 of Business Grievance Mediation

Introductory part (Stage 3)

Structural element 1: M1

- M1 So, David, why don't you tell us what's been going on in your section....

Central part (Stage 3)

Structural element 2: D1-MI1

- D1 I just want to bring up a few points about how I feel... That's what my arrangement with the daycare centre is ... So when I'm called in to these meetings at the end of the day, it costs me twenty dollars because the daycare has to keep my daughter past five-thirty ...
- MI1 I didn't know you had to pick up your daughter...

Structural element 3: M2-MI2

- M2 Okay, we've gotten the issues out. Now let's see if I can remember what's important to you... So what do you think?... Anything else?
- MI2 ...Well, our section has a reputation for quality and service. We want to protect that, which means we have to provide a certain level of productivity.

Concluding Part (Stage 3)

Structural element 4: M3

- M3 Sure, those are interests : Section reputation, productivity ... Anything else? What about "Family"? I think both of you mentioned that you want a balance between work and home commitments, right? Ok. Karl, would you mind? Thank you. Okay, keeping these interests in mind, I'd like us to move to the next phase, which is: "Options". What I'd like us to do is brainstorm possible solutions. Anything goes! We're not committing to anything, so no one's criticizes. Okay? What we want to do is get as many options as possible. That'll make it easier for us to find a solution that suits both of you. Okay. Let's do it...

Stage 4 of Business Grievance Mediation

Private session with Courtney O'Brien

Introductory part (Stage 4)

Structural element 1: MI1

- MI1 ...Well, as you pointed out, David, our afternoon meetings are a problem. So maybe we could schedule our meetings first thing in the morning.

Central part (Stage 4)

Structural element 2: M1-D1-MI2-M2

- M1 Good, "morning meetings".
- D1 Well, I could move to another section.
- MI2 Um, Carole? Could we pause for a minute? I'd like to caucus with you.

M2 Sure. David, Sylvia, if you wouldn't mind going to the break room. I'll be with you in a minute. Before we begin, Michelle, I want to remind you that anything you tell me remains confidential.

Structural element 3: M13

MI3 Thank you. Carole, when I told David that I thought that he should think of transferring to another section, I didn't mean it. I was just angry at the time. You know, David is an asset to our section, and I don't really want to lose him. But I also do think that he needs to learn to manage his time a little better.

Concluding Part (Stage 4)

Structural element 4: M4

M4 Okay.

Stage 5 of Business Grievance Mediation

Introductory part (Stage 5)

Structural element 1: M1

M1 And would you be willing to tell David that?

Central part (Stage 5)

Structural element 2: MI1-M2-MI2

MI1 Yes. Yes I would.

M2 And in terms of better managing his time, what did you have in mind?

MI2 Well, I thought I could send him on a time management course.

Central part (Stage 5)

Structural element 3: M3-MI3-M4

M3 Could that be one of our options?

MI3 Yes!

M4 Okay, I think I have some good news

Concluding part (Stage 5)

Structural element 4: MI4-M5

MI4 I'm glad we were able to do this....

M4 Yeah...

Appendix 9

Transcript of Part 1, Part 2 and Part 3 of *International Business Mediation* Organised into Parts, Stages and Structural Elements

Part 1

Stage 1 of International Business Mediation

Introductory part (Stage 1)

Structural element 1: M1

M1 Good morning ladies and gentlemen. I'm happy that you're here in Munich. I hope you had a good trip to Munich. Would you please introduce yourself shortly

Central part (Stage 1)

Structural element 2: P1-A1

P1 I'm Peter Tchaikovsky, president and CEO of Wonder Bronski Russia, leading manufacturer and marketer of the alcohol products

A1 I'm Alex Pushkin I'm Peter's attorney

Structural element 3: D1-MD1

D1 My name is Dede Cruz, I'm president of Alcopops Inc based in Chicago.

MD1 Marcia's Driver I am here as counsel for Alcopops.

Concluding Part (Stage 1)

Structural element 4: M2

M2 Very well, thank you. My name is Peter Miller, I'm from Munich, Germany, and I'm your mediator. I would like to introduce you very briefly into the mediation process. I'm not a judge and I'm not an arbitrator. So, actually, you are negotiating and I don't decide anything.

Stage 2 of International Business Mediation

Introductory part (Stage 2)

Structural element 1: M1

M1 I would prefer to have a joint session first where we exchange the items we would like to discuss and I would like to ask each party to present their case

Central part (Stage 2)

Structural element 2: A1-MD1-M2-A2-M3-MD2-A3

A1 Ok, as Peter said here we're a major player in the Russian alcohol market. We have this leading brands Spartax - top of the market vodkas. We also have Pico Bello, which is high-volume. Well, we recently decided to relaunch our brand to make it more tuned to the public demands. We had an excellent registered trademark Octave and very opportunity we do have a license from you people. Remember 1992? You granted us a license to use this eight-sided bottle so we decided it would be a good idea to have it. So anyway we are launching this product now and now what do we learn? You come here with this octane product. Not only this product erodes our market - it infringes our precious octane brand. And what do we see you now send new mail saying that we are actually infringing your trademark, saying your trademark is well-known. We all know

that various convention applies to the territory of the country. You've never been trading in this country before.

MD1 I don't know for looking at the same set of facts. The alcopops company is certainly well known worldwide, the fourth largest spirit provider distributor in the world, high quality product, the KYK brand is virtually worldwide in its distribution and in fact has been sold in the Moscow duty-free shops. The eight-sided bottle is famous. It is the signature of the company, the source identifier for the goodwill that our company has worldwide. When we came out with this you came out with this. Unbelievable. The labeling is picking up on all of the goodwill and fame of our clients brands. We have issues with respect to Octave, we believe that that was abandoned by virtue of the lack of use, we don't believe that that license is effective after it sat for so many years. Nothing about it is enforceable. We've asked you to withdraw your product.

M2 So, Mr Pushkin could you shortly summarize the legal position of Alcopops.

A2 He thinks that our trade race violates the trademark which they think is a famous trademark. He believes that their trademark is well known under the Paris Convention. He believes that the colour design is a specific feature of the trademark and we are copying their color design. And from what I understand he thinks that the license which they gave us for the eight-sided bottle is not valid.

M3 Thank you very much. Sir Shriver, could you shortly summarize the position of Wonder Bronski.

MD2 Wonder Bronski is the major producer of premium brands and the Pico Bello brand is popular, it is not the premium brand we would call it perhaps a lower pricepoint product. One of the primary positions you took was that the Paris Convention would apply with respect to fame only in the territory of dispute.

A3 One point I was making that their Octane brand is infringing our Octane brand.

Structural element 3: M4-P1-M5-D1-P2-D2-P3-D3

M4 Okay. What's now very interesting and what I need to know for the mediation process are the business interests you have in the Russian market. If you, Mr Tchaikovsky, could explain to me what are your intentions in the Russian market

P1 We decided to relaunch Pico Bello. In due course according to our business plan. It was done not to, in any way, to impair the sales of my opponents in Russia. But rather it was a stroke of genius in our marketing people. We decided to use this Octave word and musical notes on it. So we used the new design, we relaunched and we did nothing wrong. We have a license, valid license for 8 sided bottle and we have trademark registration Russia for octave word. I simply don't understand what the other side wants.

