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**DISCOURSE OF PROFESSIONAL MEDIATION
FOR CONFLICT RESOLUTION**

**Doctoral thesis written
under the supervision of
prof. dr hab. Irina Oukhvanova**

Kielce 2024

Uniwersytet Jana Kochanowskiego w Kielcach
Wydział Humanistyczny

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DYSKURS PROFESJONALNEJ MEDIACJI
W CELU ROZWIĄZANIA KONFLIKTU

Praca doktorska napisana
pod kierunkiem
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Kielce 2024

Table of Contents

Introduction	14
Chapter 1 Architecture of mediation with underlying conflict- an interdisciplinary perspective	22
1.1 Mediation as a professional activity	22
1.1.1 Linguistic perspective on mediation	23
1.1.2 Philosophical perspective on conflict.....	31
1.1.3 Communication perspective on conflict and mediation.....	38
1.1.4 Psychological perspective on conflict and mediation	43
1.1.5 Psychological perspective on emotions and attitudes in mediation	49
1.2 Mediation as a process	55
1.2.1 Linguistic perspective on the Mediator.....	56
1.2.2 Typology of mediation practices	58
1.2.3 Current international law on professional mediation.....	62
1.2.4 Discursive Psychology on mediation	69
1.2.5 Philosophical perspective on values and feelings in mediation.....	71
1.3 Conclusion	79
Chapter 2 Architecture of discourse	81
2.1 Discourse theories of both phenomenological and ideational character	81
2.1.1 Ontological approach to the definitions of discourse.....	82
2.1.2 Semiology and semiotic theories.....	85
2.1.3 Lingua-semiotic theories.....	91
2.1.4 Critical discourse approach (CDA) and genre approach (GA)	93
2.2 Discourse as an idea and activity	96
2.2.1 Text theory as a part of discourse theory.....	96
2.2.2 Communication modelling theories.....	101
2.2.3 Pragma dialectic models of argumentation.....	108
2.2.4 Speech act theory.....	110
2.2.5 Narration and representation theories.....	113
2.2.6 Discourse community representation theory.....	114
2.2.7 Genre theory of discourse.....	116
2.3 Integrative theories of discourse	121
2.3.1 Integrative theories of discourse as activity.....	121

2.3.2	Habermas’s theory of social action.....	123
2.3.3	Fairclough’s theory of textual action.....	124
2.3.4	Lotman’s semiosphere theory.....	126
2.3.5	Oukhvanova’s causal-genetic integrative perspective, approach and theoretical modelling of different types of discourses (CGA or CGM)	127
2.4	Conclusion.....	133
	Chapter 3 Methodological approaches to practical analysis.....	136
3.1	Methodological background	136
3.1.1	Six methodological perspectives of research: holistic, positive, interpretative, critical, post-modernist, and integrative.....	136
3.1.2	Qualitative research paradigm. Three types of coding in qualitative research.....	138
3.1.3	Reconstruction as a primary research method	143
3.1.4	Reconstruction method of argumentative discourse	149
3.2	Research design	153
3.2.1	Description of research sample.....	153
3.2.2	Practical research problems.....	155
3.2.3	Techniques of research data collection and organisation.....	157
3.2.4	Research procedure of practical analysis.....	160
3.3	Conclusion	174
	Chapter 4 Reconstruction of mediation process as a communicative action - A case of Parenting Plan Mediation.....	175
4.1	Mediation topics and interactions in the mediation process	175
4.1.1	Stage 1 Reconstruction, results and discussion	175
4.1.2	Stage 2 Reconstruction, results and discussion.....	180
4.1.3	Stage 3 Reconstruction, results and discussion.....	188
4.1.4	Stage 4 Reconstruction, results and discussion.....	192
4.1.5	Stage 5 Reconstruction, results and discussion.....	198
4.2	Mediation communication strategies and argumentation in the mediation process	204
4.2.1	Stage 1 Reconstruction, results and discussion	204
4.2.2	Stage 2 Reconstruction, results and discussion.....	208
4.2.3	Stage 3 Reconstruction, results and discussion.....	213
4.2.4	Stage 4 Reconstruction, results and discussion.....	217
4.2.5	Stage 5 Reconstruction, results and discussion.....	221

4.3 Speech Acts in mediation: pragmatic discourse analysis	226
4.3.1 Stage 1 Reconstruction, results and discussion.....	226
4.3.2 Stage 2 Reconstruction, results and discussion.....	230
4.3.3 Stage 3 Reconstruction, results and discussion.....	233
4.3.4 Stage 4 Reconstruction, results and discussion.....	238
4.3.5 Stage 5 Reconstruction, results and discussion.....	243
4.4 Conclusion	248
Chapter 5 Reconstruction of mediation process as a cognitive, affective and behavioural action - A case of Parenting Plan Mediation	255
5.1 Values and emotions in mediation: axiological discourse analysis	255
5.1.1 Stage 1 Reconstruction, results and discussion	255
5.1.2 Stage 2 Reconstruction, results and discussion.....	260
5.1.3 Stage 3 Reconstruction, results and discussion.....	264
5.1.4 Stage 4 Reconstruction, results and discussion.....	268
5.1.5 Stage 5 Reconstruction, results and discussion.....	271
5.2 Attitudes and attitude functions in mediation: psychological discourse analysis	274
5.2.1 Stage 1 Reconstruction, results and discussion	274
5.2.2 Stage 2 Reconstruction, results and discussion.....	277
5.2.3 Stage 3 Reconstruction, results and discussion.....	279
5.2.4 Stage 4 Reconstruction, results and discussion.....	282
5.2.5 Stage 5 Reconstruction, results and discussion.....	284
5.3 Conclusion	286
Chapter 6 Reconstruction and modelling of mediated discourse content-context structure in its functioning: A case of Parenting Plan Mediation	289
6.1 Results and discussion - Stage 1	289
6.1.1 Organisation of the transcript for further qualitative analysis - Stage 1	289
6.1.2 Content-context reconstruction based on discourse representation via textual categories actualized in dichotomy-built clusters: First-reading technique of the causal-genetic approach	291
6.1.3 Referent-cortege clusters reconstruction: Depth-balanced analysis or second-reading technique of the causal-genetic approach	292

6.1.4 Reconstruction of the dichotomy “object-subject targeted strategies”: Verification analysis or third-reading technique of the causal-genetic approach to discourse research	293
6.1.5 Integrative functional model of the discourse of Stage 1	294
6.2 Results and discussion - Stage 2.....	297
6.2.1 Organisation of the transcript for further qualitative analysis - Stage 2	297
6.2.2 Content-context reconstruction based on discourse representation via textual categories actualized in dichotomy-built clusters: First-reading technique of the causal-genetic approach	299
6.2.3 Referent-cortege clusters reconstruction: Depth-balanced analysis or second-reading technique of the causal-genetic approach	300
6.2.4 Reconstruction of the dichotomy “object-subject targeted strategies”: Verification analysis or third-reading technique of the causal-genetic approach to discourse research	301
6.2.5 Integrative functional model of the discourse of Stage 2	302
6.3 Results and discussion - Stage 3.....	304
6.3.1 Organisation of the transcript for further qualitative analysis - Stage 3	304
6.3.2 Content-context reconstruction based on discourse representation via textual categories actualized in dichotomy-built clusters: First-reading technique of the causal-genetic approach	307
6.3.3 Referent-cortege clusters reconstruction: Depth-balanced analysis or second-reading technique of the causal-genetic approach.....	309
6.3.4. Reconstruction of the dichotomy “object-subject targeted strategies”: Verification analysis or third-reading technique of the causal-genetic approach to discourse research	312
6.3.5 Integrative functional model of the discourse of Stage 3	315
6.4. Results and discussion - Stage 4.....	316
6.4.1 Organisation of the transcript for further qualitative analysis - Stage 4	316
6.4.2 Content-context reconstruction based on discourse representation via textual categories actualized in dichotomy-built clusters: First-reading technique of the causal-genetic approach	318
6.4.3 Referent-cortege clusters reconstruction: Depth-balanced analysis or second-reading technique of the causal-genetic approach	320
6.4.4 Reconstruction of the dichotomy “object-subject targeted strategies”: Verification analysis or third-reading technique of the causal-genetic approach to discourse research	321
6.4.5 Integrative functional model of the discourse of Stage 4	322

6.5 Results and discussion - Stage 5	324
6.5.1 Organisation of the transcript for further qualitative analysis - Stage 5	324
6.5.2 Content-context reconstruction based on discourse representation via textual categories actualized in dichotomy-built clusters: First-reading technique of the causal-genetic approach	326
6.5.3 Referent-cortège clusters reconstruction: Depth-balanced analysis or second-reading technique of the causal-genetic approach.....	330
6.5.4 Reconstruction of the dichotomy “object-subject targeted strategies”: Verification analysis or third-reading technique of the causal-genetic approach to discourse research	332
6.5.5 Integrative functional model of the discourse of Stage 5.....	333
6.6 Conclusion	334
Conclusions	336
Summary in English	342
Streszczenie w języku polskim	345
References	348
Appendix 1 Transcript Part 1.....	375
Appendix 2 Transcript Part 2.....	379
Appendix 3 Transcript Part 1 organised in Stages, parts and structural elements	383
Appendix 4 Transcript Part 2 organised in Stages, parts and structural elements	387
Appendix 5 Open, axial and selective coding	391

List of tables

Table 1 - The word <i>mediation</i> - Verb collocates	30
Table 2 - Mediation clusters	30
Table 3 - Conflict-style managerial grid	41
Table 4 - Conflict mode instrument	42
Table 5 - Speech act types, functions, and verbal actions	112
Table 6 - Parenting plan mediation selected examples of open coding	141
Table 7 - Speech Acts in a critical discussion	151
Table 8 - Theoretical approaches to research data collection and organisation.....	157
Table 9 The model of the mediator's opening monologue in its topic-interaction structure representation: Stage 1 with 4 structural elements.....	179
Table 10 The model of the parties'-in-conflict opening statement in its topic-interaction structure representation: Stage 2 with 4 structural elements	187
Table 11 The model of the option identification in its topic-interaction structure representation: Stage 3 with 4 structural elements.....	191
Table 12 The model of the identification of the best option in its topic-interaction structure representation: Stage 4 with 4 structural elements	197
Table 13 The model of the agreement for conflict resolution in its topic-interaction structure representation: Stage 5 with 4 structural elements	203
Table 14 The model of the mediator's opening monologue in its communication strategy - argumentation structure representation Stage 1 with 4 structural elements	207
Table 15 The model of the parties'-in-conflict opening statements in its communication strategy -argumentation structure representation: Stage 1 with 4 structural elements	212
Table 16 The model of identifying the parties'-in-conflict option in its communication strategy -argumentation structure representation: Stage 3 with 4 structural elements	216
Table 17 The model of the identification of the parties'-in-consent best option for the parenting plan in its communication strategy-argumentation structure representation: Stage 4 with 4 structural elements.....	221
Table 18 The model of the conflict resolution in its communication strategy -argumentation structure representation: Stage 5 with 4 structural elements	225
Table 19 The model of the mediator's opening monologue in its illocutionary and perlocutionary act structure representation: Stage 1 with 4 structural elements	229

Table 20	The model of the opening statement in its illocutionary and perlocutionary act structure representation: Stage 2 with 4 structural elements	233
Table 21	The model of identifying the parties'-in-conflict option in its illocutionary and perlocutionary act structure representation: Stage 3 with 4 structural elements	237
Table 22	The model of the identification of the parties'-in-consent best option for the parenting plan in its illocutionary and perlocutionary act structure representation: Stage 1 with 4 structural elements	242
Table 23	The model of the agreement for conflict resolution in its illocutionary and perlocutionary act structure representation: Stage 1 with 4 structural elements	247
Table 24	Frequency distribution of topic content through mediation stages	248
Table 25	Frequency distribution of relational/intervention content through mediation stages..	249
Table 26	Distribution of communication strategies through mediation stages	250
Table 27	Distribution of argumentation forms through mediation stages	251
Table 28	Distribution of illocutionary acts through mediation stages	252
Table 29	Distribution of the intended perlocutionary acts through mediation stages	253
Table 30	The model of the mediator's opening monologue in its value and emotion structure representation: Stage 1 with 4 structural elements	260
Table 31	The model of the parties'-in-conflict opening statements in its value and emotion structure representation: Stage 2 with 4 structural elements	264
Table 32	The model of identifying options in its value and emotion structure representation: Stage 3 with 4 structural elements	267
Table 33	The model of the identification of the parties'-in-consent best option for the parenting plan in its value and emotion structure representation: Stage 4 with 4 structural elements	271
Table 34	The model of the agreement for conflict resolution in its value and emotion structure representation: Stage 5 with 4 structural elements	273
Table 35	The model of the mediator's monologue in its attitude and attitude function structure representation: Stage 1 with 4 structural elements	276
Table 36	The model of the parties'-in-conflict opening statements in its attitude and attitude function structure representation: Stage 2 with 4 structural elements	278
Table 37	The model of identifying Stephanie's and Glen's options in its attitude and attitude function structure representation: Stage 3 with 4 structural elements	281

Table 38 The model of the identification of the parties'-in-consent best option for the parenting plan in its attitude and attitude function structure representation: Stage 4 with 4 structural elements	283
Table 39 The model of the conflict resolution in its attitude and attitude function structure representation: Stage 5 with 4 structural elements	283
Table 40 Distribution of mediation values through Stages	286
Table 41 Distribution of the individual values through Stages	287
Table 42 Distribution of emotions through Stages	287
Table 43 Distribution of attitudes and attitude functions through Stages	288
Table 44 Integrative functional model of mediation discourse – Stage 1	294
Table 45 Integrative functional model of mediation discourse – Stage 2	302
Table 46 Integrative functional model of mediation discourse – Stage 3	315
Table 47 Integrative functional model of mediation discourse – Stage 4	322
Table 48 Integrative functional model of mediation discourse – Stage 5	333
Table 49 Parenting plan mediation selected examples of open coding	391
Table 50 Open coding, axial coding, and selective coding	394

List of figures

Figure 1 The frequency of Mediation by year between 2018-2023 the NOW Corpus source	26
Figure 2 The frequency of Mediation by country between 2018-2023 the NOW Corpus source	27
Figure 3 The word <i>mediation</i> as the Head premodifier	28
Figure 4 Collocation network with adjectives as premodifiers of the Head <i>mediation</i>	28
Figure 5 Path diagram of a single mediator model.....	47
Figure 6 Multilevel Mediation Model	47
Figure 7 The multi-component model of attitude	52
Figure 8 Ranks of values with their positive and negative interconnections	71
Figure 9 Typology of the Bearers of Values	73
Figure 10 Ranks of value-modalities	76
Figure 11 The stratification of the emotional life with relation to values	78
Figure 12 Pierce's triadic model of the sign.....	87
Figure 13 Pierce's categories of firstness, secondness, and thirdness	89
Figure 14 Pierce's reasoning cycle	90
Figure 15 Key Terms in Defining Communication	101
Figure 16 Linear Model of Communication.....	102
Figure 17 Interactional Model of Communication.....	103
Figure 18 Transactional Model of Communication.....	103
Figure 19 Speech Acts based on Austin (1962), and Searle (1969)	112
Figure 20 Multi-perspective genre analytical framework	120
Figure 21 Perspectives on professional genres	120
Figure 22 Factors, which produce the ideational type of meanings of discourse	129
Figure 23 Facta, which produce phenomena-bias type of meanings of discourse	130
Figure 24 Functional factor-factum primitives/composites	130
Figure 25 Three theories in one: CGA (Oukhvanova)	131
Figure 26 Three pairs of discourse pictures in their dichotomist relation	132
Figure 27 Horizontal multi-level hierarchy of discourse topics Stage 1	178
Figure 28 Communication patterns in Stage 2	186
Figure 29 Horizontal multi-level hierarchy of discourse topics Stage 2	186

Figure 30 Communication patterns in stage 3	190
Figure 31 Horizontal multi-level hierarchy of discourse topics Stage 3	191
Figure 32 Communication patterns in stage 4	196
Figure 33 Horizontal multi-level hierarchy of discourse topics Stage 4	197
Figure 34 Communication patterns in stage 5	202
Figure 35 Horizontal multi-level hierarchy of discourse topics Stage 5.....	202

List of abbreviations

CCM – Causal Genetic Modelling

CDA – Critical Discourse Analysis

CGA – Causal Genetic Approach

DA – Discourse Analysis

GA - Genre Approach

iWeb Corpus - Intelligent Web Corpus

MMDA - Multimodal Discourse Analysis

NOW Corpus - News on the Web Corpus

PPMD - Parenting Plan Mediation Discourse

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 topical 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 a qualitative perspective. 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 mediation discourse using the Parenting Plan Mediation Discourse (PPMD) as an example.

In our case 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, illocutionary and perlocutionary acts, 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 how to cope with the issue 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 carried out 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 family mediation for conflict resolution. The example of PPMD as *an intelligent activity* 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 reconstruct the mediation theory, whereas the fourth source is used for empirical research. The material for our empirical research comes from Professional Mock Mediation Online [1,2]. The mock mediation is a video material related to *Sitting in on a Divorce Mediation Session - Parenting Plan (Custody) Mock Mediation Part 1 [1] and Part 2 [2]*. It “shows how a mediation session for a

parenting plan (custody) might play out, including some of the topics we address as well as the ways that the mediator works with the parties to help them craft an agreement that works for both of them and their children'' [1,2].

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 involves eight categories of mediation discourse representations, i.e., the categories of mediation textual action, 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 transfrastic 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 mediation discourse and, within it, parenting plan mediation discourse characterized by conflict resolution and, thus, by building the parenting plan for the family 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 reconstruct the prototypic (categories based) model of conflict resolution in mediation discourse in a professional setting and variation models of conflict resolution in mediation discourse in a professional setting. Our research consists of theoretical and practical tasks. The **theoretical tasks** aim

- 1) to reconstruct and describe a theoretical model of the family-in-conflict 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-in-conflict 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-in-conflict 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 1 and 2 (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 **research questions** addressed to the research problem in our research are as follows:

1. 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 PPMD as a phenomenon,
2. 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 PPMD as an idea,
3. 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 PPMD as an activity,
4. how the relationship between topics and interactions in mediation is structured through the stages in the process of mediation,
5. how the relationship between mediation strategies and argumentation is structured through the stages in the process of mediation,
6. how the relationship between illocutionary and intended perlocutionary speech acts is structured through the stages in the process of mediation,
7. how the relationship between values and emotions is structured through the stages in the process of mediation,
8. how the relationship between attitudes and attitude functions is structured through the stages in the process of mediation,
9. how the conflict is transformed into conflict resolution in the process of mediation,
10. how the mediator performs his role in the process of mediation.

Each research question (from Q1 to Q10) is focused on a single research issue. It is researchable within our theoretical and practical sources. It is specific enough to answer know-how. It is complex enough to perceive the mediation discourse in dichotomies.

The **methodology** of our research is qualitative. 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 topicality of this study is conditioned by some 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 conflicted parties to manage the conflict and facilitate the conflicted parties 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 the mediator's training in terms of curriculum design and sets adequate aims to prepare competent mediators in all spheres of human activity.

The limitations of the study are triple. The first limitation refers to generalizing the results from a small sample due to confidentiality clauses in the international laws related to mediation practice worldwide. This confidentiality clause is the underlying factor that mediation can be studied only from the mock mediation. To overcome this limitation, we design our research to be complex and integrative. The second limitation involves the small sample size; the results do not represent the whole mediation population. To manage this limitation, we concentrate on theoretical modelling and reconstruction through which we should generate guidelines for future research directions. The third limitation concerns qualitative data and results, which are difficult, if possible, to discuss objectively. To increase the objectivity of research, we operate within the research questions, appropriate methods, tools, and complex and integrative perspectives.

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 theory of social action (1979, 1984, 1987, 1989), Fairclough's theory of textual action (1989, 1995a, 2015) and Oukhvanova's causal-genetic integrative perspective, approach and theoretical modelling of different types of discourses (2016, 2018, 2020).

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 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 chapter, *Reconstruction of mediation process as a communicative action: a case of Parenting Plan 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 acts and intended perlocutionary acts.

The fifth chapter, *Reconstruction of mediation process as a cognitive, affective and behavioural action – a case of Parenting Plan 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.

The sixth empirical chapter, *Reconstruction and modelling of professional mediation discourse within its dichotomy -organisation and functioning: a case of Parenting Plan 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 6 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).

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. 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

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:

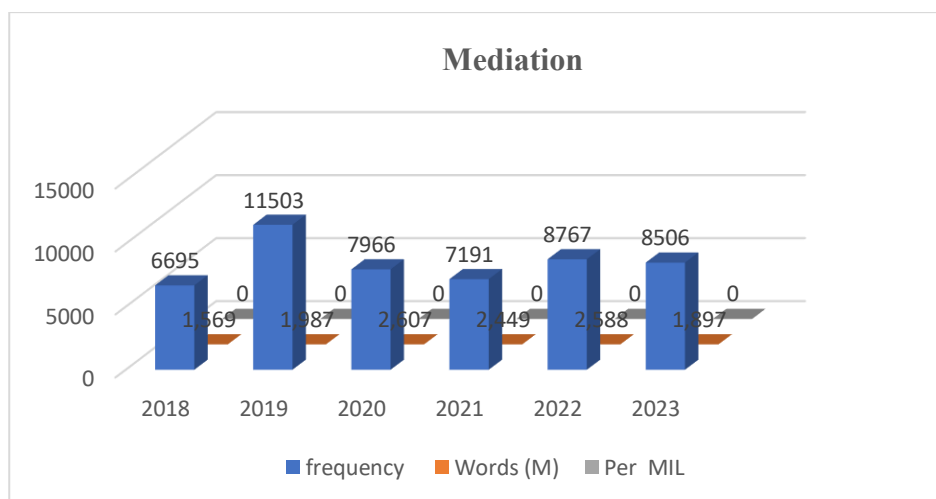


Figure 1 The frequency of Mediation by year between 2018-2023 the NOW Corpus source [22]

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:

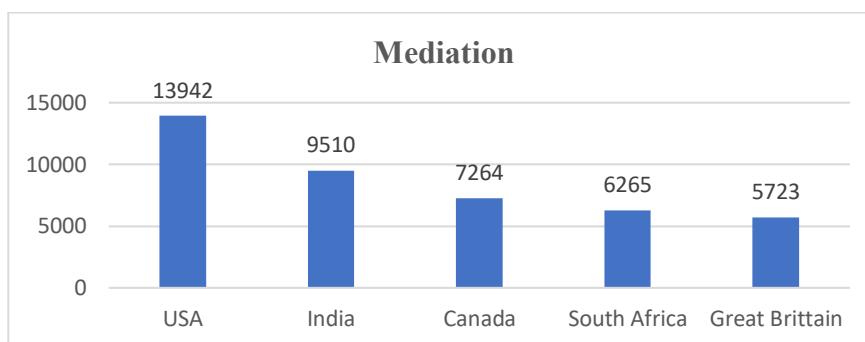


Figure 2 The frequency of Mediation by country between 2018-2023 the NOW Corpus source [22]

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.

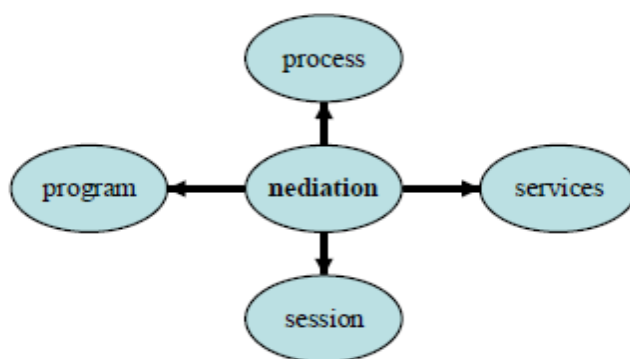


Figure 3 The word *mediation* as the Head premodifier

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:

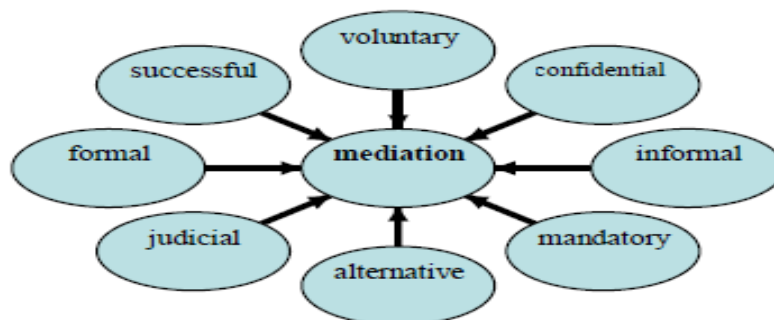


Figure 4 Collocation network with adjectives as premodifiers of the Head *mediation*

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 drugs 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).

According to Hegel (1807/1931, 2018), conflict is the essence of human historical progress. Hegel (1807/1931, 2018) believes that the laws of historical development are synthesised in the triad of thesis, antithesis, and synthesis. The thesis is simply an intellectual proposition. The antithesis is the negation of the thesis. It is a reaction to the intellectual proposition. The synthesis resolves the conflict between the thesis and the antithesis by reconciling the common truth in the form of a new proposition. Thus, e.g., in the social context, the thesis is, e.g., the society of pre-revolutionary France, the antithesis is the times of the Great French Revolution, and the synthesis is the reign of Napoleon Bonaparte.

In the theory of Hegel (1807/1931, 2018), all human institutions in the broad sense, i.e., offices, law, customs, religion, art, literature, and philosophy, are human responses to ideas that are subjected to people from the world of the spirit. Every epoch is the realisation of specific periodic ideas received by human souls. Therefore, the ideas received by human souls form the law, customs, religion, art, literature, and philosophy. This state of history can be called the Thesis. After a long time - no one can predict how long - human souls begin to be subjected to other ideas. Then people begin to feel that their customs, law, religion, social structures, offices, art, literature, and philosophy are inadequate to what they feel deep in their souls. Therefore, the conflict begins to arise between what has been right, good, and adequate to the human interior up to now and what people either unconsciously or consciously desire. This conflict struggles and demands a solution in a given situation it can lead to a change of government, a change of social structures, or a change of religion. In the modern era, it led to the great French Revolution because too many people did not want a change. For a solution to emerge or the synthesis to appear, i.e. the synthesis of what was important in the previous mentality (era) and the coming mentality (era), there must be heroes or world-historical individuals who scan and express the desire for change. In their souls, they feel the need for change, and they conquer the resistance of those who want to stop the change as they live well and naturally connect with their social

positions or social structures. Then, heroes or world-historical individuals appear and make changes. This is the Synthesis, i.e., the resolution of the conflict between the old and the new mentality (epoch).

The conflict, however, is not necessarily eliminated in the personal lives of the heroes or world-historical individuals who brought about the abolition of the social conflict in their nations. They are not happy, although they endowed their nations with something very precious. There are several reasons for their lack of happiness. According to Hegel (2018), there is a general conflict between personal happiness and being the bearer of new ideas. Thus, e.g. the first Christians introduced new ethics, new customs, a new religion, and a new vision of the world, but they were murdered at the beginning of the introduction of these changes. Alexander the Great was murdered, and Napoleon failed and was imprisoned, although these heroes or world-historical individuals made their innovative changes in human mentality, feelings, ethics, social, and legal structures, which should already have been made in their times. The absolute mind, according to Hegel, does not care about the happiness of heroes or world-historical individuals (Siemek, 2003).

According to Hegel (1958), another conflict is called the Cunning of Reason, i.e., the ambitions of the great men (social reformers) are exploited by historical reason for the development of history, while the great men who bring it about are not aware that their subjective desires are in line with historical tendencies anchored in the world of spirit. It is a conflict between the objective reason of history and human subjective consciousness (Siemek, 2003).

According to Hegel (1958), the heroes or world-historical individuals who make valuable changes in society are surrounded by people who do not measure up to them and judge them by their weaknesses (e.g., sex, possessions, ambitions). They are the so-called Butlers of history - just as a butler does not understand the true spiritual life and goals of his master and judges his decisions by what he feels - so the people who surround a great man do not understand him (Siemek, 2003). It often happens that the heroes or world-historical individuals, having made great changes, are judged for their common sins. Therefore, they become redundant and unneeded. For example, they have some doubts about the changes that have taken place because they remember the old times and the old moral or moral qualities because their spiritual-mental levels are different from that of the majority (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

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 (Cosser, 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
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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

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, 1948, 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, 1948, 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 realization 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, 1948), 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.

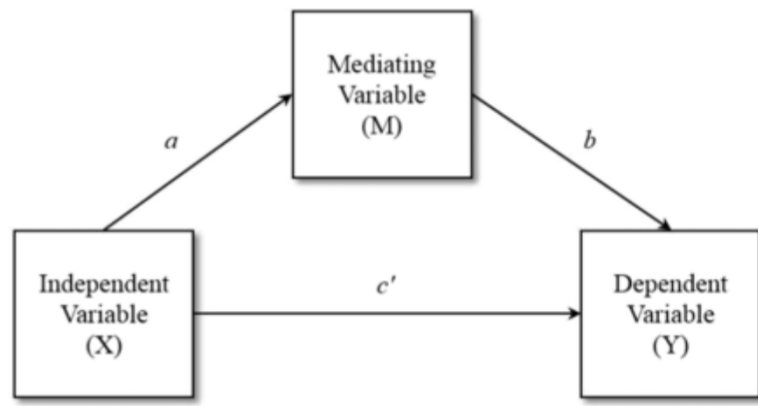


Figure 5 Path diagram of a single mediator model, where the product of the a and b coefficients defines the indirect effect of X on Y through M . The c' coefficient denotes the direct effect of X on Y , controlling for M . In linear models with continuous outcomes, an estimate of the total effect of 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 visualized in Figure 6 below.

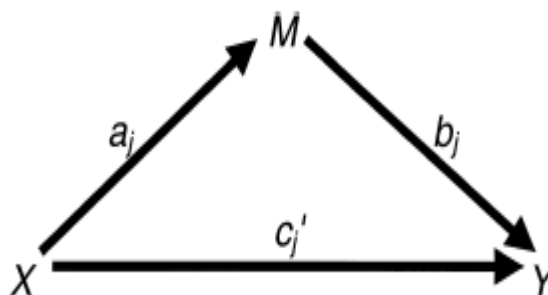


Figure 6 Multilevel Mediation Model (Kenny, et al., 2003, p. 117)

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

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 adaptive 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 experiential, 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.

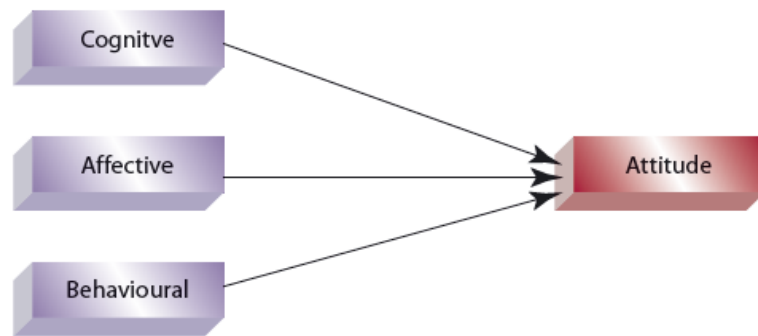


Figure 7 The multi-component model of attitude

(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-realization.
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).

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, internuncius, interlocutor, interpolator, interpres, philanthropus, 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: 6). What Herrman (2006: 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

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 feelings 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.

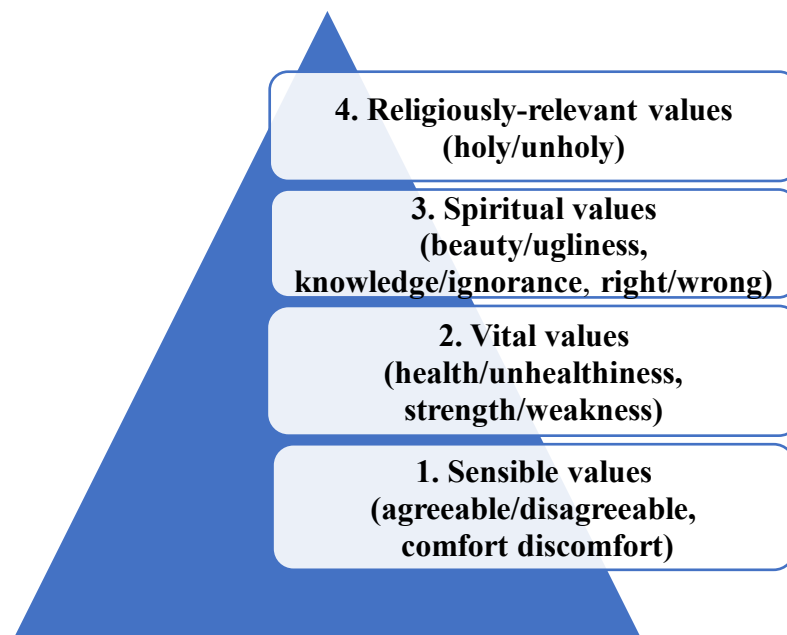


Figure 8 Ranks of values with their positive and negative interconnections (source: based on Scheler, 1973, pp. 104-110)

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 realization of a negative value in the sphere of willingness.
3. Good is the value that is attached to the realization of a higher (or the highest) value in the sphere of willingness.
4. Evil is the value that is attached to the realization 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 realization 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.

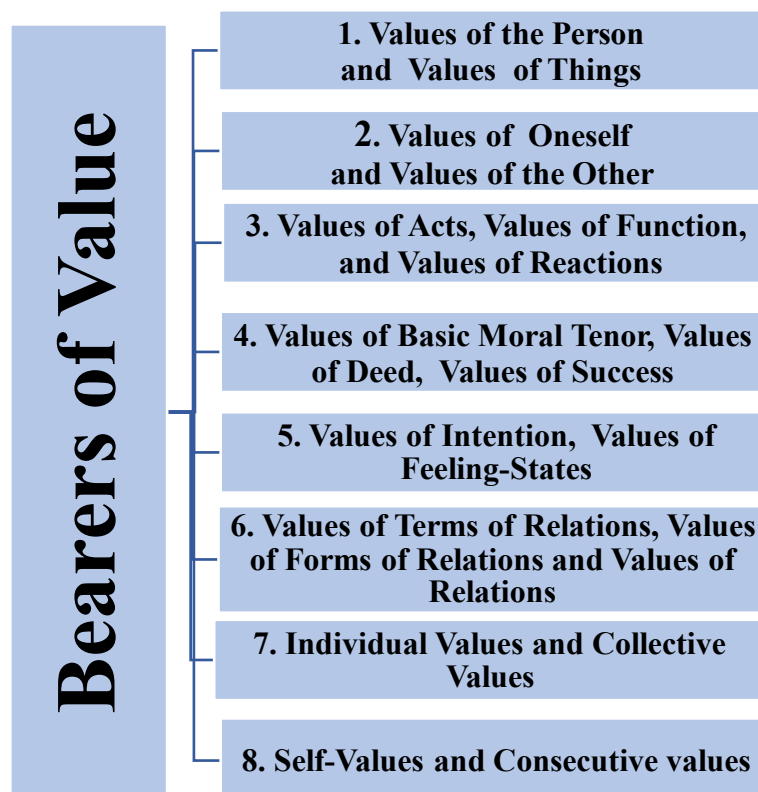


Figure 9 Typology of the Bearers of Values
(source: based on Scheler, 1973, pp. 100-103)

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.

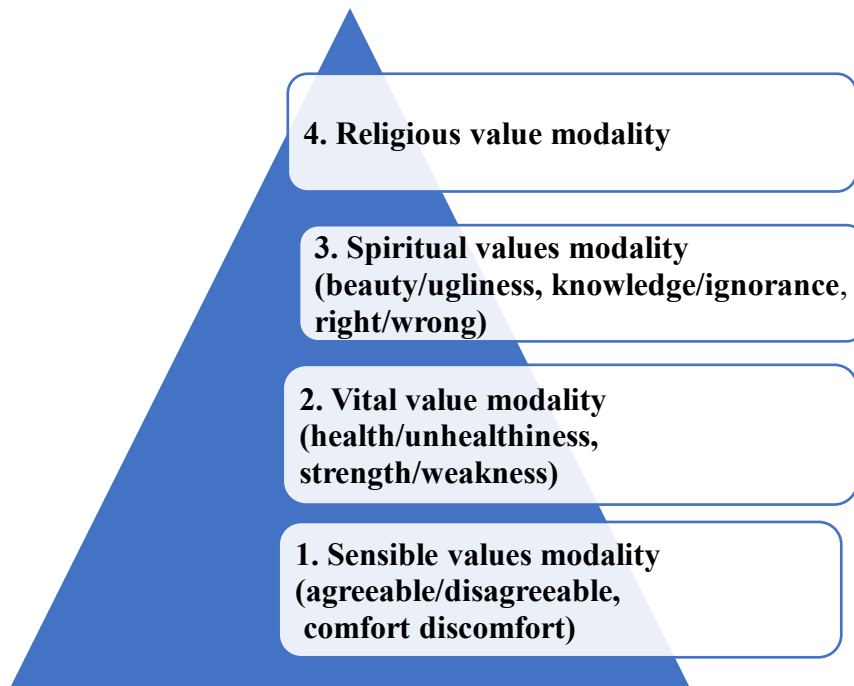


Figure 10 Ranks of value-modalities
(source: based on Scheler, 1973, pp. 104-110)

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 realization 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.

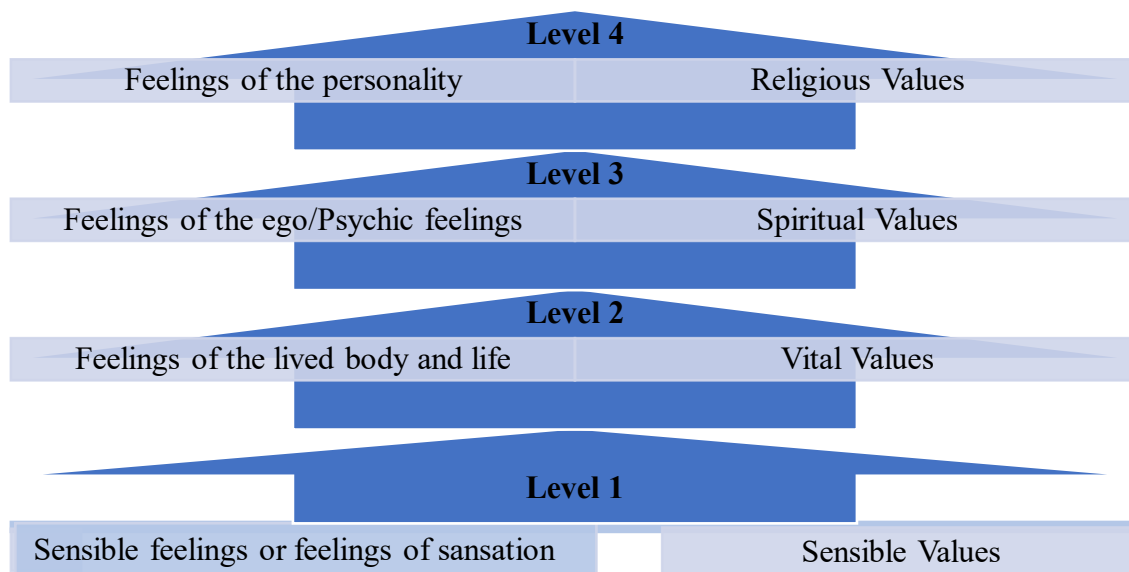


Figure 11 The stratification of the emotional life with relation to values
(source: based on Scheler, 1973, pp. 328-344)

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 parenting plan 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 Medieval Latin [3]. Morphologically, the Latin lexeme consisted of the prefix *dis-* "apart" and the verb *currere* "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

Discourses 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.