M5 Mrs Cruz, would you, please, explain your intentions, your business intentions in Russia.

D1 Alcopops is one of the world's largest sellers of beverages and spirits and well known everywhere including in Russia and including to MrTchaikovsky and his company. They've had Pico Bello languishing in the standard brands market and now they're trying to copy us, trade on our goodwill. They've taken a bottle shape which is a distinctive famous shape that belongs to us and resurrected it from a dead license that we contend isn't even valid anymore. Used that, used a colour scheme on their label which not only is shown with notes and the term octave but you'll note that on the back of their label are stripes. They're trying to elevate their cheap not bad vodka by trading on our goodwill and I think that that's bad faith.

P2 No, no, no, I think they don't understand the alcohol market and I think they're crazy. all

- D2 How can you say we don't understand the alcohol market? Alcopops is one of the world's largest sellers of alcohol much bigger than Wonder Bronski I might add. Where are here because your company deliberately traded on our goodwill and acted in bad faith. If you ask me, they're nothing less than cheap pirates
- P3 Now stop, please, stop that Mr Miller, stop. I don't want her using this words. If she uses this word again - out of this room, out of this mediation. I don't like it.
- D3 I think that is a bad thing.

Concluding Part (Stage 2)

Structural element 4: M6

- M6 I very well understand that you are upset. I understand that the feelings are running high so I would propose that we adjourn into a private session.

Private session with Mr Tchaikowsky

Introductory part (Stage 2)

Structural element 1: M1

- M1 I would like to reconfirm that everything we say now is confidential unless you authorize me to tell it to the other side. So I have to know the business issues you know. So, Mr Tchaikovsky could you inform me about what are your main goals. Well, Peter before I start you know they don't understand whom they talking to and it's outrageous, I wouldn't apology. You can write it down in your notes that I would like an apology from her because it was her who asked me to participate in this strange process of mediation. I won't oppose it that's it. I understand. So, what do you think about the complaints Alcopops has?

Central part (Stage 2)

Structural element 2: A1-P1-M2-A2-M3-A3-P2-M4-P3-M5-D1-M6-D2-M7-D3-M8-D4-M9-D5-M10-D6-M11-D7-M12-P4

- A1 You know, I've been purchased in trademark law for over 25 years and I could tell you they have absolutely no legal ground. Besides, we are in Russia so they trying to sue in Russia, on our home turf. They don't know what they're doing yet.
- P1 Well I just would like our rights to be reinforced, that's all.
- M2 So, what do you think are the intentions of Alcopops?
- A2 Through the grapevine, we heard that they are trying to do a deal with Ladivod which is competing here
- M3 I know, it's an old Russian.
- A3 Yes, sir. They want to, you know, trade in our market. They were to push us from our market. You know what they are doing now? They're launching this Octone product, KYK Octane. And they're trying to sell it at a higher price than they are doing it everywhere else in the world.
- P2 We think that our market is somehow threatened by KYK
- M4 You are afraid that KYK might introduce into the premium and super premium market.
- P3 Exactly. By the way, Peter, is confidential.
- M5 Sure, sure.
- D1 Um, yes, KYK Octane is threatening our dynamo scale which is lower segment of premium market. However, they have something else, they have High Octane brand which we obtained. If they introduced it in Russian market, it will be a disaster, but don't tell anybody, okay?
- M6 I understand. Okay, so this is your main concern?

- D2 That's my main concern right. Yeah I think it's dangerous. We don't want High Octane ever enter Russian market.
- M7 What do you intend we see a new Pico Bello brand?
- D3 Well, Pico Bello has always been our business it's big volume business and it's sort of engine of our business. I think it's perfect time for Pico Bello to mature into a premium sort of vodka and I think we did all right. And we were within our rights
- M8 You have the value for money brands Pico Bello in the lower priced segments and in between the premium and the value of money we have the standards category. If I understand you right, your intention was to have a brand in the standard category
- D4 Yes I think we needed to fill in this gap between a premium and standard so we did what was right for marketing.
- M9 Do you have any interest outside Russia?
- D5 Yeah we got some nice new brands which are extensions of existing brands which are coffee flavored red hot chili pepper flavored vodka
- M10 So I would like to know your intentions with the new sort of vodka.
- D6 We think about distributing these products outside of Russia. Potentially where we might be interested in that.
- M11 Is there anything you told me now which is not confidential, which I may tell them or ask their opinion to what you say?
- D7 Yes tell them that I need apology.
- M12 Is there anything you told me now which is not confidential, which I may tell them or ask their opinion to what you say?
- P4 Yes, tell them that I need apology. You know, I am representing a very serious company. It's 33 percent Russian government-owned. I have to keep face. For the moment I think that's it. We already explained to you everything.

Structural element 3: M13-D8-MD1-M14-D9-M15-D10-M16-D11-M17-D12-M18-D13-M7-D14-M19-D14-M20-MD2-D16-M21-D17

- M13 Okay so I propose I will talk to Alcopops now. What do you intend to do in the Russian market?
- D8 I intend to sell Alcopops KYK Octane vodka. We belong in Russia, we're everywhere else in the world. That's our business objective
- MD1 As I said earlier it's incredible that they did what they did, and it's a very emotional thing that we've got going on here, but they use our eight-sided bottle with pulling out some dusty piece of paper from a prior management to try and leverage us against our own worldwide famous brand.
- M14 I clearly understand, you know. I need to know more. I mean, what are your real intentions in Russia? Why do you now do the big launch?
- D9 Because it's vodka. It's the world's fourth largest selling vodka. We'd like for it to sell even higher. Now this is confidential of course.
- M15 Sure yeah.
- D10 But Russia's pretty much the only market, the only good market for vodka, where we aren't already selling our KYK Octane brand, our KYK vodka generally on a wide scale basis and we need the legitimacy of the Russian market to really make it the top, top brand that we think it is.
- M16 Okay and I understood that you're using a KYK Octane worldwide?
- D11 We do use KYK Octane worldwide.
- M17 So what if they succeed with the trademark infringement? I mean, what happens?
- D12 It would be devastating to have to market only in Russia without our Octane label where otherwise we're selling worldwide with that Octane label.

- M18 Sure and what about a High Octane and Classic? Do you intend to, to take those as well into the Russian market?
- D13 High Octane isn't going to get us as big a bang for the buck as Octane will, and frankly I'm not looking to launch right now any lower level brand than our Octane which is our best seller.
- M19 I understand, and the get-up you have, you know.
- D14 It's critical. It's really not even negotiable as far as I'm concerned.
- M20 Okay, so you want to have in Russia an exclusive market for the get-up and the eight-sided bottle. I mean this is really vital for you
- D15 That's correct. It's a package. We're going to be there one way or the other. I mean, of course we still have to get our distributor arrangements in place but that will do. That we'll be able to do
- M21 Distribution arrangements, you know the Russian market is a special market as far as I know from, like, German perspective, you know. It could be that you might encounter difficulties or, what, what do you think if you encounter difficulties with the Russian government which is a co-owner of Warner Bronski on your distribution channels.
- MD2 Well you know, the Russian government's no pushover. That's-that's-that's an issue but are you suggesting that-that-that we do business with them?
- D16 I'm not sure I could trust them after what they've done.
- M21 It's your decision. I'm not suggesting anything you know, it's your decision. I was just wondering because Warner Bronski could have as far as I know very good distribution channels and they might feel insulted or they may do something against a second distributor distributing similar or the same products in Russia. What would you think if, if Warner Bronski starts selling their, their super premium and premium brands in the United States and elsewhere by making a competition to your, to your High Octane and Octane?
- D17 I of course wouldn't be happy about that but I think our business interests will turn more on us making the sales. We need to sell in Russia and the rest of the world because we are confident we can compete at the levels where we are in the market.