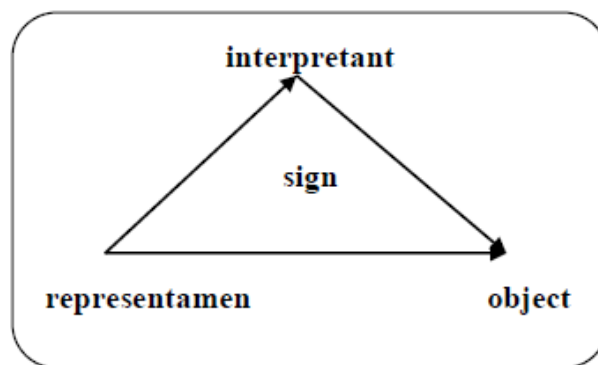


Figure 12 Pierce's triadic model of the sign (source: Peirce's 1992a, p. 2.228)

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.

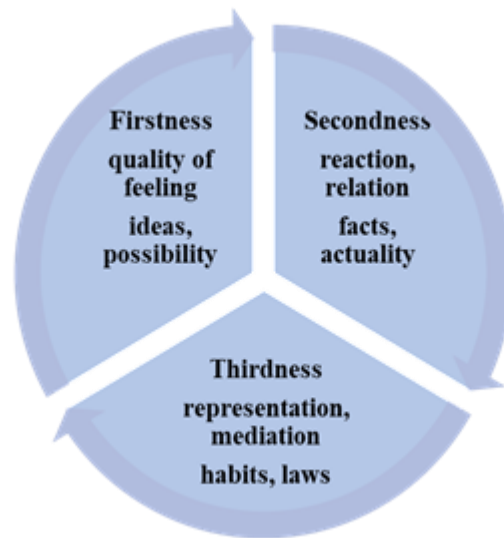


Figure 13 Peirce’s categories of firstness, secondness, and thirdness
(source: Peirce, 1868, 1955a)

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.

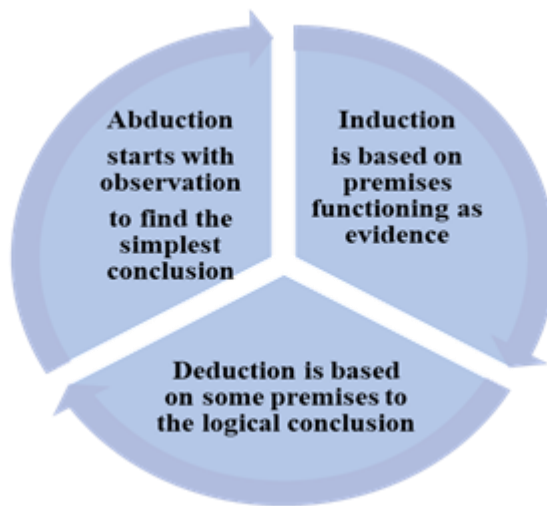


Figure 14 Peirce's reasoning cycle (source: Peirce, 1907, 1955a 1955b, 1992b)

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. Craig (1999, p. 220) states in CDA that "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 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.

Glynos et al. (2009) classify the Critical Discourse Analysis into three classification dimensions, i.e., ontology, focus, and purpose. The ontology of Critical Discourse Analysis has

its roots in realistic semiotics 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 refer to the text's social context. 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 a 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 example, 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 the 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 framework for understanding the 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 the Causal-Genetic Approach or Causal-Genetic perspective or Causal-Genetic analysis, is the area of lingua-semiotic communication research that investigates the relationships between cognitive, linguistic, textual, and social domains related to idea, phenomenon and activity. 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, the genre is discussed as one of four operational categories of 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 the 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, the genre is understood as the 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 of 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 is 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).

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 repetition 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 Dresseler (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 Dresseler (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 Dresseler (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, Dresseler, 1981). In the perception of the text content, de Beaugrande and Dresseler (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, Dressler, 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 Dressler (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.

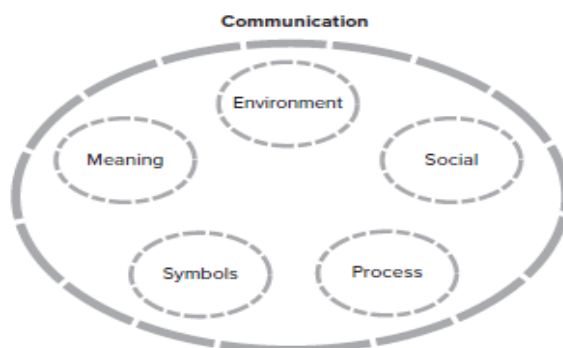


Figure 15 Key Terms in Defining Communication (West, Turner, 2018, p. 6)

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.

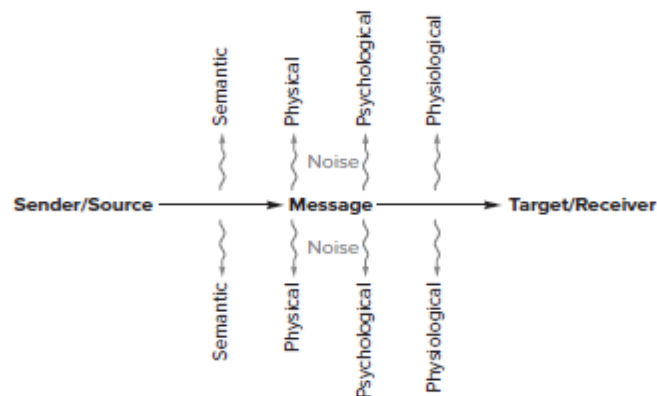


Figure 16 Linear Model of Communication (West, Turner, 2018, p. 9)

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.

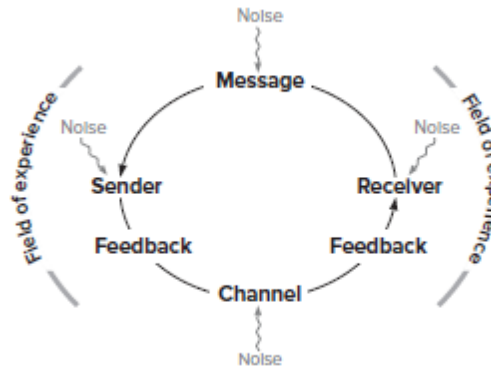


Figure 17 Interactional Model of Communication (West, Turner, 2018: 11)

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.

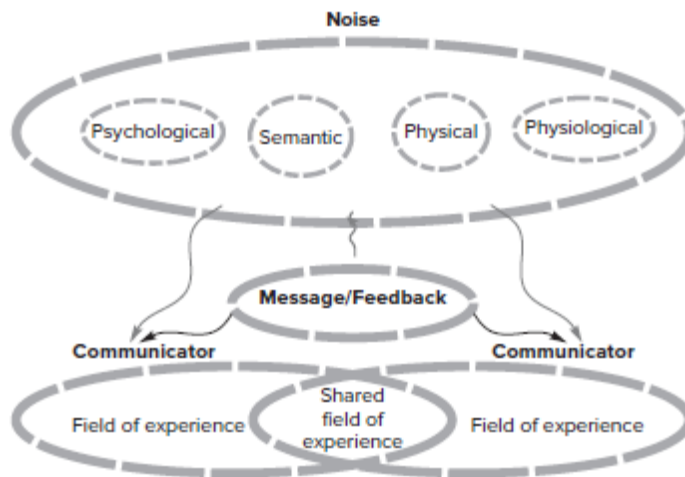


Figure 18 Transactional Model of Communication (West, Turner, 2018, p. 12)

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 parenting plan 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. In the given context, speech acts include, inter alia, apologies, commands, compliments, cursing, declaration 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 'illocutionary 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 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, sincerity condition, and 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 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, which 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, marrying, judicial speech acts such as sentencing, 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 characterize speech acts, whereas 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, the utterances are classified as signs or symbols of behaviour styles, verbal and non-verbal realities, the conceptualisation of which refers to locution as concept domain space, illocution as concept verbal space, 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.

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, which 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 conceptualizes 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: 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 (1985:25) 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

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.

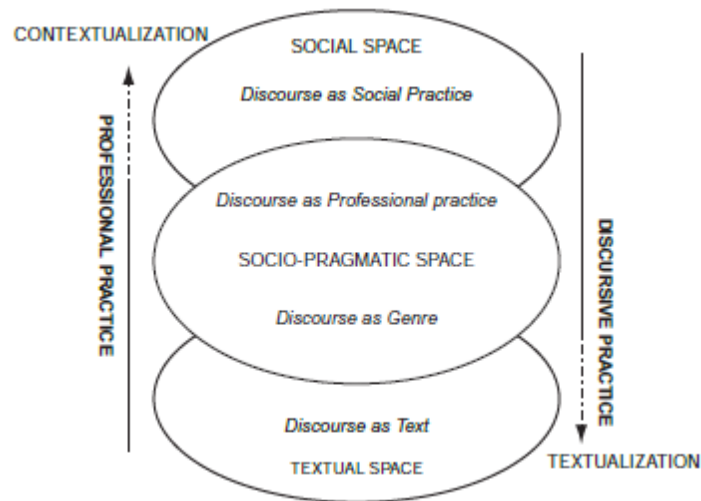


Figure 20 Multiperspective genre analytical framework (Bhatia, 2012, p. 246)

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

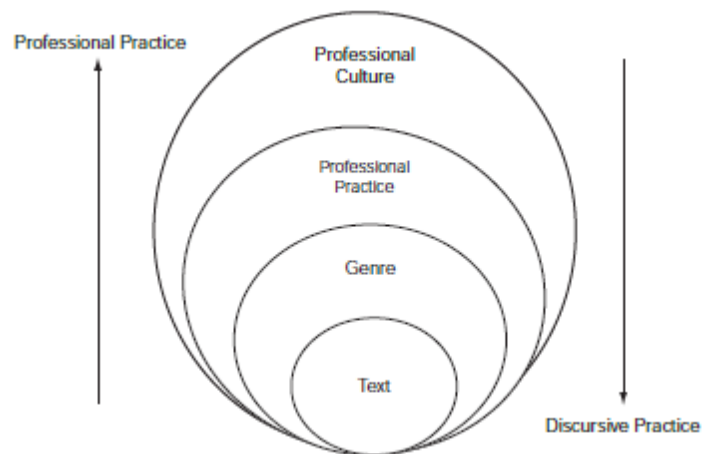


Figure 21 Perspectives on professional genres (Bhatia, 2012, p. 248)

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

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)

Another 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: 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: Literature review

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

Texts 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 maneuvering' 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).

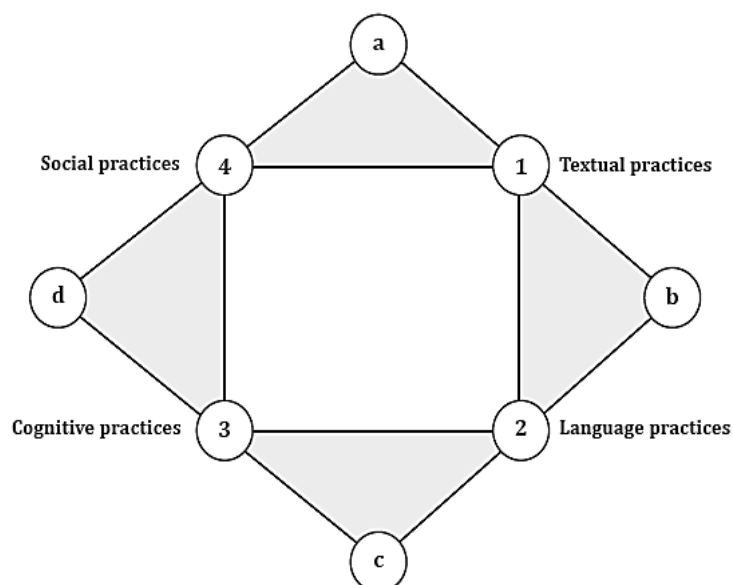


Figure 22 Factors, which produce the ideational type of meanings of discourse
 (source: Oukhvanova, 2018, p. 10)

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).

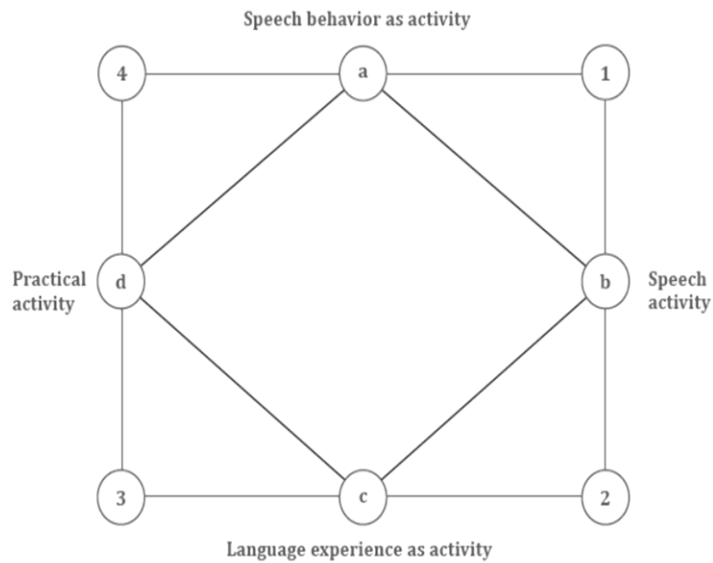


Figure 23 Facta, which produce phenomena-bias type of meanings of discourse
(source: Oukhvanova 2018, p. 11)

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?

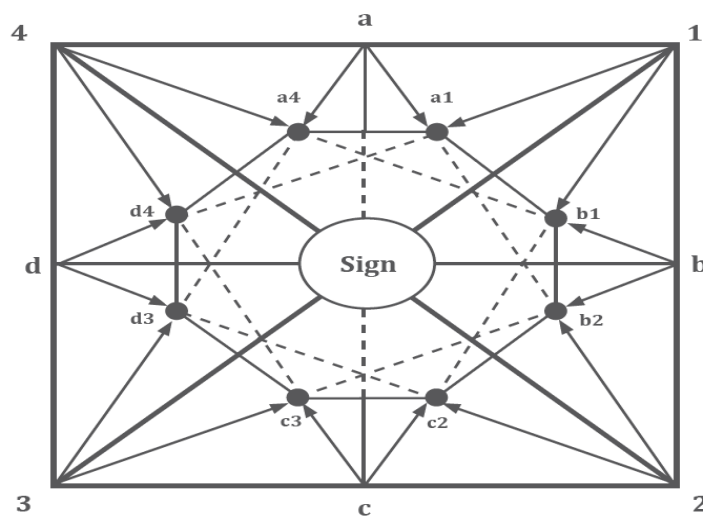


Figure 24 Functional factor-factum primitives/composites (discourse in its 8D representation)
(source: Oukhvanova 2018, p. 12)

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.

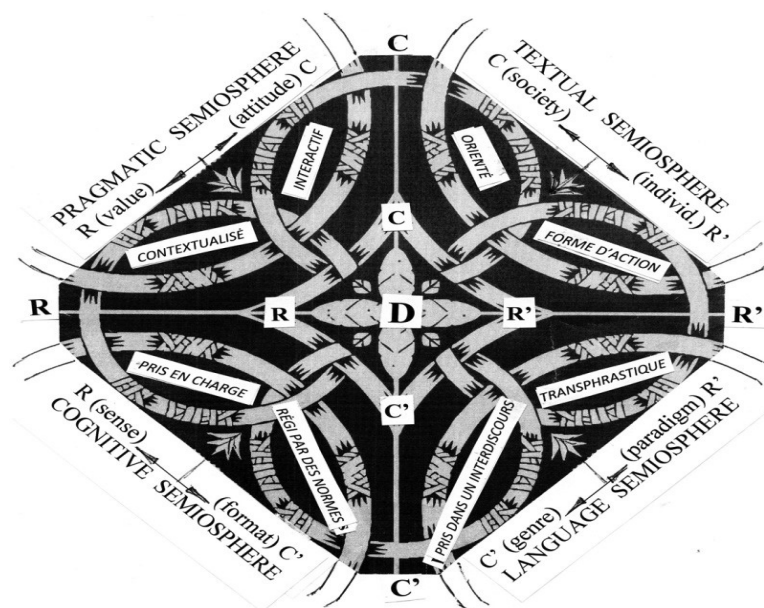


Figure 25 Three theories in one: CGA (Oukhvanova), the French school of discourse analysis (Maingueneau), the theory of semiosphere (Lotman)
(source: Oukhvanova 2020, p. 126)

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.

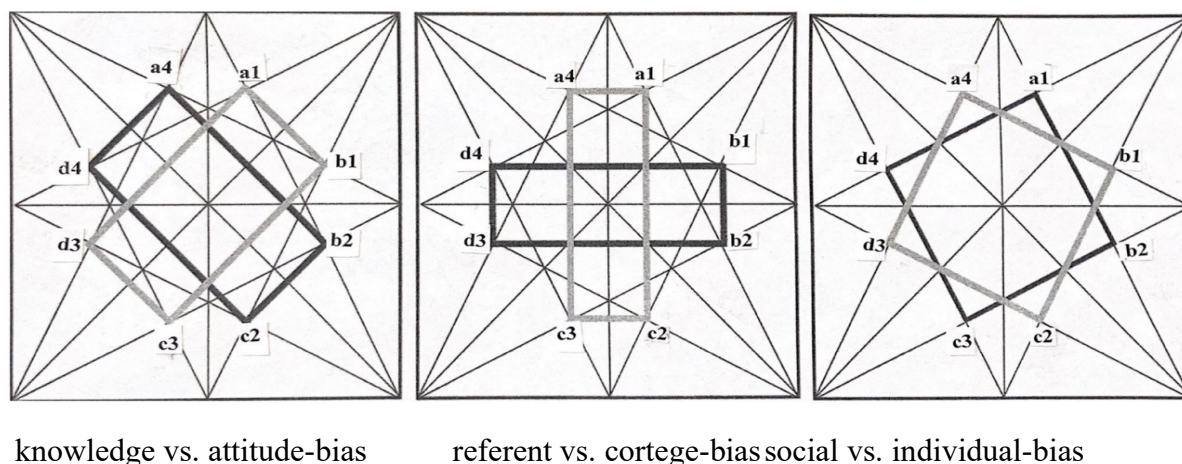


Figure 26 Three pairs of discourse pictures in their dichotomist relation

(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 mediation and parenting plan 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. conative 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 Dressler'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 Dressler'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 parenting plan 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 qualitative 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 research paradigm. Three types of coding in qualitative research

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.

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.

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.

The selected examples of open coding are presented in Table 6 below.

Table 6 Parenting plan mediation selected examples of open coding

Stage 1 of parenting plan mediation (M3 = Mediator's utterance and message No 3)		
No	Utterance and message	Open Coding
M3	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
Stage 2 of parenting plan mediation (S1 Stephanie's utterance and message No 1, M1 = Mediator's utterance and message No 1)		
No	Utterance / message	Open Coding
S1	maybe having him having the children one or two nights a week	Collaborating Planning

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.

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).

Pavel Florensky: "To see and to examine the object, rather than just look at it, one needs to consecutively translate its image on the retina by separate sections to the sensitive spot of it" (Флоренский, 1996: 66 quoted in Oukhvanova, 2018 p. 41).

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).

Pavel Florensky: This means that the visual image is not given to consciousness as something simple, easy, and effortless, but is built and consecutively composed by parts coming one after the other (Флоренский, 1996: 66 quoted in Oukhvanova, 2018 p. 41).

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).

Pavel Florensky: ... each part of it is perceived, more or less, from its own point of view. Further, the boundaries extend synthetically by a special act of the mind and the visual image is created in a consecutive manner, it is not given ready-made (Флоренский, 1996: 66 quoted in Oukhvanova, 2018 p. 42).

The aspects of the parts are synthetically added by the act of the psyche, i.e., "the mind, or the deepest thoughts, feelings, or beliefs of a person or group" [1] or only the mind as suggested by the translation in Oukhvanova (2018, p.42). 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).

Pavel Florensky: In perception, the visual image is not contemplated from one point of view, but due to the vision, it is an image of a polycentric perspective. Attaching here the surfaces added to the image of the right eye by the left eye, we must admit the similarity of any visual image with iconic chambers, and starting from this point the dispute may be only about the extent and the desired degree of this polycentrism, but not about its fundamental assumption (Флоренский, 1996: 66–67 quoted in Oukhvanova, 2018 p. 42).

Florenky (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).

Pavel Florensky: Then comes either the demand for an even greater mobility of the eye, for the sake of a heavily thickened synthetic character, or the demand, if it is possible, to fix the eye, – when decomposing vision is searched for, with the perspective standing in the way of this visual analysis. But man, as long as he is alive, cannot fully fit into a perspective scheme, and the very act of vision with a fixed eye

(if we forget about the left eye) is mentally impossible (Флоренский, 1996: 67 quoted in Oukhvanova, 2018 p. 42).

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).

Pavel Florensky: They still would say: «But you cannot see three walls of the house in one go!» [...] In one go you can see neither three, nor two walls of it, nor even one. In one go – we see only a tiny piece of the wall; in fact, we do not see even this piece at one go, as at first we see literally nothing. Not at one go, but we surely get the image of the house and three of the four walls, thus having the whole image of it (Флоренский, 1996: 67 quoted in Oukhvanova, 2018 p. 42).

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).

Pavel Florensky: In live perception, continuous streaming, overflowing, measurement, and struggle take place, playing, sparkling, pulsating but never becoming in inner consciousness a dead scheme of the object. An artist ... takes the most vivid, expressive pieces from different parts of the image and instead of mental fireworks continuing in time gives a fixed mosaic of some most striking moments of it (Флоренский, 1996: 67 quoted in Oukhvanova, 2018 p. 43).

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).

Pavel Florensky: When contemplating the picture (the discourse – I. O.), the viewer's eye [...] reproduces [...] the image of playing and pulsating perception. However, it is now much more intense and holistic than the image of the object itself. It is so because the bright moments observed at different moments are given per se, e.g. concentrated. They do not require mental efforts to clear them of waste products (Флоренский, 1996: 67 quoted in Oukhvanova, 2018 p. 43).

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 and qualitative methodological perspectives. The first one integrates 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 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 i.e. parenting plan 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 source

- 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 and the National Corpus of Polish Chapter 1
- C. Mediation Academic Corpus Source Chapter 1
- D. Professional Mock Mediation Online Source. Chapter 4

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 and the National Corpus of Polish. 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 analyses of the professional mock mediation online Source D are discussed in Chapter 4.

The research data in Chapter 4 consist of the main Mock Mediation Part 1 [1] and Part 2 [2]. The analysed mock mediation belongs to family mediation. The main Mock Mediation [1] and [2] 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 [1] and [2], which is our main research data analysed from different discourse plains.

3.2.2 Practical research problems

The architecture of our research study begins with formulating the research problem. In our case, problem-building is fundamental to correctly developing the research problem and establishing criteria that verify its correctness (Brzeziński, 2003, Nowak, 2012). In our case study, the verification of the problem is the agreement between the parties-in-conflict/in-consent confirming that conflict has been transformed into conflict resolution during the mediation process.

Based on the analysis of the mediation discourse literature, it is scientifically important to resolve several questions on mediation discourse. The issues that constitute the research problem in this study are defined in the form of ten research questions, namely,

11. 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 PPMD as a phenomenon,

12. 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 PPMD as an idea,

13. 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 PPMD as an activity,

14. how the relationship between topics and interactions in mediation is structured through the stages in the process of mediation,

15. how the relationship between mediation strategies and argumentation is structured through the stages in the process of mediation,

16. how the relationship between illocutionary and intended perlocutionary speech acts is structured through the stages in the process of mediation,

17. how the relationship between values and emotions is structured through the stages in the process of mediation,

18. how the relationship between attitudes and attitude functions is structured through the stages in the process of mediation,

19. how the conflict is transformed into conflict resolution in the process of mediation,

20. how the mediator performs his role in the process of mediation.

Thus, in this dissertation, the research problem is a set of 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 and organisation

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. 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 Mediation [1] and [2] 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), Haliday (1967, 1973, 1978, 1978, 1985, 1989), Halliday and Hasan (1976), Sinclair and Coulthard (1975), Fairclough (1992), Trudgill, 1992; Yule, 1996	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 literature review, i.e. Chapter 1 and Chapter 2, methodological Chapter 3, and practical chapters 4 and 5.

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, Maingueneau, Angermüller, 2002), 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.
- * to discuss qualitative findings.

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 parenting plan mediation, we also get a typological description of this type of discourse. The very possibility lies in our choice to follow qualitative analysis of a special kind.

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 a successful parenting plan mediation to present its theoretical model open for further applications.** Within it, together with modelling a particular case, 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 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).

Example 1:

Abbreviations used:

M – Mediator

S and G – Stephanie and Glen, participants of the mediation, parents of two children

S to M/G (imp) – Stephanie speaks to Mediator and, implicitly, to Glen

Introductory part to one of 5 stages.

Structural element 1:

Basic functional model:

(M to S and G + to G + to S) – (S to M/G (imp) – (G to all)

M to S and G:

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**, (e.g.) 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 we come up with **the typical timeshare range**: who has two children and when.

To G: And, what I'm hearing from you is that you're fine with Stephanie having the children the majority of the week-nights. 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: (1) You can just tell me originally what your thoughts were, which I think you went over a little bit before.

To S (or to G as well): you can respond to what, what Glenn is saying. What are your thoughts on maybe having him having the children?

S to M: maybe, having him, having the children one or two nights a week.

G to S: 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.

Researcher's comment on the basic model of interaction actualised in Example 1:

The reconstructed **basic model of interaction** shows that all mediation participants speak in this structural element.

- The mediator (M) starts and addresses, first, both parents – Stephanie (S) and Glen (G) and, then, without any break, directly addresses G (the children's father) and, after, S (the children's mother).
- The introductory part continued with Stephanie directly addressing the mediator and indirectly (3rd person singular) Glen. Finally, Glen responds to all with no differentiation. Thus, the result initiated and expected by the mediator is reached, and both parents are involved in the talk.

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-cortege 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.

Let us go from the description and comments on this step to illustrate how it is realised.

We should emphasise here that this example, just as all examples from steps 1 to 6 based on the same structural element to make the procedure exercised in these steps maximum transparent.

Example 2:

Introductory part. Structural element 1:

M to G and S:

The content here is in the progress of building (and) coming up with the typical structure (of the parenting plan) (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

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.

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

The content, which is in-between the frame of the message is **deviations and emergencies** (they are to discuss it not now but somewhere **later** (with no specification of a particular time). And, again, we see the same pattern of presenting the context, as the mediator names other role visions that the parents should be ready to accept. He calls it **approved caregivers** (the people, both parents, who are comfortable with taking care of the children, if an emergency appears, etc.). The synaptic pattern is close but the time is different – the future simple (we'll work through this process) with no time specification.

M to G and, after, to S:

The mediator addresses separately Stephanie and Glen initiating their direct involvement and, maybe the start of in-between communication. He does not use direct reference here. We recognise the addressee after we see the way the answer is given. While Stephanie suggests with hesitation what she may expect from Glen (maybe him having the children ...), Glen reacts to her message directly (night three thinking about, ... if you could be flexible from week to week). But, the next sentence shows that he is not ready to answer the question posed by the mediator and the suggestion given by Stephanie (I have to look at my schedule..., probably...).

Thus, this introductory structural element starts the stage with a certain uncertainty about the decision to make (we may call it content for both parents, as they are, certainly, interdependent in their decision). At the same time, the interactive situation is open, which means that a lot depends on what be the next words of the mediator (which is another structural element under research).

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 4 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.

See Example 3.

Example 3:

Here, we have an extended example composed of 3 components: data collection, results, and discussion

Data collection: Themes and corteges with development

	Themes reconstructed	Corteges reconstructed
M to G and S	<p>Th1: We: going to be doing/building/ expecting/ looking/coming up with at/ in need of doing / and will / will need/ have/ talk/work // would be willing.</p> <p>Th2: Parents as each: the Scheduled parent. Th3: Parents as people: both of you, possessing willingness, being comfortable</p> <p>Th4: mediation as process: for working through together (we), for building the typical structure, time and space matters.</p> <p>Th5: a chat: to have / talks about the scheduled parent</p> <p>Th6: terminology for understanding: flow chat, approved caregivers: the scheduled parent, the parent / what I call</p>	<p>Co1: We (G, S, M) as programmed togetherness: via the common focus of attention, via time & space right here & later), via orientation & format, via transparency (who/ has 2 children/ when).</p> <p>Co2: Parents as each: the parent, and whether the other parent...; who has two children with.</p> <p>Co3: the Scheduled parent: (singular) normally scheduled</p> <p>Co4: approved caregivers: (plural) comfortable with taking care in case</p> <p>Co5: professional mediator as a leader of mediation, as a possessor of his terminology, the one to follow. who</p>

Data collection: Themes and corteges with development (continuation)

M to G	Th1: the thoughts of G: G agrees with St's plan on the condition of its breaks. Th2: further textual action of G: to give details on his thoughts.	Co1 (M and G): M is attentive to the thoughts of Glen: he gets that he is in between accepting St's vision of the typical plan and a wish to break it. Co2: (M and G): Co should be reciprocal: M waits for feedback, e.g. for textual actions.
M to St	Th1: textual actions of S about G's thoughts: respond to G's words in the process of mediation (what he is saying). Th2 (implicit) mediation as communication & interaction: saying, listening & responding	Co1 (M and S): M attentive to St's textual actions in the format of mediation: M gives an opportunity (you can) to be better in Co2: (M and S): should be reciprocal: M waits for feedback (for textual action). mediation (repeats its rules)
St to M /G	Th1: 1 or 2 nights with children on weekdays): maybe	Co1 (S and G): imbalanced: a wrong role of St in the format of mediation (comments without listening to G's details.
G to all	Th1: 3 nights (with children on weekdays) thinking about: probably and not always.	Co 1 (G and S): imbalanced: a wrong role of G in the format: contradicts without having his own decision (not ready yet for decision)

Results: Themes and corteges (roles) without development

	Themes reconstructed	Corteges reconstructed
M to G and S	Th1 we together in various activities: Th2 parents as each. Th3 parents as people. Th4 mediation as a process. Th5 a chat. Th6 terminology for understanding.	Co1 we as 'programmed' / focused togetherness. Co2 Parents as each. Co3 the Scheduled parent. Co4 the approved caregivers. Co5 professional mediator

Results: Themes and corteges (roles) without development (continuation)

M to G	Th1. The thoughts of G. Th2. Further textual action of G.	Co1 (M and G): M attentive to G's thoughts. Co2 (M and G): should be reciprocal / with feedback.
M to S	Th1. Suggested textual actions of St about G's thoughts. Th2 (implicit) mediation as communication and interaction.	Co1 (M and S): M attentive to St's textual actions in the format of mediation. Co2 (M and S): should be reciprocal / with feedback.
St to M /G	Th1. One to two nights with children on weekdays for him (G).	Co1 (S and G): imbalanced:

G to Th1. Three nights with children on Co1 (G and S): imbalanced:
all weekdays thinking about

Discussion on the data collected in development and results on themes and corteges organized as a discourse functional dichotomy

This is a continuation of Example 3 – its third component.

As we see, in the very first message addressed to all, the mediator actualised 6 themes and 5 corteges.

3 of them are as if repeated but with different angles:

- 1) theme 1 "we in various actions" and cortege 1 "we, as programmed together, show parallel development of "we" – as being in activities and being led by the mediator (in these activities);
- 2) theme 2 and cortege 2 “parent as each” as if double each other, but they do not. Each parent is the scheduled parent with a definite thematically developed role explained and expected to be accepted (referential content) and each parent is just “parent”, the definition of which is not necessary (cortege-focused context = parent of (two) children);
- 3) theme 3 "parents as people" corresponds to cortege 4 "approved caregivers". Parents are just human beings and are to be respected by the parent who is in an emergency". The other parent, if asked, cannot help the scheduled parent take advantage of the “caregiver". Thus, we see how no separable theme and the cortege are here. This fact (when fully accepted) leads the mediation to a completely new stage – the stage of being ready to think of the choices (referential content) and becoming constructive in the mediation (cortege-bias context). Thus here we define cortege via theme and theme via cortege. A shrewd researcher can guess that we analyse the central stage of the mediation;
- 4) as for the other themes of the mediator, all three of them (4-6) are developing the ideas, which deal with the mediation as a practical (themes 4 and 5) and verbal (theme 6) activities;
- 5) the other cortege (5) the mediator as a professional subject who knows what he does.

The concluding words to this discussion can be that we can reconstruct out of this structural element two frames – referential and cortege bias. The first (referential one) is that ‘we as acting and understanding what we do’. The second is ‘I am a professional and I know how to programme togetherness with my clients to lead them to successful mediation results’.

Step 4 Discourse strategies within their object-subject-based structure reconstruction: Verification analysis

Strategic analysis in Communication Studies 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.

Example 4

Our basic functional model revealed during the first step of the procedure, as we might remember, is

(M to S and G + to G + to St) – (S to M/G (imp) – (G to all)

So let us follow the reconstruction of the strategic actions actualised within this model. In step 3 (referential-cortege informative cluster reconstruction) we focus on the categories within noun and attribution-based representations, while here verbal and adverbial representations are our targeted search.

As presented above we may enumerate the strategies presenting them in two columns etc. At the same time, it seems easier and more convenient for the reader to present the script by inserting into it the names of the strategies actualised and only then to present them in two columns. Thus, the script with discourse strategies reconstructed and named (the same open coding applied here) follows.

Abbreviations used:

M – Mediator

S and G – Stephanie and Glen, participants of the mediation, parents of two children, clients of the mediator

M to S and G:

What we're going to be doing here (TO SET THE AGENDER) is **building the typical structure** of course (TO FOCUS ON THE KEY TOPIC OF DISCUSSION). 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. (TO SET THE PATTERN “FIRST TASK – THEN RESULT”). We'll have a flow chart that talks about **the scheduled parent** (TO GIVE THE EXAMPLE OF THIS PATTERN ON WHAT IS TOPICAL), (e.g.) the parent that was normally scheduled during that time, the parent flowchart, the

scheduled parent (TO GIVE DEFINITION OF THE TERM). 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. (TO INTERPRET THE DEFINITION INTRODUCED BY HIM). So, we'll work through that process. (TO REPEAT THE PATTERN "FIRST TASK – THEN RESULT") But what we're looking at **right now** is how we come up with **the typical timeshare range**: who has two children and when (TO FORMULATE THE AGENDA AND THE TOPIC WITH MORE EMOTIONAL STRESS).

To G: And, what I'm hearing from you is that you're fine with Stephanie having the children the majority of the week-nights. 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 is great so a few (TO SHOW (in a detailed way) CONTRADICTION IN G's MESSAGE).

What you can? (RHETORIC QUESTION as a strategy)

You can just tell me originally what your thoughts were, which I think you went over a little bit before. (TO SHOW G THE WAY OUT OF HIS CONTRADICTIONS: TO EXPLAIN HIMSELF)

to S: Or you can respond to what, what Glenn is saying. What are your thoughts on maybe having him having the children? (TO EXPLAIN St THE STRATEGIES SHE CAN APPLY TO EASE THE MEDIATION).

S to M: maybe, having him, having the children one or two nights a week (TO STAY ON HER PREVIOUS POSITION).

G to S: night three thinking about (TO CONTRADICT S). Well, I was(not) necessarily thinking about any particular nights. I have to look at my schedule (TO SAY WHAT SPONTANEOUSLY COMES TO HIS MIND). I mean, if you could be flexible from week to week (TO REPROACH S) that's probably the easiest for me (TO SHOW EGOCENTRISM) because I can't always plan a rigid schedule from week to week (TO GIVE HIMSELF AN EXCUSE).

Enumerating the strategies:

M to S and G:

1. TO SET THE AGENDER (object-bias).
2. TO FOCUS ON THE KEY TOPIC OF DISCUSSION (object-bias).
3. TO SET THE PATTERN ‘‘FIRST TASK – THEN RESULT’’ (object-bias).
4. TO GIVE THE EXAMPLE OF THIS PATTERN ON WHAT IS TOPICAL (object-bias).
5. TO GIVE DEFINITION OF THE TERM (object-bias).
6. TO INTERPRETE THE DEFINITION INTRODUCED BY HIM (object-bias).
7. TO REPEAT THE PATTERN ‘‘FIRST TASK – THEN RESULT’’ (object and subject-bias).
8. TO FORMULATE THE AGENDA AND THE TOPIC WITH A MORE EMOTIONAL STRESS (object and subject bias).

To G: TO SHOW (in a detailed way) CONTRADICTION IN G’s MESSAGE (object-bias).

To both parents: RHETORIC QUESTION as a strategy (subject-bias)

To G: TO SHOW G THE WAY OUT OF HIS CONTRADICTIONS (TO make him EXPLAIN HIMSELF) (both).

To S: TO EXPLAIN S THE STRATEGIES SHE CAN APPLY TO EASE THE MEDIATION (object-bias).

S to M: TO STAY ON HER PREVIOUS POSITION (subject-bias).

G to S:

1. TO CONTRADICT St.(subject-bias)
2. TO SAY WHAT SPONTANEOUSLY COMES TO HIS MIND (subject bias).
3. TO REPROACH S) that's probably the easiest for me (subject bias)
4. TO SHOW EGOCENTRISM (subject bias)
5. TO GIVE HIMSELF AN EXCUSE (subject-bias).

Discussion

As we see the strategies actualised by the mediator are, in their absolute majority object-bias and only two are both object and subject-bias. As for Stephanie and Glen, the situation is reversed. They both use exclusively subject-bias strategies.

Comments on the method actualized in Step 4

It uses an exclusively open code technique. As for axial coding, it is discussed in Chapter 5 after the extended discussion with representation specificity of each strategy group i.e. in Step 12.

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 parenting plan 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 parenting plan mediation discourse. In terms of

As topics revolve around individual keywords, in our case, topics refer to what the parenting plan mediation is about. They are clearly stated in their expression. Their scope explains what the structural elements of the parenting plan are about, and their nature is unique to those elements. Their specificity describes the subject matter discussed in the parenting plan 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 the five stages of the Parenting Plan mediation process. To analyse the data, we follow the research procedure on speech acts and their functions in the Parenting Plan mediation. First, we classify the speech act types and identify the speech act functions.