Concluding Part (Stage 2)

Structural element 4: M22-D18

- M22 Okay so may I shortly summarize. You are most interested in the KYK Octane right now, to distribute the KYK Octane in the Russian market and for you it's very important to have the two-tone stripe and to get-up with the eight-side bottle.
- D18 That's correct.

Stage 3 of International Business Mediation

Introductory part (Stage 3)

Structural element 1: M1

- M1 I would propose that we join again. I would like to outline the major topics of interest. Do you have anything to add?

Central part (Stage 3)

Structural element 2: D1-P1-M2-A1-MD1-D2-M3-A2-M4-A3-M5-P2-M6-P3-M7-P4-M8-P5-A4-P6-M9-P7-M10-P8-M11-P9-M12-A5-M13-P10-M14-P11-A6

- D1 Those are certainly points that we've raised.
- P1 At this stage I think that's accurate description.

- M1 Do you have any ideas on these six issues or do you want to discuss ideas on the issues in private sessions
- A1 We think we are more comfortable discussing this privately first.
- MD1 Yes, I think we would agree with you.
- D2 I agree.
- M2 Okay, since we have now made a list of topics we have to discuss, well, are you sure you will succeed in the trademark infringement case? I mean what if they just drop Octane and start with a KYK trademark? Without High Octane or Octane, you know, just use the KYK label which is worldwide known.
- A2 Yeah, if they delete the word obviously there is no case.
- M3 Yeah.
- A3 Because there is no infringement then.
- M4 And what if they start intruding into the premium and super premium market?
- P2 Well, definitely it's going to be a danger for our business.
- M5 Yeah.
- P3 It's going to be a disaster.
- M6 Okay, I have this list of topics we made. We have these six points. Use of Octane and High Octane in the Russian market. Use of Octane on Pico Bello brand. The three-dimensional trademark and the eight-sided bottle, the license contract. The fourth one is the two-tone striped label. The fifth one is the brands which are placed in Russia and the sixth one is in which market Pico Bello is used. I would like to go through these six points and try to find out what are your most important concerns
- P4 Okay.
- M7 The first topic we have is the use of Octane and High Octane and connected actually is the use of Octane and Pico Bello. Is it a very important issue for you, to use Octane and Pico Bello in the standard market? I mean, is this a major interest, or is it the fifth interest, or first, second? If you can evaluate it a little bit, assess it?
- P5 Right, uhm, let me tell, Peter, what are my main concerns. I don't want High Octane to enter the uhm, the market, right? And if they still launch High Octane in Russia we will keep and fight for this Pico Bello Octane to the end. Right?
- A4 Right.
- P6 But if they will not launch High Octane in Russia we will make a concession on Pico Bello Octane
- M8 Mm-hmm. Can I put a four or five? Pico Bello is of less importance?
- P7 Right. Pico Bello has been problematic for us because we have image of premium vodka producers in Russia and Pico Bello is cheap vodka.
- M9 Okay so...
- P8 Frankly, we would be happy if somebody buys it from us. It's not our strategic interest to keep Pico Bello Octane in Russia. This is confidential.
- M10 Yes of course. So just, just let me repeat. The use of High Octane, which means introducing into the premium and super premium market, this is your major concern?
- P9 Exactly.
- M11 Okay, so then we have use of the three-dimensional trademark, the eight-sided bottle, and actually the second point is use of the get-up, the two-tone stripe
- A5 Right.
- M12 What is more important? The eight-sided bottle or the stripe, you know, the get-up?
- P10 I'd rather drop these stripes.
- M13 Okay so you want to continue with the eight-sided bottle?

- P11 No, let's theoreticize first, further. If they would like to get this eight-sided bottle, we might give it to them but probably big big money, for big big money. They need to pay us big.
- A6 Yes.

Structural element 3: M15-A7-P12-M16-A8-P13-M17-P14-D3-M18-P15-M19-P16-M20-P17-M21- A9

- M15 You would agree in terminating the license contract by certain payment?
- A7 Or it has to be something equivalent I mean. In exchange for something big.
- P12 In exchange for something big, yes.
- M16 So the Alcopops KYK Octane, if they started using it in the Russian market, would there be any idea you have how you can profit from Alcopops in any way? You would agree in terminating the license contract by certain payment?
- A8 They are eroding our market. They are encroaching on our market share. We could sue them and get the damages
- P13 Well again, I'm business person. I understand difficulties of getting into legal battle so I think that some concessions need to be made. Now, the most important for me is the distribution rights in Russia
- M17 Uh-huh.
- P14 And we would like it to be exclusive. I think we are in our rights to demand higher than average margin.
- D3 Exclusivity and no minimum volume commitments.
- M18 It's no high octane in the premium super-premium market and distribution rights of KYKing.
- P15 Ideally, if they enter the market with high octane, in the very end, we would like to have distribution rights to this as well.
- M19 Ah, okay. So you'd be happy with high octane as long as you do the distribution?
- P16 Yes, as long as we get distribution rights, yes
- M20 So thank you. These are the major points: no high octane in the Russian premium super-premium market, distribution rights of KYK in Russia. The use of the three-dimensional trademark is the eight-sided bottle, I would like to talk to alcopops and which of these four points do you think are confidential if you don't want high octane in the premium and super-premium market?
- P17 I think we can tell them that, yeah.
- M21 Then the distribution rights of KYK in Russia.
- A3 Mmm, yeah, you know what

Concluding Part (Stage 3)

Structural element 4: M22-A10-M23

- M22 This is like an offer
- A10 It's a bit too comfortable at that stage. Could, you know that's a suggestion to yourself as it comes from you.
- M23 Yes.

Stage 4 of International Business Mediation

Introductory part (Stage 4)

Structural element 1: M1-D1

- M1 Okay, so may I shortly summarize? You are most interested in KYK octane to distribute the KYK octane vodka. High octane classic might come later
- D1 Mm-hmm.

Central part (Stage 4)

Structural element 2: M2-D2-M3-D3-M4-D4-M5-D5-M6-A1-M7-D6-M8-D7-A2-M8-D6-A3-D7-M9-D8-M10-D9-A4-D10-M11-D11

- M2 Very well, I would like to make arrangements like assessing what is more important for you and what is less important. So would you be able to try to range these points? The use of octane and high octane in the Russian market. The use of octane on the Pico Bello brand. Then we have this three-dimensional trademark, the eight-sided bottle. And also as a fourth point, the use of the get-up, you know, the two-tone stripe maroon. Okay, the word trademark Pico Bello, what is more important?
- D2 I think for us, the key is the use of octane so that we can distribute KYK octane vodka. High octane really isn't one of our goals right now. We cannot have Pico Bello out there using octane; there's just going to be too much likelihood of confusion.
- M3 The eight-sided bottle?
- D3 Our bottle is really one of our key indicia of source. I mean, that's how the customer on the shelf distinguishes our bottle from all of those other bottles that are just your standard round bottles. So, it's critical.
- M4 So, this is an issue. I can give one, maybe very important
- D4 I would say one or two.
- M5 So you would say it's more important than octane?
- D5 Slightly more important but not much more?
- M6 Okay.
- A1 But slightly more important if I had to give on anything, and I'm not saying that I'm ready to. I think if we talk about the label for Pico Bello, we don't want stripes. We don't want our color scheme, but I might be willing to let them use a two-tone color scheme as long as it didn't so closely approximate ours?
- M7 Okay, so maybe I can circle the two-tone issue and give it five like least important.
- D6 Yes.
- M8 Okay, and no eight-sided bottle, that's what I understood. Okay, and the last point we have is the use of Pico Bello. I mean, while you're concerned about the Pico Bello brand in any market.
- D7 That's not a problem. It's when they change their label and start to use the sub-brand octane that we have a problem. In fact, I think that they should assign that trademark to us, their octane trademark. Give it back to you, give us the license for the bottle, give us the octane trademark
- A2 Yeah.
- M8 Okay. Are you willing to pay something for the octane trademark?
- D6 I couldn't sell an outright payment for the mark to my company's board of directors.
- A3 Is there something else we might be able to do that we can give them value? Because they're not gonna just give up the license, they're not gonna just give up the mark.
- D7 Unfortunately not.
- M9 Maybe there's something we can do because I was thinking, you know, Bronski, they have huge distribution channels in Russia.
- D8 Well, we haven't finalized our other distribution arrangement.
- M10 So you would consider Bronski to distribute your octane what car?
- D9 Well, if they would back off from this entire marketing scheme that they've done, I might be willing to think about that distribution arrangement, but there's no way I could go in that direction if they're still out there with octanes
- A4 And they've got the connection with the government

- D10 If they back away from their bad faith conduct and we can get what we need to distribute our I have to admit, they have an excellent distribution network
- M11 But this is what you would give in exchange, you would exchange the octave against a distribution arrangement action.
- D11 Or production.

Structural element 3: M1-A1-D1-A2-M2-P1-M3-P2-A3-P3-M4-D2-A4-P4-MD1-P5-M5-D3-A5-D4-A6-D5-A7-MD2-P6-M6-A8-P7-A9

- M12 Okay, we are back in the joint session, and I had now a further opportunity to understand each light one. Okay, I would like to summarize what I was entitled to disclose. I understand alcopops have no difficulties with Pico Bello brand as a trademark with having a two-tone label dissimilar to red color and no stripes. You do like the eight-sided bottle which you would like to keep on your branding. On the other hand, you still want to pick a Bello brand in the standard market but you are not too keen on the eight-sided bottle and you get up and actually, this is why we might start. It is okay. Do you have any further proposals?
- A5 You've pretty neatly summarized as far as we're concerned.
- D12 I'm encouraged that you're willing to give up any pursuit of that eight-sided bottle that's very important to us. However, we also would need to clear the way for our sub-brand or octane sub-brand to freely be distributed throughout Russia.
- A6 Exactly right.
- M13 I was thinking during the break before when you came in, I was thinking you're a leader in the Russian market and you have no distribution channels yet. I was thinking about whether you would offer your distribution channels to alcopops. What do you think about it?
- P1 Well, I would never think about this before
- M14 What do you think?
- P2 It's a hard decision because I would never think before but now as we are moving closer to each other, I would offer you to use our channels
- A7 Well...
- P3 You could KYK vodka in Russia on several conditions, which is exclusivity, that means you don't use another distributor, some other distributors only us, no minimum volume, at least from the beginning as well as margin a bit higher than average on the market.
- M15 What do you think about it?
- D13 I mean, what we'd like to see the license come back to us or be terminated and your octane brand trademark registration be assigned to us in exchange. I think we could think about pursuing distribution, production and distribution
- A8 . It's a little bit premature I think to discuss production.
- P4 Well, I think it's a, I think there's business people we need to think further in the
- MD1 We may be able to discuss that because obviously you have knowledge of the Russian market more than we do perhaps.
- P5 We might think about the production manufactured the KYK in Russia. Yes, we have wonderful facilities. You know that we could go with minimum volume if you bring manufacture on short.
- M16 So production is more important.
- D14 Well, it sort of cements our relations together. There may be some economies for us.
- A9 No I understand the one is the issue of high implication tax local production is cheaper you know you don't have to pay the invitation text.
- D14 That's correct.

- A10 If we agree on that we will simply renegotiate the License Agreement right.
D15 The License Agreement would be we would need to have the eight-sided bottle be used only for the KYK octane and not for the Pico bello.
A11 Absolutely.
MD2 In other words we wish again for our exclusivity for our famous design.
P6 Talking about distribution we got some nice new brands which are extensions of existing brands which are coffee flavored red hot chili pepper flavored vodka.
M17 So the flavor type vodka
A12 You should try it sometime.
P7 You should try it, it's very nice.
A13 Just superb.

Concluding Part (Stage 4)

Structural element 4: P8-D16-P9

- P8 We think about distributing these products outside of Russia and for this purpose apparently we need somebody experienced with huge distribution network. Can we also ask you whether it's possible to distribute our brand's flavored vodkas.
D16 We could consider it maybe a trial basis not worldwide that's such a big venture we could try one country, maybe the US.
P9 I think US is is a good start okay.

Stage 5 of International Business Mediation

Introductory part (Stage 5)

Structural element 1: M1

- M1 So maybe I shortly repeat the major points we have.

Central part (Stage 5)

Structural element 2: M2

- M2 So you will drop the stripes on the bottle and get rid of the two-tone and the red.

Central part (Stage 5)

Structural element 3: M3

- M3 Okay, so I wrote this down and then I would like you to sign the agreement and everything else is taken to the lawyers.

Concluding part (Stage 5)

Structural element 4: M4

- M4 So thank you very much I'm very happy I guess we have a good solution and well I hope you will have some progress in the future maybe together and hopefully very successful

Appendix 10

Quantitative results with no significant difference between research groups

Table 138

Descriptive statistics and analysis of variance for modality

Modality									
Group	Stage	min	max	median	q1	q3	mean	sd	p-values
BM	Stage 1	0	2	1	0	2	1	1,155	Group effect: 0.945
BM	Stage 2	0	2	1	0	2	1	1,155	
BM	Stage 3	0	0	0	0	0	0	0	
BM	Stage 4	0	0	0	0	0	0	0	
BM	Stage 5	0	0	0	0	0	0	0	
FM	Stage 1	0	2	0	0	0,5	0,5	1	Time effect: 0.004
FM	Stage 2	0	2	1,5	0,75	2	1,25	0,957	
FM	Stage 3	0	0	0	0	0	0	0	
FM	Stage 4	0	0	0	0	0	0	0	
FM	Stage 5	0	0	0	0	0	0	0	
									Interaction: 0.518

In the research groups, the analysis of Modality shows no significant group effect and no significant time effect. The interaction of group effect and time effect is not statistically significant.