Speech acts of the Parenting Plan mediation process through its stages are analysed on multiple levels, i.e., the level of illocutionary acts, the level of illocutionary acts, and the level of perlocutionary acts. Following Austin's (1962) Speech Act theory, we analyse the Parenting Plan mediation utterances 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. At the level of illocutionary acts, we focus on the verbal actions performed by those meaningful utterances. At the level of perlocutionary acts, we concentrate on the intended perlocution 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, 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 analyzed 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-method 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. The parenting plan 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 questions (see subchapter 3.3 of this chapter). In our dissertation, accuracy is an important element in determining reliability and objectivity.

Chapter 4

Reconstruction of mediation process as a communicative action

- A case of parenting plan mediation

The aim of this chapter is to reconstruct the architecture of the professional mediation discourse related to the parenting plan 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 parenting plan 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). The organisation of the PPMD into stages, parts and structural elements are presented in Appendix 3 for Stages, 1, 2 3, and Appendix 4 for Stages 4 and 5.

4.1 Topic and interaction relationship in the mediation process

The results of the deep reading reconstruction analysis show how the relationship 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).

4.1.1 Stage 1 Reconstruction, results and discussion

In this subchapter, we concentrate on the description and discussion of the results of the discourse analysis related to the topics verified by their markers as well as the interactions verified by the mediator's role in his opening monologue consisting of introductory, central and concluding parts as presented below in two columns.

Structural element 1: results and discussion M1 - M2

Topics actualised by M1-M2

The mediator's initiative opens topic-1: togetherness consisting of polite expression "thank you both" [1] i.e. and sub-topic 1a appreciation for both Stephanie's and Glen's coming for the mediation session. Topic-1 togetherness is continued by the mediator when he refers to the verbal action "speaking with you both previously"[1]. The use of deixis "today" and "yesterday" for topic 1 not only indicates the extralinguistic context of topic 1 in the temporal dimension but also emphasises the continuity of togetherness in mediation despite the conflict between Stephanie and Glen. In the introductory part of the mediator's opening monologue addressed to both Stephanie and Glen as active listeners in the mediation communication process, the

Interactions actualised by M1-M2

Firstly, the mediator actualises interaction 1 'polite and grateful' that both Stephanie and Glen have come to mediation today. Secondly, the mediator actualises interaction-2 revealing the separate state of Stephanie and Glen as presented in the previous mediation session. Thirdly, the mediator actualises interaction-3 united by sub-interaction 3a previous knowledge to show that the mediator and Stephanie as well as the mediator and Glen are united by the prior knowledge gained during the previous mediation session. In the introductory part of the mediator's opening monologue, the mediator performs the informative and communicative functions with the mediation principles of neutrality and impartiality preserved. In his informative and communicative functions, the mediator builds the positive interaction to appreciate the

deictic temporal expression function as a rheme of the topic 1 to emphasise the importance of being together in the temporal dimension.

participation of the parties'-in-conflict in the mediation process. As the mediator, he initiates the *format* of the mediated discussion.

Structural element 2: results and discussion M3 - M4

Topics actualised by M3-M4

The mediator specifies topic-2 i.e. timeshare of parents for children "who has the children with, what we refer to as the timeshare"[1]. Timeshare which becomes "[o]ne of the first issues that we need to address " [1] involves topic 3 needs of children and topic 4 both parents' interests. The use of the personal pronoun in plural form "we" indicates the mediation parties, i.e. the mediator and the parties-in-conflict, Stephanie and Glen. With this personal pronoun "we", the mediator specifies that both Stephanie and Glen together with the mediator should address the first issue of mediation, namely the timeshare. With this personal pronoun "we", the mediator shifts the focus of the conflict related to topic 2 into the focus of addressing the issue of timeshare with his mediation functions. Topic 5 practicality "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" [1] is related to topic 6 condition of success "depending on [...] what we want to do".

Interactions actualised by M3-M4

In the central part of the mediator's opening monologue, the mediator actualises interaction-3 united sub-interaction 3b by the focus on timeshare for children by indicating both explicit and implicit participation of the parties in the mediation process. Stephanie and Glen, the parties-in-conflict, are explicit participants in the mediation process, whereas their children are implicit participants, whose needs are to be taken into account in the timeshare. In this part of the mediator's opening monologue, the mediator also actualises interaction-3 united by sub-interaction 3c the parties'-in-conflict interests, or more precisely, "what they want to do" [1] as parents.

The markers of interactions 3 are all 4 topics verbalised by the mediator in his opening monologue. The mediator shapes the relationship between the parties in positive terms. He indicates that the timeshare should be practical for both parents and the needs of their children should be taken into account, which is the condition of success if the parties-in-conflict know what they want to do.

Structural element 3: results and discussion M5 - M6

Topics actualised by M5-M6

The mediator repeats topics 2, 4, and 5, and develops topics 1 and 6. With the yes/no questions, the mediator refers to the temporal dimension and provides the parties-in-conflict with an alternative to choose from. The function of the personal pronoun "we" further develops topic 1 togetherness to indicate that both the mediator and the parties-in-conflict will work on the issue related to topic 2 i.e. timeshare. The function of the yes/no questions quoted above is not to receive

Interactions actualised by M5-M6

In the structural element 3 of the central part of the mediator's opening monologue, the mediator actualises interaction-3 united by sub-interaction 3c the parties interests, i.e. the focus "what they want to do" [1] in short and long terms as well as by sub-interaction 3d getting information. The markers of interaction 3 are all 10 topics verbalised by the mediator in his opening monologue. Consequently through a set of yes/no and wh- questions, the mediator develops their relationship in positive terms indicating that he will work with them on the

the immediate answer from the parties-in-conflict, but to consider the alternative to choose. To facilitate their choice, the mediator actualises topic 7 the mediator's experience with sub-topic 7a how to start, topic 8 getting basic information, topic 9 modality of positive and possible joint action, and topic 10 visualisation of success.

issue of timeshare. Not only does the mediator indicate that the timeshare construction is based on getting basic information about Stephanie's and Glen's schedule but he also visualises the fact that getting basic information about their schedule is essential to reach success, i.e. "to build a good parenting plan" [1].

Structural element 4: results and discussion M7 - M7

Topics actualised by M7

The concluding part of the mediator monologue is based on the yes/no question in which the mediator actualises topic 11 i.e. mediator's initiative "would one of you like to start with" [1], topic 12 individual action for success "what you're looking for what you think would work best" [1] and topic 13 individual parent "when each of you has the children" [1].

Interactions actualised by M7

In the concluding part of the mediator's opening monologue, the mediator actualises interaction-3 united with sub-interaction 3d by the focus on getting information from Stephanie and Glen. The markers of interaction 3 united with sub-interaction 3d by the focus on getting information are topics 11, 12, and 13 with the emphasis put on individual parent and individual action.

The deep reading of Stage 1 reveals the innate categories of topic and interaction that are present in the transcript implicitly, *at first*, at the very beginning of Stage 1 in the introductory monologue of mediator and, *then*, in the previous mediated communication with Glen and Stephanie, which is expected to show their readiness to communicate to solve the key mediated discussion topic which is to set the parenting plan acceptable for both parents who have two children but are in divorce and live separately. While analysing other stages, it is evident how successful the mediator's first meetings with Glen and Stephanie is and what topics are covered during Stage 1. It can be added that the topics of all stages are expected to be intertwined in the given discourse practice.

In Stage 1, the process of mediation is initiated by the mediator, who identifies the aims of family mediation with the emphasis put on the parties'-in-conflict expectations and their children's needs. The underlying function of the mediator's opening speech is not only to identify explicitly the issues for mediation but also to gain the parties'-in-conflict confidence.

Stage 1 represents a subsequent joint meeting during which the mediator encourages Glen and Stephanie to communicate in the hope of solving their conflict. The discourse analysis shows that in stage 1 the research data reconstructed and organised data are composed of 13 topics concentrated on TIMESHARE, NEEDS of CHILDREN, INTERESTS of PARENTS, PRACTICALITY, CONDITION OF SUCCESS, TOGETHERNESS, MEDIATOR'S

EXPERIENCE, BASIC INFORMATION, VISUALISATION OF SUCCESS, MEDIATOR'S INITIATIVE, INDIVIDUAL ACTION, INDIVIDUAL PARENT, and MODALITY as well as 3 interaction patterns focused on being POLITE and GRATEFUL, SEPARATE STATE of Glen and Stephanie as well as being UNITED by different topics in their initial development.

The visualisation of the interrelation between the explicit topics of the mediator's opening speech is presented in Figure 27 below:



Figure 27 Horizontal multi-level hierarchy of discourse topics
Stage 1 in *Family Mediation - Parenting Plan*

Figure 27 shows that information is the top of the hierarchy as displayed vertically. Information as such is interrelated with the identification of needs to be satisfied in time and leads to success "to build a good parenting plan" [1]. Through the indication of the discourse topics, the mediator identifies the information space, the content of which is generated and structured in the next stages of the mediation process.

The reconstruction results of the discourse analysis of Stage 1 presented in the format of the topic-interaction representation is shown Table 9 below.

Table 9 The model of the mediator's opening monologue in its topic-interaction structure representation: Stage 1 with 4 structural elements

1	2	3	4
M topic 1 togetherness 	M topic 2 timeshare M topic 3 needs of children M topic 4 parents' interests M topic 5 practicality M topic 6 condition of success	M topic 2 timeshare M topic 4 parents' interests M topic 5 practicality M topic 6 condition of success M topic 7 The mediator's experience with sub-topic 7a how to start M topic 8 getting basic information M topic 9 modality of positive and possible joint action M topic 10 visualisation of success	M topic 11 mediator's initiative M topic 12 individual action M topic 13 individual parent
M1-M2	M3-M4	M5-M6	M7
M interaction 1 polite and grateful; M interaction 2 separate state of the parties -in-conflict; M interaction 3 united by sub- interaction 3a i.e. previous knowledge	M interaction 3 united by sub- interaction 3b i.e. timeshare by sub- interaction 3c i.e. the parties'-in-conflict interests	M interaction 3 united by sub- interaction 3c i.e. what the parties-in-conflict want to do and by sub- interaction 3d i.e. getting information	M interaction 3 united by sub- interaction 3d getting information

As we see above, the mediator constructs his discourse of the introductory, central, and concluding parts of Stage 1 in the format of his monologue with both Stephanie and Glen, the parties-in-conflict, as active listeners. In his monologue, the mediator represents the topic and interaction informative matrix in a certain coordination of discourse content-context structure. We tend to accept here the topic information as a content bias and the interaction information as a context bias.

4.1.2 Stage 2 Reconstruction, results and discussion

Stage 2 represents the continuation of the joint meeting during which the parties - in - conflict present their needs and interests individually. Both Glen and Stephanie communicate directly only with the mediator to reveal their individual perception of the conflict and their individual expectations. As a continuation of the joint meeting, the results of discourse analysis

at Stage 2 show the reconstruction of the innate categories of topic and interaction in the actualisation of the topic–interaction structure.

-Structural element 1: results and discussion S1

Topics actualised by S1

Stephanie takes the initiative to answer the mediator’s question asked in stage 1. In her answer, she develops topic 9 modality and topic 2 timeshare of Stage 1 with reference to their children i.e. ‘‘they need to spend their weekday nights at my house’’[1]. Not only does she express her opinion about the place of children's stay during "their weekday nights" [1], but also she provides the reason for it saying that "they can get their homework done and eat, have a consistent place to live’’[1].

Interactions actualised by S1

In her answer, Stephanie further develops interaction 3 united by sub-interaction 3b i.e. by the focus on the timeshare for children. With this interaction, she unites both explicit and implicit participants of mediation, namely the mediator and Glen as well as their children. Interaction 3 united by sub-interaction 3b is marked by the topic of modality expressing what children need and can do and the topic of timeshare ‘‘to spend their weekend nights at [her] house’’ to ‘‘have a consistent place to live’’ [1].

Stephanie’s opening statement commences Stage 2. In structural element 1 of this introductory part in Stage 2, the topics of timeshare and modality are actualised and related to the interaction united both by the timeshare for children and the modality that children need. Stephanie. The meaning of Stephanie’s statement has an argumentative component consisting of her reasoning. Her discourse orientation on children's needs supports her initial opinion that children "need to spend their weekday nights at my house” [1]. The discourse orientation of her utterance is in line with the informational content of the topic content and the interaction context.

Structural element 2: results and discussion M1- G1- M2

Topics actualised by M1- G1- M2

In his utterance M1, the mediator paraphrases Stephanie’s words showing that in topic 6, condition of success, sub-topic 6a consistency is embedded and he makes the inquiry asking Glen ‘‘what are [his] basic thoughts’’ [1] by means of which he continues topic 8 i.e. getting basic information.

In G1 Glen develops topic 2 timeshare, topic 3 needs of children, topic 9 modality, and topic 14 new reality. He would like ‘‘to share time with [children’’ [...] spend a night or two over [his] house’’. He expresses his ability to ‘‘have them do homework’’ [1] or ‘‘get work with them’’

Interactions actualised by M1- G1- M2

The interactions actualised in structural element 2 of Stage 2 reveal interaction 3 united by sub - interaction 3e acceptance and by sub-interaction 3d getting information. Sub-interaction 3e refers to the relationship between the mediator and Stephanie, whereas sub-interaction 3d to the relationship between the mediator and Glen.

In his utterance G1, Glen actualises interactions interaction 2 the separate state and interaction 3 united by sub- interaction 3c i.e. what he wants to do and what his interests are. Glen visualises the potential relations with children through a set of actions when children spend a night or two over at his house. He stresses the importance of doing homework so that the

[1]. The new reality occurs as Glen and Stephanie are “in a whole different arrangement” [1] as they “are split” [1]. In utterance M2, the mediator develops topic 2 timeshare, topic 6 condition of success, topic 7 the mediator experience, topic 8 getting basic information and topic 14 new reality. He clearly shows the relationship between transition and timeshare, condition of success and flexibility, work schedules, and flexibility. In his utterance, the mediator reveals his working method i.e. sub-topic 7a how to start, and sub-topic 7b how to work when he says “...I always work with the understanding that we're starting from scratch [...] I also try to work with people to not make assumptions that what has happened in the past is what's going to happen in the future” [1]. To get information about the relationship between work schedules and flexibility, the mediator starts with Glen after asking Stephanie if she does not mind starting with him.

children should fulfil their duties. He also actualises his relations with the children and Stephanie when they are split.

In his utterance M2, the mediator develops interaction 1 polite, interaction 2 the separate state of Glen, and interaction 3 united sub - interaction 3e acceptance (M+S+G) through the markers of the topics developed in his utterance. The mediator also builds an implicit relationship with Glen and Stephanie through the topics and their interrelationship i.e. transition and timeshare, condition of success and flexibility, work schedules, and flexibility. The mediator informs both Stephanie and Glen about his working methods to concentrate on the future rather than the past. He also indicates that future perspective is closely related to the new reality in which Glen and Stephanie are, and a necessity to shape new interaction between them and their children. The mediator is polite when he asks Stephanie for permission to ask Glen first to get information about his separate state with respect to their relationship between his work hours and flexibility.

The mediator’s dialogue with Glen shows the informational content and the discourse orientation, which indicates Glen's willingness to spend more time with children during the weekdays. In this structural element 2 of the central part in Stage 2, the whole informational content related to the topic content and the interaction context is positive and constructive as Glen expresses his willingness to spend time with children during the weekdays.

The transfrastic informational content differentiates the past and present situational contexts in Glen’s utterance (G2). This transfrastic informational context is further extended to future and new reality by the mediator in his utterance (M2). At this structural element 2 of the central part in Stage 2, the mediator starts to mediate Glen’s internal conflict by using his mediation experience and knowledge. Not only does the mediator develop the above-mentioned topics and interactions, but also he shows their interdependence by indicating the relationship between transition and timeshare, condition of success and flexibility, work schedules, and flexibility. The discourse interdiscursivity of the structural element 2 of the central part in Stage 2 displays a blending of the genres used by the mediator and Glen.

Structural element 3: results and discussion G2 – M3- G3

Topics actualised by G2 – M3- G3

In G2 Glen reveals his interests and expectations through topic 4 interests of Glen with sub-topic 4a spending more time with children despite demanding schedule and sub-topic 4b not to be a weekend father. He also actualises the condition of success as he becomes aware of flexibility.

In M3, the mediator develops topic 8 basic information by paraphrasing Glen's utterance and confirming that despite Glen's demanding working hours he has some flexibility.

In G3 Glen confirms that he works hard due to "the client emergencies" [1] but "one or two nights" [1] are under his control to be with children during the week, which constitutes topic 6 condition of success with sub-topic 6b flexibility.

Interactions actualised by G2 – M3- G3

The structural element 3 of the central part actualises interaction 2 i.e. the separate stage of Glen and interaction 3 united sub-interaction 3f by confirmation (M+G). The markers of interactions 2 and 3 are all 3 topics i.e. interests of Glen, basic information, and condition of success actualised by Glen and the mediator in their dialogue.

In M3 the mediator develops a positive relationship with Glen directly and with Stephanie as a listener indirectly. The mediator's paraphrase of Glen's utterance reinforces the point that Glen has some flexibility in his demanding working hours. This positive relationship between Glen and the mediator is confirmed by Glen in G3 when he develops topic 6 the condition of success through his flexibility to satisfy children's needs to spend one or two nights with dad.

In structural element 3 of the central part of Stage 2, the informational content and the discourse orientation correlated with the topic content and the interaction context reveal Glen's internal conflict between his external work obligations and his willingness to spend more time with children during the weekdays. In this structural element 3 of the central part in Stage 2, the whole informational content is positive as it starts to identify the genesis of Glen's internal conflict and leads to solving this conflict by Glen himself.

Glen verbalises the causes and factors of his internal conflict, the identification of which started in the structural element 2 of the central part in Stage 2. The mediator facilitates Glen's mediation of his internal conflict by paraphrasing Glen's opening statement that he has some flexibility in his demanding work schedule to be able to spend one or two nights with children during the weekdays. Glen's statements (G1, G2) show the progress of the informational content and the discourse orientation to solve his internal conflict. As a result, Glen successfully mediates his internal conflict and confirms that he can have "one or two nights" [1] under his control to spend time with children during the weekdays.

Glen's discursive orientation shows how he mediates his internal conflict. Firstly, he articulates his current situational context ("now" [1]), which prevents him from spending time with children during the weekdays. The cause for the conflict is his demanding work schedule. Secondly, this cause becomes the underlying factor of his given consent for Stephanie to spend

more time with children during the weekdays. Thirdly, he states that he does not want to be “a weekend dad” [1] and articulates his willingness to spend time with children during the weekdays as well. Fourthly, once, he realises his internal conflict, i.e. the discrepancy between reality (his demanding work schedule)and his expectations as well as willingness (to meet the children during the weekdays), he takes a verbal action to decide that "one or two nights" [1] during the weekdays are under his control not to be "a weekend dad" [1].

Structural element 4: results and discussion M4

Topics actualised by M4

The mediator develops topic 2 the timeshare to build the typical structure in case of emergencies. He continues topic 6 the condition of success with sub-t 6c approved caregivers. The typical structure of timeshare should reflect “who has two children when” [1]. The mediator says "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" [1], which is the summary of the mediator's dialogue with Stephanie and with Glen. The mediator also directs the question to Stephanie to get her opinion on what Glen uttered at this stage.

Interactions actualised by M4

In structural element 4 of the concluding part, the mediator actualises interaction 2 i.e. the separate stage of Glen and interaction 3 united sub-interaction 3b i.e. by the focus on the timeshare for children. In his case, interaction 3 united sub-interaction 3b by the focus on the timeshare for children involves both explicit participants, i.e. the mediator and the parties-in-conflict as well as implicit participant, i.e. the children of the parties-in-conflict. While referring to his knowledge obtained in Stage 2, the mediator not only summarises his dialogue with Stephanie and Glen but also builds positive relationships with them and goes on to get information on Stephanie's opinion about such an initial arrangement of the typical structure of the timeshare for children.

In the structural element 4 of the concluding part of Stage 2, the mediator reveals the informational content and the discourse orientation based on his knowledge and experience. The mediator shares his knowledge and experience with Stephanie and Glen drawing their attention to the interdependence of the timeshare and condition of success topics. He extends the latter topic by providing information about the institution of caregivers in case of emergencies to show the parties -in-conflict how to avoid future potential conflicts.

In structural element 4 of the concluding part in Stage 2, the mediator paraphrases Stephanie's and Glen's opening statements to give them the gist of the mediation progress at this stage, and at the same time, he confirms his understanding of Stephanie's and Glen's opening statements. The verbal interaction with Stephanie and Glen at this structural element 4 of the concluding part in Stage 2 displays interdiscursivity as the mediator blends the genres in his utterance. This dynamic complexity of the mediator's communication with Stephanie and Glen

is the result of several factors including the context of Glen's internal conflict, his mediation process of the conflict, the transfer of knowledge and experience on how to prevent potential conflicts in the future as well as the need to listen to Stephanie's response to Glen's opening statement.

The verbal actions between Stephanie → the mediator and Glen ↔ the mediator are conducted in the open dialogue during which the mediator actualises his functions. In Stage 2, the mediator performs here his informative and communicative functions. The informative function is performed when he uses nomination as a communication strategy and deliberation as a form of argumentation e.g.

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 to not 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 [1]

or "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" [1].

The communicative function is actualised in the form of paraphrases and questions. The mediator paraphrases not only Stephanie's utterance "Okay so consistency during the midweek nights is important to you" [1] but also Glen's utterance "so your work hours are fairly demanding. You have some flexibility, but your clients sometimes might demand that you work extra hours" [1]. The mediator asks also the following questions "Glen, what are your basic thoughts? [...] Do you mind if I start with Glen Clint.?[...] What are your thoughts on maybe having him having the children" [1].

In Stage 2 the syntactic structures are based on nominal, adverbial, and adjectival clauses, imperative clauses as well as the direct and indirect yes/no and wh- questions. The examples of nominal clauses with wh-question come from the mediator's utterance i.e. "What we're going to be doing here is building the typical structure of course [1] or what I'm hearing from you is that you're fine with Stephanie having the children the majority of the weeknights" [1]. The adverbial clauses include an adverbial clause of purpose, namely in Stephanie's utterance e.g. "I think they need to spend their weekday nights at my house so that they can get their homework done" [1], in Glen's utterance e.g. "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" [1] and in the mediator's utterance

e.g. ‘you'd like to be able to break up that time period a little bit so that you had some interaction with the children' [1] as well as an adverbial clause of condition in Glen's utterance e.g. "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" [1]. The adjectival clause is in the mediator's utterance, namely "we'll have a flow chart that talks about the scheduled parent" [1]. The imperative clause addressed by the mediator to Glen i.e. "Tell me a little bit about the structure of your work" [1] follows the direct general questions uttered by the mediator when he refers to Stephanie to get her permission to ask Glen first, i.e. "Do you mind if I start with Glen Clint?" [1]. The mediator's direct wh- questions are addressed to both Glen and Stephanie e.g. "Glen, what are your basic thoughts?" [1] and "What are your thoughts on maybe having him having the children" [1].

Stage 2 of the mediation process above shows the specificity of mediation. The parties-in-conflict do not communicate directly with each other. The parties'-in-conflict communication process is conducted via the mediator. As this stage is dedicated to the parties'-in-conflict opening statement, it is the mediator who asks specific questions addressed to Stephanie and Glen to get basic information concerning their needs, the needs of children, the parties'-in-conflict interests as well as those of children and he shares his experience on the conditions of success. Through a set of questions addressed individually to Stephanie and Glen, the mediator conducts the communication process between the parties - in - conflict who are explicitly unwilling to talk to each other. Their implicit communication process goes only through the mediator along the communication pattern presented in Figure 28 below:

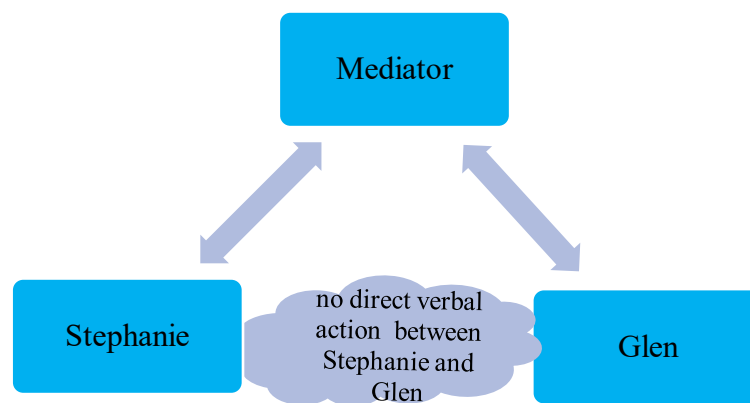


Figure 28 Communication patterns in stage 2

The dialogue structure in Stage 2 follows the patterns mediator ↔ Stephanie and mediator ↔ Glen that initiates the real verbal textual action between the parties - in - conflict and the mediator. Although there is no active communication between Stephanie and Glen at this Stage, we state

that they both perform the role of listeners of the opposite party's-in-conflict communication with the mediator. This type of verbal action is actualised in the set of interactions.

The topics initiated in Stage 1 are further deliberated on in Stage 2 of the mediation process as shown in Figure 29 below.

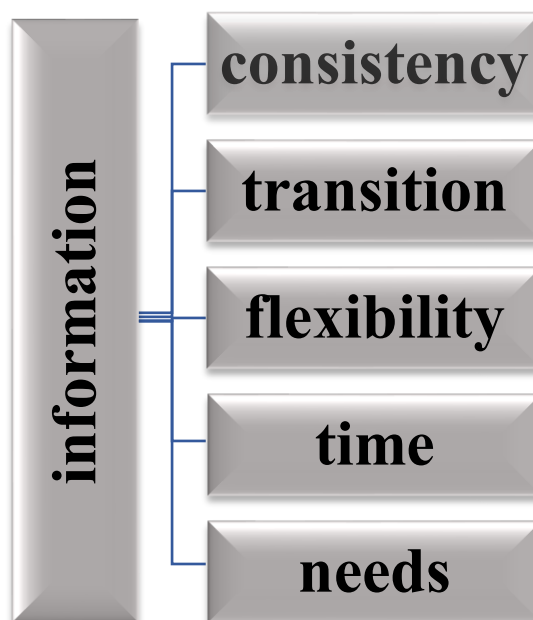


Figure 29 Horizontal multi-level hierarchy of discourse topics
Stage 2 in Family Mediation - Parenting Plan

The information packet includes not only the topics of needs and time, continued from Stage 1 but also those initiated in Stage 2 i.e. consistency and transitions. The topics of consistency and transitions are closely interrelated as the less consistent the parenting plan is the more transitions are in it. As Stage 2 of the mediation process shows the parties-in-conflict opening statements, Stephanie presents her statement in a single utterance, whereas Glen in three utterances. He discusses his conflict between his needs and time schedule to reach a certain level of flexibility that affects consistency and transition.

In Stage 2 the actualisation of topic content is done through the sequence of particular topics and their development. When combined with the interaction, the actualisation of topic content implies that the practical and feasible parenting plan is possible to be worked out when the parties - in - conflict stop being in conflict and they become united by their willingness to prepare practical and typical timeshare, to inquire, accept and confirm their new reality.

In this subchapter, we present the model of Stephanie’s and Glen’s opening statement in Stage 2 see Table 10 below.

Table 10 The model of the parties'-in-conflict opening statement in its topic-interaction structure representation: Stage 2 with 4 structural elements

1	2	3	4
S topic 2 timeshare S topic 9 modality	M+G topic 2 timeshare M+G topic 6 condition of success M topic 7 the mediator’s experience with sub-t 7a how to start sub-t 7b how to work M topic 8 getting basic information M topic 14 new reality G topic 3 needs of children G topic 9: modality	M topic 6 condition of success with sub-t 6b flexibility. G topic 4 interests of Glen with sub-t 4 a spending more time with children despite demanding schedule and sub-t 4b not to be a weekend father	M topic 2 timeshare of parents for children M topic 6 condition of success with sub-t 6c approved caregivers M topic 8 basic information
S2S1	S2M1- S2G1- 2M2	S2G2 – S2M3- S2G3	S2M4
S interaction 3 united by sub-interaction 3b i.e. by the focus on the timeshare for children. M interaction 1: polite and grateful; M interaction 2: separate state of the parties -in-conflict; M interaction 3 united by sub-interaction 3a i.e. previous knowledge	M interaction 3 united by sub -interaction 3e acceptance and by sub-interaction 3d getting information M interaction 1 polite, M interaction 2 separate state of Glen G interaction 2 separate state G interaction 3 united by sub- interaction 3c i.e. what he wants to do and what his interests	G interaction 2 i.e. the separate stage of Glen G interaction 3 united sub-i 3f by confirmation (M+G). M interaction 3 united by sub-interaction 3d i.e. what the parties-in-conflict want to do and by sub-interaction 3e i.e. getting information M interaction 2 i.e. the separate stage of Glen and INTERACTION 3 united sub-i 3f by confirmation (M+G).	M interaction 2 i.e. the separate stage of Glen M interaction 3 united sub-interaction 3b i.e. by the focus on the timeshare for children

The results of the topic and interaction content analyses show the organisation and production of the mediation process in stage 2. The mediator and the parties-in-conflict continue the topics of timeshare, needs of children, interests of parents, conditions of success, mediator’s experience, basic information, modality, and new reality. There is also the topic 14 NEW REALITY initiated at this Stage.

4.1.3 Stage 3 Reconstruction, results and discussion

Stage 3 reconstructs the identification of the parties'-in-conflict options through the steps of presenting Stephanie's option and Glen's option, The results of the discourse analysis reveal the topic versus relational structure consisting of the three structural parts, i.e. introductory, central, and concluding ones, and four structural elements as presented below.

Structural element 1: results and discussion S1

Topics actualised by S1

Stephanie takes the initiative to suggest that Glen should have the children one or two nights a week and she develops topic 2, i.e. timeshare as well as topic 9 modality.

Interactions actualised by S1

In her suggestion, Stephanie develops interaction 3 united by interaction 3b i.e. by the focus on the timeshare for children and interaction 2 separate state of Glen.

Structural element 2: results and discussion G1- M1- S2 -M2

Topics actualised by G1- M1- S2 -M2

Glen develops topic 4 interests of Glen through the sub-t 4c, i.e. his interest in Stephanie's flexibility. The mediator responds to Glen by developing topic 5 practicality, i.e. practical in short long terms and topic 3: needs of children which should be met. When Glen utters his interest for Stephanie to be flexible, the mediator develops topic 7 the mediator's experience with the sub-topic 7c on how to integrate "we also want to integrate the needs of the children and while that might be practical for you" [1]. Stephanie confirms the sub-topic 6a consistency. Stephanie confirms consistency to avoid transition, i.e. "[t]he same days every week because otherwise if they want to do like something after school then I can't sign them up" [1]. She develops topic 6 condition of success with the sub-t 6a consistency. In M2, the mediator continues topic 2 timeshare of parents for children and topic 6 condition of success with the sub-t 6a consistency.

Interactions actualised by G1- M1- S2 -M2

The interactions reveal interaction 2 separate state of Glen as well as interaction 3 united by sub-interaction 3b timeshare for children and by sub-interaction 3d getting information. Glen actualises interactions interaction 2 separate state and interaction 3 united by sub-interaction 3c i.e. what he wants to do and what his interests are. The mediator develops interaction 1 polite, interaction 2 separate state of Glen, and interaction 3 united sub-interaction 3d getting information. The mediator also builds an implicit relationship with Glen and Stephanie through the sub-topics of transition and consistency. The mediator informs both Stephanie and Glen about the conducted studies to prove that consistency is better for children. The welfare of the implicit participants is discussed by the mediator when he indicates that the parenting plan should be built on the principle of consistency. Stephanie develops interaction 3 united by the sub-interaction 3f confirmation when she refers to transitions and her inability to sign the children up for any activities after school.

Structural element 3: results and discussion G2-M3-G3

Topics actualised by S3G2-S3M3-S3G3

Glen develops topic 4 his interests with sub-t 4a spending more time with children. The mediator develops topic 8 getting basic information about Glen's interests to participate in children's activities. Glen continues topic 4 his interest in participating in sports activities. He also develops topic 14 new reality.

Interactions actualised by S3G2-S3M3-S3G3

The structural element 3 of the central part actualises interaction 2 i.e. the separate state of Glen and interaction 3 united sub-co 3d getting information. The markers of interactions 2 and 3 are a. interest of Glen to spend more time with children and to participate in sports activities as well as basic information actualised in Glen and the mediator's dialogue.

Structural element 4: results and discussion **M4-S3-M5****Topics actualised by M4-S3-M5**

In the concluding part of Stage 2, the mediator develops topic 1 timeshare of parents for children. He also continues the discussion of topic 6 condition of success with sub-topic 6a consistency and sub-topic 6e, not many transitions. The mediator develops topic 7 his experience with sub-topic 7b how to work and sub-topic 7c how to integrate. Stephanie develops topic 6 condition of success with sub-topic 6j consent given.

Interactions actualised by M4-S3-M5

In structural element 4 of the concluding part, the mediator actualises interaction 2 i.e. the separate state of Glen and Stephanie as well as interaction 3 united by sub-co3a's previous knowledge and sub-interaction 3b i.e. by the focus on the timeshare for children. In his case, interaction 3 united sub-interaction 3b by the focus on the timeshare for children involves both explicit participants, i.e. Stephanie and Glen as well as implicit participants, i.e. their children.

Stage 3 of the mediation process as indicated in Table 2 above shows the specificity of mediation. The parties - in - conflict do not communicate directly with each other. In fact, the parties'-in-conflict communication process is conducted via the mediator. As this stage is dedicated to the parties' -in- conflict opening statement, it is the mediator who asks specific questions addressed to Stephanie and Glen to get basic information concerning their needs, the needs of children, the parties'-in-conflict interests as well as those of children and he shares his experience on the conditions of success. Through a set of questions addressed individually to Stephanie and Glen, the mediator conducts the communication process between the parties - in - conflict who are explicitly unwilling to talk to each other. Their implicit communication process goes only through the mediator along the communication pattern presented in Figure 30 below:

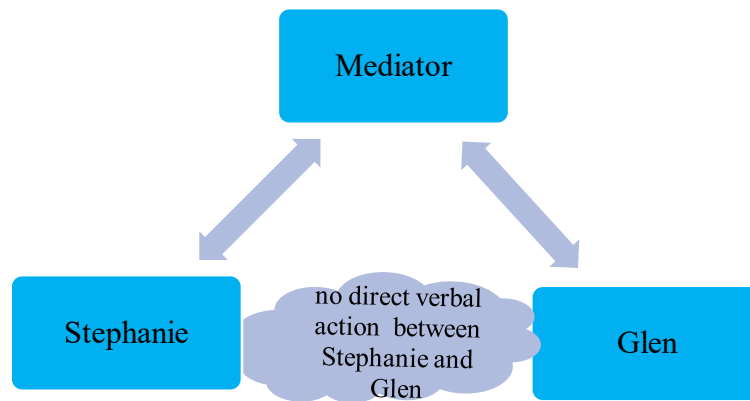


Figure 30 Communication patterns in stage 3

The dialogue structure in Stage 3 follows the patterns mediator ↔ Stephanie and mediator ↔ Glen that initiates the real verbal textual action between the parties-in- conflict and the mediator. Although there is no active communication between Stephanie and Glen at this Stage, we state that they both perform the role of listeners of the opposite party's-in-conflict communication with the mediator. This type of verbal action is actualised in the set of interactions.

The topics explicitly deliberated on and negotiated in Stage 3 of the mediation process are presented shown in Figure 31 below.

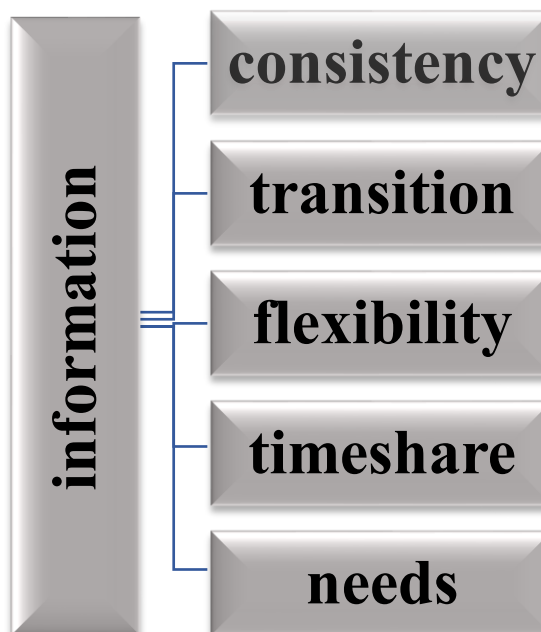


Figure 31 Horizontal multi-level hierarchy of discourse topics Stage 3 in *Family Mediation - Parenting Plan*

In stage 3 the information packet includes the topics of needs, time, flexibility, consistency and transitions. Those explicitly mediated topics are to specify Glen's and Stephanie's options which

might be the object of the next Stage during which the parties - in - conflict are to choose their best option.

In this subchapter, we present the model of the mediator’s dialogue with Stephanie and Glen in Stage 3 as presented in Table 11 below.

Table 11 The model of the option identification in its topic-interaction structure representation: Stage 3 with 4 structural elements

1	2	3	4
S topic 2 timeshare topic 9 modality	G1 topic 4 interests with the sub-topic 4c , interest for Stephanie’s flexibility M1 topic 5 practical topic 3 needs of children topic 7 the mediator’s experience with the sub- topic 7c how to integrate S2+M2 topic 6 condition of success with the sub- topic 6a consistency M2 topic 2 timeshare of topic 7 the mediator’s experience with the sub-topic 7c how to integrate	G topic 4 interests of Glen with sub-t 3 a spending more time with children topic 14 new reality. M topic 8 getting basic information.	M topic 2 timeshare of parents for children M topic 6 condition of success with sub-topic 6a consistency and sub- topic 6e not many transitions M topic 7 his experience with sub- topic 7b how to work and sub-topic 7c how to integrate S topic 6 condition of success with sub-topic 6j consent
S1	G1- M1- S2 -M2	G2 – M3- G3	M4-S3-M5
S interaction 3 united by sub-interaction 3b i.e. by the focus on the timeshare for children interaction 2 separate state of Glen	M interaction 1 polite, interaction 2 separate state of Glen interaction 3 united by sub -interaction 3b timeshare for children, by sub-interaction 3d getting information G interaction 2 separate state G interaction 3 united by sub- interaction 3c i.e. what he wants to do and what his interests	G interaction 2 the separate state of Glen G interaction 3 united sub- co 3d getting information	M interaction 2 i.e. the separate state of Glen and Stephanie I interaction 3 united by sub-co3a previous knowledge and sub- interaction 3b i.e. by the focus on the timeshare for children.

In Stage 3, the results of the topic and interaction content analyses show that the mediator and the parties-in-conflict continue the topics of timeshare, needs of children, interests of parents, practicality, conditions of success, mediator’s experience, basic information, and modality as well as interactions related to being polite and grateful, separate state of Stephanie and Glen and being united by topics under discussion.