Table 139

Descriptive statistics and analysis of variance for impartiality

Impartiality									
Group	Stage	min	max	median	q1	q3	mean	sd	p-values
BM	Stage 1	0	0	0	0	0	0	0	Group effect: 0.317
BM	Stage 2	0	0	0	0	0	0	0	
BM	Stage 3	0	0	0	0	0	0	0	
BM	Stage 4	0	0	0	0	0	0	0	
BM	Stage 5	0	5	0	0	1,25	1,25	2,5	
FM	Stage 1	0	0	0	0	0	0	0	Time effect: 0.317
FM	Stage 2	0	0	0	0	0	0	0	
FM	Stage 3	0	0	0	0	0	0	0	
FM	Stage 4	0	0	0	0	0	0	0	
FM	Stage 5	0	0	0	0	0	0	0	
									Interaction: 0.317

In the research groups, the analysis of Impartiality shows no significant group effect and no significant time effect. The interaction of group effect and time effect is not statistically significant.

Table 140*Descriptive statistics and analysis of variance for business intentions*

Business intentions									
Group	Stage	min	max	median	q1	q3	mean	sd	p-values
BM	Stage 1	0	0	0	0	0	0	0	Group effect: 0.317
BM	Stage 2	0	18	0	0	4,5	4,5	9	
BM	Stage 3	0	15	0	0	3,75	3,75	7,5	
BM	Stage 4	0	12	0	0	3	3	6	Time effect: 0.317
BM	Stage 5	0	0	0	0	0	0	0	
FM	Stage 1	0	0	0	0	0	0	0	Interaction: 0.317
FM	Stage 2	0	0	0	0	0	0	0	
FM	Stage 3	0	0	0	0	0	0	0	
FM	Stage 4	0	0	0	0	0	0	0	
FM	Stage 5	0	0	0	0	0	0	0	

In the research groups, the analysis of Business intentions shows no significant group effect and no significant time effect. The interaction of group effect and time effect is not statistically significant.

Table 141*Descriptive statistics and analysis of variance for business complaints*

Business complaints									
Group	Stage	min	max	median	q1	q3	mean	sd	p-values
BM	Stage 1	0	0	0	0	0	0	0	Group effect: NA
BM	Stage 2	0	0	0	0	0	0	0	
BM	Stage 3	0	0	0	0	0	0	0	
BM	Stage 4	0	0	0	0	0	0	0	Time effect: NA
BM	Stage 5	0	0	0	0	0	0	0	
FM	Stage 1	0	0	0	0	0	0	0	Interaction: NA
FM	Stage 2	0	0	0	0	0	0	0	
FM	Stage 3	0	0	0	0	0	0	0	
FM	Stage 4	0	0	0	0	0	0	0	
FM	Stage 5	0	0	0	0	0	0	0	

In the research groups, the analysis of Business complaints shows no significant differences.

Table 142*Descriptive statistics and analysis of variance for united by acceptance*

United by acceptance									
Group	Stage	min	max	median	q1	q3	mean	sd	p-values
BM	Stage 1	0	0	0	0	0	0	0	Group effect: 0.083
BM	Stage 2	0	0	0	0	0	0	0	
BM	Stage 3	0	0	0	0	0	0	0	
BM	Stage 4	0	0	0	0	0	0	0	

BM	Stage 5	0	0	0	0	0	0	0	Time effect: 0.083
FM	Stage 1	0	0	0	0	0	0	0	
FM	Stage 2	0	0	0	0	0	0	0	
FM	Stage 3	0	0	0	0	0	0	0	Interaction: 0.083
FM	Stage 4	0	0	0	0	0	0	0	
FM	Stage 5	0	6	1	0	3	2	2,828	

In the research groups, the analysis of united by acceptance shows no significant group effect and no significant time effect. The interaction of group effect and time effect is not statistically significant.

Table 143

Descriptive statistics and analysis of variance for united by confirmation

United by confirmation									
Group	Stage	min	max	median	q1	q3	mean	sd	p-values
BM	Stage 1	0	0	0	0	0	0	0	Group effect: 1
BM	Stage 2	0	2	0	0	0,5	0,5	1	
BM	Stage 3	0	0	0	0	0	0	0	
BM	Stage 4	0	0	0	0	0	0	0	
BM	Stage 5	0	0	0	0	0	0	0	
FM	Stage 1	0	0	0	0	0	0	0	Time effect: 0.157
FM	Stage 2	0	2	0	0	0,5	0,5	1	
FM	Stage 3	0	0	0	0	0	0	0	Interaction: 1
FM	Stage 4	0	0	0	0	0	0	0	
FM	Stage 5	0	0	0	0	0	0	0	

In the research groups, the analysis of united by confirmation shows no significant group effect and no significant time effect. The interaction of group effect and time effect is not statistically significant.

Table 144

Descriptive statistics and analysis of variance for termination

Termination									
Group	Stage	min	max	median	q1	q3	mean	sd	p
BM	1	0	0	0,00	0,00	0,00	0,00	0,00	group effect
BM	2	0	0	0,00	0,00	0,00	0,00	0,00	NA
BM	3	0	0	0,00	0,00	0,00	0,00	0,00	
BM	4	0	0	0,00	0,00	0,00	0,00	0,00	time effect
BM	5	0	0	0,00	0,00	0,00	0,00	0,00	NA
FM	1	0	0	0,00	0,00	0,00	0,00	0,00	
FM	2	0	0	0,00	0,00	0,00	0,00	0,00	group* time effect
FM	3	0	0	0,00	0,00	0,00	0,00	0,00	NA
FM	4	0	0	0,00	0,00	0,00	0,00	0,00	
FM	5	0	0	0,00	0,00	0,00	0,00	0,00	

In the research groups, the analysis of termination in the research groups shows no statistically significant differences.

Table 145

Descriptive statistics and analysis of variance for apologising.

Apologising									
Group	Stage	min	max	median	q1	q3	mean	sd	p
BM	1	0	0	0,00	0,00	0,00	0,00	0,00	group effect 0,945
BM	2	0	2	1,00	0,00	2,00	1,00	1,16	
BM	3	0	1	0,50	0,00	1,00	0,50	0,58	
BM	4	0	0	0,00	0,00	0,00	0,00	0,00	time effect 0,134
BM	5	0	0	0,00	0,00	0,00	0,00	0,00	
FM	1	0	0	0,00	0,00	0,00	0,00	0,00	
FM	2	0	1	0,00	0,00	0,25	0,25	0,50	group* time effect 0,265
FM	3	0	2	0,00	0,00	0,50	0,50	1,00	
FM	4	0	1	0,50	0,00	1,00	0,50	0,58	
FM	5	0	0	0,00	0,00	0,00	0,00	0,00	

In the research groups, the analysis of the function of apologising shows no statistically significant differences.

Table 146

Descriptive statistics and analysis of variance for the function of complimenting

Complimenting									
Group	Stage	min	max	median	q1	q3	mean	sd	p
BM	1	0	0	0,00	0,00	0,00	0,00	0,00	group effect NA
BM	2	0	0	0,00	0,00	0,00	0,00	0,00	
BM	3	0	0	0,00	0,00	0,00	0,00	0,00	
BM	4	0	0	0,00	0,00	0,00	0,00	0,00	time effect NA
BM	5	0	0	0,00	0,00	0,00	0,00	0,00	
FM	1	0	0	0,00	0,00	0,00	0,00	0,00	
FM	2	0	0	0,00	0,00	0,00	0,00	0,00	group* time effect NA
FM	3	0	0	0,00	0,00	0,00	0,00	0,00	
FM	4	0	1	0,50	0,00	1,00	0,50	0,58	
FM	5	0	0	0,00	0,00	0,00	0,00	0,00	

In the research groups, the analysis of the function of complimenting shows no statistically significant differences.