4.1.4 Stage 4 Reconstruction, results and discussion

Stage 4 represents the continuation of the mediation process, during which Stephanie and Glen identify the best option to satisfy their children's needs and individual interests. The results of the discourse analysis reveal the topic versus interaction structure consisting of the three structural parts, i.e. introductory, central, and concluding ones, and four structural elements as presented below.

Structural element 1: results and discussion M1-S1-M2

Topics actualised by M1-S1-M2

The mediator continues topic 6 condition of success by developing sub-topic 6i consistency and minimising the transitions with children. He also concentrates on topic 3 needs of children. Stephanie enquires about topic 2 timeshare. The mediator informs that they have not addressed the question of "doing like every other weekend". In this way, he discussed topic 15, i.e. progress of negotiation.

In structural element 1 of this introductory part in Stage 4, the topics of the timeshare, the condition of success, the needs of children, and the progress of negotiation are actualised and related to the interaction united both by the timeshare for children. The dialogue between the mediator and Stephanie is brief and is constructed on the yes/no question to which a negative answer is given indicating the progress of mediation. The discourse orientation of the mediator's and Stephanie's utterances reflect the informational content of the topic content and the interaction context.

Interactions actualised by M1-S1-M2

In this dialogue, the mediator and Stephanie, develop 3 interaction 3 united by sub-interaction 3b i.e. by the focus on the timeshare for children. This relational structure not only involves the mediator and Stephanie as interlocutors on topic 2 timeshare and topic 2 children's needs but also Glen and the implicit participants, i.e. their children.

Structural element 2: results and discussion S2-G1-S3-M3-S4-G2-M4-S5-M5-S6-M6-G3

Topics actualised by S2-G1-S3-M3-S4-G2-M4-S5-M5-S6-M6-G3

Structural element 2 is constructed on the two dialogues between Stephanie and Glen (S2-G1-S3, S4-G2), the mediator's informative utterance (M3), and two mediator's dialogues the first of which is with Stephanie (M4-S5-M5-S6) and the second with Glen (M6-G3). The mediator, Stephanie, and Glen actualise topic 2 timeshare and topic 3 needs of children. Stephanie and Glen actualise also topic 9 modality and topic 6 conditions of success by sub-topic 6j consent and sub-topic 6c flexibility. The mediator actualises also topic 8 getting basic information.

Interactions actualised by S2-G1-S3-M3-S4-G2-M4-S5-M5-S6-M6-G3

The interactions reveal interaction 3 united by sub-sub-interaction 3b timeshare and by sub-interaction 3d getting information, Interaction 2 separate state of Stephanie and Glen as well as Interaction 1 polite and grateful. The interaction context constructed by the mediator's, Stephanie's, and Glen's utterances refers to the implicit participation of mediation, i.e. children and their needs. In this context, the relational structure is reconstructed between explicit mediation participants, i.e. Stephanie and Glen as well as their children.

The dialogue between the mediator, Stephanie, and Glen reveals the informational content and the discourse orientation, which indicates Stephanie's and Glen's willingness to negotiate the best option to spend time with children during the weekdays. In the structural element 2 of the central part in Stage 4, both the topic content and the interaction context are positive and informative.

The transfrastic informational content concentrates on the future situational contexts of spending time with children. In this structural element 2 of the central part in Stage 4, Stephanie negotiates with Glen the timeshare to be the best for all of them. As a result, not only do they negotiate the above-mentioned topics and interactions, but also they show the interdependence between consistency and transition. The discourse interdiscursivity of the structural element 2 of the central part in Stage 3 shows a blending of the genres used by Stephanie, Glen, and the mediator.

Structural element 3: results and discussion M7-S7-M8-S8-M9-S9-M10-S10-M11-G4

Topics actualised by M7-S7-M8-S8-M9-S9-M10-S10-M11-G4

The informational content of the Topics actualised by the mediator, Stephanie, and Glen refers to topic 2 timeshare and topic 6 conditions of success with the sub-topic 6j consent and the sub-topic 6c approved caregivers developed. Most of the topic content is dynamic based on the question-answer pattern, during which the mediator confirms the results of Stephanie and Glen's negotiation. The mediator's explanation of the typical structure of the parenting plan including the institution of the approved caregivers refers to future emergencies and is addressed to Glen, who, while developing topic 9 modality, expresses his decision that he will "be able to arrange [his] schedule so that [he] can spend time with [children]" [2] and confirms it with "yeah" [2].

Interactions actualised by M7-S7-M8-S8-M9-S9-M10-S10-M11-G4

The mediator, Stephanie, and Glen actualise Interaction 3 united by the sub-interaction 3b timeshare for children, and the sub-co3f confirmation (M+S, M+G). They also actualise interaction 1 as polite and grateful when they positively answer yes/no questions asked by the mediator. He develops interaction 3 united by the sub-interaction 3b timeshare for children by paraphrasing that "Monday Tuesday [children will] be with Stephanie, Wednesday Thursday they will be with Glen and then we'll alternate every weekend". He confirms it with Stephanie first (M7-S7-M8-S8-M9-S9-M10-S10) and then with Glen (M11-G4). He also shares his experience with Stephanie and Glen about timeshare and approved caregivers.

In structural element 3 of the central part in Stage 4, the informational content and the discourse orientation reveal the process of confirmation of what Stephanie and Glen have managed to negotiate in structural element 3 of the central part. The mediator concentrates on the results of Stephanie and Glen's negotiation and starts the confirmation process firstly with

Stephanie and secondly with Glen. The temporal dimension refers to future actions to be taken by Stephanie and Glen. In this structural element 3, the mediator answers Stephanie's question about emergencies or more precisely, about Glen's failure to take care of children by deliberating on the typical structure and the institution of approved caregivers to overcome such emergencies or failures in the future.

The mediator's Stephanie's and Glen's discursive orientation shows how the process of confirmation is conducted. Firstly, the mediator articulates the current situational context 'Monday Tuesday [children will] be with Stephanie, Wednesday Thursday they will be with Glen and then we'll alternate every weekend'[2]. Secondly, the results of Stephanie and Glen's negotiation are subject to their confirmation. Thirdly, the mediator deliberates on the typical structure of the parenting plan with a focus on timeshare and the institution of approved givers to eliminate future potential conflicts between Stephanie and Glen.

Structural element 4: results and discussion M12-S11-G5-M13-G6

Topics actualised by M12-S11-G5 M13-G6

In the concluding part of Stage 4, the mediator refers explicitly to topic 2 timeshare of parents for children, and implicitly to topic 6 the condition of success with the sub-topic 6c approved caregivers in case of emergencies. Then, Stephanie asks Glen if he will pick the children up from school to which he agrees. The mediator asks Glen if he will pick the children up after work and then Glen confirms that he will pick them up from school.

Interactions actualised by M12-S11-G5-M13-G6

In structural element 4 of the concluding part, the mediator, Stephanie, and Glen actualise Interaction 1 polite and grateful, and Interaction 3 united sub-interaction 3b i.e. by the focus on the timeshare for children. In his case, Interaction 3 united sub-interaction 3b by the focus on the timeshare for children involves both explicit participants, i.e. the mediator and the parties-in-conflict as well as implicit participants, i.e. their children.

In structural element 4 of the concluding part of Stage 4, the mediator, Stephanie, and Glen reveal the informational content and the discourse orientation related to the details of timeshare. Stephanie appears to be detail-orientated to avoid any future potential conflict. Therefore she inquires Glen about his intention to pick children up from school. The mediator is aware of her verbal action with due caution, therefore he asks Glen if he will pick them up after work. Glen deliberates to provide the final confirmed decision that he will pick them up from school.

In structural element 4 of the concluding part in Stage 4, the mediator, Stephanie, and Glen display interdiscursivity as they all blend the genres in their utterances. The dynamic complexity of their communication is positive and precise to confirm the negotiation results.

In stage 4 the syntactic structures consist of nominal, adverbial, and adjectival clauses, imperative clauses as well as the direct and indirect yes/no and wh- questions. The mediator opens Stage 4 with an imperative clause, namely "Now let's let's talk about what makes sense" [2], which involves the first person plural imperative let us in the short form 'let's', to make suggestions that they should concentrate on consistency and transitions. He also uses the first person singular imperative i.e. 'let me' in his utterance, e.g. "let me explain to you a typical structure that I use and see if it works for you okay" [2], to give a direct, more formal explanation of the typical parenting plan structure. The examples of nominal clauses with wh-question are in the mediator's utterance e.g. "What we oftentimes do is we've got the scheduled parent, the parent who is supposed to pick them up or be with them in a certain time" [2]. The adverbial clauses include an adverbial clause of purpose in Glen's utterance e.g. "... I'll be able to arrange my schedule so that I can spend time with them yeah" [2], an adverbial clause of reason in Stephanie's utterance e.g. "because then that might make a difference on what days during the week you could take earlier in the week" [2] and adverbial clause of condition in Glen's utterance e.g. "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" [2], in Stephanie's utterance e.g. "Do we put something in if he's not able to take care of the children" [2] or in the mediator utterance e.g. "If that schedule parent can't make it then the other parent has what I call the right of first refusal" [2]. The adjectival clause is in the mediator's utterance, namely "Now one of your one of the things that was important to you was the consistency and minimizing the transitions with the children" [2]. The direct yes/no questions are asked by Stephanie e.g. "Are we doing are we doing okay? Can I just ask first? Are we doing like every other weekend? Do we put something in if he's not able to take care of the children" [2], and by the mediator e.g. "Does it work for you?... Does that work for both okay?" [2]. The mediator also asks direct wh- questions addressed to both Glen and Stephanie e.g. "How can we alternate weekends?" [2] or "What do you think about that structure?" [2].

The discourse analysis results of mediation show the parties'- in-consent joint open dialogue with the mediator and with each other. The interaction between Stephanie and Glen is frequent and direct. The mediator facilitates the process of communication with direct questions addressed to Stephanie and Glen. Therefore, the communication process continues explicitly and implicitly along the communication pattern presented in Figure 32 below:

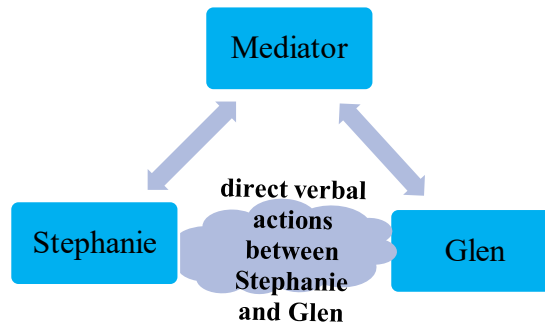


Figure 32 Communication patterns in stage 4

In Stage 4, the topic content shows that 7 topics are developed. The mediator, Stephanie, and Glen concentrate on topic 2 timeshare, topic 2 children’s needs, topic 6 conditions of success, topic 7, mediator’s experience, topic 8 getting basic information, topic 9 modality, and topic 15 progress of negotiation. The whole structure of the topic content is built on the question-and-answer frame during which Stephanie and Glen negotiate the best option and the mediator confirms it with Stephanie and Glen. The dialogue structure in Stage 4 follows the patterns mediator ↔ Stephanie and mediator ↔ Glen, Stephanie ↔ Glen, who are in active communication and both perform the roles of speakers and listeners. Their verbal actions are actualised in the set of interactions.

In Stage 4 the topics explicitly mediated to choose the best option for the parties-in-consent and their children are presented in Figure 33 below.

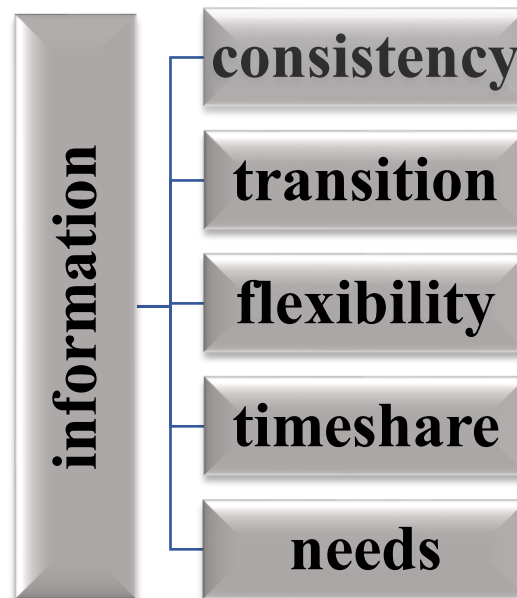


Figure 33 Horizontal multi-level hierarchy of discourse topics
Stage 4 in *Family Mediation - Parenting Plan*

In stage 4 the flow of information goes from top to bottom as the mediator starts with the topic of consistency and transitions. Then, through skilful negotiation and deliberation Stephanie with

the assistance of the mediator deals with Glen's flexibility, needs, and time to choose the best option accepted by Stephanie and Glen, the consent for which is the object of Stage 4.

The reconstruction results of the discourse analysis in the format of the topic-interaction structures and semantics are presented in Table 12 below.

Table 12 The model of the identification of the best option in its topic-interaction structure representation: Stage 4 with 4 structural elements

1	2	3	4
M+S topic 2 timeshare topic 3 needs of children topic 6 condition of success M topic 15 progress of negotiation	M+S+ G topic 2 timeshare topic 3 needs of children S+ G topic 6 conditions of success by sub-topic 6j consent and sub-topic 6c flexibility topic 9: modality M topic 8: getting basic information	M+S+ G topic 2 timeshare S+ G topic 6 conditions of success by sub-topic 6j consent G topic 9 modality M topic 6 conditions of success with sub-topic 6c approved caregivers topic 7: mediator's experience topic 8: getting basic information	M+S+G topic 2 timeshare of parents for children M topic 8 getting basic information G topic 6 conditions of success by sub-topic 6j consent
M1 -S1- M2	S2-G1-S3-M3-S4-G2- M4-S5-M5-S6-M6-G3	M7-S7-M8-S8-M9-S9-M10-S10-M11-G4	M12-S11-G5-M13-G6
M+S interaction 3 united by sub-interaction 3b i.e. by timeshare for children.	M+S +G interaction 3 united by sub-interaction 3b i.e. by timeshare for children. interaction 1: polite and grateful; interaction 2 separate states of Stephanie and Glen	M+S +G interaction 3 united by sub-interaction 3b i.e. by timeshare for children. interaction 1 polite and grateful; interaction 2 separate states of Stephanie and Glen	M+S +G interaction 3 united by sub-interaction 3b i.e. by timeshare for children. interaction 1 polite and grateful; interaction 2 separate states of Glen

In Stage 4, the actualisation of topic content is done through the sequence of seven developed topics indicated above. When combined with three types of interactions, the actualisation of topic content reveals and confirms the best option of timeshare in the parenting plan. In this Stage, Stephanie and Glen are no longer the parties-in-conflict but become the parties-in-consent, who negotiate the best option in positive terms.

The results of the topic/thematic and cortege/interaction content analyses show the organisation and production of the mediation process in stage 4. The mediator and the parties-in-conflict continue the topics of timeshare, needs of children, conditions of success, mediator's experience, basic information, modality, and new reality. There is also the topic 15 PROGRESS of NEGOTIATION initiated at this Stage.

4.1.5 Stage 5 Reconstruction, results and discussion

Stage 5 represents the continuation of the mediation process during which Stephanie and Glen finalise the timeshare for the parenting plan. Stephanie and Glen communicate directly and confirm the final stipulations of the parenting plan. The results of the discourse analysis focused on four structural elements as presented below.

Structural element 1: results and discussion M1-S1

Topics actualised by M1 -S1

The mediator takes the initiative “to confirm the agreement” and develops topic 6 conditions of success with the sub-topic 6d confirmation of the agreement, which means the conflict resolution between Stephanie and Glen. It is operationalised via topic 2 timeshare, which is “one of the most significant elements of the parenting plan”. The mediator becomes specific about topic 2 timeshare via sub-topic 2a timeshare division to confirm his understanding that “on Monday and Tuesday nights they are going to be with you Stephanie” and “Wednesday Thursday nights are going to be with you Glen”. He also confirms sub-topic 2a that weekends “Friday Saturday Sunday night” in the format of “alternative weekends”. Stephanie continues topic 2 timeshare with the sub-topic 2b weekend timeshare extension.

Interactions actualised by M1-S1

The mediator further develops interaction 3 united by sub-topic 3b i.e. by the focus on the timeshare for children to confirm the agreement. The mediator here summarises the results of mediating the timeshare for children to confirm what Stephanie and Glen agree on in terms of this point in the parenting plan. He acts to confirm the positive interaction between Stephanie and Glen and appreciates them for being active in their interaction. As a result, he follows the format of the mediation process. Stephanie contributes to the development of topic 6 condition of success with the sub-topic 6d confirmation of the agreement through topic 2 timeshare via sub-topic 2a timeshare division and the sub-topic 2b weekend timeshare extension, which not only leads to the next structural element but also is the marker of interaction 3.

Structural element 2: results and discussion M2- S2-G1-M3-G2-M4

Topics actualised by M2- S2-G1-M3-G2-M4

The mediator further develops topic 2 the timeshare for children via sub-topic 2a timeshare division and sub-topic 2b weekend timeshare extension as well as topic 8 getting information from Stephanie and Glen. Both Stephanie and Glen confirm the agreement and contribute to the development of topic 6 condition of success via sub-topic 6d confirmation of the agreement. The mediator also draws Stephanie’s and

Interactions actualised by M2- S2-G1-M3-G2-M4

The interactions actualised in structural element 2 of Stage 5 reveal interaction 2 separate state of Glen, as well as interaction 3 united by sub-sub-interaction 3e acceptance and by sub-interaction 3f confirmation of the agreement. The mediator’s development of interaction 3 united by 3a previous knowledge, sub-interaction 3d getting information from Stephanie and Glen, sub-sub-interaction 3e acceptance, and sub-interaction 3f confirmation of agreement builds the positive interaction between M+S, M+G,

Glen's attention to interaction 6 condition of success via sub-topic 6e, not many transitions, and sub-topic 6f minimised interaction of parents. Glen focuses on topic 9 modality "I can take them on my way to work" and topic 6 condition of success via sub-topic 6f minimised interaction of parents "then we don't have to see each other" [2]. Stephanie expresses her consent and actualises topic 6 condition of success. Then, the mediator refers to Glen when he actualises topic 8 getting basic information. Glen's answer develops topic 6 condition of success via sub-topic 6h modification if need.

M+S+G and S+G, i.e. "the two of you just achieved what is the lion's share of the parenting plan"[2], and "that's a great job"[2]. Glen also develops Interaction 1 polite and grateful "That's fine with me" [2] and interaction 2 separate state of Glen, namely "I can take them on my way to work and then we don't have to see each other" [2].

In M4, the mediator develops interaction 1 polite and grateful, when he appreciates Stephanie's and Glen's approach to topic 2 the timeshare for children, and topic 6 condition of success, i.e. "the two of you just achieved what is the lion's share of the parenting plan" [2] and "that's a great job" [2].

Structural element 3: results and discussion S3- M5- S4- M6- G3

Topics actualised by S3- M5- S4- M6- G3

Stephanie develops topic 8 getting basic information "what if this arrangement does not work"[2]. She asks the mediator if they are "stuck with this"[2]. Since "this" [2] refers to interaction 2 the timeshare for children via sub-topic 2a timeshare division. The mediator's answer actualises topic 6 condition of success via sub-topic 6g either verified in practice "we will [...] have a test run" [2] and topic 2 timeshare via sub-topic 2c timeshare verification "we start this plan now" [2] "and see it works out over the next year" [2].

Interactions actualised by S3- M5- S4- M6- G3

In this structural element of the central part Stephanie, Glen, and the mediator actualise interaction 3 united via sub-interaction 3b timeshare for children.

To actualise topic 8 getting basic information, the mediator develops Interaction 2 i.e. the separate stage of Glen. Both Stephanie and Glen actualise interaction 1 polite and grateful in their utterances.

The markers of interactions 1, 2, and 3 are all 3 topics i.e. the timeshare for children, getting basic information, and condition of success actualised by Stephanie, Glen, and the mediator in their open dialogue.

Structural element 4: results and discussion M7

Topics actualised by M7

The mediator develops topic 6 condition of success "we've got a great plan" [2] and topic 2 timeshare via sub-topic 2c timeshare verification, "we have the yearly review [...] we'll see how it works out" [2]. He finishes with topic 1 togetherness via sub-topic 1a appreciation and topic 15 the progress of mediation when he thanks Stephanie and Glen "Great job today" [2].

Interactions actualised by M7

In structural element 4 the mediator actualises interaction 3 united by sub-interaction 3b i.e. by the focus on the timeshare for children and interaction 1 polite and grateful. He concludes with a positive approach to topic 6 condition of success, topic 2 timeshare via sub-topic 2c timeshare verification, and topic 1 togetherness via sub-topic 1a appreciation. In this way, he shows that interaction 3 united by different topics leads to success

In structural element 1 of Stage 5, the mediator focuses on the confirmation of the agreement on the timeshare for children between Stephanie and Glen. He balances two types of information referring to the specific timeshare when the children are with whom. With both the interactive-interdiscursive content, as well as the contextual/transfrastic content, the mediator confirms that “Monday and Tuesday nights they are - with you Stephanie” [2] and “Wednesday Thursday nights with you Glen” [2], which he enriches by specific deictic words referring to the weekdays Monday, Tuesday, etc. The topics of condition of success and timeshare are interrelated and lead to the specification of timeshare via sub-topic 2b weekend timeshare extension.

The structural elements 2 and 3 of Stage 5 constitute the central part of the mediation process, which is balanced by the categories of orientation/format and sense/textual action. Structural element 2 shows the orientation and textual action towards conflict resolution via topic 6 condition of success and topic 2 timeshare. The value-added benefits are related to the minimisation of the future verbal or nonverbal interactions of Stephanie and Glen “then we don’t have to see each other” [2]. Structural element 3 of Stage 5 is further balanced by the categories of orientation/format and sense/textual action. The time orientation is on now and the next year as deictic expressions i.e. “we start this plan now” [2], “and see it works out over the next year” [2]. As the mediator indicates Stephanie and Glen's conflict resolution is subject to verification in practice and as a result, the timeshare is either verified or improved depending on the results of "a test run".

Structural element 4 of Stage 5 concludes the mediation process with an appreciation of being together to achieve progress of mediation in the form of conflict resolution in terms of timeshare in the parenting plan. This closing part is focused on "a great plan" [2] and "great job today" [2].

In Stage 5 the syntactic structures consist of nominal, adverbial and adjectival clauses, imperative clauses as well as the direct and indirect yes/no and wh- questions. In this stage, the mediator uses the first person plural imperative clause, namely “let's talk about that” [2], so does Glen when he says “let’s see how it works and you know try to make it work” [2]. The nominal clauses with wh-question are uttered by the mediator e.g. “What I would say is since we're beginning mediation that we start this plan now and see how it works out over the next year too” [2]. The adverbial clauses include an adverbial clause of purpose in the mediator’s utterance e.g. “[t]here's a lot of other things that we're going to deal with to round out the the parenting plan, to come up with a comprehensive parenting plan” [2], an adverbial clause of reason in the mediator’s utterance e.g. “I just want to confirm the agreement we have here because we basically came up with the timeshare in a very short period” [2] and adverbial clause of condition

in the mediator’s utterance e.g. ‘[a]nd 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’ [2]. The adjectival clause is in the mediator’s utterance, i.e. ‘[t]here's a lot of other things that we're going to deal with’ [2] which postmodifies other things both Stephanie and Glen intend to deal with. The direct general questions are enclosed in by the mediator e.g. ‘[i]s that correct? [...] [i]s that fine whoever has them for the weekend has them Sunday night, takes him to school the next morning? [...] [d]id that answer your questions? or [d]o you have any questions?’ [2]. The direct wh-questions are asked by Stephanie and it is addressed to the mediator i.e. ‘[w]hat if this arrangement doesn't work out are we stuck with this?’ [2]. This hypothetical question refers to the future dimension and refers to the potential failure of the parenting plan.

In Stage 5 the results of mediation discourse analysis show the parties -in – consent in the joint open dialogue with the mediator and with one another. The interaction between Stephanie and Glen is frequent and direct. The communication process between Glen and Stephanie continues explicitly and implicitly along the communication pattern presented in Figure 34 below:

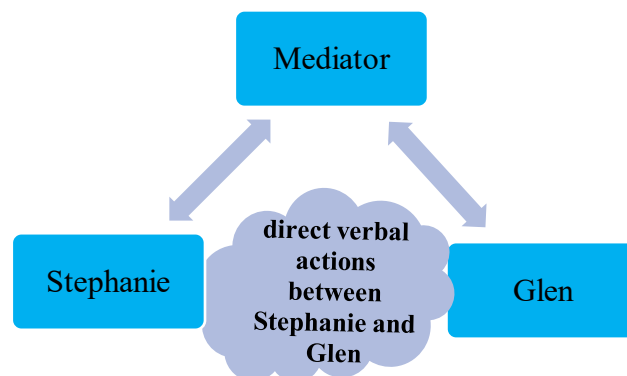


Figure 34 Communication patterns in stage 5

In Stage 5 of the mediation process, the mediator and the parties–in–consent continue the interactions of the previous Stages. Stage 5 refers to the agreement on the coverage flowchart related to the timeshare in the parenting plan. Stephanie and Glen’s suggestions and statements are confirmed by the mediator’s final speech with the emphasis put on the success of the mediated conflict resulting in the conflict resolution. Finally, the mediator addressed his words of appreciation of the parties-in-consent involvement saying ‘Thank you very much. Great job today’ [2].

In Stage 5 the mediator and the parties-in-consent focus on the conflict resolution related to all the topics explicitly discussed now and before as shown in Figure 35 below.

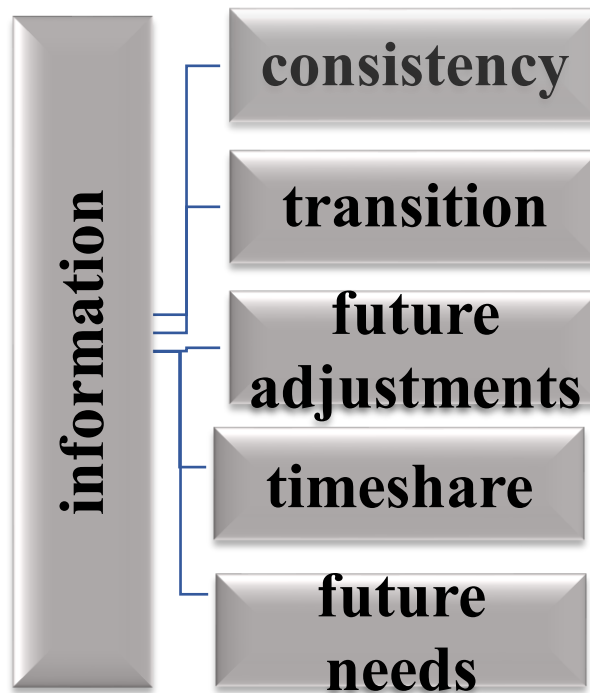


Figure 35 Horizontal multi-level hierarchy of discourse topics
Stage 5 in *Family Mediation - Parenting Plan*

In Stage 5, the flow of information involves all the topics related to the agreement which go from top to bottom as the mediator starts with the topic of consistency and transitions. Then, the mediator share his knowledge on timeshare in the context of future needs and future adjustments with Stephanie and Glen. In this stage, Stephanie and Glen accept the best option which resolves the conflict and becomes their success.

In this subchapter, we present the model of the mediator’s dialogue with Stephanie and Glen in Stage 5 see Table 13 below.

Table 13 The model of the agreement for conflict resolution in its topic-interaction structure representation: Stage 5 with 4 structural elements

1	2	3	4
M topic 2 timeshare via sub-interaction 2a timeshare division M topic 6 condition of success with the sub-topic 6d confirmation of the agreement	M topic 2 the timeshare for children via sub-topic 2a timeshare division and sub-topic 2b weekend timeshare extension M topic 8 getting information topic 6 condition of success via sub-topic 6e not	S topic 8 getting basic information M topic 2 the timeshare for children via sub-topic 2a timeshare division and via sub-topic 2c timeshare verification topic 6 condition of success via sub-topic	M topic 6 condition of success, topic 2 timeshare via sub-interaction 2c timeshare verification, topic 1 togetherness via sub-interaction 1a appreciation

<p>S topic 2 timeshare via the sub-topic 2b weekend timeshare extension.</p>	<p>many transitions, and sub-topic 6f minimised interaction of parents S+G topic 6 condition of success via sub-interaction 6d confirmation of the agreement. G topic 9 modality topic 6 condition of success via sub-interaction 6h modification</p>	<p>6g either verified in practice or improved. G topic 6 condition of success via sub-topic 6h modification if need be</p>	<p>topic 15 the progress of mediation</p>
<p>M1-S1</p>	<p>M2- S2-G1-M3-G2-M4</p>	<p>S3- M5- S4- M6- G3</p>	<p>M7</p>
<p>M+S interaction 3 united by sub-interaction 3b i.e. by the focus on the timeshare for children</p>	<p>M interaction 3 united by sub-interaction 3a previous knowledge, sub-interaction 3d getting information from Stephanie and Glen, sub -sub-interaction 3e acceptance M interaction 1 polite and grateful M interaction 2 separate state of Glen G interaction 3 united by sub-interaction 3c i.e. what he wants to do and what his interests</p>	<p>S+G+M Co3 united via sub-interaction 3b timeshare for children M Interaction 2 i.e. the separate stage of Glen S+G. Interaction 1 polite and grateful</p>	<p>M Interaction 3 united sub-interaction 3b i.e. by the focus on the timeshare for children Interaction 1 polite and grateful</p>

In stage 5, the results of topic/thematic content analysis reconstruct the topics previously discussed i.e. the topics of timeshare, conditions of success, basic information, togetherness, modality, and progress of negotiation. Those topics are intervened with the three interactions initiated in Stage 1 and further developed in this stage, namely *polite and grateful*, *separate state of Glen and Stephanie* as well as *their children united by different topics under mediation*.

4.2 Communication strategies and argumentation in the mediation process

The aim of this subchapter is to provide the answer to our research question Q5 i.e. know-how the relationship between communication strategies and argumentation is structured through the stages in the process of mediation, to Q9 know-how the conflict is transformed into conflict resolution in the process of mediation, and Q10 know-how the mediator performs his role in the process of mediation.

4.2.1 Stage 1 Reconstruction results and discussion

The results of the subject- versus object- bias communication strategies and argumentation based on the reconstruction method within the discourse analysis are presented below.

Structural element 1: results and discussion M1-M2

Subject-bias communication strategies and argumentation actualised by M1-M2

The mediator uses the nomination strategy and deliberation as argumentation “Well thank you”, “[f]rom what I understand” [1]. He is the performer of the verbal action directed to both Stephanie and Glen. He uses the nomination strategy and deliberation to establish the topic in a collaborative and productive manner.

Object-bias communication strategies and argumentation actualised by M1-M2

The mediator uses the nomination strategy and deliberation directed to the object i.e. Stephanie and Glen. The mediator uses nomination and deliberation to fuse the contextual information of verbal actions *coming, speaking* related to current and previous temporal dimensions *today, previously*.

In structural element 1 of Stage 1, the mediator is the subject who addresses his monologue to the objects i.e. Stephanie and Glen, the listeners, not the speakers. Firstly, he directs his words of gratitude and appreciation that both Stephanie and Glen have come today for mediation and secondly, he recollects his understanding “from speaking with you both (i.e. Stephanie and Glen) previously” [1]. His subject-bias and object-bias strategy is that of nomination as the mediator, performing the role of the initiator of the next mediation session, recalls his memory related to what he understands from speaking with Stephanie and Glen previously. With this strategy and deliberation, the mediator concentrates on building a positive relationship with them both and he initiates the collaborative communication strategy. When the mediator treats Stephanie and Glen as objects of the performed action "speaking with you both previously" [1] he maintains the continuity of mediation, i.e. last time he spoke with them both, now he is speaking to them both. The mediator's use of the nomination strategy is deliberate to show that Stephanie and Glen are

treated equally and neutrally. In structural element 1 of Stage 1 the mediator always refers to them as "you both" [1], thus using the preference-avoiding strategy. In no utterance of his monologue in this structural element does he refer to Stephanie or Glen separately (the preference-avoiding strategy, which corresponds to the value of neutrality discussed later on). The mediator maintains his standard of mediation and indicates verbally that the status of both Stephanie and Glen is that equality in mediation and that the mediator remains neutral to both of them.

Structural element 2: results and discussion M3 - M4

Subject-bias communication strategies and argumentation actualised by M3-M4

The mediator uses the nomination strategy and deliberation to indicate the topic of timeshare that is related to the needs of Stephanie and Glen's children as well as Stephanie's and Glen's flexibility topics. With the nomination strategy and deliberation, the mediator specifies that the outcome of the mediation process is "something that's practical and meet your children's needs both in the short term and in the long term" [1].

Object-bias communication strategies and argumentation actualised by M3-M4

The mediator uses the nomination strategy and deliberation directed to the object, i.e. Stephanie and Glen as well as their children. With this communication strategy and deliberation, the mediator joins Stephanie and Glen as objects through the personal pronoun *we* e.g. "One 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" [1].

In structural element 2 of Stage 1, the mediator uses the nomination communication strategy with deliberation to inform Stephanie and Glen about the aim of the mediation related to the timeshare. He uses the goal-setting strategy to provide the aim that is related to the needs of your children, Stephanie's and Glen's schedules, their flexibility to prepare the timeshare ("your schedules, your flexibility or lack thereof and your work schedules"). The mediator also uses the positive cortège building and collaborating strategies when he starts building a positive relationship with Stephanie and Glen as subjects participating in mediation, which is indicated by the personal pronoun "we", i.e. "we want to talk", "we can come up with something", "we may actually divide those up", and "what we want to do" [1]. With the personal pronoun "we", the mediator nominates Stephanie and Glen to be the subject of mediation when he deliberates about the elements of the timeshare to be discussed. In terms of the object-bias communication strategies, the mediator applies the suggestion setting strategy e.g. "we may actually divide those up depending on [...] what we want to do". With the same communication strategy and a form of argumentation, the mediator nominates Stephanie and Glen to be also objects in mediation as

the aim concentrates on talking ‘‘about [...] the needs of your children and your schedules, your flexibility’’ [1].

Structural element 3: results and discussion M5 - M6

Subject-bias communication strategies and argumentation actualised by M5-M6

The mediator asks the general alternative questions *do we want to try some things out in the short term [...] do we want to go directly into a long term plan*, with the personal pronoun *we* to indicate his participation in the process of mediation? At this point, the mediator, Stephanie, and Glen become the subject of the mediator’s nomination strategy and deliberation the aim of which *is to get this information to build a good parenting plan*.

Object-bias communication strategies and argumentation actualised by M5-M6

The mediator uses the nomination strategy and deliberation directed to the object i.e. *the two of you*, namely Stephanie and Glen, e.g. *‘‘we’ll see what works best for the two of you’’*. The object bias nomination communication strategy and deliberation as argumentation is linked *with some basic information about your schedules and start to see what we can do to get this information*.

In structural element 3 of Stage 1, the mediator actualises the nomination communication with deliberation when he refers to Stephanie and Glen as subjects “we” and objects “you”. He starts this structural element with the information inquiry strategy and asks a set of questions directed to Stephanie and Glen “do we want to try [...] do we want to go [...]?” [1] as subjects. The use of the subject-bias communication strategy includes also the positive cortege building strategy when he continues to develop positive relationships with both Stephanie and Glen. When the mediator deliberates about his experience with the object -bias knowledge transfer strategy “[h]ow I usually like to start out” [1], he treats Stephanie and Glen as objects from whom he is to get basic information about their schedules, “to build a good parenting plan” [1] with the object-bias information inquiry strategy applied.

Structural element 4: results and discussion M7

Subject-bias communication strategies and argumentation actualised by M7

The mediator uses the turn-taking communication strategy and negotiation as argumentation when he refers to the subject “one of you” [1] i.e. Stephanie or Glen and “what you think would work best” [1].

Object-bias communication strategies and argumentation actualised by M7

At this point, the object-bias turn-taking communication strategies and negotiation refer to children whom Stephanie and Glen have as objects and their needs should be taken into account.

The mediator uses the turn-taking subject-bias and object-bias communication strategy with the negotiation as a form of argumentation. Although both Stephanie and Glen are listeners in this structural element, the mediator addresses the yes/no question to one of them to start when he applies the object-bias information inquiry strategy. With this strategy, The mediator reveals his intention that either Stephanie or Glen, as subjects of mediation, should take turns and start talking about what he/she thinks would work best ("each of you has the children" [1]). The mediator uses the turn-taking object-bias communication strategy and negotiation to discuss children and their needs as well as the needs of Stephanie and Glen as objects of his/her speech. He likes them to start with the opinion sharing one by one on the subject matter they are going to discuss, i.e. "what [...] would work best" [1]. In the last clause of the mediator's monologue, he addresses Stephanie and Glen as parents he addresses them individually saying "each of you has the children" [1] and in this context, the mediator asks them to talk. He wants Stephanie or Glen to take turns and implicitly indicates that he or she should talk as a parent.

Stage 1 of the mediation process shows consistency in the choice of the communication strategies and argumentation, see Table 14 below.

Table 14 The model of the mediator's opening monologue in its communication strategy - argumentation structure representation Stage 1 with 4 structural elements

1	2	3	4
M1 nomination M2 nomination	M3 nomination M4 nomination	M5 nomination M6 nomination	M7 turn taking
M1-M2	M3-M4	M5-M6	M7
M1 deliberation M2 deliberation	M3 deliberation M4 deliberation	M5 deliberation M6 deliberation	M7 negotiation

The whole mediator's monologue is dominated by deliberation as a form of argumentation and nomination as a communication strategy. This layout of communication strategies and argumentation dominates the structural elements 1, 2 and 3 i.e. introductory and central parts. The concluding part i.e. the structural element 4 differs as the mediator applies turn taking communication strategy and negotiation to ask for information Stephanie and Glen.

4.2.2 Stage 2 Reconstruction, results and discussion

In the Parenting Plan mediation, the reconstruction of parenting plan mediation in stage 2 shows, as indicated above in 4.1.2, the dialogue as a form of Stage 2 communication between the mediator and the parties - in - conflict. In this confrontation stage, both parties - in - conflict have the right to present their opening statements concerning their schedules and their expectations as well as their availability to spend time with their children. The reconstruction of their opening statements shows how their freedom rule is actualised in the form of the partially open dialogue with the mediator. Although the dialogue between the parties -in-conflict is conducted via the mediator's question and answer frame, they all use the following communication strategies and argumentation as indicated below.

Structural element 1: results and discussion S1

Subject-bias communication strategies and argumentation actualised by S1

Stephanie uses turn-taking and topic-control strategies as well as deliberation as a form of argumentation. The former is used to indicate children's needs and the latter to provide the arguments supporting her opinion. She is the doer of the verbal action directed to the mediator and Glen. In her utterance, Stephanie acts as a caring mother to secure children's safety and consistency.

Object-bias communication strategies and argumentation actualised by S1

Stephanie uses the topic control communication strategies and deliberation as argumentation directed to the object i.e. her children not present during the mediation, but the implicit participants, whose needs are discussed by her. as well as the mediator and Glen. Stephanie controls the object-related topic by providing the thesis that "they need to spend their weekday nights at my house" [1] supported by the reasons.

In structural element 1 of Stage 2, with the object-bias opinion-sharing strategy, Stephanie takes turns as the subject of dialogue with the mediator to express her opinion ("I think") about what children need and to provide the rationale. With the subject-bias needs raising awareness strategy, Stephanie controls the topics of her children's needs to stay at her house during the weekday nights ("they need to spend their weekday nights at my house" [1]). Stephanie uses the topic control object-bias communication strategy not only to express her opinion on her children's needs but also to articulate the reasons supporting her opinion. In her open statement, Stephanie underlies the children's need to "have a consistent place to live"[1].

Structural element 2: results and discussion M1-G1-M2

Subject-bias communication strategies and argumentation actualised by M1-G1-M2

The mediator uses the restriction strategy to the topic of consistency when he responds to Stephanie's previous opening statements. While referring to Glen, he uses the turn-taking communication strategy to inquire about his "basic thoughts" [1] on this topic. Glen takes turns to express his willingness to share time with children, and he controls the discussed topic. Glen also uses restriction and topic-shifting communication strategies to discuss "a whole different arrangement" [1] with deliberation as a form of argumentation. To respond to Glen's opening statements, the mediator uses turn-taking, nomination, restriction, and topic-shifting strategies with deliberation.

Object-bias communication strategies and argumentation actualised by M1-G1-M2

Both the mediator and Glen use topic control, restriction, and topic-shifting communication strategies and deliberation when they talk about children as objects of their communication. The mediator uses also nomination to inform Glen and Stephanie about his understanding that they are "starting from scratch"[1]. The mediator's and Glen's communication strategies and argumentation refer to children and their parents as indicated by the person deictics "them" and "we" (G1) or "both of you", "your"(M2). Additionally, in the mediator's utterance (M2), the object-bias communication strategies and argumentation refer to the mediator, Stephanie, and Glen as indicated by the person deictics "we", and "you" in "Do you mind if I start with Glen Clint" or "the number of hours you work"[1].

In structural element 2 of Stage 2, the mediator takes turns restricting Stephanie's opening statement. With the object-bias information paraphrase strategy, the mediator uses the restriction strategy to the topic of consistency when he responds to Stephanie's previous opening statement. While referring to Glen, he uses the turn-taking communication strategy combined with the object-bias information inquiry strategy to inquire about his "basic thoughts" [1] on this topic. Glen takes turns to express his willingness to share time with children, and he controls the discussed topic, referring to the children's homework, i.e. "I can have them do homework" [1] and finally he uses restriction and topic-shifting strategies to discuss "a whole different arrangement" [1] with deliberation as a form of argumentation. In Glen. To respond to Glen's opening statement, the mediator uses turn-taking, nomination, restriction, and topic-shifting strategies with deliberation. In his response to Glen's opening statement, the mediator uses the object-bias knowledge transfer strategy with the subject-bias positive cortege building strategy when he states "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" [1]. Then, he restricts and shifts the topic to Stephanie's and Glen's work schedules. Following the object-bias information inquiry strategy, he asks Glen. to "Tell me a little bit about the structure of your work, you know, the number of hours you work or flexibility that kind" [1].

Structural element 3: results and discussion G2-M3-G3

Subject-bias communication strategies and argumentation actualised by G2-M3-G3

The mediator uses turn-taking and topic-control communication strategies combined with deliberation to paraphrase Glen's utterance related to the topics of flexibility in the context of his demanding work. Glen's communication strategies involve turn-taking, nomination, and topic control with deliberation.

Object-bias communication strategies and argumentation actualised by M5-M6

mediator uses turn-taking and topic-control strategies with deliberation directed to Glen as an object of communication. Glen uses turn-taking, nomination, and topic-control communication strategies with deliberation when he transfers messages concerning his clients and children as objects of communication.

In structural element 3 of Stage 2, Glen takes turns to continue his opening statement with the nomination and topic control communication strategies applied. When he provides his opening statements about the demanding schedule, and his willingness to spend time with children during the weekdays, he uses the subject-bias personal needs-raising strategy. This strategy together with deliberation is used by him to solve his internal conflict discussed in 4.1.2. With the object-bias opinion-sharing strategy, Glen confirms that ‘‘one or two nights you know generally that's under my control’’ [1]. The mediator takes turns not only to control the topic but also to paraphrase Glen’s statement by the object-bias paraphrase strategy.

Concluding part (Stage 2)

Structural element 4: results and discussion M4

Subject-bias communication strategies and argumentation actualised by M4

The mediator uses the turn-taking, topic control, and nomination communication strategy when he deliberates on the topics of timeshare of parents for children and the condition of success. The mediator develops a positive relationship with Stephanie and Glen when he provides information about the approved caregivers, and Stephanie's and Glen's opening statements.

Object-bias communication strategies and argumentation actualised by M4

The mediator’s object-bias topic-control and nomination communication strategies refer to the approved caregivers and Stephanie and Glen’s children, The mediator controls the topic of the typical structure of timeshare in which the approved caregivers play an important role in case of emergencies. The mediator nominates the approved caregivers to take care of Stephanie and Glen's children when one of the parents cannot do it.

The mediator uses the subject-bias communication strategies of turn-taking, topic control, and nomination combined with the object-bias knowledge transfer strategy when he takes turns to deliberate on the topic related to the timeshare in the parenting plan. He continues to build a positive relationship with Stephanie and Glen with the subject-bias positive cortege-building strategy. Thus, he uses the personal pronoun ‘‘we’’ to indicate that both Stephanie and Glen as

well as he are the subjects to build “the typical structure” e.g. “[w]hat we're going to be doing here is building the typical structure of course”[1]. The mediator uses the subject-bias personal needs-raising strategy when he says “we’ll need to build a structure”[1]. The mediator uses such object-bias communication strategies as topic control and nomination combined with the object-bias knowledge transfer strategy to deliberate on the approved caregivers, namely “then we’ll also talk about what I call approved caregivers” [1] in case of emergencies. The approved caregivers 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”[1].

The partially open dialogue in Stage 2 also follows the principles of cohesion and coherence. The person who manages cohesion and coherence of the whole partially open dialogue is the mediator, who controls the discussion of topics. If there is any deviation from the topic to be discussed, the mediator takes verbal actions to return to the specified subject matter to be discussed in his stage of the mediation process. The best illustration of the topic control that leads to cohesion and coherence is when Glen says "Well we're in a whole different arrangement. Now things have been are different now that we're split ok" [1], and the mediator immediately reacts verbally with the following explanation, namely

often, sometimes there is a certain transition,... once one person moves out. ... I also try to work with people to not 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 [1].

The mediator controls cohesion and coherence at this Stage of mediation by the application of such communicative strategy as Restriction when he does not develop Glen's deliberation on the past experiences but makes an assumption "that what has happened in the past "[1] is not what's going to happen in the future [1], providing the logical argument that both Glen and Stephanie are in "a very different circumstance" [2]. After restricting the subject matter under discussion, the mediator restores the topic of time-related to the parties'-in-conflict work schedules, i.e.

So let me back up even a little more and talk to both of 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 [1].

Glen's demanding time schedule and his clients' demands become coherent and cohesive with his potential flexibility and consistency to satisfy children's needs through the facilitative function performed by the mediator, e.g.

Glen: I have a pretty demanding schedule. My clients take a lot of my time now [...] 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 [1].

mediator: So your work hours are fairly demanding. You have some flexibility, but your clients sometimes might demand that their you work extra hours [...] 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 [1].

The mediator's paraphrases of Glen's utterances as indicated above contribute both to the cohesion and coherence of Stage 2.

In Stage 2 Stephanie, Glen and the mediator use the communication strategies and argumentation as presented in Table 15 below.

Table 15 The model of the parties' -in-conflict opening statements in its communication strategy -argumentation structure representation: Stage 1 with 4 structural elements

1	2	3	4
S turn taking topic control	M turn taking, restriction, nomination, topic shifting G turn taking, topic control, restriction, topic shifting	G turn taking, nomination, M turn taking, topic control, nomination	M turn taking, topic control, nomination
S1	M1-G1-M2	G2-M3-G3	M4
S deliberation	M, G deliberation	G, M deliberation	M deliberation

Stage 2 of the mediation process is dominated by deliberation as a form of argumentation. Each participants use turn taking and topic control communication strategies. The mediator and Glen use nomination strategy in their utterances. Only the mediator uses restriction communication strategy when he shares his mediation experience with Stephanie and Glen.

In stage 2 the results of the discourse analysis reveal the mediator's communicative, informative and facilitative functions with the application of such communication strategies as nomination, restriction, topic control, turn taking and deliberation as argumentation. The mediator's linguistic functions refer to the social language use to initiate social interactions with Stephanie and Glen, to express the mediator's knowledge related to parenting plan mediation, to request information on Stephanie's and Glen's time addressed to their work and children,

Stephanie's and Glen's flexibility, Stephanie's, Glen's and children's needs as well to share the mediator's knowledge and experience on consistency and transition as presented in Graph 20 above.

The results of the conducted qualitative analysis related to the parties' - in - conflict communication strategies and argumentation show that in stage 2 it is Glen, who uses more communication strategies and argumentation than Stephanie does, simply to the fact that in the social interaction with the mediator, Stephanie interacts only once, whereas Glen interacts three times. The interaction with the mediator reveals Glen's internal conflict between the complexity of his work schedule and his need to spend time with children more frequently to avoid "being a weekend dad or something like that" [1].

4.2.3 Stage 3 Reconstruction, results and discussion

Stage 3 of the Parenting Plan mediation process concentrates on identifying Stephanie's and Glen's options for conflict resolution and the parenting plan agreement. In Stage 3, the results of the qualitative analysis show the open dialogue between the mediator and Stephanie as well as the open dialogue between the mediator and Glen. In this Stage, Stephanie and Glen present their options for the parenting plan using different communication strategies and argumentation as presented below.

Structural element 1: results and discussion S1

Subject-bias communication strategies and argumentation actualised by S1

Stephanie uses the turn-taking and nomination communication strategy with negotiation as a form of argumentation when she suggests Glen's timeshare.

Object-bias communication strategies and argumentation actualised by S1

Stephanie uses the nomination communication strategy with negotiation as a form of argumentation when she suggests when the children should stay with Glen.

In structural element 1 of Stage 3, Stephanie uses the turn-taking and nomination communication strategy combined with the object-bias suggestion-setting strategy when she negotiates indirectly Glen's timeshare. She uses also the object-bias indirect communication strategy as she does not refer directly to Glen, in other words, she does not refer to him as Glen or you. She refers to the mediator with whom she builds a positive relationship to talk about Glen's timeshare via the subject-bias positive cortège-building strategy. She talks about Glen as "him", namely " maybe having him having the children one or two nights a week"[1]. She uses the causative "have" structure to express causation that Glen should have children for "one

or two nights a week”[1] . Stephanie as a subject uses a valency-increasing operation to cause Glen to stay with the children for a couple of days during the week days and nights.

Structural element 2: results and discussion G1- M1- S2 -M2

Subject-bias communication strategies and argumentation actualised by G1- M1- S2 -M2

The mediator, Stephanie and Glen use turn-taking, topic-control, and repair communication strategies with deliberation and negotiation as forms of argumentation when they discuss the topics of interest, timeshare, and conditions of success with the sub-topic of consistency. Additionally, the mediator uses the repair and nomination communication strategies with deliberation when he shares his experience on consistency with Stephanie and Glen.

Object-bias communication strategies and argumentation actualised by G1- M1- S2 - M2

The object-bias-communication strategies and argumentation involve the topic-control, and nomination communication strategies with deliberation and negotiation as forms of argumentation. Glen, the mediator, and Stephanie direct their communication strategies and argumentation to the objects, e.g. Stephanie's flexibility, the needs of children, practicality for both Stephanie and Glen as well as consistency for children to avoid many transitions.

In response to Stephanie’s suggestion Glen takes turns to open structural element 2 of Stage 3 with his suggestive demand “if you could be flexible from week to week that's probably the easiest for me”[1] in which he uses both the object-bias suggestion-setting strategy and subject-bias personal needs awareness strategy. He controls the topic and provides the argumentation, i.e. “I can't always plan a rigid schedule from week to week”[1]. The relationship between subjects, i.e. Stephanie and Glen is causative and demanding. The mediator reacts immediately “let me just throw something out here” with the subject-bias positive cortege-building strategy. He starts deliberating on practicality for both Stephanie and Glen, namely, "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” [1]. The mediator uses the repair communication strategy to draw the mediation subjects’ attention to their children’s needs as well as Stephanie’s and Glen’s practicality with the use of the subject-bias children's needs-raising and personal needs-raising awareness strategies. To deliberate about the consistency, the mediator also draws Stephanie’s and Glen’s attention to “consistency for the children” [1]. Stephanie controls the topic of consistency as related to transition with the arguments provided to negotiate “the same days every week”. For the first time, Stephanie refers to Glen directly with the object-bias information inquiry strategy, when she expresses a lack of knowledge if Glen wants to take children or not. The mediator deliberates on consistency when he uses the object- bias nomination communication strategy combined with the knowledge transfer strategy to state that "more consistency is better for children". The

mediator addresses Glen the question if he could think he can do something about his schedule, thus actualising the object-bias information inquiry strategy.

Structural element 3: results and discussion G2-M3-G3

Subject-bias communication strategies and argumentation actualised by G2 – M3- G3

Glen and the mediator use turn-taking, topic-control, and nomination communication strategies with deliberation and negotiation as forms of argumentation when they discuss the topics of Glen's interest, new reality, and getting information.

Object-bias communication strategies and argumentation actualised by G2 – M3- G3

The object-bias communication strategies consist of topic-control, and nomination communication strategies with negotiation and deliberation as forms of argumentation to discuss children's activities in new reality.

In structural element 3 of Stage 3, Glen and the mediator take turns to negotiate the weekdays during which Glen can have children on weekdays and nights. They both control the topic of Glen's interest in participating in children's sports activities. The mediator uses the object-bias information inquiry strategy to ask Glen "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" [1]. Glen uses the subject-bias personal needs raising awareness strategy to answer the mediator's question, i.e. "I'd like to take a look at that maybe become more involved in their sports activities" [1]. Glen's deliberation on a new reality when they are not a "cohesive family unit anymore" [1] is subject to the mediator's deliberation in structural element 4 of Stage 3.

Structural element 4: results and discussion M4-S3-M5

Subject-bias communication strategies and argumentation actualised by M4-S3-M5

The mediator and Stephanie use the turn-taking, topic-control, nomination, and restriction communication strategies with deliberation as a form of argumentation. The mediator uses those communication strategies when he shares his experience on how to work on the parenting plan to achieve success with consistency increased and transitions minimalised, to which Stephanie expresses her consent.

Object-bias communication strategies and argumentation actualised by M4-S3-M5

The mediator and Stephanie use the topic-control, nomination, and restriction communication strategies with deliberation as a form of argumentation when the objects are involved, namely flexibility in the parenting plan, children, their activities, verification of the parenting plan on a yearly basis, a proactive meeting with the important issues addressed including the opt-out clause for Stephanie and Glen.

The mediator takes turns to deliberate on consistency in the timeshare for the parenting plan not to have "a king of Higley Pigley week to week" [1] with the object-bias knowledge transfer strategy used. He restricts the topics to show the relationship between consistency and flexibility, i.e. " we want some flexibility, but we also want consistency within that" [1]. The mediator continues using the object-bias knowledge transfer strategy when he deliberates on the parenting plan that is subject to the review on "a yearly basis" [1], potential change, and "an opt-out clause". He uses the subject-bias nomination communication strategy combined with the positive cortege-building strategy, when he refers to Stephanie and Glen about the op-out clause, i.e. " 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" [1]. Stephanie takes turns to deliberate on the mediator's utterance with topic-control, and nomination communication strategy, namely "it's really good, yeah, great thank you" [1].

The partially direct interaction between Stephanie and Glen occurs only once at the very beginning of Stage 3 and it shows that this verbal action includes Glen's demand expressed in the interests of Glen that Stephanie should be flexible. This type of the parties' - in - conflict direct interaction is stopped by the mediator when he concentrates on topic 5 practicality in short and long terms to bring results for both Stephanie and Glen.

In Stage 3 the mediator, Stephanie and Glen use the following communication strategies and argumentation as presented in Table 16 below.

Table 16 The model of identifying the parties' -in-conflict option in its communication strategy -argumentation structure representation: Stage 3 with 4 structural elements

1	2	3	4
S turn taking	M, S, G turn turning, topic control M repair, nomination	M, S, G turn taking, topic control, nomination	M, S, turn taking, topic control, restriction, nomination
S1	G1- M1- S2 -M2	G2 – M3- G3	M4-S3-M5
S negotiation	G, M, S deliberation, negotiation	G M, deliberation negotiation	M, S, G deliberation

In Stage 3 of the mediation process, the mediator, Stephanie and Glen use deliberation and negotiation as forms of argumentation They also use the turn taking, topic control, repair, restriction and nomination communication strategies.

In Stage 3 the results of the discourse analysis reveal the mediator's communicative, informative and facilitative functions when he conducts the dialogues with Stephanie and Glen

to discuss timeshare, interests, needs of children and conditions of success. The mediator's linguistic competence refers to the language in use to share his experience and knowledge concerning the parenting plan structure with Stephanie and Glen and to stimulate the social interactions with Stephanie and Glen.

The results of the qualitative discourse analysis of the parties'-in-conflict communication strategies and argumentation show that in Stage 3 both parties-in-conflict do not enter direct social interaction with each other. In fact, they separately present their options for the parenting plan. In this Stage it is mainly the mediator, who controls topics under discussion and contributes to the cohesion and coherence of Stage 3. He skilfully applies different communication strategies and forms of argumentation to elicit the information concerning Stephanie's and Glen's options for the parenting plan.

4.2.4 Stage 4 Reconstruction, results and discussion

Stage 4 of the Parenting Plan mediation process concentrates on choosing the best option by the parties-in-consent to solve their conflict and prepare the parenting plan in accordance with their willingness and consent. In stage 4, the results of the analysis show the open dialogue between the mediator and the parties-in-consent with communication strategies and argumentation taken into account. In contrast to Stage 2 and Stage 3, the open dialogue between the mediator and the parties-in-consent corresponds to the third stage i.e. the argumentative stage during which the parties - in -consent take advantage of their argumentation scheme rule. At this stage of the mediation process, the results of the mediation discourse analysis show that the mediator performs all his functions not only to assist the parties-in-consent in their decision-making process but also to choose the best option for both of them through the application of different communication strategies and forms of argumentation as indicated below.

Structural element 1: results and discussion M1 -S1- M2

Subject-bias communication strategies and argumentation actualised by M1 -S1- M2

The mediator uses such communication strategies as turn-taking, nomination, and topic-control as well as deliberation as argumentation, to discuss the consistency and transitions and to indicate the progress of mediation. Stephanie uses the turn-taking and

Object-bias communication strategies and argumentation actualised by M1 -S1- M2

Both the mediator and Stephanie use the nomination strategies to discuss the topic related to children as objects of their communication. Stephanie also negotiates if she can ask first the question related to the meeting with children every other weekend

nomination strategies with negotiation as to increase consistency and minimise argumentation. transitions.

In structural element 1 of Stage 4, the mediator and Stephanie take turns to deliberate on “consistency and minimizing the transition” [2]. The mediator controls the topics of consistency and transitions to answer Stephanie’s question that they “haven’t addressed it yet” [2]. Both the mediator and Stephanie use nomination as subject and object-bias communication strategies, i.e. “let’s talk about what makes sense”, “it’s be good for them” and “can I just ask first?” [2]. The mediator uses here the object-bias topic-integrating strategy with the subject-bias positive cortege-building strategy. Stephanie uses the object-bias information strategy when she asks the question “Are we doing like every other weekend?” [2].

Structural element 2: results and discussion S2-G1-S3-M3-S4-G2- M4-S5-M5-S6-M6-G3

Subject-bias communication strategies and argumentation actualised by S2-G1-S3-M3-S4-G2- M4-S5-M5-S6-M6-G3

The mediator, Stephanie, and Glen use turn-turning, nomination, and topic-control communication strategies with deliberation and negotiation as forms of argumentation when they discuss the timeshare. Firstly, Stephanie and Glen negotiate the days during the week and weekend. In terms of timeshare, Stephanie suggests that "the weekend Friday Saturday Sunday. And then, one of us take Monday Tuesday, one of us take Wednesday Thursday" [2] and asks Glen if he takes "two days during the week?". He agrees and Stephanie expresses her preference to have children on Monday or Tuesday. Glen agrees to have them on Wednesday and Thursday.

Object-bias communication strategies and argumentation actualised by S2-G1-S3-M3-S4-G2- M4-S5-M5-S6-M6-G3

The communication strategies and argumentation involve nomination and topic-control communication strategies with deliberation and negotiation as forms of argumentation. Both Stephanie and Glen use the nomination communication strategies when they negotiate the week and weekend days to spend with the children. Stephanie and Glen control the topic under negotiation. The mediator uses also nomination and topic-control communication strategies when he deliberates about the plan which "a lot of people find works well" [2] for both parents and children. The mediator also asks Stephanie and Glen separately to confirm the results of their negotiation and he receives a positive answer.

In structural element 2 of Stage 4, the mediator, Stephanie, and Glen take turns to negotiate and deliberate on the timeshare during the weekdays and weekends. Through the use of such communication strategies as topic control and nomination combined with the subject-bias positive cortege-building strategy, the subject-subject relationship is positively established. Stephanie and Glen both use the object-bias suggestion-setting strategy to negotiate the timeshare. The former suggests “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” [2]. The latter he says “ maybe we get to the weekend Friday Saturday Sunday. And then one of us take Monday Tuesday, one of us take Wednesday, Thursday, that way it's the same every week” [2]. In this structural element, Stephanie, Glen, and the mediator use the subject-bias positive cortege-building strategy to have a positive outcome of mediation that results in the agreement. Additionally, the mediator uses the object-bias knowledge transfer strategy when he states that “ that's the plan that a lot of people find works well. One parent has Monday and Tuesday nights consistently. The other parent has Wednesday and Thursday night consistently” [2]. The mediator’s nomination communication strategy combined with the subject-bias planning strategy results in Stephanie and Glen’s negotiation results that Stephanie has children “on Monday or Tuesday” and Glen “for Wednesday, Thursday” [2].

Structural element 3: results and discussion M7-S7-M8-S8-M9-S9-M10-S10-M11-G4

Subject-bias communication strategies and argumentation actualised by M7-S7-M8-S8-M9-S9-M10-S10-M11-G4

The mediator uses the turn-taking, topic-control, and nomination communication strategies combined with negotiation to paraphrase Stephanie and Glen’s stipulation about timeshare during the weekdays and weekend days He uses the turn-taking and restriction communication strategies with negotiation when he confirms the stipulations with Stephanie and Glen. Stephanie and Glen use the turn-taking, nomination, and topic-control communication strategies with negotiation as a form of argumentation. Stephanie uses also the restriction communication strategy with deliberation.

Object-bias communication strategies and argumentation actualised by M7-S7-M8-S8-M9-S9-M10-S10-M11-G4

The object-bias communication strategies consist of topic control, nomination, and restriction with negotiation and deliberation as forms of argumentation. The mediator uses nomination and topic-control communication strategies when he deliberates about a typical structure, and the approved caregivers and their roles in case of emergencies. The mediator concentrates on the scheduled parent and children when he confirms Stephanie and Glen's results of their negotiation with topic-control communication strategies. Stephanie and Glen confirm their meetings with children with the use of the turn nomination and topic-control communication strategies.

In structural element 3 of Stage 4, the mediator, Stephanie, and Glen take turns to negotiate and deliberate on Stephanie's and Glen's timeshare during the week and weekend days. The mediator controls the topic and with object-bias information paraphrase strategy as well as the subject-bias planning strategy he nominates the timeshare as follows “so Monday Tuesday they'll be with Stephanie, Wednesday Thursday they will be with Glen and then we'll alternate every weekend” [2]. He uses the object-bias confirmation strategy in the form of the question-answer scheme to confirm Stephanie’s and Glen’s consent to the typical structure of their timeshare in the parenting plan. The mediator also uses the restriction communication strategy with the object-

bias knowledge transfer strategy to concentrate on the institution of the approved caregivers. Glen closes structural element 3 of Stage 4 and controls the topic confirming that he "can spend time with [children]" [2].

Structural element 4: results and discussion M12-S11-G5-M13-G6

Subject-bias communication strategies and argumentation actualised by M12-S11-G5-M13-G6

The mediator, Stephanie, and Glen use the turn-taking, topic-control, and restriction strategy when they negotiate Glen's decision to take children from school or work. After a prompt negotiation, Glen decides to take them from school.

Object-bias communication strategies and argumentation actualised by M12-S11-G5-M13-G6

The object-bias communication strategies involve topic control and nomination when the mediator deliberates on maximizing time to spend with children. He also participates in Stephanie's and Glen's negotiation concerning the place from which Glen will pick the children up.

In structural element 3 of Stage 4, the mediator takes turns to deliberate on the best balance to maximise "the time that you each get to spend with the children" [2] with subject and object bias topic-control and nomination communication strategies combined with the object-bias confirmation strategy e.g. "Does that work for both okay?" [2] and the object-bias information inquiry strategy e.g. "or after work?" [2]. Then, Stephanie takes turns and with the object-bias information inquiry strategy she restricts the topic i.e. "will you pick them up from school?" [2]. Once Glen takes turns and confirms it "yeah" [2], the mediator takes turns to restrict the topic asking "or after work?" Glen takes turns to nominate his action "I'll pick them from school, okay" [2], which reveals his subject-bias planning strategy.

In Stage 4, the open dialogue follows the principles of cohesion and coherence. The mediator manages the cohesion and coherence of the open dialogue through the use of his communication strategies and argumentation. The mediator is in control of the topics under discussion. Through a set of explanations, paraphrases, and direct yes/no and wh- questions he facilitates communication between the parties - in - consent to choose the best option for the parenting plan. He explains the typical structure of the parenting plan with the institution of caregivers in case of emergencies. To keep cohesion and coherence in this mediation stage, the mediator paraphrases the parties' in-consent stipulations, thus concluding, e.g. "so Monday Tuesday they'll be with Stephanie, Wednesday Thursday they will be with Glen and then we'll alternate every weekend" [2].

In Stage 4, with the use of communication strategies and forms of argumentation the mediator performs his facilitative and evaluative functions. The mediator's facilitative function

is explicitly performed by a set of questions which he directly asks e.g. ‘‘How can we alternate weekends? Would that be your preference? [...], which do you think would work better for you in general? [...] or What do you think about that structure?’’ [2] and a set of paraphrases he uses, namely ‘‘... so Monday Tuesday they'll be with Stephanie, Wednesday Thursday they will be with Glen and then we'll alternate every weekend’’ [2]. The mediator evaluative function is noticeable when he states ‘‘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?’’[2]. In the performance of evaluative function, the mediator not only evaluates the negotiated parenting plan but also he makes an inquiry if the schedule is accepted by both parties - in - consent.

In Stage 4 the mediator, Stephanie and Glen use the communication strategies and argumentation as presented in Table 17 below.

Table 17 The model of the identification of the parties’ -in-consent best option for the parenting plan in its communication strategy-argumentation structure representation: Stage 4 with 4 structural elements

1	2	3	4
M turn taking, topic control, nomination S turn taking nomination	M, S, G turn taking, topic control, nomination	M, S, G turn taking, topic control, nomination,	M, S, G turn taking, topic control, restriction, nomination,
M1 -S1- M2	S2-G1-S3-M3-S4-G2-M4-S5-M5-S6-M6-G3	M7-S7-M8-S8-M9-S9-M10-S10-M11-G4	M12-S11-G5-M13-G6
M deliberation S negotiation	M, S, G, deliberation, negotiation	M, S, G deliberation, negotiation	M, S, G deliberation, negotiation

In Stage 4 of the mediation process, the mediator, Stephanie and Glen use such communication strategies as nomination, restriction, topic control, turn taking and argumentation in the forms of deliberation and negotiation.

4.2.5 Stage 5 Reconstruction, results and discussion

In Stage 5, the reconstruction of the mediator’s, Stephanie's, and Glen's communication strategies and argumentation is focused on the agreement for conflict resolution. The results of

the mediator's and the parties'-in-consent communication strategies and argumentation actualised in Stage 5 are presented below.

Structural element 1: results and discussion M1-S1

Subject-bias communication strategies and argumentation actualised by M1-S1

The mediator uses such communication strategies as turn-taking, nomination, and topic-control as well as deliberation as argumentation, to confirm the agreement in terms of the timeshare. Stephanie uses the turn-taking and restriction strategies with negotiation as argumentation.

Object-bias communication strategies and argumentation actualised by M1-S1

The mediator uses the nomination strategies linked with deliberation to discuss the timeshare the children are with Stephanie on Monday and Tuesday nights and with Glen on Wednesday and Thursday nights. Stephanie uses the restriction with negotiation when she refers to children.

In structural element 1 of Stage 5, the mediator takes turns "to confirm the agreement"[2]. With the object-bias confirmation strategy applied, the mediator controls the topic of the timeshare for Stephanie and Glen. He uses the subject and object-bias nomination communication strategy merged with the subject-bias planning strategy to state that "on Monday and Tuesday nights they are going to be with you Stephanie. Wednesday 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"[2]. Stephanie takes turns to restrict the topic of discussion, namely "whoever has them for the weekend takes them to school on Monday"[2], which indicates that she also uses the subject-bias planning strategy.

Structural element 2: results and discussion M2- S2-G1-M3-G2-M4

Subject-bias communication strategies and argumentation actualised by M2-S2-G1-M3-G2-M4

The mediator, Stephanie, and Glen use turn-taking and topic-control communication strategies with deliberation and negotiation to discuss the weekend extent. The mediator uses the nomination communication strategy with deliberation to discuss transitions and the parenting plan as well as to appreciate mediation progress.

Object-bias communication strategies and argumentation actualised by M2- S2-G1-M3-G2-M4

The object-bias communication strategies and argumentation involve nomination and topic-control communication strategies with deliberation and negotiation as forms of argumentation. The mediator, Stephanie and Glen use the topic-control communication strategies when the process of confirming the stipulations related to taking children is continued.

The mediator takes turns to control the topic of the weekend extent. With the object-bias information inquiry strategy, he asks the question if it is fine that "whoever has them for the weekend has them Sunday night, takes him to school the next morning"[2]. Stephanie and Glen subsequently take turns to confirm the mediator's question, thus using the object-bias

confirmation strategy. They also use subject and object-bias topic-control communication strategies with the subject-bias positive cortege-building strategy, when they communicate in positive terms. Finally, the mediator uses the subject and object-bias nomination communication strategy combined with the object-bias knowledge transfer strategy, when he deliberates on other elements of the parenting plan, which involves both subjects, i.e. Stephanie and Glen, and the objects, i.e. their children.

Structural element 3: results and discussion S3- M5- S4- M6- G3

Subject-bias communication strategies and argumentation actualised by S3- M5- S4- M6- G3

The mediator and Glen use turn-taking, topic-control, and nomination communication strategies combined with negotiation to deliberate on the parenting plan verification on a yearly basis. Stephanie uses turn-taking and restriction either to inquire about the potential failure of the parenting plan or to confirm the mediator's answer.

Object-bias communication strategies and argumentation actualised by S3- M5- S4- M6- G3

The object-bias communication strategies consist of topic control, nomination, and restriction with negotiation and deliberation as forms of argumentation. The mediator and Glen use nomination and topic control to discuss the verification and test turn. communication strategies when he deliberates Stephanie uses a restriction communication strategy with negotiation and deliberation.

Stephanie takes turns and restricts the topic of timeshare with the question, i.e. "[w]hat if this arrangement doesn't work out, are we stuck with this?"[2]. To answer her question, the mediator takes turns to deliberate on the yearly verification of the parenting plan with the object-bias knowledge transfer strategy i.e. "we start this plan now and see how it works out over the next year too"[2], the test run and confidentiality with the nomination communication strategy applied to both subjects, i.e. Stephanie and Glen as well as the objects i.e. their children and court. Then, Stephanie and Glen take turns and control the topic to express their agreement with the object-bias confirmation strategy actualised. The mediator, Stephanie, and Glen actualise the subject-bias positive cortege-building strategy with the object-bias direct communication strategy.

Structural element 4: results and discussion M7

Subject-bias communication strategies and argumentation actualised by M7

The mediator deliberates on the parenting plan with the use of the turn-taking and nomination communication strategies.

Object-bias communication strategies and argumentation actualised by M7

The mediator's object-bias nomination strategies with deliberation involve the children's development and activities.

The mediator takes turns to deliberate on the parenting plan which “is messy and things are always changing especially with a five and a ten-year-olds” [2]. He uses the nomination communication strategy combined with the object-bias knowledge transfer strategy and the subject-bias positive cortege-building strategy, when he deliberates on their “different developmental stages [...] different activities” and thanks Stephanie and Glen for “[g]reat job today”.

In Stage 5 the verbal action is initiated by the mediator through a set of paraphrases of what has been agreed on by the parties - in - consent, i.e.

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 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. And you have the alternative weekends Is that correct? [2].

The mediator’s confirmation of the agreement leads to the open dialogue between Stephanie and Glen in which consent and agreement dominate in contrast to Stages 1, 2 and 3. Stephanie is precise in the establishment of the Parenting plan. She asks for confirmation that “whoever has them for the weekend takes them to school on Monday”[2], which refers to the topic of time, flexibility, needs, consistency and transition as interrelated topics. Her request for confirmation which she finally is given by Glen “[t]hat's fine with me...[2] is supported by her own argument in the form of deliberation that it is better they can spend more time” [1]. Stephanie looks into future and she is worried about the Parenting plan failure “What if this arrangement doesn't work out are we stuck with this ?” [2]. After the mediator’s explanation what happens in such an event, Glen answers to Stephanie’s worries in the following way, “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” [2]. Glen’s suggestion gives grounds for the mediator’s final conclusion, i.e.

Parenting is messy and things are always changing especially with a five and a 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 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 [2].

In the mediator's deliberation it is clearly stated that the agreement on the Parenting plan finally achieved by the parties - in - consent, through which the conflict is resolved is now subject to practical verification as the mediator says they should see how it functions. The mediator closes Stage 5 with token of gratitude for great job the parties - in - consent have performed.

Stage 5 follows the principles of cohesion and coherence to resolve the conflict and prepare the agreement between the parties-in-consent. The mediator and the parties-in-consent manage cohesion and coherence through the use of their communication strategies and argumentation. Both the mediator and the parties-in-consent are in control of topics under discussion. The mediator confirms the stipulations elaborated by the parties-in-consent through a set of paraphrases and direct general questions. When the parties-in-consent ask questions, the mediator provides the insightful answers concerning the practical verification of the parenting plan and the way to amend it in case of failure. In his final utterance, the mediator admits that this verification should be done on a yearly basis. He also expresses his appreciation for the great job related to the conflict resolution. The mediator's final utterance contributes to the cohesion and coherence of Stage 4.

In Stage 5, the mediator, Stephanie and Glen use the following communication strategies and argumentation as presented in Table 18 below.

Table 18 The model of the conflict resolution in its communication strategy -argumentation structure representation: Stage 5 with 4 structural elements

1	2	3	4
M turn taking, topic control, nomination S turn taking, restriction	M, S, G turn taking, topic control, nomination	M, G turn taking, topic control, nomination, S turn taking, restriction	M, S, G turn taking, nomination
M1-S1	M2- S2-G1-M3-G2-M4	S3- M5- S4- M6- G3	M7
M deliberation S negotiation	M, S, G, deliberation, negotiation	M, S, G deliberation, negotiation	M deliberation

In Stages 5, the mediator, Stephanie and Glen use the turn taking, topic control, nomination, and restriction communication strategies with deliberation and negotiation as forms of argumentation.

In stage 5, the results of the discourse analysis reveal the mediator's communicative, informative and facilitative functions with the application of his linguistic competence to

conduct the social interactions with Stephanie and Glen to prepare the agreement confirming the conflict resolution related to the timeshare in the parenting plan.

The results of the discourse analysis related to the parties'-in-consent communication strategies and argumentation show that in Stage 5, both parties'-in-consent enter direct social interaction to confirm the stipulations on the parenting plan. The mediator's verbal interactions with the parties'-in-consent reveal the mediation discourse functions of declarative, interrogative and imperative sentences to maintain cohesion and coherence in stage 5 of the mediation process.

4.3 Speech Acts in mediation: pragmatic discourse analysis

This subchapter aims to provide the answer to our research question (Q6) know-how the relationship between illocutionary acts and intended perlocutionary acts is structured through the stages in the process of mediation and additionally to Q9 and Q10.

4.3.1 Stage 1 Reconstruction, results and discussion

As indicated in subchapters 4.1.1 and 4.1.2 above, the first stage of family mediation discourse is based on the mediator's monologue, the reconstruction of which through the Speech Act Theory is presented below.

Structural element 1: results and discussion M1 - (S and G) - M2

Illocution actualised by M1-M2

The mediator uses expressive and representative – assertive illocutionary acts when he thanks Stephanie and Glen “for coming today” [1] and asserts what he understands

Perlocution actualised by M1-M2

The mediator's intended perlocutionary acts refer to the act of thanking and the act of affirmation of his understanding of Stephanie's and Glen's previous speeches. Those acts refer to the previous mediation “from speaking with you both [i.e. Stephanie and Glen] previously”.

Structural element 2: results and discussion M3 - (S and G) - M4

Illocution actualised by S1M3-S1M4

The mediator uses directive illocutionary acts to tell both Stephanie and Glen that they “need to address [...] the timeshare” [1]. The mediator also tells them that today they want to talk on the needs of their children, work schedules and their flexibility “or lack thereof” [1]. The mediator tells Stephanie and Glen that to come up with practical timeshare in short

Perlocution actualised by S1M3-S1M4

The mediator's intended perlocutionary acts is related to the act of requiring mutual verbal action from all mediation participants. The mutual verbal action refers to the timeshare “what we need to address, and what we refer to, the subject matter, what we want to talk about today, and the manner how we can come up with something, and we may actually divide those up depending on [...] what we want to

and long terms depends on what they want to do. In fact, the mediator tells them that he participates in the whole mediation process when he consequently uses the personal pronoun *we* referring to himself as well as Stephanie and Glen.

do”[1]. The importance of the mutual action is indicated by the mediator deliberately at this initial stage of the mediation process to change the Stephanie’s and Glen’s orientation towards their approaches and wills what they want to do.

Structural element 3: results and discussion M5 - (S and G) - M6

Illocution actualised by M5-M6

The mediator uses directive illocutionary acts to ask the questions if they want concentrate on the timeshare in short or long terms. The mediator also uses the representative - assertive illocutionary act when he informs Stephanie and Glen how he usually likes to start “to get this information to build a good parenting plan” [1].