Table 147

Descriptive statistics and analysis of variance of telling

Telling									
Group	Stage	min	max	median	q1	q3	mean	sd	p
BM	1	0	4	0,50	0,00	1,75	1,25	1,89	group effect 0,344
BM	2	0	48	27,50	12,00	41,25	25,75	21,82	

BM	3	0	11	6,50	2,25	10,25	6,00	5,35	
BM	4	1	30	10,50	7,75	15,75	13,00	12,19	time effect
BM	5	0	8	1,50	0,75	3,50	2,75	3,59	0,085
FM	1	0	4	0,50	0,00	1,75	1,25	1,89	
FM	2	1	10	2,50	1,00	5,50	4,00	4,24	group* time effect
FM	3	1	12	3,00	1,00	6,75	4,75	5,19	0,575
FM	4	1	2	1,50	1,00	2,00	1,50	0,58	
FM	5	0	4	2,50	0,75	4,00	2,25	2,06	

In the research groups, the analysis of the function of telling shows no statistically significant differences.

Table 148

Descriptive statistics and analysis of variance for trust

Trust									
Group	Stage	min	max	median	q1	q3	mean	sd	p
BM	1	0	0	0,00	0,00	0,00	0,00	0,00	group effect
BM	2	0	0	0,00	0,00	0,00	0,00	0,00	0,080
BM	3	0	0	0,00	0,00	0,00	0,00	0,00	
BM	4	0	0	0,00	0,00	0,00	0,00	0,00	time effect
BM	5	0	0	0,00	0,00	0,00	0,00	0,00	0,080
FM	1	0	3	0,50	0,00	1,50	1,00	1,41	
FM	2	0	0	0,00	0,00	0,00	0,00	0,00	group* time effect
FM	3	0	0	0,00	0,00	0,00	0,00	0,00	0,080
FM	4	0	0	0,00	0,00	0,00	0,00	0,00	
FM	5	0	0	0,00	0,00	0,00	0,00	0,00	

In the research groups, the analysis of trust shows no statistically significant differences.

Table 149

Descriptive statistics and analysis of variance for objecting

Objecting									
Group	Stage	min	max	median	q1	q3	mean	sd	p
BM	1	0	0	0,00	0,00	0,00	0,00	0,00	group effect
BM	2	0	11	9,50	6,00	11,00	7,50	5,20	NA
BM	3	0	0	0,00	0,00	0,00	0,00	0,00	
BM	4	0	0	0,00	0,00	0,00	0,00	0,00	time effect
BM	5	0	0	0,00	0,00	0,00	0,00	0,00	NA
FM	1	0	0	0,00	0,00	0,00	0,00	0,00	
FM	2	0	0	0,00	0,00	0,00	0,00	0,00	group* time effect
FM	3	0	0	0,00	0,00	0,00	0,00	0,00	NA
FM	4	0	0	0,00	0,00	0,00	0,00	0,00	
FM	5	0	0	0,00	0,00	0,00	0,00	0,00	

In the research groups, the analysis of objecting shows no statistically significant differences.

Table 150*Descriptive statistics and analysis of variance for needs of children*

Needs of children									
Group	Stage	min	max	median	q1	q3	mean	sd	p-values
BM	Stage 1	0	0	0	0	0	0	0	Group effect: 0.171
BM	Stage 2	0	3	0	0	0,75	0,75	1,5	
BM	Stage 3	0	5	0	0	1,25	1,25	2,5	
BM	Stage 4	0	1	0	0	0,25	0,25	0,5	Time effect: 0.089
BM	Stage 5	0	0	0	0	0	0	0	
FM	Stage 1	0	2	0,5	0	1,25	0,75	0,957	Interaction: 0.538
FM	Stage 2	0	36	2	0,75	11,25	10	17,378	
FM	Stage 3	0	3	1,5	0	3	1,5	1,732	
FM	Stage 4	0	17	2,5	0	8	5,5	8,021	
FM	Stage 5	0	0	0	0	0	0	0	

In the research groups, the analysis of Needs of children shows no significant group effect and no significant time effect. The interaction of group effect and time effect is not statistically significant.

Table 151*Descriptive statistics and analysis of variance for needs of the parties*

Needs of the parties									
Group	Stage	min	max	median	q1	q3	mean	sd	p-values
BM	Stage 1	0	1	0	0	0,25	0,25	0,5	Group effect: 0.317
BM	Stage 2	0	0	0	0	0	0	0	
BM	Stage 3	0	0	0	0	0	0	0	
BM	Stage 4	0	0	0	0	0	0	0	Time effect: 0.317
BM	Stage 5	0	0	0	0	0	0	0	
FM	Stage 1	0	0	0	0	0	0	0	Interaction: 0.317
FM	Stage 2	0	0	0	0	0	0	0	
FM	Stage 3	0	0	0	0	0	0	0	
FM	Stage 4	0	0	0	0	0	0	0	
FM	Stage 5	0	0	0	0	0	0	0	

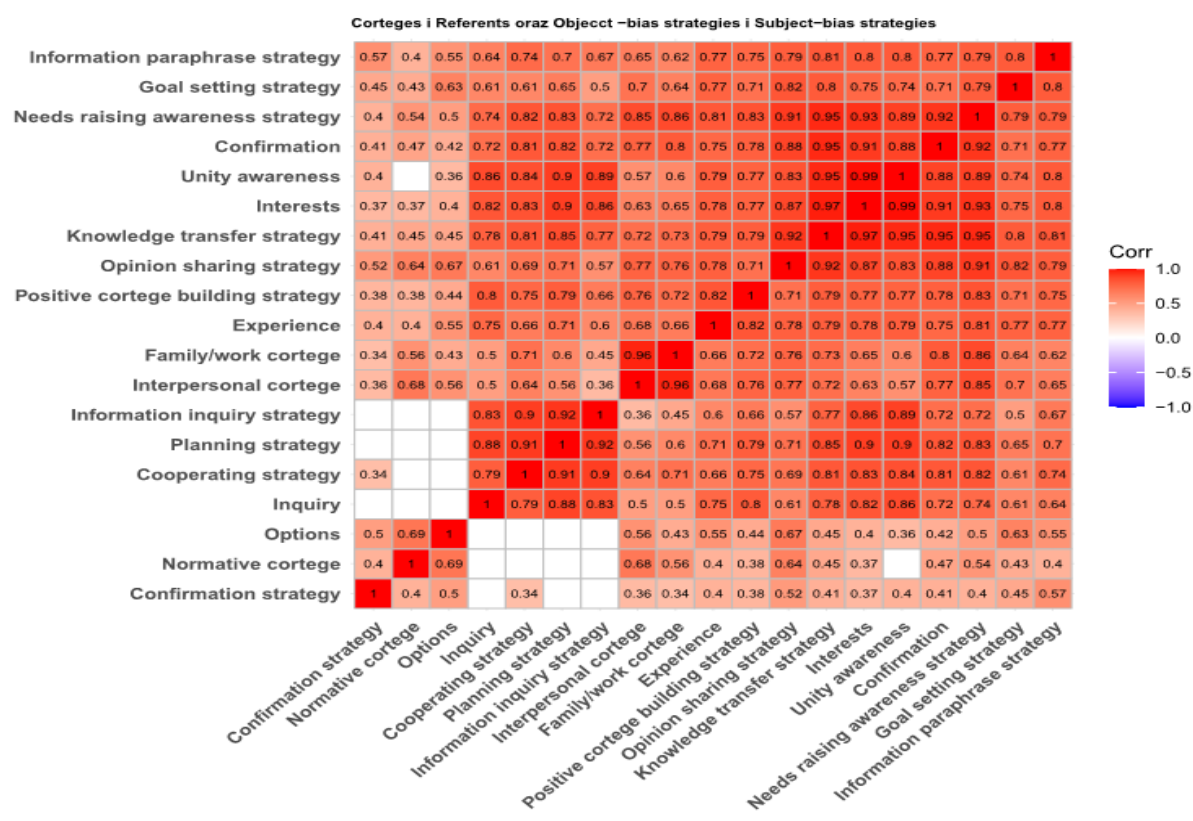
In the research groups, the analysis of Needs of the parties shows no significant group effect and no significant time effect. The interaction of group effect and time effect is not statistically significant.

Appendix 11

Correlation of corteges/referents and object-bias strategies/ subject-bias strategies

Figure 72

Correlation of corteges and referents, subject-bias strategies and object-bias strategies without splitting into groups

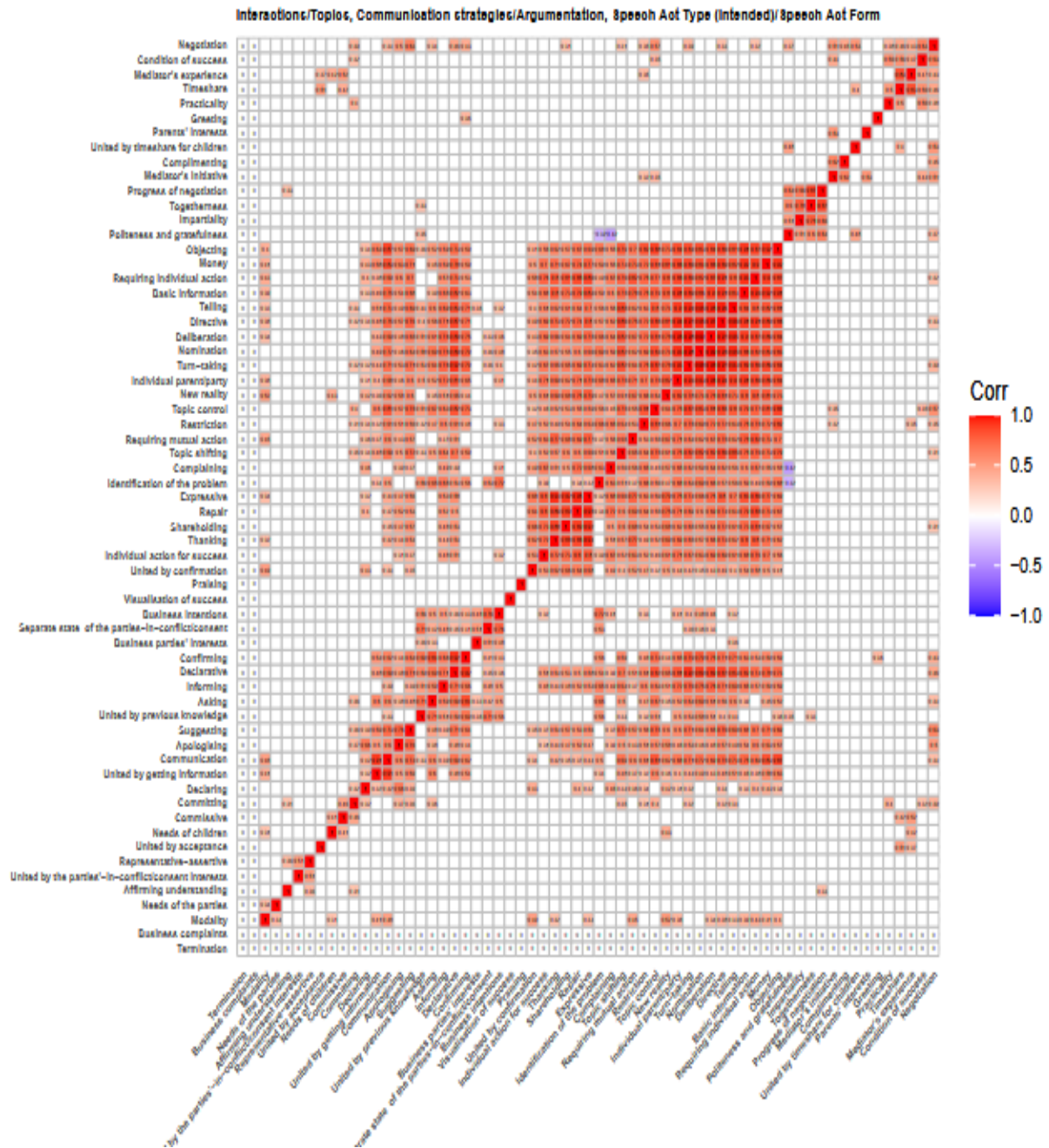


Appendix 12

Correlation of interactions/topics, communication strategies/argumentation and illocutionary act types/forms

Figure 73

Correlation of topics and interventions, communication strategies and argumentation, illocutionary act types and forms without splitting into groups