Perlocution actualised by M5-M6

The mediator’s intended perlocutionary acts is related to the act of requiring mutual verbal action and the act of informing about the mediator’s experience to start mediation. The mediator wants to generate basic information from Stephanie and Glen and then to see what they can do, i.e. “to get some basic information about your schedules and start to see what we can do to get this information” [1].

Structural element 4: results and discussion M7 - (S or G) - M7

Illocution actualised by S1M7

The mediator uses the directive illocutionary act to ask the question if one of them Stephanie or Glen start providing information what she or he considers to work best.

Perlocution actualised by S1M7

With his intended perlocutionary acts, the mediator requires individual verbal action of Stephanie or Glen to express their opinion on what works best for them.

The integration of the three dimensions of the Mediation Discourse Speech Acts, i.e. locution, illocution, and perlocution shows that the mediator opens his monologue with the expressive illocutionary act in which he thanks both parties - in - conflict for coming to the mediation process saying “[w]ell thank you both for coming in today” [1]. The expressive illocutionary acts is followed by the representative – assertive illocutionary act, as the mediator affirms what he understands “from speaking with you both previously”[1]. This utterance makes reference to the previous mediation meeting with either both parties together or with each party separately, which must have taken place before this mediation stage. In the previous mediation meeting, the parties-in-conflict must have provided the mediator with the consent for conducting the mediation process, otherwise there is not mediation if the consent for mediation is not given to the mediator.

In the context of the previous mediation meeting , we can rightly assume that the mediator must have followed the mediation procedure and informed the parties - in - conflict about four basic principles of mediation before the parties provided him with their consent for mediation.

Three principles of mediation involve the parties'-in-conflict voluntary participation, the mediator's impartiality and confidentiality of mediation. The parties - in - conflict participate in the mediation on the basis of their voluntary decision and at all times they are entitled to withdraw from mediation. If the mediator notices that the parties are unable or unwilling to participate in the mediation process freely or completely the mediator is obliged to raise that issue, suspend or even terminate the family mediation process. The second principle of impartiality obliges the mediator to remain impartial to the parties - in - conflict and to balance power in a fair and objective manner. It also involves the mediator's neutrality which obliges the mediator to remain neutral to the outcome of mediation. In this context, the mediator is not authorised to impose any outcome of mediation on the participants. If the parties - in - conflict agree, the mediator may inform them about the possible course of action, the legal consequences and other implications, but the mediator is not entitled to give any advice to the parties - in - conflict.. The principle of confidentiality forbids the mediator to disclose any information concerning the mediation process without the consent of the conflicting party. Only the order of the court overrides the obligation of disclosure as indicated in Chapter 1. During the first mediation meeting, the mediator is obliged to inform the parties - in - conflict about mediation and its principles, before the mediation commences. In the context of parenting plan mediation this must have been done before, which is indicated by the mediator's locution, i.e. "From what I understand from speaking with you both previously" [1].

The next propositional utterances of the mediator from M3 to M5 make reference to such topics as the timeshare, flexibility and the needs of children in short and long terms. Through a set of the directive illocutionary acts, the mediator requires the parties' - in - conflict mutual action as well as their individual action to recognise the short term and long term children's needs, to be flexible and establish the practical timeshare.

The propositional utterances of the mediator ranging from M6 to M7 are based on both directive and representative-assertive illocutionary acts that either require the parties' - in - conflict mutual and individual action as well as their attention when they are informed about the schedules. Through a set of direct and indirect questions i.e.

Do we want to try some things out in the short term?, what we can do to get this information to build a good parenting plan, 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 [1],

the mediator starts direct interaction with the parties - in - conflict. The use of the pronoun *we* in this the propositional utterances of the mediator ranging from M6 to M7 indicates and underlines the fact that it is the joint venture of both the mediator and the parties - in - conflict ‘to build a good parenting plan’[1] during which the mediator functions mainly as a communication facilitator.

The reconstruction of the mediator’s monologue in stage 1 of the mediation process displays three types of illocutionary acts and four types of intended perlocutionary acts as shown in Table 19 below.

Table 19 The model of the mediator’s opening monologue in its illocutionary and perlocutionary act structure representation: Stage 1 with 4 structural elements

M1 expressive illocutionary act M2 representative-assertive illocutionary act	M3 directive illocutionary act M4 directive illocutionary act	M5 directive illocutionary act M6 representative - assertive illocutionary act	M7 directive illocutionary act
M1-M2	M3-M4	M5-M6	M7
M1 intended perlocutionary act of thanking M2 intended perlocutionary act of affirmation of understanding	M3 intended perlocutionary act of requiring mutual verbal action M4 intended perlocutionary act of requiring mutual verbal action	M5 intended perlocutionary act of requiring mutual verbal action M6 intended perlocutionary act of requiring mutual verbal action	M7 intended perlocutionary act of requiring individual verbal action

All illocutionary acts of the mediator as a communication facilitator in Stage 1 aim to start interaction with the parties - in - conflict, whereas his perlocutionary acts have the mediator’s intention to affect the behaviour of the parties-in-conflict. Although there is no direct interaction between the mediator and the parties-in-conflict, the latter are active listeners of the mediator’s monologue during which he thanks the parties - in - conflict for their coming to the mediation meeting, affirms his understanding, informs them about the mediation procedure to establish a parenting plan and requires their mutual or individual verbal action to achieve the goal as indicated by the use of goal-setting strategy (see 4.2.1 Structural element 2) and progressed though the next stages of mediation process.

The analysis of the illocutionary and perlocutionary acts shows that the mediator uses mainly directives (67%) of his illocutionary acts to indicate the direction of the further mediation

stages and in his perlocutionary acts, he requires the parties-in-conflict to take mutual action to resolve the conflict.

4.3.2 Stage 2 Reconstruction, results and discussion

Stage 2 of the parenting plan mediation discourse is based on the dialogue between the mediator with Stephanie and Glen. The reconstruction of this dialogue through the Speech Act Theory is presented below.

Structural element 1: results and discussion S1

Illocution actualised by S1

Stephanie representative – assertive illocutionary acts to present her opening statements.

Perlocution actualised by S1

Stephanie's intended perlocutionary act refers to the act of informing the mediator and Glen about children's needs.

Structural element 2: results and discussion M1- G1-M2

Illocution actualised by M1-G1-M2

The mediator uses representative – assertive and directive illocutionary acts to respond to Stephanie's opening statements and Glen to ask him about his "basic thoughts" [1]. The mediator uses the same illocutionary acts indicated above to discuss the topics of transition, conditions of success, his experience and getting information. Glen uses declarative and expressive illocutionary acts in his initial part of the opening statements.

Perlocution actualised by M1-G1-M2

The mediator's intended perlocutionary acts is related to the act of affirming Stephanie's opening statements and asking Glen to provide his opening statements. Glen's intended perlocutionary acts consist of declaring his willingness to spend more time with children, and complaining about "different arrangement" [1]. Finally, the mediator's intended perlocutionary acts refer to informing Stephanie and Glen about transition, conditions of success, his experience and asking them for information.

Structural element 3: results and discussion G2 – M3 – G3

Illocution actualised by G2 – M3 – G3

In his utterances, Glen uses expressive and commissive illocutionary acts to provide information about his demanding work schedule, his willingness to spend more time with children and his decision to reorganise work schedule to be able to meet them during the weekdays as well. The mediator also uses the representative - assertive illocutionary act when he paraphrases the information given by Glen about his work.

Perlocution actualised by G2 – M3 – G3

Glen's intended perlocutionary act consists in complaining about his demanding work schedule, the client emergencies as well as committing to meet children during the weekdays and reorganise his work schedule to have "one or two nights" [1] under his control. The mediator's intended perlocutionary acts is that of confirming his understanding that Glen's "working hours are fairly demanding" [1] but he has "some flexibility"[1].

Structural element 4: results and discussion M4

Illocution actualised by M4

The mediator uses the directive and representative-assertive illocutionary acts to inform Stephanie and Glen about the typical structure of the parenting plan, the institution of caregivers, his understanding of Stephanie's and Glen's opening statements and ask Stephanie what she thinks of Glen's having children during the weekdays..

Perlocution actualised by M4

The mediator's intended perlocutionary acts require mutual verbal actions of all the participant as well as Stephanie's and Glen's individual verbal action. They also aim at telling Stephanie and Glen about the role of caregivers in cases of emergencies as well as asking Stephanie about "having him [...] the children" [1].

In Stage 2, the results of the discourse analysis related to Speech Acts show the indirect communication process between the parties - in - conflict and the role of the mediator in the mediation process revealed in his mediation function of the communication facilitator. The mediator uses directive illocutionary acts firstly to require the parties - in - conflict mutual actions e.g. "What we're going to be doing here is building the typical structure..., we'll need to build a structure for and we will we'll have a flow chart that talks about the scheduled parent" [1], secondly to require individual action e.g. "But what we're looking at right now is how do we come up with the typical timeshare range who has two children when..."[1], thirdly to tell them about the institution of caregivers, e.g.

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 and finally to ask questions e.g. Glen, what are your basic thoughts?..., Do you mind if I start with Glen Clint ?..., or What are your thoughts on maybe having him having the children? [1].

As the communication facilitator, the mediator uses the representative – assertive illocutionary acts either to affirm his understanding of what the parties - in - conflict uttered, e.g.

Okay so consistency during the midweek nights is important to you..., So your work hours are fairly demanding..., 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...[1],

or to inform the parties - in - conflict about transitions in the parenting plan i.e. "often, sometimes there is a certain transition, or sometimes just a very direct flash cut depending on

how things happen with the different timetables...”[1], and about the need to separate the past circumstances from the future ones, namely “But I also try to work with people to not 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.”[1]. Since Stage 2 of the mediation process consists of uninterrupted speeches of the parties - in - conflict, which means there is no direct verbal communication between the parties - in - conflict as illustrated in Figure 27 Communication patterns in Stage 2 above.

The results of the parties’ - in - conflict illocutionary and perlocutionary speech acts analysis in stage 2 indicate to the underlying cause of their conflict. Through the representative – assertive illocutionary act, Stephanie informs the mediator and Glen about her expectations. that their children should spend nights at her house. They are supported with the argument of consistency that is related to the consistent place to live where they can perform their duties and have their basic necessities of life satisfied. Once, the topic of consistency is affirmed by the mediator, he asks direct questions addressed to Glen to gather information what Glen thinks about Stephanie’s assumption. Glen’s illocutionary speech acts are built around the declarative, expressive and commissive acts. Firstly, he declares that he would like “to share time with them during the week too “[1]. Secondly, he starts complaining about the current situation as the parties - in - conflict are “in a whole different arrangement. Now things have been are different now that we're split ok” [1], then he complains about his busy work schedule, namely

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..., or You know the client emergencies and I work hard,

but finally he makes a commitment of having one or two nights for children under his control i.e. “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 “ [1]. so that he has time for them not to be just “a weekend dad or something like that” [1]. As illustrated verbally above, the underlying cause of the conflict is Glen’s busy work schedule and Stephanie’s expectation to keep consistency in the parenting plan.

The reconstruction of the opening statement stage of the mediation process displays three types of illocutionary acts and four types of intended perlocutionary acts as shown in Table 20 below.

Table 20 The model of the opening statement in its illocutionary and perlocutionary act structure representation: Stage 2 with 4 structural elements

S1 representative-assertive illocutionary act	M1 M2 representative-assertive, directive illocutionary act G1 declarative, expressive illocutionary act	G2 G3 expressive, commissive illocutionary act M3 representative - assertive illocutionary act	M4 directive, representative-assertive, illocutionary act
S1	M1-G1-M2	G2-M3-G3	M4
S1 intended perlocutionary act of informing	M1 M2 intended perlocutionary acts of affirming, asking, informing G1 intended perlocutionary acts of declaring, complaining	G2 G3 intended perlocutionary acts of complaining, committing M3 intended perlocutionary act of affirming his understanding	M7 intended perlocutionary act of requiring individual and mutual verbal action, telling, affirming, asking

All illocutionary acts of the mediator as a communication facilitator and those of the parties - in - conflict in Stage 2 have the underlying intentions. The mediator intends to manage Stage 2 so that the parties-in conflict articulate their opening statements concerning the subject matter, i.e. the parenting plan. The parties - in - conflict intend to express their opening statements to participate actively in the parenting plan. Their partially open dialogue is performed via the mediator and it progresses successfully to reach the next stage.

4.3.3 Stage 3 Reconstruction, results and discussion

During Stage 3, the verbal actions of the mediator and the parties-in-conflict are based on the identification of Stephanie’s and Glen’s options for the parenting plan. The reconstruction of this dialogue through the Speech Act Theory is presented below.

Structural element 1: results and discussion S1

Illocution actualised by S1

Stephanie uses the directive illocutionary acts to suggest that Glen should have

Perlocution actualised by S1

Stephanie’s intended perlocutionary act refers to the act of requiring Glen’s individual verbal

children one or two nights during the week.

action to take children for one or two nights during the week.

Structural element 2: results and discussion G1- M1- S2 -M2

Illocution actualised by G1- M1- S2 - M2

Glen uses the directive, representative - assertive illocutionary acts when he negotiates Stephanie's flexibility in the timeshare. The mediator uses the directive illocutionary acts when he discusses consistency and minimised transitions. Stephanie uses the declarative and representative-assertive illocutionary acts to provide the reasons for consistency.

Perlocution actualised by G1- M1- S2 -M2

Glen uses the intended perlocutionary acts of affirming his understanding and requiring individual action of Stephanie. The mediator's intended perlocutionary act consists of requiring mutual verbal action of Stephanie and Glen as well as that of asking. Stephanie's intended perlocutionary acts of declaring her understanding as well as informing Glen and the mediator about the reasons for consistency.

Structural element 3: results and discussion G2 – M3- G3

Illocution actualised by G2 – M3- G3

Glen uses the directive, commissive and declarative illocutionary acts to express his willingness to participate in his children's sport activities. The mediator uses the, directive illocutionary act when he asks Glen about the activities in which he would like to participate.

Perlocution actualised by G2 – M3- G3

The mediator's intended perlocutionary acts refer to the act of requiring individual verbal action of Glen to participate in children's activities. Glen's intended perlocutionary acts are related to the acts of committing as well as declaring his will to participate in his children's sports activities.

Structural element 4: results and discussion M4-S3-M5

Illocution actualised by M4-S3-M5

The mediator uses the representative-assertive, expressive and commissive illocutionary acts to inform Stephanie and Glen about flexibility, consistency and transition in the parenting plan, its verification on a yearly basis as well as the opt-out clause. Stephanie uses the expressive illocutionary act to express her gratitude for the knowledge how the parenting plan works.

Perlocution actualised by M4-S3-M5

The mediator's intended perlocutionary acts refer to the acts of affirming his understanding of the options, informing Stephanie and Glen about the parenting plan, complimenting on their progress of mediation, and committing to build their stipulations into the final agreement. Stephanie's intended perlocutionary act is that of thanking the mediator for the information about the parenting plan, its verification and the opt-out clause.

In stage 3, the Causal Genetic modelling of the professional mediation discourse with the application of Speech Act analytical method shows how the parties' - in - conflict options are identified through the mediator's function of the communication facilitator. In stage 3, the results of the Speech Act Theory analysis show that the illocutionary acts of the mediator and those of

the parties - in - conflict include commissives, declaratives, directives, expressives and representatives-assertives.

The results of the Speech Acts' analysis of the Mediation Discourse in Stage 3 show the direct communication between the parties - in - conflict and the mediator. Stephanie opens the discussion to identify the best option and states that Glen should have "children one or two nights a week" [1]. Glen reacts to Stephanie's statement and he states that Stephanie "could be flexible from week to week, as that's probably the easiest for [him] because [he] can't always plan a rigid schedule from week to week"[1]. They both use directive illocutionary acts to require the individual action of each other. They both explicitly expect the other party to take individual act to satisfy their own expectations. The mediator's reaction to the first direct verbal interaction between Glen and Stephanie reveals his directive illocutionary act that requires their mutual action, namely "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" [1]. Reminding the parties - in - conflict about the aim of the mediation, the mediator elaborates on the relationship between flexibility, consistency and transition, i.e. "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" [1]. Underlying the importance of "consistency for the children" [1], the mediator uses directive illocutionary act to make the parties - in - conflict aware of the fact that consistency reduces "many transitions" [1], which "can be very helpful not only for children" [1], but also for the parties - in - conflict as it prevents potential conflicts resulting from the parties' - in - conflict demand of flexibility from each other. Stephanie reacts verbally to mediator's directive illocutionary acts providing the rational explanation for her unwillingness to be flexible, saying "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" [1]. To underline the importance of consistency in the parenting plan, the mediator refers to "the studies have shown that more consistency is better for the children"[1]. With another directive illocutionary act, the mediator requires the parties' - in - conflict mutual action while he presents the children's comprehension and the beneficial role of consistency in the parenting plan, saying "[t]hey 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" [1]. Although Glen

does not react verbally to what Stephanie and the mediator say, he is an active listener, willing to enter the dialogue with the mediator.

In stage 3 of the mediation process, the dialogue between the mediator and Glen is based on argumentation with two dialogue forms i.e. deliberation and negotiation (see chapter 4.2 and subchapter 4.2.3. of this dissertation) activated through a set of directive, representative - assertive, commissive, expressive and declarative illocutionary acts as well as a set of perlocutionary acts which involve requiring mutual and/or individual verbal action, affirming, asking, informing, committing, complementing and thanking. After the initial verbal conflict between Stephanie and Glen is repaired by the mediator as discussed above, the mediator asks Glen “[d]o you think that's something you can make work with your schedule?” [1]. Glen commits himself to take action of spending time with children, saying

[s]ure that you know I can pick them up during the nights that I'm going to have them mm-hmm... and I want to get more active 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 [1].

With the commissive illocutionary acts quoted above, Glen commits himself to spend more time with children and to get involved in their sport activities in more active manner. He declares that he wants to get more active with his children as they are not a “cohesive family unit anymore” [1]. With the positive attitude expressed by Glen to be active with his children, the mediator uses representative -assertive illocutionary acts to affirm his understanding of Glen’s willingness to become more evolved to avoid having “a kind of Higley Pigley week to week” [1]. He also informs the parties - in - conflict what they should do in case of the schedule change that they “could either work that out on [their]own informally or [they] could come back in and see [the mediator and [they] could work through that” [1]. Finally, at this stage, the mediator uses the expressive illocutionary acts to indicate and complement the on “...a proactive meeting ... to proactively address those issues so that's something we'll talk about more down the road. They're really good” [1]. Stephanie confirms the mediator’s compliment saying “it's really good yeah great thank you” [1]. The mediator finishes this stage with the commissive illocutionary act they will incorporate what they have managed to achieve during this stage into the agreement.

The reconstruction of the mediator’s monologue in stage 1 of the mediation process displays three types of illocutionary acts and four types of intended perlocutionary acts as shown in Table 21 below.

Table 21 The model of identifying the parties'-in-conflict option in its illocutionary and perlocutionary act structure representation: Stage 3 with 4 structural elements

S directive illocutionary act	G directive, and representative-assertive illocutionary acts M directive illocutionary acts S declarative and representative-assertive illocutionary acts	G directive, commissive and declarative illocutionary acts M directive illocutionary acts	M representative-assertive, expressive and commissive illocutionary acts S directive illocutionary act
S1	G1- M1- S2 -M2	G2 – M3- G3	M4-S3-M5
S intended perlocutionary acts of requiring individual verbal action	G intended perlocutionary acts of affirming his understanding and requiring individual action M intended perlocutionary acts of requiring mutual verbal action and asking S intended perlocutionary acts of declaring her understanding and informing	G intended perlocutionary acts of committing and declaring M intended perlocutionary acts of requiring individual verbal action	M intended perlocutionary acts of informing and asking S intended perlocutionary act of thanking

In Stage 3, all illocutionary acts of the mediator's, Stephanie's and Glen's utterances have the underlying intentions. The mediator intends to increase consistency and minimalise transitions in the timeshare. Stephanie and Glen intend to have the options that are beneficial to each of them and their children.

All illocutionary acts of the mediator's utterances as a communication facilitator and those of the parties - in – conflict in Stage 3 have the underlying intentions to identify the parties' - in – conflict options for the parenting plan. The mediator manages Stage 3 in separate dialogues with Stephanie and Glen. He also shares his knowledge and experience on the parenting plan with Stephanie and Glen to get them acquainted with the what should be included in their agreement.

4.3.4 Stage 4 Reconstruction, results and discussion

During Stage 4, the verbal actions of the mediator, Stephanie and Glen are based on the identification of the parties' -in-consent best option for the parenting plan. The reconstruction of this dialogue through the Speech Act Theory is presented below.

Structural element 1: results and discussion M1 -S1- M2

Illocution actualised by M1 -S1- M2

The mediator uses the directive illocutionary acts to tell Stephanie and Glen about the aim of this Stage and representative assertive illocutionary act to inform about the progress of mediation process. Stephanie uses the directive illocutionary acts to ask if they share time for children "every other weekend" [2].

Perlocution actualised by M1 -S1- M2

The mediator's intended perlocutionary acts firstly refer to the act of telling Stephanie and Glen about consistency and transitions and secondly to the act of informing Stephanie and Glen about the mediation progress. Stephanie's intended perlocutionary act refers to the act of asking the mediator and Glen about the alternate time "every other weekend" [2].

Structural element 2: results and discussion S2-G1-S3-M3-S4-G2- M4-S5-M5-S6-M6-G3

Illocution actualised by S2-G1-S3-M3-S4-G2- M4-S5-M5-S6-M6-G3

Stephanie uses the directive, representative -assertive and declarative illocutionary acts when she negotiates the timeshare with Glen, who uses the representative-assertive and declarative illocutionary acts. The mediator uses the declarative, representative-assertive and directive illocutionary acts when he participates in Stephanie and Glen's negotiation of the best option.

Perlocution actualised by S2-G1-S3-M3-S4-G2- M4-S5-M5-S6-M6-G3

Stephanie's intended perlocutionary acts involve the acts of asking Glen, informing the mediator and Glen about her preference to have children on Monday or Tuesday and confirming her best option. Glen's intended perlocutionary acts consist of suggesting and confirming that he should take children midweek. The mediator's intended perlocutionary acts refer to informing Stephanie and Glen about the parenting plan, asking them about their best option and confirming their best option.

Structural element 3: results and discussion M7-S7-M8-S8-M9-S9-M10-S10-M11-G4

Illocution actualised by M7-S7-M8-S8-M9-S9-M10-S10-M11-G4

The mediator uses the declarative, directive and representative-assertive illocutionary acts when he talks to Stephanie and Glen. Stephanie uses the expressive, declarative, and directive illocutionary acts in her dialogue with the mediator. Glen uses the expressive and commissive illocutionary acts in his dialogue with the mediator.

Perlocution actualised by M7-S7-M8-S8-M9-S9-M10-S10-M11-G4

The mediator's intended perlocutionary acts consist in confirming the best option, asking Stephanie, confirming if the best option works for her, and informing Stephanie and Glen about the typical structure and the caregivers. Stephanie's intended perlocutionary acts refer to complimenting the best option, confirming and asking questions. Glen's intended perlocutionary acts are related to the act of

apologising and committing himself to spend time with children during the week.

Structural element 4: results and discussion M12-S11-G5-M13-G6

Illocution actualised by M12-S11-G5-M13-G6

The mediator uses the directive and representative-assertive illocutionary acts to inform Stephanie and Glen about the consistency and transition as well as to ask if Glen will take children after work. Stephanie uses the directive illocutionary act to ask if Glen will pick children up from school. Glen uses the declarative and commissive illocutionary acts to take the final decision to take children from school.

Perlocution actualised by M12-S11-G5-M13-G6

The mediator's intended perlocutionary acts refer to the acts of informing Stephanie and Glen about "maximizing the time that you each get to spend with the children", and asking Glen if he will take children after work. Stephanie's intended perlocutionary act is that of asking. Glen's intended perlocutionary acts are related to the act of confirming that he will take children from school and the act of committing himself to take them from school when he answers the mediator's question.

In stage 4, the results of the Speech Acts' analysis show the dynamic direct communication between the mediator and the parties - in - consent. The dynamics of the parties' - in - conflict direct communication allow them to interact actively to negotiate the best option for them and their children. The mediator continues, here, his facilitative function through a set of illocutionary and perlocutionary acts. In Stage 4, Stephanie and Glen communicate directly as they talk directly to each other and the mediator mainly confirms the outcome of their negotiation or deliberation as presented in subchapter 4.2.4 through the sets of directive, expressive, declarative and representative-assertives illocutionary acts.

The mediator initiates Stage 4 with the directive illocutionary act to tell the parties - in - consent that they should concentrate on the empirical issues to build the consistent parenting plan with the minimized transitions, which is good for children when he says "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" [2]

To stimulate the progress within the mediation process, the mediator asks questions directed either to Stephanie or Glen or to both of them, e.g. "how can we alternate weekends? Would that be your preference and I come in?" [2], "which do you think would work better for you in general" [2], "do you want them on Monday or Tuesday" [2] "And you Glen for Wednesday Thursday" (M6),"does it work for you?" [2] or "Does that work for both okay?"[2]. The analysis of the mediator's questions shows that he uses both yes/no and wh- questions to

ask for general and specific information as well as elliptical sentence functioning as question “And you Glen for Wednesday Thursday”[2] as it is uttered with the rising intonation and it is a reduced version of the question “And you Glen [do you want them] for Wednesday Thursday?”[2] in the context of asking Stephanie and Glen separately when they want to have children in their homes. To progress the verbal interaction between Stephanie and Glen towards success, the mediator also uses declarative illocutionary acts to confirm his understanding of the parties’ - in - consent negotiation and deliberation on the parenting plan e.g. “so Monday Tuesday they’ll be with Stephanie, Wednesday Thursday they will be with Glen and then we’ll alternate every weekend [2]. In case of any doubts, the mediator uses representatives - assertives illocutionary acts to inform the parties - in - conflict about consistency in the parenting plan, i.e.

One parent has Mondays and Tuesday nights consistently. The other parent has Wednesday and Thursday night 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 [2] or the institution of approved caregivers in case of emergency e.g. “Then it would go to the approved caregivers you both have agreed upon”. Through a set of verbal speech acts, the mediator facilitates the parties’ - in – consent communication to finish the mediation with success i.e. to sign the agreement on the parenting plan.

In stage 4 Stephanie and Glen are in the direct interaction and they perform their verbal actions to choose the best option for them and their children. Similarly to Stage 3, it is Stephanie, who first reacts to what the mediator tells them about consistency and transitions, approving what they are doing during the mediation process, asking for permission to speak first, and inquiring about the frequency in the parenting plan whether it operates every other week e.g. “Are we doing are we doing okay Can I just ask first. Are we doing like every other weekend or” [2]. Once the answer is given by the mediator that they “haven’t addressed it yet” [2], Stephanie starts her verbal action with Glen. She asks him directly

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 [2].

Glen answers her question directly in positive terms and suggests that he should meet children also midweek not only during weekends i.e. “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” [2]. Glen’s representative-assertive illocutionary act expressed by his suggestion is answered by Stephanie’s representative-assertive illocutionary act also expressed by her suggestion, i.e. “maybe we get to the weekend Friday Saturday Sunday. And then one of us take Monday Tuesday one of us take Wednesday Thursday [2].

In the whole mediation process in stage 4 this verbal interaction between Stephanie and Glen expressed by their representative-assertive illocutionary acts is a turning point in the positive approach to conflict resolution. They both work in agreement using the same illocutionary acts with the verbal content directed to each other in the form of suggestion for the other party to accept or refuse. This is also the point at which the mediator enters their discussion with his declarative and representative – assertive illocutionary acts, first to confirm his understanding of Stephanie and Glen’s negotiation and secondly to inform them about the practice in this matter, i.e.

week okay and that's the plan that a lot of people find works well. One parent has Mondays and Tuesday nights consistently. The other parent has Wednesday and Thursday night 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 [2].

Then, the mediator refers to the initial question asked by Stephanie (S1) about the frequency in the parenting plan and he himself asks the question about frequency paraphrasing the original Stephanie’s question (M1) into i.e. “How can we alternate weekends ? Would that be your preference?” [2] and asks Stephanie to answer it. Stephanie’s agrees to answer it first, but this time she conditions her answer on Glen’s preference i.e. “okay if Glen could you take two days during the week?” [2]. Glen answers Stephanie’s question directly confirming that “the week okay yeah that makes sense to me okay” [2]. Once Glen’s consent is expressed in his speech act, the mediator starts the process of getting information from Stephanie on her best option in the parenting plan.

Through a set of questions, the mediator receives Stephanie’s answer that she would rather have children on Monday and Tuesday. It should be indicated here that the mediator double checks Stephanie’s preference with the Directive illocutionary acts, namely firstly he asks Stephanie “which do you think would work better for you in general?” [2] and secondly he asks Stephanie again “do you want them on Monday or Tuesday?” [2]. The content of the mediator’s

directive illocutionary acts expressed by the specific and general questions shows that first the mediator asks Stephanie about her preference in general and then he needs the confirmation therefore he uses the general question for which the answer should be yes or no. Once, Stephanie’s answer is “yeah” [2], the mediator asks Glen with the elliptical sentence “And you Glen for Wednesday Thursday” [2] for which he gets Glen’s answer “yeah” [2]. Then, the mediator confirms the agreed best option for the parenting plan with the declarative illocutionary act, i.e. “so Monday Tuesday they'll be with Stephanie, Wednesday Thursday they will be with Glen and then we'll alternate every weekend” [2] with the implicit expectation for both parties - in - conflict to express their consent, which in fact is given by both Stephanie i.e. “now that sounds good” [2] and Glen by nodding.

The reconstruction of the identification of the mediator’s monologue in stage 1 of the mediation process displays three types of illocutionary acts and four types of intended perlocutionary acts as shown in Table 22 below.

Table 22 The model of the identification of the parties’ -in-consent best option for the parenting plan in its illocutionary and perlocutionary act structure representation: Stage 1 with 4 structural elements

M, the directive illocutionary act S the directive illocutionary act	S the directive, representative -assertive and declarative illocutionary acts G the representative-assertive and declarative illocutionary acts M the declarative, directive, representative-assertive and directive illocutionary acts	M the declarative, directive and representative-assertive illocutionary acts S the expressive, declarative, and directive illocutionary acts G the expressive and commissive illocutionary acts	M the directive and representative-assertive illocutionary acts S the directive illocutionary act G the declarative and commissive illocutionary acts
M1 -S1- M2	S2-G1-S3-M3-S4-G2-M4-S5-M5-S6-M6-G3	M7-S7-M8-S8-M9-S9-M10-S10-M11-G4	M12-S11-G5-M13-G6
M the intended perlocutionary acts of telling and informing S the intended perlocutionary act of asking	S the intended perlocutionary act of asking G the intended perlocutionary acts of suggesting and confirming M the intended perlocutionary acts of informing, asking and confirming	M the intended perlocutionary acts of confirming, asking and informing S the intended perlocutionary acts of complimenting, confirming and asking G the intended perlocutionary acts of apologising and committing	M the intended perlocutionary acts of informing and asking S the intended perlocutionary act of asking G the intended perlocutionary acts of confirming and committing

During Stage 4, the verbal actions of the mediator and those of the parties-in-consent are focused on the identification of the parties' -in-consent best option for the parenting plan. The results of the mediator's and the parties' - in - consent speech analysis show that the illocutionary acts of the mediator and those of the parties - in - consent involve commissives, declaratives, expressives and representatives-assertives. The results also show that intended perlocutionary acts involve the mediator's intended perlocutionary acts of asking, confirming, informing, and telling, Stephanie's intended perlocutionary acts of asking, and complimenting, as well as Glen's intended perlocutionary acts of apologising, committing, confirming, suggesting and confirming.

4.3.5 Stage 5 Reconstruction, results and discussion

In Stage 4, the verbal actions of the mediator, Stephanie and Glen lead to the agreement on the parenting plan in terms of the timeshare.. The reconstruction of this active dialogue through the Speech Act Theory is presented below.

Structural element 1: results and discussion M1 -S1

Illocution actualised by M1 -S1

The mediator uses the declarative, directive and representative-assertive illocutionary acts to tell Stephanie and Glen about the necessity to confirm the agreement, his understanding and the alternative weekends. Stephanie uses the representative-assertive illocutionary acts to confirm the duration of the alternative weekends.

Perlocution actualised by M1 -S1

The mediator's intended perlocutionary acts refer to the act of confirming Stephanie's and Glen's consent on the timeshare in the agreement on the parenting plan. He informs the parties-in-consent about his understanding of their timeshare and asks about the alternative weekends. Stephanie affirms her consent and informs about the alternative weekends.

Structural element 2: results and discussion M2- S2-G1-M3-G2-M4

Illocution actualised by M2- S2-G1-M3-G2-M4

The mediator uses the directive, representative-assertive and expressive illocutionary acts when he asks for information about the "weekend extent"[2], when he informs about "the added benefit of the transitions"[2], and Stephanie's and Glen's achievement of "the lion's share of the parenting plan"

Perlocution actualised by M2- S2-G1-M3-G2-M4

The mediator's intended perlocutionary acts refer to the act of asking for information, about the "weekend extent", informing about "the added benefit of the transitions" [2] and the other elements of the parenting plan as well as praising Stephanie and Glen for their achievement of "the lion's share of the parenting plan". Stephanie's intended perlocutionary acts refer to affirming the

[2]. Stephanie uses the representative-assertive illocutionary acts. Glen uses the declarative and commissive illocutionary acts.

weekend extent and Glen's intended illocutionary acts refer to confirming and committing to take children on his "way to work" [2].

Structural element 3: results and discussion S3- M5- S4- M6- G3

Illocution actualised by S3- M5- S4- M6- G3

Stephanie uses the directive and declarative illocutionary acts. The mediator uses the directive and representative-assertive illocutionary acts when he talks to Stephanie and Glen "let's talk about it", i.e. about the yearly verification of the parenting plan in the form of "a test run" [2], confidentiality of mediation and the agreement submitted to court. Glen uses the representative-assertive illocutionary acts to confirm his consent to what the mediator expressed in his utterances.

Perlocution actualised by S3- M5- S4- M6- G3

Stephanie's intended perlocutionary acts refer to asking about the potential failure of "this arrangement and affirming the mediator's answer to her question. The mediator's intended perlocutionary acts consist in telling and informing Stephanie and Glen about "a test run" [2], as well as asking Stephanie and Glen if his answer is satisfactory when he addresses Stephanie "[d]id that answer your questions?" [2]. Similarly to Stephanie, Glen also affirms his consent "that's fine with me [...] if we need some adjustments later we'll talk about it then" [2].

Structural element 4: results and discussion M7

Illocution actualised by M7

The mediator uses the expressive and representative-assertive illocutionary acts to inform Stephanie and Glen about the agreement on the parenting plan in the context of the yearly review with the development of their children taken into account and thank Stephanie and Glen for their great job.

Perlocution actualised by M7

The mediator's intended perlocutionary acts refer to the act of informing Stephanie and Glen about the parenting plan agreement, the "developmental stages" [2] of their children and the yearly review of the parenting plan as it is "messy and things are always changing especially with a five and a ten-year-olds" [2] and the act of thanking for their "great job today" [2].

In stage 5, the mediator opens the final dialogue to reach the agreement for conflict resolution. He starts with the confirmation of the parties' -in-consent agreement, namely

so I just want to confirm the agreement we have here because we basically came up with the timeshare in a very short period [...] So what I'm understanding is that on Monday and Tuesday nights they are going to be with you Stephanie. Wednesday Thursday nights are going to be with you Glen [2].

He also informs the parties - in - consent that "[t]he timeshare is one of the most significant elements of the parenting plan" [2]. The mediator confirms what the conflicted parties have agreed before, i.e. the concept of the weekend saying "[a]nd weekends are gonna consist of

Friday Saturday Sunday night so starting whenever they get out of school on Friday” [2]. His first utterance in this stage finishes with the directive illocutionary act in the form of the question “[a]nd you have the alternative weekends Is that correct?” [2].

Before getting the answer to the mediator’s alternative weekends, the mediator and the parties - in - conflict are involved in the discussion of the alternative weekend extent. Stephanie affirms the arrangement of the alternative weekends with the precise specification that “whoever has them for the weekend takes them to school on Monday” [2]. In fact, she provides the answer to another mediator’s question that has not been asked yet, namely “[t]hat was gonna be my next question is how far is that weekend extent?” [2]. The mediator asks for detailed information with the directive illocutionary acts expressed in the following question “[i]s that fine whoever has them for the weekend has them Sunday night, takes him to school the next morning?” [2]. Stephanie answers this question and affirms this arrangement of the alternative weekend extent with the argumentation provided, i.e. “I think it is better they can spend more time” [2]. With the declarative illocutionary act, Glen confirms this arrangement, namely [t]hat's fine with me” [2]. Once the agreement on the alternative weekend extent is achieved, the mediator informs the parties - in - consent on the benefits of such an arrangement in the representative-assertive illocutionary act, namely

okay okay and this 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 [2].

Following the mediator’s point, Glen makes a commitment to “take [the children] on [his] way to work and then [he and Stephanie] don't have to see each other” [2].

The next section of Stage 5 is addressed to the mediator’s elaboration on what should be involved in the parenting plan and what they have achieved so far. Firstly, the mediator praises the progress of the parties-in-consent forwards the conflict resolution with his expressive illocutionary acts, namely “okay great... 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” [2]. Secondly, with his Representative-assertive illocutionary act, the mediator informs the parties - in – consent that

[they]'re going to work through as far as the parenting plan, a lot of the exceptions, talking about holidays, birthday, special days, how we deal with summer vacation,

Spring Break. There's a lot of other things that [they]'re going to deal with to round out the parenting plan, to come up with a comprehensive parenting plan [2].

While discussing the parenting plan agreement, the parties - in - consent inquire on the actions to be taken when the arrangement agreed on by Stephanie and Glen fails in practice and she gets the comprehensive answer given by the mediator. With the directive illocutionary act, Stephanie asks ‘‘[w]hat if this arrangement doesn't work out are we stuck with this? [2]. To answer Stephanie’s question, the mediator informs the parties-in-consent with the representative – assertive illocutionary acts about the test run for the arrangement and what should be one in such a situation, i.e.

well let's talk about that. What I would say is since we're beginning mediation that 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 [2].

The mediator asks the yes/no question if the information provided answers Stephanie’s question and receives her positive answer. To keep the balance of their discussion, the mediator also asks Glen i.e. ‘‘Glen? Do you have any questions?’’ [2]. Glen affirms his consent to the test run and he suggests that they should put the arrangement in practice, i.e. ‘‘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’’ [2].

The final section of Stage 5 covers the mediator’s utterance in which he informs the parties - in - consent about the parenting plan and thanks them for their progress and success in conflict resolution. Firstly, with the representative-assertive illocutionary act, the mediator informs the parties - in - consent about the developmental stages in the parenting plan i.e.

Parenting is messy and things are always changing especially with a five and a 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 deal with any issues as they come up (M7).

Secondly, the mediators expresses his tokens of gratitude on the parties' - in – consent success achieved in the mediation process, namely ‘‘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’’ [2].

The reconstruction of the agreement for conflict resolution in Stage 5 of the mediation process as shown in Table 23 below.