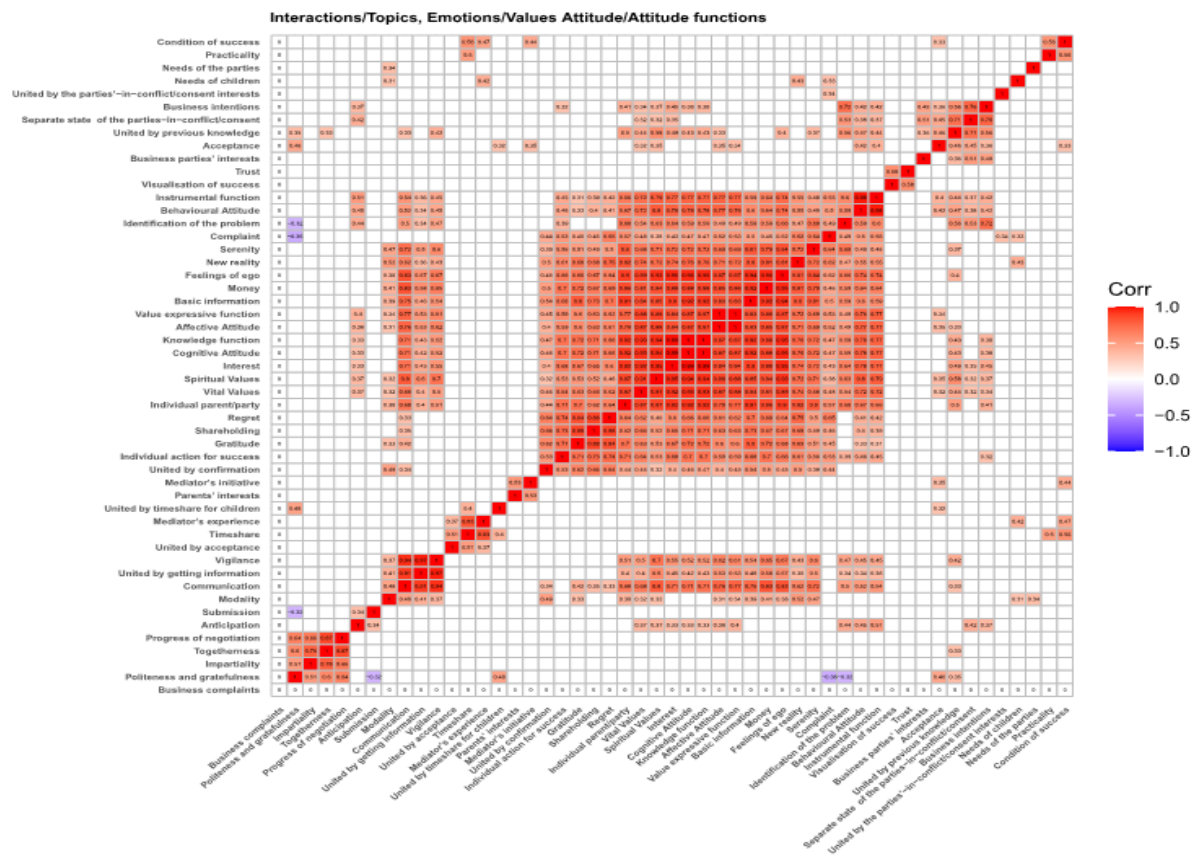


Appendix 13

Correlation of interactions/topics, emotions/values and attitudes/attitude functions

Figure 74

Correlation of topics and interactions, values and emotions, attitudes and attitude functions without splitting into groups



Appendix 14

Open, axial and selective coding

In the first step of the inductive coding procedure, we immerse ourselves in the collected data not only listening to the family and business mock mediation recordings but also reading the transcribed texts several times. Once we have become familiar with the transcribed text data we start thinking analytically to give a name to the concept presented in the transcribed unit in the form of a word, phrase, sentence, or paragraph as a meaningful unit. After highlighting this unit of the text we provide the code for this section. Open coding is conducted for all the sections of the mediation phenomenon. The selected examples of open coding are presented in Table 152 below.

Table 152

Selected examples of open coding [FM1 - PPFM]

Stage 1 of mediation		
Code	Utterance and message	Open Coding
M2	One of the first issues that we need to address is who has the children with, what we refer to as the timeshare.	Setting goal
M4	So what we want to talk about today is what makes most sense based on the needs of your children and your schedules your flexibility or lack thereof and your work schedules and how we can come up with something that's practical and meet your children's needs both in the short term and in the long term. And we may actually divide those up depending on you know what we want to do.	Personal needs' awareness Children needs' awareness Instruction
Stage 2 of mediation		
Code	Utterance/message	Open Coding
S1	maybe having him having the children one or two nights a week	Collaborating Planning
M1	Okay, so consistency during the midweek nights is important to you. Okay, okay, okay. Glen, what are your basic thoughts?	Destressing Asking questions
Stage 3 of mediation		
Code	Utterance/message	Open Coding
M1	My concern there is that consistency for the children can be very helpful. So it might be helpful if we and I don't know if these are the units but you know Tuesday, Thursday nights they were with you or maybe it's back-to-back nights so there's not as many transitions.	Explanation Planning
Stage 4 of mediation		

Code	Utterance/message	Open Coding
G4	that's why I'm going to be. I'm sure they're going to be sometimes with Stephanie. I won't be able to take the kids and hopefully, I'll be able to arrange my schedule so that I can spend time with them yeah	Planning
M12	this is the best balance. I've seen between maximizing the time that you each get to spend with the children. And also not creating a burden on one party if the other party has a lot of emergencies or you know their schedule is changing a lot.	Integrating attitudes
Stage 5 of mediation		
Code	Utterance/message	Open Coding
S1	then whoever has them for the weekend takes them to school on Monday	Planning

As a result of the open coding verification conducted during the first step of the inductive coding procedure, the five stages of family and business mediation have been assigned thirty-four open codes, namely *accommodation, achievement orientation, active listening, asking questions, attitude barrier, avoidance, being concise and clear, breaks, children need awareness, collaboration, competition, comprehension, judging, compromise, destressing, emotional barrier, establishing a mission, explanation, giving feedback, imagination, instruction, integrating attitudes, knowing, linguistic barrier, maintaining open communication, mitigating misunderstanding, modelling the right behaviours, organisational awareness, perception barrier, personal need awareness, planning, promoting positivity, psychological barrier, setting goals.*

During the second step of inductive coding, we concentrate on the emerging relationships between the codes (concepts) to be integrated into axial coding. To develop the relationships between codes, we follow Strauss and Corbin's (1990) coding paradigm focused on context, casual conditions, action and interaction strategies or techniques as well as consequences. With this perspective of the coding paradigm in mind, we concentrate on the question of how the coding paradigm operates in the context of the mediation process. The casual conditions specify the mediation phenomenon related to business and family mediation with all incidents and occurrences that result in the mediation development. Action and interaction strategies and techniques used by the mediator and the parties-in-conflict show how the final consequence of the mediation process is achieved. In this inductive coding procedure, we base the coding paradigm on Corbin and Strauss's (2015) three features, i.e. conditions, actions-interactions, and consequences or outcomes. As a result of the analysis, the thirty-four open codes have been connected into eight subcategories at the axial coding level such as

cognition, communication barriers, communication techniques, empathy, management techniques, needs, problem-solving, and stress management.

In the third step of the inductive coding procedure, selective coding aims to integrate the developed and elaborated subcategories during the axial coding into one cohesive paradigm. During this selective coding, the core categories are linked with subcategories of the axial coding. In this mediation process, the eight subcategories as the results from the axial coding are related to four categories such as *cognitive intelligence, communication skills, emotional intelligence, and managerial skills*. In this case, the categories of cognitive and emotional intelligence as well as communication and managerial skills are integrated with the central phenomenon of mediation.

The integration of inductive coding results is presented in Table 50 below.

Table 153

Open Coding, Axial Coding, and Selective Coding based on PPFM, FMiA, AILaFM, FMRP, BMD, BGM, BMMiA, IBM

Core categories – Selective coding							
communication skills		managerial skills		affective attitude		cognitive attitude	
Subcategories – Axial coding							
communication techniques	communication barriers	management techniques	stress management	personal competence	social competence	problem-solving/ fluid intelligence	Cognition/ crystalized intelligence
Open coding							
asking questions	linguistic barrier	setting goals	breaks	personal need awareness	Organisational awareness/ management	collaboration	knowing
active listening	psychological barrier	establishing a mission	instruction	children need awareness	achievement orientation management	competition	planning
giving feedback	emotional barrier	maintaining open communication	explanation	the other party needs' awareness		avoidance	comprehension
destressing	attitude barrier	modelling the right behaviours				accommodation	judging
mitigating misunderstanding	perception barrier	promoting positivity				compromise	imagination
being concise and clear		integrating attitudes					

As indicated above, the mediation process reveals the occurrence of the interplay of skills and attitude. The four core categories are based on skills to which communication and managerial skills belong as well as cognitive and affective attitudes. Moreover, although the results of coding is not the main element in the present research design, the findings lead us to further research as they are the input for further investigation.