Table 23 The model of the agreement for conflict resolution in its illocutionary and perlocutionary act structure representation: Stage 1 with 4 structural elements

M declarative, directive, representative-assertive illocutionary act S representative-assertive illocutionary act	M directive, representative-assertive and expressive illocutionary acts S representative-assertive illocutionary acts G declarative and commissive illocutionary acts	S the directive and declarative illocutionary acts M the directive and representative-assertive illocutionary acts G the representative-assertive illocutionary acts	M the expressive and representative-assertive illocutionary acts
M1-S1	M2- S2-G1-M3-G2-M4	S3- M5- S4- M6- G3	M7
M the intended perlocutionary acts of confirming and informing and asking S the intended perlocutionary act of affirming	S the intended perlocutionary act of affirming G the intended perlocutionary acts of confirming and committing M the intended perlocutionary acts of asking, informing, and praising	S the intended perlocutionary acts of asking and affirming M the intended perlocutionary acts of telling, informing and asking G the intended perlocutionary acts of affirming	M the intended perlocutionary acts of informing and thanking

In stage 5, the mediator’s and the parties’ - in - consent verbal actions are focused on the agreement for conflict resolution. The results of the mediator’s and the parties’ - in - consent illocutionary act analysis shows that in stage 5, the illocutionary acts of the mediator uses and

the parties-in-consent consist of declaratives, directives, commissives, expressives, and representatives-assertives.

In Stage, the mediator, Stephanie and Glen have the underlying intentions to prepare the timeshare for the parenting plan agreement. The mediator’s intention is to confirm the stipulations of this agreement mediated in the previous stages of the mediation process, namely in stages 3 and 4. Stephanie’s intention is to confirm the previously agreed on stipulations and to ask about the potential future failure of the agreed on arrangement. Glen’s intention is to have a test run first and if need be.

4.4 Conclusion

The analysis of the mediator’s and the parties’ -in-conflict/consent topic-related content structure shows that **fifteen topics**, i.e. *timeshare, needs of children, interests of parents, practicality, condition of success, togetherness, mediator’s experience, basic information, visualisation of success, mediator’s initiative, individual action, individual parent, modality, new reality and progress of negotiations* are **intertwined with three interaction frames**, i.e. polite and grateful, separate state of Glen and Stephanie, and Stephanie and Glen as well as their children **united by different topics**.

The frequency distribution of the topic content through mediation Stages is presented in Table 24 below.

Table 24 Frequency distribution of topic content through mediation stages

Topic content	Stage 1	Stage 2	Stage 3	Stage 4	Stage 5
timeshare	13%	24	16%	48%	25%
needs of children	6%	10%	16%	3%	
interests of parents	13%	9%	11%		
Practicality (in time)	13%		5%		
condition of success	13%	24%	45%	20%	50%
togetherness	6%				5%
mediator’s experience	6%	5%	5%	6%	
basic information	6%	19%		17%	10%
visualisation of success	6%				
mediator’s initiative	6%				
individual action	6%				
individual parent	6%				
modality	6%	9%	5%	3%	5%
new reality		5%			
progress of negotiation				3%	5%

In **Stage 1**, the **highest value** of the topics, i.e. **13%** is related to the topics of **interests of parents, practicality in both short and long terms, and condition of success**. In his monologue, the mediator elaborates on those topics because the underlying factor of this mediation stage is to outline the thematic space within which the parties-in- conflict/consent should move. The other topics, i.e. needs of children, togetherness, mediator's experience, basic information, visualisation of success, mediator's initiative, individual action, individual parent, a new reality, and progress of negotiation, all with the value of 6% and timeshare – 7% are well balanced to through some light what the parties-in-conflict/consent may expect in the next stages of the mediation process. This topic content of Stage 1 is of prime importance as those topics are further developed in the subsequent mediation stages. And thus, for example in **Stage 2**, the mediator and the parties-in-conflict concentrate mainly on the topics of **timeshare** and **condition of success**, both 24%. The value of basic information is also high because, at this stage, the mediator gets information from the parties'-in-conflict opening statements. In **Stage 3**, the parties-in-conflict concentrate on the identification of options for the parenting plan, and therefore they together with the mediator elaborate on the **condition of success** (45%) with the topics of **timeshare** (16%) and **needs of children** (16%) taken into account. In **Stage 4**, which is focused on the identification of the best option, the topics related to the **condition of success** (26%) as well as **timeshare** (48%) and **basic information** (17%) constitute the referential content. **Stage 5** is dominated by the topic **condition of success** 50% as it is the last stage in the mediation process resulting in conflict resolution.

The frequency distribution of the relational/interaction content through mediation Stages is presented in Table 25 below.

Table 25 Frequency distribution of relational/intervention content through mediation stages

Relational/intervention content	Stage 1	Stage 2	Stage 3	Stage 4	Stage 5
polite and grateful	12%	9%	10%	24%	29%
separate state of Glen and Stephanie	13%	36%	30%	24%	12%
Stephanie and Glen as well as their children, are united by different topics	75%	55%	60%	52%	59%

The results of the relational/intervention content analysis show out of three corteges, i.e. polite and grateful, separate state of Glen and Stephanie, and Stephanie and Glen as well as their children united by different topics, the latter has the highest values in all mediation stages, i.e. Stage 1-75%, Stage 2-55%, Stage 3-60%, Stage 4-52% and 59%. In this mediation process, before the conflict is transformed into conflict resolution (Stages 4-5), Stephanie and Glen are united at all stages both at Stages 1-3, where they function as parties-in-conflict, and Stages 4-5, where they function as parties-in-consent. This cortege initiated in the mediator's monologue is highly valued throughout all mediation stages and contributed to the mediation's success.

The **communication strategies and argumentation analyses** of all mediation stages show how the mediator and the parties-in-conflict/consent transform the conflict into conflict resolution through the stages of the mediation process. The results of the communication strategies and argumentation also indicate how the mediator manages the mediation process and which communication strategies and argumentation forms he uses at different mediation stages to facilitate the conflict resolution.

The discourse analysis of the mediator's and the parties-in-conflict/consent communication strategies shows **that six of seven communication strategies i.e. nomination, restriction, turn-taking, topic control, topic shifting, and repair** occur at the mediation process with different distribution through stages presented in Table 26.

Table 26 Distribution of Communication Strategies through Mediation Stages

Communication strategies	Stage 1	Stage 2	Stage 3	Stage 4	Stage 5
Nomination	89%	28%	26%	19%	19%
Turn-taking		32%	40%	47%	45%
Topic control		16%	26%	30%	23%
Restriction		12%	4%	4%	13%
Repair			4%		
Topic shifting	11%	12%			
Termination					

The highest value of the nomination communication strategy occurs in Stage 1 in the mediator's monologue. This high value of 89% results from the fact that the mediator specifies the context of the mediation which becomes the content of the following mediation stages. In stage 1 the mediator defines the aim of mediation related to the parenting plan and discusses the topics connected with information, flexibility, needs, and time with the use of topic shifting communication strategy. Nomination as a communication strategy occurs at all other stages since both the mediator and the parties-in-conflict/consent open topics to be discussed. The communication strategy of turn-taking has the highest value in Stages 4 and 5. It results from the fact that the mediator confirms the best option for the parenting plan in stage 4 (47%) and the agreement stipulation for the parenting plan (45%). The high values of topic control that are noticeable in Stage 3 i.e. 26% and Stage 4 i.e. 30% refer to the selection of the mediation options and the best mediation options. In stages 3 and 4 as well as Stages 2 and 5, the topic control communication strategy shows how mediation procedural formality affects the development of the topics under mediation throughout the stages. The high values of restriction occur in Stage 5, i.e. 13%, and Stage 2, i.e. 12% refer to the limitation which the mediator imposes on the parties-in-conflict/consent. When there is a communication failure in stage 4, the mediator addresses immediately the problem through the repair communication strategy. The value of the topic-shifting communication strategy, i.e. 12% is the highest in stage 2 when the parties-in-conflict provide their opening statements.

The results of the argumentation analysis are presented in 27 below.

Table 27 Distribution of Argumentation Forms through Mediation Stages

Argumentation forms	Stage 1	Stage 2	Stage 3	Stage 4	Stage 5
Deliberation	89%	100%	45%	63%	71%
Negotiation	11%		55%	37%	29%

Deliberation is a domineering form of argumentation in all the Stages apart from Stage 3. This collaborative process of mediating the topics from various perspectives encourages the parties-in-conflict/consent to acknowledge their viewpoints. In the mediation process, deliberation is Deliberation is an argumentative practice in which the mediator and the parties-in-conflict/consent present their reasons to decide on the best option of the parenting plan agreement. Negotiation domineering Stage 3 is a natural outcome of identifying the parties'-in-

conflict options for the conflict resolution. In other Stages, i.e. 1, 2, 4, and 5, negotiation as a form of argumentation leads to conflict resolution by identifying the parties'-in-conflict/consent needs, and addressing their interests so that they are satisfied with the outcome of the conflict resolution.

The analysis of the mediator's and the parties'-in-conflict/consent **illocutionary acts** shows that **five types of illocutionary acts** i.e. **directives, expressives, representative-assertives, declaratives, and commissives** occur at the stages of the mediation process with different distribution. The layout of the mediation illocutionary act distribution through mediation Stages 1, 2, 3, 4 and 5 is presented in 28 below.

Table 28 Distribution of Illocutionary Acts through Mediation Stages

Illocutionary Acts	Stage 1	Stage 2	Stage 3	Stage 4	Stage 5
Directive	67%	37%	35%	47%	27%
Expressive	11%	16%	15%	5%	14%
Representative-assertive	22%	32%	25%	19%	36%
Declarative		5%	10%	24%	18%
Commissive		10%	15%	5%	5%

The results of the illocutionary act analysis show that **directives** dominate **Stages 1, 2, 3, and 4**. Directives articulated mainly by the mediator attempt to get the parties'-in-conflict/consent to perform certain verbal actions. In stage 1, through the set of directives, the mediator directly refers to the parties in conflict firstly to start interaction with them and the parties-in-conflict, and secondly to specify the aim of mediation. The representative-assertives commit the mediator and the parties-in-conflict/consent to believe that their statements are true or not. The representative assertives dominate Stage 5 with a value of 36%, which is the highest one since the stipulations for the parenting plan agreement are verified by the mediator to be true and final. Expressives reveal what the mediator and the parties-in-conflict/consent feel (see subchapter 3.4). In stage 1, the mediator conveys the positive emotions discussed in detail in subchapter 3.4, whereas in stages 2 and 3, the parties-in-conflict express both positive and negative psychological states related to their values, emotions, and attitudes. In stages 4 and 5 their affective states are positive, which contributes to the conflict resolution. Commissives higher value occurs in Stages 2 and 3 as the parties-in-conflict commit themselves to perform some future actions, which becomes vital for Stages 4 and 5. The dominance of the Declaratives in Stages 4 and 5 shows how the world is changed by the parties-in-consent. The dynamic development of Declaratives

through the mediation stages shows that the parties-in-conflict are not willing to change their world through utterances when they are in conflict as shown in Stage 2 and Stage 3. The increase in the Declaratives in stage 4 is the result of their transformation towards conflict resolution.

The results of the Intended Perlocutionary Act analysis are presented in Table 29.

Table 29 Distribution of the Intended Perlocutionary Acts through Mediation Stages

Intended Perlocutionary Acts	Stage 1	Stage 2	Stage 3	Stage 4	Stage 5
Thanking	10%				5%
Requiring mutual action	50%	5%	10%	3%	
Requiring individual action	10%	11%	5%	5%	
Informing	10%	16%		14%	23%
Affirming understanding	20%	10%			
Asking		16%	16%	38%	23%
Affirming		16%			14%
Telling		16%	5%	3%	4%
Declaring		5%	5%		
Complaining		16%	16%		
Committing		10%	11%	6%	4%
Apologising				3%	
Suggesting				5%	
Confirming				24%	18%
Complimenting				3%	
Praising					9%

The overall results of the Intended Perlocutionary Act analysis show that the act of asking questions dominates Stages 2, 3, 4, and 5 with the following value distribution 16%+16%+38%+23 %. Stage 1 has the highest value of the act requiring mutual action. Stage 2 displays the equal distribution of informing, asking, affirming, and complaining at the level of 16%, and so does Stage 3 in relation to asking and complaining. Such a distribution of the intended perlocutionary acts results from the conflict underlying the mediation process. Stages 4 and 5 are dominated by such intended perlocutionary acts as asking (38%-Stage 4, 23% -Stage 5) and confirming (24%-Stage 4, 18% -Stage 5). Since Stages 4 and 5 directly lead to the stipulation of the parenting plan agreement, the major occurrence of such verbal actions as asking and confirming is justified.

As indicated above, the results of the Intended Perlocutionary 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 the varied distribution at various stages 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 Speech Act analysis shows that for the mediator asking questions is 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).

The results of the Speech Act analysis reveal another aspect of the mediator's questions that is related to reformulations (see Eemeren et al. 1993). At all stages of the mediation process, through the use of linguistic paraphrasing, the mediator asks questions to confirm his understanding or to summarise the parties'-in-conflict/consent standpoints among others.

Chapter 5

Reconstruction of mediation process as an interactive communication of values, emotions, and attitudes - A case of Parenting Plan 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).

5.1 Values and emotions of mediation: axiological discourse analysis

The aim of this subchapter is to provide the answer to our research question (Q7) know-how the relationship between values and emotions is structured through the Stages in the process of mediation. Additionally, this subchapter should provide information to answer other research questions (Q9, Q10).

5.1.1 Stage 1 Reconstruction, results and discussion

As indicated in subchapters 5.1.1, 5.2.1 and 5.3.1 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 disclose explicitly 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" [1].

In Stage 1, the value of safety is expressed both in verbal and nonverbal mode. 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 [1], [2]. 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" [1]. In his utterance, he develops a feeling of safety in the parties - in - conflict, when he firstly specifies the aim of mediation and secondly, he explains that it is i.e., the timeshare. The use of the first-person pronoun in plural *we* is another technique to build safety along the mediation process, namely

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. 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 [1].

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, but the mediator involved in the mediation process shall actively exercise his 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 related to the timeshare as indicated in Figure 27. 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" [1] or "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" [1].

The value of neutrality, also called as impartiality is crucial in the mediation process since the mediator remains impartial or neutral in mediation. 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” [1] 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” [1] or the pronoun *each*, i.e., “when each of you has the children” [1].

In Stage 1, the value of quality is a straight forward value of which the mediator is cognizant to maintain the mediation quality for the parties - in - conflict. In fact, 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” [1], and the good parenting plan, i.e., ‘to build a good parenting plan” [1].

Reconstruction of values and emotions from philosophical and psychological perspectives (Scheler, 1973) and Plutchik (1962, 1980, 1991)

Structural element 1: results and discussion M1- M2

Values actualised by M1-M2

The mediator actualises the vital and spiritual values of confidentiality, neutrality, safety, self-determination and quality.

Emotions actualised by M1-M2

The mediator expresses the positive emotions of acceptance and gratitude directed to both parties-in-conflict as he thanks them in conflict for coming to the mediation session.

Structural element 2: results and discussion M3 - M4

Values actualised by S1M3-S1M4

The vital values of the mediator refer to his positive active mental state of mediation to discuss timeshare as a value in the parenting plan. The spiritual values are positive ones and related to the sphere of the mediator’s as well as the parties’- in -conflict willing e.g., “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” [1] related to the values of children’s needs and flexibility. In general terms, the mediator actualises the vital and spiritual values of confidentiality, neutrality, safety, self-determination and quality.

Emotions actualised by S1M3-S1M4

The mediator expresses the positive emotions of interest, submission, and serenity while discussing the subject matter “what we need to address, what we refer to, and what we want to talk about today” [1], and the manner “how we can come up with something, and we may actually divide those up depending on [...] what we want to do” [1]. The use of the pronoun *we* is to build the emotion of trust that they all i.e. the mediator and the parties-in-conflict can to what they “want to do” [1].

Structural element 3: results and discussion M5-M6

Values actualised by M5-M6

The vital values of the mediator also refer to his positive active mental state of mediation to discuss the value of timeshare with the application of the spiritual values of willing, values of intention., values of feeling states e.g. as well as individual values “How, I usually like to start out is just to get some basic information about your schedules” [1]

In fact, the mediator continues to actualise the vital and spiritual values of confidentiality, neutrality, safety, self-determination and quality.

Emotions actualised by M5-M6

The mediator expresses the positive emotions of submission, serenity as well as feelings of ego when he asks yes/no questions “[d]o we want to try ... do we want to go directly into a long term plan” [1] or he states “[s]ee how that works” [1] or he starts informing the parties-in-conflict how he starts the process of mediation, i.e. while discussing the subject matter “what we need to address, what we refer to, and what we want to talk about today, and the manner how we can come up with something, and we may actually divide those up depending on [...] what we want to do” [1]. The use of the pronoun we is to build the emotion of trust.

Structural element 4: results and discussion M7 - (S or G) - M7

Values actualised by S1M7

The mediator consequently actualises the vital and spiritual values of confidentiality, neutrality, safety, self-determination and quality. In fact in the yes/no question directed to one party-in-conflict, i.e. Stephanie or Glen, he actualises also the values of **willing**, values of **intention** and values of **feeling states**.

Emotions actualised by S1M7

The mediator also expresses the positive emotions of submission, serenity as well as feelings of ego when he asks the yes/no question, “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” [1]

The spiritual values of the mediator’s monologue in Stage 1 include both righteousness and lawfulness as well as the knowledge of truth. In his monologue, the mediator concentrates on the welfare of both parents i.e., Stephanie and Glen as well as that of their children, the implicit participants of the mediation e.g., “what you think would work best as far as when each of you has the children” [1]. All the spiritual values are positive ones and related to the sphere of the mediator’s as well as the parties’- in -conflict willing e.g., 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 [1] and knowledge e.g. 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” [1].

The existence of positive vital and spiritual values in the mediator’s monologue reveals the structure of the mediator’s consciousness that includes his mental acts of feeling, thinking and willing. The bearers of the mediator’s values inherent in his monologue are values of acts

e.g. ‘‘One of the first issues that we need to address is who has the children with, what we refer to as the timeshare’’ [1], values of function e.g. ‘‘One of the first issues that we need to address is who has the children with, what we refer to as the timeshare’’ [1], values of success e.g., ‘‘to build a good parenting plan’’ [1], values of intention e.g., values of feeling states e.g. as well as individual values ‘‘How, I usually like to start out is just to get some basic information about your schedules’’ [1] and collective values e.g., ‘‘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’’ [1]. All those bearers of the values inherent in the mediator’s monologue involve the acts of cognition and feeling.

The results of the analysis related to the values of feeling- states show that the mediator’s attitude towards the mediation is constructed along positive emotions. The results of the analysis based on *Plutchik’s (1962, 1980, 1991) theory on emotions show that the mediator expresses acceptance, gratitude, interest, submission, serenity, trust as well as the feelings of ego.*

The emotions of acceptance and gratitude occur at the beginning of the mediator’s monologue when he thanks both parties in conflict for coming to the mediation session. The emotions of serenity are conveyed in the mediator’s monologue when he specifies the aim of mediation and its possible outcome ‘‘ to build a good parenting plan ‘‘ [1]. The positive feelings of the mediator’s ego refer to his understanding e.g. ‘‘[f]rom what I understand’’ [1] or experience e.g. ‘‘[h]ow I usually start out’’ [1]. The mediator’s emotions of submission are expressed in the direct and indirect questions addressed to the parties -in – conflict, e.g. ‘‘Do we want to try some things out in the short terms [...] or do we want do we want to go directly into a long-term plan so we'll see what works best for the two of you’’ [1] in which he asks them to express their opinion on what they want to do taking into account their welfare i.e. ‘‘what works best for the two of you’’ [1]. The mediator’s emotion of submission expressed in his verbal action is closely related with trust, which is evident in his monologues when he states the proposals for their parties-in-conflict. The mediator trusts the parties-in-conflict to be able ‘‘to build a good parenting plan’’ [1], e.g. ‘‘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’’ [1]. In his monologue, the mediator expresses his emotions of interest related to their previous discussion with the parties – in conflict, the needs of their children as well as practicality of the parenting plan.

In Stage 1 of the mediation process, the reconstruction results of the mediator’s monologue show vital and spiritual values as well as the positive emotions see Table 30 below.

Table 30 The model of the mediator’s opening monologue in its value and emotion structure representation: Stage 1 with 4 structural elements

M1-M2 vital and spiritual values of confidentiality, neutrality, safety, self-determination and quality	M3 - M4 vital and spiritual values of confidentiality, neutrality, safety, self-determination and quality, values of timeshare values of willing	M5 - M6 vital and spiritual values of confidentiality, neutrality, safety, self-determination and quality, values of timeshare, willing, intention, feeling states	M7 vital and spiritual values of confidentiality, neutrality, safety, self-determination and quality values of willing, intention, feeling states
M1-M2	M3-M4	M5-M6	M7
M1 - M2 the positive emotions of acceptance and gratitude	M3 -M4 the positive emotions of interest, submission, and serenity	M5 -M6 the positive emotions of submission, serenity as well as feelings of ego	M7 the positive emotions of submission, serenity as well as feelings of ego

The reconstruction results of the mediator’s monologue show that the vital and spiritual values embrace all mediation value standards, i.e. confidentiality, neutrality, safety, self-determination and quality in general and as well as values of timeshare, willing, intention, feeling states in particular. The mediator’s emotions articulated in verbal and nonverbal modes reveal his positive emotions of acceptance, gratitude, interest, submission, serenity and feelings of ego.

The relationship between values and emotions of the mediator’s monologue at the initial Stage of the mediation process is vital for the future development of converting conflict into conflict resolution. The mediator’s positive emotion expressed in the verbal form reinforce the vital and spiritual values with which the parties-in-conflict should mediate.

5.1.2 Stage 2 Reconstruction, results and discussion

In Stage 2, the results of the value and emotion reconstruction analysis show that the mediator and the parties-in-conflict reveal the vital and spiritual values and the emotions of acceptance, anticipation, complain, interest, serenity, vigilance and feelings of ego as presented below.

Structural element 1: results and discussion S1

Values actualised by S1

Stephanie actualises the vital and spiritual values of knowledge, safety and self-determination while expressing her opinion on children’s needs

Emotions actualised by S1

Stephanie expresses the positive emotions related to her interest in satisfying children’s needs and obligations to secure their feelings of safety.

Structural element 2: results and discussion M1 - G1- M2

Values actualised by M1-G1-M2

The mediator actualises the vital and spiritual values of neutrality, safety as well as those of knowledge, and self-determination, thus revealing his positive active mental state of mediation to discuss **timeshare, success and consistency** as values in the parenting plan.

Glen also actualises the vital and spiritual values of neutrality, safety as well as those of knowledge, and self-determination to discuss timeshare, needs of children, positive modality and new reality as values in the parenting plan.

Emotions actualised by M1 - G1 - M2

The mediator expresses the positive emotions of acceptance, serenity, feelings of ego, and vigilance when he discusses the topics of timeshare, condition of success, mediation experience in the parenting plan.

Glen expresses the feeling of ego, anticipation and complaint about different arrangement when he, Stephanie and children 'are split'. He anticipates that he does not 'see any problem with having them spend a night or two over [his] house'[1]. The feeling of 'ego' is manifested through his willingness to spend more time with children.

Structural element 3: results and discussion G2- M3 - G3

Values actualised by G2- M3 - G3

Glen actualises the vital and spiritual values of neutrality, safety as well as those of knowledge, and self-determination to express his personal interests consisting of spending more time with children during the weekdays not to be 'a weekend dad'

The mediator actualises the vital and spiritual values of neutrality, safety as well as those of knowledge, and self-determination, thus revealing his positive active mental state of mediation to discuss the values of success and flexibility.

Emotions actualised by G2- M3 - G3

Glen emotions involve the feeling of ego, complaint, anticipation and acceptance when he gives an opening statements about his internal conflict between his professional obligations and desire to spend more time with children.

The mediator expresses the positive emotions of interest and acceptance, when he discusses the values of success and flexibility.

Structural element 4: results and discussion M4

Values actualised by M4

The mediator actualises the vital and spiritual values of confidentiality, neutrality, safety, self-determination quality and knowledge. He also actualises the values of caregivers, timeshare as well as Stephanie's and Glen's intentions.

Emotions actualised by M4

The mediator also expresses the positive emotions related to his interests and acceptance of Stephanie's and Glen's intentions, namely, Stephanie 'having the children the majority of the weeknights' [1] and Glen 'a night or two during the week' [1].

The dominance of the vital values results from the fact that at this Stage the parties-in-conflict utter their statements on the topic of the parenting plan and they base their argumentation on the

values of safety and neutrality. Both parties-in-conflict either express their arguments of the children's safety, e.g., Stephanie "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" [1], or their own safety e.g., Glen, "having the kids spend most of the nights of the week with Stephanie. You know that's okay with me" [1] as he has a pretty demanding work schedule. The vital values expressed both by Stephanie and Glen are mostly related to the children's or their own welfare. In Stage 2 they present only their statements and listen to the statements of the other person and the mediator. The spiritual values reconstructed in Stage 2 show that both the mediator and parties-in conflict build their utterances along the value of knowledge as well as self-determination. Stephanie discusses the topic of consistency e.g. "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" [1]. Glen emphasises the fact that now they are "in a whole different arrangement" [1] and he has "a pretty demanding schedule" [1] with his clients. Through the vital values related to the strength and weaknesses of the parties -in- conflict statements as well as the spiritual values of knowledge and rightness (cf. Scheler, 1973, pp. 104-110 Figure, 8 in 1.2.5), the mediator fulfils his facilitative function of mediation and he provides the explanation on consistency, different arrangement, Glen's flexibility, typical structure of the parenting plan as well as the institution of caregivers. In Stage 2, which is mainly the Stage of the parties - in - conflict opening statements, the mediator's utterances include the elements of value of success e.g., "But I also try to work with people to not make assumptions that what has happened in the past is what's going to happen in the future" [1] negative events from the past will not happen in the future. and value of actions e.g. "to build a structure... a flow chart that talks about the scheduled parent" [1].

The reconstruction of vital and spiritual values in Stage 2 also reveals the bearers of value structure (cf. Figure 9 Typology of the Bearers of Values source: based on Scheler, 1973, pp. 100-103). At this Stage the bearers of the mediator's and the parties' -in-conflict values inherent are values of acts e.g., "What we're going to be doing here is building the typical structure of course" [1], values of function e.g., "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. " [1], values of success e.g., "to build a structure... a flow chart that talks about the scheduled parent" [1], values of intention e.g., values of feeling states e.g. as well as individual values "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" [1] and collective

values e.g., ‘what we're looking at right now is how do we come up with the typical timeshare range who has two children when’. [1]. All those bearers of the values are inherent in the party-in-conflict → the mediator → the party-in-conflict → the mediator dialogue sequence that involves the acts of cognition and feeling (cf. Stage 1).

The layout of the values of feeling-states is diversified in terms of the emotions that the mediation participants display. In her single opening statement, Stephanie reveals her emotions of interest for her children to spend weekends at her home and have consistency in their lives. Glen overtly complains about being ‘in a whole different arrangement’ [1] as he and Stephanie are split, having a pretty demanding schedule as well as ‘the clients’ emergencies’ [1] and his hard work. In his complaining, he shows his negative feelings of the ego, whereas in his anticipation, he shows his positive feelings of the ego, when he states that he does not ‘see any problem with having them spend a night or two over [his] house’ [1]. Glen reveals his emotions of acceptance when he states that he accepts the fact that children will spend more time with Stephanie and that ‘if it's one or two nights you know generally that's under [his] control’ [1]. The mediator reacts to Glen’s negative emotions with those of acceptance, interest, vigilance and serenity as well as feelings of the ego. Through the skilful use of paraphrases, the mediator depicts the positive elements of Glen’s opening statements e.g., ‘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’ [1], to express interest and his feelings of the ego, ‘okay, great, great, so your work hours are fairly demanding. You have some flexibility’ [1] to accept Glen’s demanding schedule and express vigilance to Glen’s flexibility or

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 [1]

to conclude this step with serenity expressed.

In Stage 2 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 31 below.

Table 31 The model of the parties'-in-conflict opening statements in its value and emotion structure representation: Stage 2 with 4 structural elements

S1 vital and spiritual values of knowledge, safety, self-determination	M1 - M2 vital and spiritual values of neutrality, safety, knowledge, self-determination, timeshare, success, consistency G1 the vital and spiritual values of neutrality, safety, knowledge, self-determination, timeshare, needs of children, positive modality, new reality	G2 -G3 the vital and spiritual values of neutrality, safety, knowledge, self-determination M3 the vital and spiritual values of neutrality, safety, knowledge, self-determination, the values of success and flexibility	M4 vital and spiritual values of confidentiality, neutrality, safety, self-determination, quality, knowledge, values of caregivers, timeshare, Glen's and Stephanie's intentions, feeling states
S1	M1-G1-M2	G2-M3-G3	M4
S1 the positive emotions of interests	M1 -M2 the positive emotions of acceptance, serenity, feelings of ego, vigilance G1 the feeling of ego, anticipation, complaint	G2 -G3 the feeling of ego, complaint, anticipation, acceptance M 4 the positive emotions of interest, acceptance	M4 the positive emotions of interests acceptance

The reconstruction results of the mediator's dialogue with Stephanie and Glen show that the vital and spiritual values embrace all mediation value standards, i.e. confidentiality, neutrality, safety, self-determination and quality in general and as well as values of knowledge timeshare, willingness, intention, and feeling states. The emotions articulated in verbal and nonverbal modes reveal the positive emotions of acceptance, interest, submission, serenity, vigilance and feelings of ego.

The relationship between values and emotions displayed in Stage 2 is essential to understand the opening statement given by the parties-in-conflict is mediated by the mediator's positive values and emotions. The mediator draws Stephanie's and Glen's attention to the values of timeshare, their willing, intention and feeling states in the value format of confidentiality, neutrality, safety, self-determination and quality.

5.1.3 Stage 3 Reconstruction, results and discussion

In Stage 3, the results of the value and emotion reconstruction analysis are presented below.

Structural element 1: results and discussion S1

Values actualised by S1

Stephanie actualises the vital and spiritual values of safety and knowledge.

Emotions actualised by S1

Stephanie expresses her positive emotions of interest and submission.

Structural element 2: results and discussion G1- M1- S2 -M2

Values actualised by G1- M1- S2 -M2

Stephanie and Glen actualise the vital and spiritual values of safety, quality, self-determination and knowledge. The mediator actualises the vital and spiritual values of safety, quality, neutrality, self-determination, confidentiality, and knowledge.

Emotions actualised by G1- M1- S2 -M2

Stephanie and Glen express their positive emotions of interest, feelings of the ego and anticipation. Glen also expresses his negative emotions of complain and regret. the mediator expresses his interest and acceptance to discuss the topics of timeshare, consistency and transition in the parenting plan structure.

Structural element 3: results and discussion G2 – M3- G3

Values actualised by G2 – M3- G3

Glen actualises the vital and spiritual values of safety, self-determination, quality and knowledge. The mediator actualises the vital and spiritual values of safety, quality, neutrality, self-determination, confidentiality, and knowledge.

Emotions actualised by G2 – M3- G3

Glen's emotions involve interest, anticipation complaint, regret, and feelings of the ego, when he states that he wants "to get more active" with children. The mediator's emotions reveal his interests in Glen's and Stephanie's participation in the children's activities right now.

Structural element 4: results and discussion M4-S3-M5

Values actualised by M4-S3-M5

The mediator actualises the vital and spiritual values of safety, self-determination, quality and knowledge. Stephanie actualises the vital and spiritual values of safety and quality.

Emotions actualised by M4-S3-M5

The mediator expresses the positive emotions of interests, anticipation and his feelings of ego when he shares his knowledge on the parenting plan. Stephanie expresses her joy and acceptance.

In Stage 3, both the mediator and the parties-in-conflict identifying their options for the parenting plan follow the values specified in Directive 2008/52/EC, namely confidentiality, neutrality, safety, self-determination and quality. In this Stage, Stephanie and Glen are both self-determined to identify their options in the parenting plan. Stephanie identifies her option that Glen should have children one or two nights a week to prevent many transitions and give her the opportunity to organise additional activities for children. Glen's is self-determined to request flexibility from Stephanie. Glen's request is immediately stopped by the mediator when he says "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” [1].

The spiritual values occur in the utterances of both the mediator and the parties-in-conflict when they discuss the topic of consistency. The mediator’s discussion of this topic is done with the underlying spiritual values of neutrality, safety and quality as indicated above. Stephanie’s utterances express her arguments of consistency with the underlying value of the children’s safety, e.g. “[t]he 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” [1] with the indication of problems if there are many transitions. The mediator’s spiritual values of neutrality, safety and quality are noticeable e.g., in “practical for the two of you” [1], “ We don't want to [...] have it a kind of Higley Pigley week to week” [1], or “[s]o that we have a proactive meeting” [1]. Glen’s values of safety and quality is noticeable in his utterance related to his children when he expresses his willingness “to get more active with them [...] to become more involved in their sports activities” [1].

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. The bearers of individual values are noticeable both 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” [1], 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” [1]. 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 show 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” [1]. 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 32 below.

Table 32 The model of identifying options in its value and emotion structure representation: Stage 3 with 4 structural elements

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.

5.1.4 Stage 4 Reconstruction, results and discussion

In Stage 4, the results of the value and emotion reconstruction analysis are shown below.

Structural element 1: results and discussion M1 -S1- M2

Values actualised by M1 -S1- M2

The mediator and Stephanie actualise the vital and spiritual values of knowledge, safety and self-determination when the former discusses the aim of this Stage and the latter enquires about the timeshare pattern.

Emotions actualised by M1 -S1- M2

The mediator and Stephanie express their positive emotions related to interest and anticipation. The mediator expresses also the feelings of ego, whereas Stephanie also expresses the emotions of acceptance in her utterances.

Structural element 2: results and discussion S2-G1-S3-M3-S4-G2- M4-S5-M5-S6-M6-G3

Values actualised by S2-G1-S3-M3-S4-G2- M4-S5-M5-S6-M6-G3

The mediator actualises the vital and spiritual values of safety, quality and self-determination as well as knowledge and he reveals his positive active mental state of mediation. Stephanie and Glen also

Emotions actualised by S2-G1-S3-M3-S4-G2- M4-S5-M5-S6-M6-G3

The mediator, Stephanie and Glen express their positive emotions of, acceptance, feelings of ego and interest when they discuss the topics of timeshare and needs of children. Stephanie's and Glen's acceptance refers to their consent to

actualise the vital and spiritual values of safety, self-determination quality and knowledge when they negotiate timeshare for children

the results of their negotiations related to the best option for the timeshare in the parenting plan.

Structural element 3: results and discussion M7-S7-M8-S8-M9-S9-M10-S10-M11-G4

Values actualised by M7-S7-M8-S8-M9-S9-M10-S10-M11-G4

The mediator, Stephanie and Glen actualise the vital and spiritual values of confidentiality, neutrality, safety, self-determination, quality and knowledge to confirm the results of Stephanie and Glen's negotiations.

Emotions actualised by M7-S7-M8-S8-M9-S9-M10-S10-M11-G4

The mediator's, Stephanie's and Glen's emotions involve interest and acceptance. Glen's emotions also reveal his feeling of ego when he is self-determined to be with children although he is aware that they are "going to be sometimes with Stephanie" when he will not "be able to take kids".

Structural element 4: results and discussion M12-S11-G5-M13-G6

Values actualised by M12-S11-G5-M13-G6

The mediator Stephanie and Glen actualise the vital and spiritual values of safety, self-determination, quality and knowledge.

Emotions actualised by M12-S11-G5-M13-G6

The mediator, Stephanie and Glen express the positive emotions of interests and acceptance. Glen's emotions also reveal his feelings of ego when he is self-determined to pick children up from school.

The parties'-in-consent as well as the mediator reveal more spiritual values when they discuss the topics of consistency, transition, timeshare and the institution of caregivers. Their discussion of those topics corresponds to the values 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 *European Code of Conduct for mediators*, namely confidentiality, neutrality, safety, self-determination and quality. Stephanie's arguments of consistency correspond to the underlying values of her confidence, self-determination, confidentiality and the children's safety, e.g., "maybe we get to the weekend Friday Saturday Sunday. And then one of us take Monday Tuesday one of us take Wednesday Thursday, that way it's the same every week okay and that's the plan that's a lot" [2]. This plan is of good quality as it guarantees consistency and reduces many transitions in the timeshare. To function properly in the emergency case related to the parenting plan, the mediator provides the solution to the emergency related problems to eliminate potential transitions when he discusses the flowchart and the institution of "the approved caregivers" [2], thus revealing the spiritual values of neutrality, safety and quality e.g.

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 in a certain time. If that schedule parent can't make it then the other parent has what I call the right of first refusal. So the ...the schedule 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 [2].

The mediator clearly describes what the parties-in-consent should do in case of emergency. He indicates their right of "first refusal" [2] and the institution of "the approved caregivers" [2] to solve the potential problem.

The reconstruction of the values of feeling- states show only positive emotions such as interest, acceptance, anticipation, and feelings of ego. All the participants of mediation concentrate on the discussion the best option for the parenting plan with the positive emotional intelligence involved. Stephanie's interest and feelings of ego relate to the topic of maximal consistency and minimal transition e.g., "Are we doing like every other weekend?... Do we put something in if he's not able to take care of the children?" [2]. Glen's interest and feelings of ego refer to the topics of timeshare to spend more time with children, e.g. "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" [2]. The mediator's interest and feelings of ego are embedded in his utterance, e.g.

and that's the plan that a lot of people find works well. One parent has Mondays and Tuesday nights consistently. The other parent has Wednesday and Thursday night 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 [2].

to indicate the maximal consistency and minimal transition. The emotions of acceptance are expressed by Stephanie and Glen in the responses given to the mediator's questions "does it work for you? ... Does that work for both okay?" [2] i.e., "yeah.... Yes, it does" [2] or the mediator's response to Stephanie's question "Do we put something in if he's not able to take care of the children [2] i.e., absolutely" [2].

In Stage 4 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 33 below.

Table 33 The model of the identification of the parties’-in-consent best option for the parenting plan in its value and emotion structure representation: Stage 4 with 4 structural elements

M, S the vital and spiritual values of knowledge, safety and self-determination	M the vital and spiritual values of safety, quality and self-determination as well as knowledge S, G the vital and spiritual values of safety, self-determination quality and knowledge	M, S, G the vital and spiritual values of confidentiality, neutrality, safety, self-determination, quality and knowledge	M, S, G the vital and spiritual values of safety, self-determination, quality and knowledge
M1 -S1- M2	S2-G1-S3-M3-S4-G2-M4-S5-M5-S6-M6-G3	M7-S7-M8-S8-M9-S9-M10-S10-M11-G4	M12-S11-G5-13-G6
M, S positive emotions related to interest and anticipation. M the feelings of ego, S emotions of acceptance	M, S, G positive emotions of acceptance, feelings of ego and interest	M, S, G interest and acceptance G the positive emotions of feeling of ego	M, S, G the positive emotions of interests acceptance G the positive emotions of feeling of ego

In Stage 4, the results of the mediator’s, Stephanie’s and Glen’ dialogue reconstruction 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.

In Stage 4, the relationship between Stephanies’s and Glen’s values and emotions are essential to express their consent to the best option of the timeshare in the parenting plan. Their positive values and emotions result in the efficient stipulation of the timeshare, which is confirmed by the mediator.

5.1.5 Stage 5 Reconstruction, results and discussion

In Stage 5, the results of the value and emotion reconstruction analysis are presented in below.

Structural element 1: results and discussion M1-S1

Values actualised by M1-S1

The mediator and Stephanie actualise the vital and spiritual values of knowledge, safety and self-determination when they confirm the parenting plan agreement.

Emotions actualised by M1-S1

The mediator and Stephanie express their positive emotions related to interest. Stephanie also expresses the emotions of acceptance in her utterance.

Structural element 2: results and discussion M2- S2-G1-M3-G2-M4

Values actualised by M2- S2-G1-M3-G2-M4

The mediator, Stephanie and Glen actualise the vital and spiritual values of safety, quality and self-determination as well as knowledge and they reveals their positive active mental state of mediation.

Emotions actualised by M2- S2-G1-M3-G2-M4

The mediator, Stephanie and Glen express their positive emotions of interest and acceptance when they discuss the weekend extent, the added benefit of the transitions and the lion's share of the parenting plan.

Structural element 3: results and discussion S3- M5- S4- M6- G3

Values actualised by S3- M5- S4- M6- G3

The mediator, Stephanie and Glen actualise the vital and spiritual values of confidentiality, neutrality, safety, self-determination, quality and knowledge to confirm the results of Stephanie and Glen's negotiations.

Emotions actualised by S3- M5- S4- M6- G3

The mediator's emotions involve interest and the feelings of the ego. Stephanie's and Glen's emotions involve interest and acceptance when the question of arrangement failure in future is asked and their consent is confirmed in relation to the mediator's questions.

Structural element 4: results and discussion M7

Values actualised by M7

The mediator actualises the vital and spiritual values of safety, self-determination, quality and knowledge.

Emotions actualised by M7

The mediator expresses the positive emotions of interests and acceptance. His emotions also reveals his feeling of ego.

The verbal action to prepare the agreement for conflict resolution follows the values of quality, self-determination, safety, confidentiality and neutrality. At this Stage, the mediator discusses the details of the spatial, temporal and personal dimensions with the parties-in -consent to be incorporated into the parenting plan. The mediator opens the discussion with the following utterance

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 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. And you have the alternative weekends Is that correct? [2].

In the mediator's utterance, all three dimensions of space i.e., school and parent's home, time i.e., weekdays and weekends, and person i.e., Stephanie and Glen are included. The mediator confirms the details on which they have agreed before to incorporate all those dimensions into the parenting plan. He does it following the values of quality, self-determination, safety, confidentiality, and neutrality. His self-determined verbal action of confirmation aims at securing quality, safety and neutrality. The mediator's utterance also shows his confidentiality in his understanding as well as the parties'-in-consent stipulations and once again he asks them to confirm i.e. "And you have the alternative weekends Is that correct?" [2]. The mediator's frequent requests addressed to both Stephanie and Glen to confirm if they agree to what has been mediated not only display the values of Quality, Self-determination, Safety, but also Confidentiality, and Neutrality, e.g. "Is that fine whoever has them for the weekend has them Sunday night, takes him to school the next morning?" [2].

In Stage 5 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 34 below.

Table 34 The model of the agreement for conflict resolution in its value and emotion structure representation: Stage 5 with 4 structural elements

M, S the vital and spiritual values of knowledge, safety and self-determination	M, S, G the vital and spiritual values of safety, quality and self-determination as well as knowledge	S, M, G the vital and spiritual values of confidentiality, neutrality, safety, self-determination, quality and knowledge	M the vital and spiritual values of safety, self-determination, quality and knowledge
M1-S1	M2- S2-G1-M3-G2-M4	S3- M5- S4- M6- G3	M7

M, S the positive emotions related to interest S the emotions of acceptance	M, S, G the positive emotions of interest and acceptance	M the emotions involve interest and the feelings of the ego S, G the emotions of interest, acceptance	M the positive emotions of interests, acceptance and feelings of ego
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In Stage 5, the reconstruction results of 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. The emotions articulated in verbal and nonverbal modes reveal the mediator's, Stephanie's and Glen's positive emotions of interest, acceptance and feelings of ego.

5.2 Attitudes and attitude functions of mediation: psychological discourse analysis

The aim of this subchapter is to provide the 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).

5.2.1 Stage 1 Reconstruction, results and discussion

The mediator's attitude expressed in his monologue in Stage 1 is composed of the three interconnected components, namely affection, behaviour and cognition. The results of attitude analysis in Stage 1 show attitude organisation leading to change. This change involves the emotional and attitudinal transfer of the parties -in -conflict to become the parties-in conflict resolution. During his monologue in Stage 1, the mediator's attitude determined by his ideas, beliefs, perception, values and experience follows the classical attitude classification of Rosenberg and Hovland (1960). The empirical research into the distinction between the mediator's thoughts, emotions and verbal behaviours shows how the mediator's monologue is attitudinally structured and associated with attitudinal function, as shown below.

Structural element 1: results and discussion M1 - M2

Attitudes actualised by M1-M2

The mediator's affective attitude is actualised in M1 whereas the mediator's cognitive attitude in M2.

Attitude functions actualised by M1-M2

The mediator expresses the value expressive function in M1 and knowledge function in M2.

Structural element 2: results and discussion M3 - M4

Attitudes actualised by M3-M4

The mediator expresses his cognitive attitude to the topics of timeshare and needs of children. He also expresses his behavioural attitude as well as affective attitude revealing his positive active mental state in mediation to discuss timeshare, children's needs, the parties'-in -conflict willing and flexibility.

Attitude functions actualised by M3-M4

In M3 and M4, the mediator actualises the knowledge function, instrumental function as well as value expressive function when he refers to "what we need to address, what we refer to, and what we want to talk about today, and how we can come up with something, and we may actually divide those up depending on [...] what we want to do" [1].

Structural element 3: results and discussion M5 - M6

Attitudes actualised by M5-M6

The mediator continues to actualise his cognitive attitude as well as his behavioural attitude and affective attitude through a set of questions directed both to Stephanie and Glen.

Attitude functions actualised by M5-M6

The mediator continues to actualise the knowledge function, instrumental function and value expressive function in both M5 and M6.

Structural element 4: results and discussion M7

Attitudes actualised by M7

The mediator actualises his cognitive attitude, his behavioural attitude and affective attitude through the yes/no question directed either to Stephanie or Glen.

Attitude functions actualised by M7

The mediator actualises the knowledge function, instrumental function and value expressive function in M7.

The results of attitude analysis in Stage 1 show attitude organisation leading to change. This change involves the emotional and attitudinal transfer of the parties -in -conflict to become the parties-in conflict resolution. During his monologue in Stage 1, the mediator's attitude determined by his ideas, beliefs, perception, values and experience follows the classical attitude classification of Rosenberg and Hovland (1960). The empirical research into the distinction between the mediator's thoughts, emotions and verbal behaviours shows how the mediator's monologue is attitudinally structured and associated with the object under discussion.

In Stage 1, the affective attitude of the mediator refers to his feelings and emotions linked to the parties - in - conflict. The mediator expresses his affective attitude towards them by thanking for their coming to mediation. This positive affective attitude of the mediator's monologue opens the mediation process on the parenting plan and is followed by the cognitive attitude.

The mediator’s cognitive attitude in Stage 1 involves his thoughts and beliefs as well as attributes associated with the parties - in - conflict. The mediator needs the confirmation of his own understanding what the parties - in - conflict told him before, i.e. ‘‘From what I understand from speaking with you both previously’’ [1]. The cognitive attitude in mediation shows the mediator’s conscious and unconscious mental state, in which both explicit and implicit cognitive attitudes are manifested as in the mediator’s locutionary act ‘‘How I usually like to start out is just to get some basic information about your schedules’’[1] in which getting information of the parties’ - in - conflict schedules becomes of prime importance as indicated explicitly, and implicitly for the further mediation development.

In Stage 1, the behavioural attitude of the mediator towards the parties - in - conflict is dominant in his monologue (67% Table 43 below). The intensification of this attitude in the mediator’s monologue is deliberate as the mediator raises the topics related to the behaviour of the parties-in-conflict, e. g. their flexibility to prepare the parenting plan that is practical for both parties-in-conflict and their children as well as to indicate what is important for conflict resolution. In his monologue, the mediator initiates the mediation indicating their behaviour concentrated on the action ‘‘to get this information to build a good parenting plan’’ [1].

The results of the analysis of the mediator’s attitude in the monologue show his attitude functions that consist of value expressive function, instrumental function as well as knowledge function.

Stage 1 of the mediation process shows that the reconstruction results of the mediator’s monologue in terms of attitude and its function as shown in Table 35 below.

Table 35 The model of the mediator’s monologue in its attitude and attitude function structure representation: Stage 1 with 4 structural elements

M1-M2 affective and cognitive attitude	M3 - M4 affective behavioural and cognitive attitude	M5 - M6 affective behavioural and cognitive attitude	M7 affective behavioural and cognitive attitude
M1-M2	M3-M4	M5-M6	M7
M1 - M2 the value expressive function and knowledge function	M3 -M4 the knowledge function, instrumental function and value expressive function	M5 -M6 knowledge function, instrumental function and value expressive function	M7 knowledge function, instrumental function and value expressive function

The reconstruction results of the mediator's attitude and attitude function analysis show the mediator's affective, behavioural and cognitive attitudes and their functions in his monologue during Stage 1. The mediator's affective attitude corresponds to his value expressive function, his behavioural attitude to his instrumental function and his cognitive attitude to his knowledge function.

5.2.2 Stage 2 Reconstruction, results and discussion

In Stage 2, the attitude and attitude functions of the mediator and the parties-in-conflict refer to the affection, behaviour and cognition components. The results of attitude and attitude functions analyses show their development through structural elements of the introductory, central and concluding parts.

Structural element 1: results and discussion S1

Attitudes actualised by S1

Stephanie's cognitive and behavioural attitudes are actualised in her opening statements when she provides a set of reasons why children should stay at her home during the weekdays. With her modality concerning children "they need to spend" [1] she reveals her behavioural attitude to children and their safety,

Attitude functions actualised by S1

In her opening statements, Stephanie reveals knowledge function and behavioural functions concerning the children safety and welfare, which she seems to secure for their cognitive, affective and behavioural development.

Structural element 2: results and discussion M1 – G1 – M2

Attitudes actualised by M1-G1-M2

The mediator actualises the affective attitude "okay, okay, okay" [1], behavioural attitude "Glen, what are your basic thoughts?" [1] and cognitive attitude "sometimes there is a certain transition" [1], or "I always work with the understanding that we're starting from scratch" [1].

Glen actualises the affective, behavioural and cognitive attitudes when he says "well, I'd like to share time with them during the week too" [1], "having them spend a night or two over my house" [1], and "we're in a whole different arrangement" [1]

Attitude functions actualised by M1-G1-M2

The mediator actualises the value expressive function, knowledge function and instrumental function when he refers to Stephanie's and Glen's opening statements.

As Glen actualises his affective, behavioural and cognitive attitudes, similarly to the mediator, he likewise actualises the value expressive function, knowledge function and instrumental function as a response to Stephanie's opening statements.

Structural element 3: results and discussion G2-M3-G3

Attitudes actualised by G2-M3-G3

The mediator actualises his cognitive attitude as well as his behavioural attitude and affective attitude when he paraphrases Glen's opening statements about demanding work schedule and his flexibility.

In his two utterances, Glen expresses his affective, behavioural and cognitive attitude when he complains about the demanding schedule, when he has tried "to structure it a little more" [1] and when he decides to have one or two nights under his control.

Attitude functions actualised by G2-M3-G3

The mediator continues to actualise the knowledge function, instrumental function and value expressive function in his utterance.

In his utterances, Glen actualises value expressive function, instrumental function and the knowledge function to express his central values and beliefs, to fit in the timeshare schedule and to understand the new reality in which he is fixed in terms of spending time with children.

Structural element 4: results and discussion M4

Attitudes actualised by M4

The mediator actualises his affective attitude, behavioural attitude and his cognitive attitude, when he discusses emergencies, caregivers, Stephanie's and Glen's open statements and requests Stephanie to express her opinion on Glen's statement

Attitude functions actualised by M4

The mediator actualises the knowledge function, instrumental function and value expressive function.

In Stage 2, the functional perspective of the mediation participants' attitudes focuses on how those attitudes serve the purpose of Stephanie and Glen. The former wants the children to spend weekdays at her home with the reasons provided. The latter does not want to be "a weekend dad" [1] so during the mediation process at this Stage he solves his internal conflict between his needs and the external environment, which involves his clients and information of the demanding schedule.

In the central and concluding parts of Stage 2, the mediator's affective, behavioural and cognitive positive attitude as well as his value expressive function, instrumental function and the knowledge function facilitate Glen's internal conflict resolution by a set of paraphrases and questions. In the concluding part of Stage 2, the mediator bridges the gap between the parties' -in-conflict internal needs to spend time with children and their external environment involving emergencies by deliberating on the institution of the caregivers. In this way, he provides a timeshare framework for understanding the conflict resolution that is manageable and predictable. He also paraphrases Stephanie's and Glen's opening statements to verify his

understanding and then, he refers to Stephanie to express her opinion of Glen’s opening statements.

In Stage 2, the introductory, central and concluding parts of the mediation process show the reconstruction results of attitude and its function analyses presented in Table 36 below.

Table 36 The model of the parties’-in-conflict opening statements in its attitude and attitude function structure representation: Stage 2 with 4 structural elements

S1 cognitive attitude, behavioural attitude	M1 - M2 affective attitude, behavioural attitude, cognitive attitude G1 affective attitude, behavioural attitude, cognitive attitude	G2 - G3 affective attitude, behavioural attitude, cognitive attitude M3 affective attitude, behavioural attitude, cognitive attitude	M4 affective attitude, behavioural attitude, cognitive attitude
S1	M1-G1-M2	G2-M3-G3	M4
S1 knowledge function, instrumental function	M1 -M2 knowledge function, value expressive function, instrumental function G 1 knowledge function, value expressive function, instrumental function	G2 - G3 knowledge function, instrumental function, value expressive function M3 knowledge function, value expressive function, instrumental function	M4 knowledge function, instrumental function, value expressive function

The reconstruction results of the mediator’s attitude and attitude function analysis show the mediator’s, Stephanie’s and Glen’s affective, behavioural and cognitive attitudes and their functions in his monologue during Stage 2. Their affective attitudes correspond to their value expressive function, their behavioural attitude to his instrumental function and their cognitive attitude to his knowledge function.

5.2.3 Stage 3 Reconstruction, results and discussion

In Stage 3 the deep reading results of the reconstruction analysis reveal the mediator’s, Stephanie’s and Glen’s attitudes and attitude functions as presented below.

Structural element 1: results and discussion S1

Attitudes actualised by S1

Stephanie actualises the cognitive attitude, affective attitude as well as behavioural attitude.

Attitude functions actualised by S1

Stephanie actualises knowledge function, value expressive function as well as instrumental function.

Structural element 2: results and discussion G1- M1- S2 -M2

Attitudes actualised by G1- M1- S2 - M2

The mediator, Stephanie and Glen actualise the cognitive attitude, affective attitude as well as behavioural attitude.

Attitude functions actualised by G1- M1- S2 -M2

The mediator, Stephanie and Glen actualise knowledge function, value expressive function as well as instrumental function.

Structural element 3: results and discussion G2 -M3- G3

Attitudes actualised by G2 -M3- G3

Glen actualises the cognitive attitude, behavioural attitude and affective attitude
The mediator actualises the cognitive attitude.

Attitude functions actualised by G2- M3- G3

Glen actualises knowledge function, instrumental function and value expressive function. The mediator actualises knowledge function.

Structural element 4: results and discussion M4-S3-M5

Attitudes actualised by M4-S3-M5

The mediator actualises the cognitive attitude, affective attitude as well as behavioural attitude. Stephanie actualises the affective attitude.

Attitude functions actualised by M4-S3-M5

The mediator actualises knowledge function, value expressive function and instrumental function. Stephanie value expressive function

In the introductory, central and concluding parts of Stage 3, the results of attitude and the attitude function reconstruction analysis reveal the mediator's, Stephanie's and Glen's attitude

and attitude function organisation that leads to the identification of Stephanie's and Glen's options for the timeshare in the parenting plan. All the structural elements are balanced by cognitive attitudes with knowledge functions as well as the behavioural attitudes with instrumental functions. The affective attitudes with values expressive functions include both positive and negative emotions as indicated above. Glen's regret and complaint shows that he has low affection in respect to the new reality in which he is. In Stage 3, the mediator's Stephanie's and Glen's attitudes and attitudes functions are shaped by their beliefs, emotions experience, ideas, knowledge, perception, and values related to their individual needs and

interests as well as needs of children. The utterances of the mediator, Stephanie and Glen are attitudinally structured and closely associated with the subject matter under discussion.

In Stage 4, the functional perspective of Glen’s attitudes focuses on the knowledge, value-expressive and instrumental functions. Although due to the new reality the affection of Glen is low and he expresses verbally his complaint and regret that they do not form a cohesive family unit, he takes advantage of his cognition and the background knowledge provided by the mediator to participate actively in the identification of his options for the timeshare in the parenting plan to increase consistency and to minimise transitions. Additionally, Glen and Stephanie, although they do not speak directly to each other at this Stage, they have found common grounds to share time with children during the weekends and weekdays, which is a partial success of mediation as indicated in the final monologue of the mediator in this Stage.

In the central and concluding parts of Stage 4, the mediator’s Stephanie’s and Glen’s affective, behavioural and cognitive positive attitudes related to their value-expressive functions, instrumental functions and the knowledge functions aim at identifying the parties’ -in-conflict options to be further discussed in the next Stage to mediate their best option.

In Stage 3, the introductory, central and concluding parts of the mediation process show the reconstruction results of attitude and its function analyses as shown in Table 37 below.

Table 37 The model of identifying Stephanie’s and Glen’s options in its attitude and attitude function structure representation: Stage 3 with 4 structural elements

S1 affective attitude, behavioural attitude, cognitive attitude	M1, M2, G1, S2 affective attitude, behavioural attitude, cognitive attitude	G2, G3 affective attitude, behavioural attitude, cognitive attitude M3 cognitive attitude	M4, M5 affective attitude, behavioural attitude, cognitive attitude S 3, affective attitude
S1	G1- M1- S2 -M2	G2 – M3- G3	M4-S3-M5
S1 knowledge function, value expressive function, instrumental function	M1, M2, G1, S2 knowledge function, value expressive function, instrumental function	G2, G3 knowledge function, value expressive function, instrumental function M3 knowledge function	M4, M5 knowledge function, instrumental function, value expressive function S 3 value expressive function

As the reconstructed results show the mediator’s, Stephanie’s and Glen’s attitude and attitude function analysis display their affective, behavioural and cognitive attitudes and their functions individually structures in four elements in Stage 4, Their affective attitudes correspond to their

value expressive functions, their behavioural attitudes to their instrumental functions and their cognitive attitudes to their knowledge functions.

5.2.4 Stage 4 Reconstruction, results and discussion

In Stage 4, the deep reading results of the reconstruction analysis reveal the mediator's, Stephanie's and Glen's attitudes and attitude functions as presented below.

Structural element 1: results and discussion M1 -S1- M2

<p>Attitudes actualised by M1 -S1- M2 The mediator and Stephanie actualise the cognitive attitude, affective attitude as well as behavioural attitude.</p>	<p>Attitude functions actualised by M1 -S1- M2 The mediator and Stephanie actualise knowledge function, value expressive function as well as instrumental function.</p>
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Structural element 2: results and discussion S2-G1-S3-M3-S4-G2- M4-S5-M5-S6-M6-G3

<p>Attitudes actualised by S2-G1-S3-M3-S4-G2- M4-S5-M5-S6-M6-G3 The mediator, Stephanie and Glen actualise the cognitive attitude, affective attitude as well as behavioural attitude.</p>	<p>Attitude functions actualised by S2-G1-S3-M3-S4-G2- M4-S5-M5-S6-M6-G3 The mediator, Stephanie and Glen actualise knowledge function, value expressive function as well as instrumental function.</p>
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Structural element 3: results and discussion M7-S7-M8-S8-M9-S9-M10-S10-M11-G4

<p>Attitudes actualised by M7-S7-M8-S8-M9-S9-M10-S10-M11-G4 The mediator actualises the cognitive attitude, affective attitude as well as behavioural attitude. Stephanie and Glen actualise the cognitive attitude and affective attitude.</p>	<p>Attitude functions actualised by M7-S7-M8-S8-M9-S9-M10-S10-M11-G4 The mediator actualises knowledge function, value expressive function as well as instrumental function. Stephanie and Glen actualise knowledge function and value expressive function.</p>
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Structural element 4: results and discussion M12-S11-G5-M13-G6

<p>Attitudes actualised by M12-S11-G5-M13-G6 The mediator and Glen actualise the cognitive attitude, affective attitude as well as behavioural attitude. Stephanie actualises the cognitive attitude.</p>	<p>Attitude functions actualised by M12-S11-G5-M13-G6 The mediator and Glen actualise knowledge function, value expressive function and instrumental function. Stephanie actualises knowledge function.</p>
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In the introductory, central and concluding parts of Stage 4, the results of attitude and the attitude function reconstruction analysis reveal the mediator's, Stephanie's and Glen's attitude and attitude function organisation that leads to the consent on the best option for the timeshare

in the parenting plan. All the structural elements are dominated by cognitive attitudes with knowledge functions as well as positive affective attitudes with values expressive functions to be followed by the behavioural attitudes with instrumental functions. Those attitudes and attitudes functions are shaped by the mediator's, Stephanie's and Glen's beliefs, emotions experience, ideas, knowledge, perception, and values related to their individual needs and interests as well as needs of children. The utterances of the mediator, Stephanie and Glen are attitudinally structured and closely associated with the subject matter under discussion.

In Stage 4, the functional perspective of the mediator's Stephanie's and Glen's attitudes focuses on the knowledge, value-expressive and instrumental functions. Both Stephanie and Glen use their cognitive and affective attitudes to shape the timeshare within their best option lines. Their attitudes function as a means of organising and shaping their week and weekend days to share time with their children. Their value-expressive attitudes reveal their core values based on their interests to minimise transitions and maximise consistency and to reach success in the timeshare incorporated in the parenting plan. Their cognitive and value-expressive attitudes related to their consent on the timeshare in the parenting plan also influence their behaviour related to their decision-making, preferences and verbal actions. The mediator's attitudes reveal his functions of the mediator.

In the central and concluding parts of Stage 4, the mediator's affective, behavioural and cognitive positive attitudes related to his value-expressive functions, instrumental functions and the knowledge functions aim at confirming Stephanie and Glen's best option for the timeshare in the parenting plan. Through a set of yes/no questions, the mediator confirms his knowledge about Stephanie and Glen's decisions related to the timeshare in the parenting plan.

In Stage 4, the introductory, central and concluding parts of the mediation process show the reconstruction results of attitude and its function analyses as shown in Table 38 below.

Table 38 The model of the identification of the parties'-in-consent best option for the parenting plan in its attitude and attitude function structure representation: Stage 3 with 4 structural elements

M, S affective attitude, behavioural attitude, cognitive attitude	M, S, G affective attitude, behavioural attitude, cognitive attitude	M affective attitude, behavioural attitude, cognitive attitude S, G affective attitude, cognitive attitude	M, G affective attitude, behavioural attitude, cognitive attitude S, cognitive attitude
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M1 -S1- M2	S2-G1-S3-M3-S4-G2- M4-S5-M5-S6-M6-G3	M7-S7-M8-S8-M9-S9-M10-S10-M11-G4	M12-S11-G5-M13-G6
M,S knowledge function, value expressive function, instrumental function	M, S, G knowledge function, value expressive function, instrumental function	M knowledge function, instrumental function, value expressive function S, G knowledge function, value expressive function	M, G knowledge function, instrumental function, value expressive function S knowledge function

The reconstruction results of the mediator's, Stephanie's and Glen's attitude and attitude function analysis show their affective, behavioural and cognitive attitudes and their functions individually structures in four elements in Stage 4. The mediator's, Stephanie's and Glen's affective attitudes correspond to their value expressive functions, their behavioural attitudes to their instrumental functions and their cognitive attitudes to their knowledge functions.

5.2.5 Stage 5 Reconstruction, results and discussion

In Stage 5 the deep reading results of the reconstruction analysis reveal the mediator's, Stephanie's and Glen's attitudes and attitude functions as presented below.

Structural element 1: results and discussion M1-S1

Attitudes actualised by M1-S1

The mediator and Stephanie actualise the cognitive attitude, affective attitude as well as behavioural attitude.

Attitude functions actualised by M1-S1

The mediator and Stephanie actualise knowledge function, value expressive function as well as instrumental function.

Structural element 2: results and discussion M2- S2-G1-M3-G2-M4

Attitudes actualised by M2- S2-G1-M3-G2-M4

The mediator, Stephanie and Glen actualise the cognitive attitude, affective attitude as well as behavioural attitude.

Attitude functions actualised by M2- S2-G1-M3-G2-M4

The mediator, Stephanie and Glen actualise knowledge function, value expressive function as well as instrumental function.

Structural element 3: results and discussion S3-M5-S4-M6- G3

Attitudes actualised by S3- M5- S4-M6- G3

The mediator actualises the cognitive attitude, affective attitude as well as behavioural attitude. Stephanie and Glen

Attitude functions actualised by S3- M5- S4-M6- G3

The mediator actualises knowledge function, value expressive function as well as instrumental function. Stephanie and Glen

actualise the cognitive attitude and affective attitude. actualise knowledge function and value expressive function.

Structural element 4: results and discussion M7

Attitudes actualised by M7

The mediator and Glen actualise the cognitive attitude, affective attitude as well as behavioural attitude. Stephanie actualises the cognitive attitude.

Attitude functions actualised by M7

The mediator and Glen actualise knowledge function, value expressive function and instrumental function. Stephanie actualises knowledge function.

At this Stage both the mediator and the parties-in-consent express their positive attitudes to incorporate their final arrangements into the parenting plan. Through the question-and-answer frame, the mediator assists the parties-in-consent in establishing the final option for the parenting plan. The results show that the mediation participants express their cognitive and affective attitudes towards the topics under discussion.

In Stage 5, the knowledge function is revealed in the parties'-in-consent and the mediator's interests to establish the parenting plan in which consistency is maximised and transitions are minimised. The value expressive function shows both the Stephanie's and Glen's acceptance of the parenting plan as well as the mediator's acceptance with satisfaction of what they have managed to achieve in the parenting plan. The instrumental function shows both the mediator's as well as Glen's and Stephanie's textual actions to finalise the parenting plan.

In Stage 5, the introductory, central and concluding parts of the mediation process show the reconstruction results of attitude and its function analyses as shown in Table 39 below.

Table 39 The model of the conflict resolution in its attitude and attitude function structure representation: Stage 5 with 4 structural elements

M, S affective attitude, behavioural attitude, cognitive attitude	M, S, G affective attitude, behavioural attitude, cognitive attitude	M, S, G affective attitude, behavioural attitude, cognitive attitude	M affective attitude, behavioural attitude, cognitive attitude
M1-S1	M2- S2-G1-M3-G2-M4	S3- M5- S4- M6- G3	M7
M,S knowledge function, value expressive function, instrumental function	M, S, G knowledge function, value expressive function, instrumental function	M, S, G knowledge function, value expressive function, instrumental function	M knowledge function, instrumental function, value expressive function

The results of the mediator's, Stephanie's and Glen's attitude and attitude function reconstruction analysis show their affective, behavioural and cognitive attitudes and their functions individually structures in four elements in Stage 5, Their affective attitudes correspond to their value expressive functions, their behavioural attitudes to their instrumental functions and their cognitive attitudes to their knowledge functions.

5.3 Conclusion

The overall analysis of all the Stages of mediation shows that the mediator and the parties-in-conflict [1] later transformed into parties-in-consent [2] follow the principles of mediation. The mediator balances all the mediation values to have their equal distribution in his monologue in Stage 1. He confirms his professionalism and knowledge of the *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 the European Code of Conduct for mediators*. His utterances based on the values of mediation such as confidentiality, neutrality, safety, self-determination, and quality formulate the background and the context for the next Stages of mediation. The layout of the mediation value distribution through Stages is presented in Table 40 below.

Table 40 Distribution of mediation values through Stages

Mediation values	Stage 1	Stage 2	Stage 3	Stage 4	Stage 5
confidentiality	20%	16%	15%	19%	19%
neutrality	20%	15%	16%	13%	17%
safety	20%	19%	16%	15%	20%
self-determination	20%	31%	31%	28%	20%
quality	20%	19%	22%	25%	24%

The results of the mediation value analysis in Stages 2 and 3 show that the value of self-determination is of prime importance to the mediator and the parties-in-conflict. The mediator is determined to get information and acquire knowledge about the opening statements of Glen and Stephanie as well as their option for the parenting plan. Both Glen and Stephanie are self-determined firstly to present their opening statements in which they specify their needs and

expectations and secondly to identify their option. In their opening statements, the values of safety and quality are likewise important and they occupy the second position. In their options for the parenting plan, quality is more important than safety, and, naturally, they like to be sure that their option is properly articulated and understood. In contrast to Stages 2 and 3, the parties-in-consent show more confidentiality to each other in Stages 4 and 5. As they start to cooperate to find the best option for the parenting plan and to formulate the parenting plan agreement, they all are self-determined to reach the objective with adequate quality, safety, and neutrality.

The overall analyses of the individual values are presented in 41 below.

Table 41 Distribution of the individual values through Stages

Values	Stage 1	Stage 2	Stage 3	Stage 4	Stage 5
Vital values	55%	62%	47%	44%	47%
Spiritual values	45%	38%	53%	56%	53%

and the values of feeling-states expressed by emotion in Table 42 below.

Table 42 Distribution of Emotions through Stages

Emotions	Stage 1	Stage 2	Stage 3	Stage 4	Stage 5
interest	29%	14%	30%	47%	54%
acceptance	7%	7%	8%	41%	38%
feelings of ego	14%	29%	30%	12%	8%
submission	14%		7%		
gratitude	7%				
serenity	7%	7%			
complain		22%	11%		
anticipation		14%	7%		
vigilance		7%			
regret			7%		

show the value and emotion distribution through the Stages of the mediation process. The dominance of the vital values in Stages 1, 2, and 3 refer to the mental states to indicate acceptance, submission, gratitude, vigilance, complaint, or regret. The spiritual values dominating in Stages 3, 4, and 5 include the feelings of the ego and interest. The negative value of emotions involves

such emotions as complaint and regret mainly experienced and expressed by Glen due to his internal and external conflict as indicated in 5.1.2. The progress and dynamic transformation of his negative emotions into positive ones contributes to parental cooperation, the best option identification, and the parenting plan agreement.

The overall analysis of the mediator's and the parties-in-conflict/consent attitudes and attitude functions is presented in Table 43 below.

Table 43 Distribution of attitudes and attitude functions through Stages

Attitudes	Stage 1	Stage 2	Stage 3	Stage 4	Stage 5
Affective	11%	50%	28%	45%	38%
Behavioural	67%	17%	36%	12%	12%
Cognitive	22%	33%	36%	43%	50%
Attitude function	Stage 1	Stage 2	Stage 3	Stage 4	Stage 5
Value expressive function	12%	35%	28%	42%	37%
Instrumental function	71%	30%	36%	18%	13%
Knowledge function	17%	35%	36%	40%	50%

In the entire mediation process, the functional interrelation is reflected between the mediator's and the parties'-in-conflict/consent attitudes and attitude functions. Stage 1 actualises mainly the mediator's behavioural attitude and its instrumental function. In Stage 1, the mediator expresses his intention to mediate the parenting plan. His cognitive attitude and knowledge function are related to the mediation topics and his knowledge. Stage 2 is dominated by affective attitudes, which is confirmed by the results of the emotion analysis. This Stage is highly affective as it refers to a variety of positive and negative emotions as shown in Table 42 above. The affective, behavioural, and cognitive attitudes perform the value expressive, instrumental, and knowledge functions when the parties-in-conflict provide their opening statements. Stage 3 is a turning point in the attitude change. The mediator's positive attitudes as well as his positive attitude functions contribute to the transformation of Glen's negative attitude and attitude functions into positive ones. Glen's positive transformation makes Stephanie more cooperative, which contributes to their direct dialogue in Stages 4 and 5. The conflict resolution initiated in Stage 4 is continued until the stipulations of the parenting plan agreement are finalised in Stage 5.

Chapter 6

Reconstruction and modelling of professional mediation discourse within its dichotomy-based organisation and functioning

A case of Parenting Plan 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 PPMD 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.

6. 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 relates to bringing the parties-in-conflict to a preliminary meeting during which they should discuss the underlying issues of the family conflict and consider options for its resolution. As a rule, the mediator here contacts the parties separately, informing them about the aim of mediation, which is to obtain the conflict resolution in the form of a written agreement with both parties signing in the presence of the mediator.

The mediator is responsible for assessing the family 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 conflicting parties 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 tasks that should be done to obtain the result of this convening stage – willingness to participate in mediation. (see Oberda, 2019).

6.1.1 Organisation of the transcript for further qualitative analysis - Stage 1

Stage 1 is an introduction to the mediation discussion presented in the genre of a summing-up monologue addressed to Stephanie and Glen, who are in a divorce and, so, in

conflict; thus, they need help organising the timeshare for their children. Stage 1 is the summing up of what was covered and agreed upon during the previous meeting with each party-in-conflict. Besides, it sets the agenda and gives the expectation of the present mediation process, specifying the area of topics for further discussion and not only this.

Abbreviations used:

M – Mediator,

S and G – Stephanie and Glen, the clients in divorce, parents of two children.

The transcript of Stage 1 organised for further qualitative analysis (slightly different organisation than that in Appendix 3).

Structural element 1 (introductory part)

M to both S and G: “Well, thank you both for coming in today. 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 what we refer to as the timeshare” [1].

Structural element 2 (central part)

M to both S and G: “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” [1].

Structural element 3 (central part)

M to both S and G: “Do we want to try some things out in the short term to 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” [1].

Structural element 4 (concluding part)

M to both S and G and, then, to each: “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. 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?” [1].

As we see above, the mediator addresses both parents simultaneously in the first three structural elements of his discourse. In the concluding part of Stage 1, he invites each party-in-conflict to participate in the mediation process. Thus, the basic functional model actualised in the

transcript contains two patterns of interaction: the mediator to both of the parents and the mediator to each parent.

6.1.2 Content-context reconstruction based on discourse representation via textual categories actualised in dichotomy-built clusters: First-reading technique of the causal-genetic approach

Structural element 1 (introductory part)

There are two messages here. With his first message, the mediator sets the relationship, which is normative for the format of the mediation (thankfulness and politeness to the participants – Stephanie and Glen), while with the second one, he sets the priority verbalising it in the simplest way possible "who has the children with"[1], 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.

Structural elements 2 and 3 (central part)

The mediator considers it important to set the professional term *timeshare*. He cares about the mediation's success, as the final document, i.e., the agreement between the parents on the timeshare—will definitely include this term.

The following message balanced within the discourse content-context structure of the central part also connects with the introductory part thanks to the deixis information, namely time: “*previously – today*” [1]. Thanks to this, we can reconstruct the context of the situation as follows: Some day before (*previously*), the mediator met with Stephanie and Glen. He gives no specification of whether they met with the mediator together or separately, which may be his strategy not to present them as separate beings as they both are parents of their children. Furthermore, while listing the key themes that develop the topic of "timeshare" ("the needs of your children and your schedules"[1]), the mediator puts the interests of the children first.

Thus, in front of us, there is a professional mediation in which the mediator helps solve the problem of timeshare for children between the parents-in-conflict as it is their crucial interest at present. The mediator does not mention a single word that might be semantically linked with conflict. Instead, he puts an accent on modality, flexibility, choices, and being practical (“can..., may ..., what we want to do...”[1]). The discourse dichotomy of **intentionality-acceptability** reveals itself in these structural elements of the central part of the stage. Specifically, the category “acceptability” is as if programmed in the set of rhetorical questions: “Do 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" [1].

Structural element 4 (concluding part)

Here, the mediator shares his experience as if suggesting following 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" [1] (*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 professionally mediation process has the potential to be successful.

6.1.3 Referent-cortege clusters reconstruction: Depth-balanced analysis or second-reading technique of 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. What else can we find in the discourse of Stage 1?

This time, we focus on the dichotomy '*referential-cortege information*' actualised within the discourse content-context structure.

Structural element 1 (introductory part)

What does this element refer to? Otherwise, which *referential themes* (or referents as such - *Rf*) does it actualise and develop in its sequential representation? Simultaneously, three other questions are raised concerning the communicative cortege (*Co*), i.e., people-in-communication. Who are the participants of this communication? Do they inscribe certain discourse-based roles for themselves and the addressee? What relations do they build while communicating in discourse as a process?

The first referent (Rf1) reveals itself in its both direct (transparent) representation, "who has the children with" [1] and terminological one, "timeshare" [1]. The cortege actualised is of a normative for the format of mediation character. The mediator is polite and respectful. He builds **cortege (Co1)** of intellectual, attentive to each other, and responsive people ('what I understood from speaking with you' [1]). 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 are expected to be constructive.

Structural elements 2 and 3 (central part)

Rf 2 is “we as togetherness”, i.e. the mediator, Stephanie, and Glen. All of them are as if programmed on sequential discussion on timeshare bit by bit. **Rf 3** is “a practical timeshare” linked to meeting children’s needs in short and long terms. **Rf 4** is the experience of the mediator in how to start the mediation process to make it successful, **Co2** actualises relations within the modality of possibility, flexibility, and choices for the participants of the mediation process. **Co3**, in turn, actualises relations of a reflexive, thoughtful nature – “to try and to do to see how this or that works” [1]. **Co4** is the cortege of people who share their thoughts based on experience, knowledge, and expectations. The mediator gives an example of such speech behaviour and expects a similar feedback.

Structural element 4 (concluding part)

Rf 5: is the feedback of each based on certain directions of thoughts, which the mediator gives. **Co5** builds the frame with **Co1**. They are both focused on the relations of politeness, respectfulness, and normative standards in the format of professionally mediation process. And still, **Co 5** has its specific trait: “the relationship, in which the participants follow the mediator's words/ Otherwise, it is *the cortege of those who are good listeners and thematically focused*.”

As we see, referential and cortege types of information are reciprocal and balanced.

6.1.4 Reconstruction of the dichotomy “object-subject targeted strategies”: Verification analysis or third-reading technique of the causal-genetic approach to discourse research

Strategies actualised in Structural element 1:

- 1) THANKS FOR JOINING and (implicitly) TO SET NORMATIVE RELATIONS WITH THE CLIENTS WHO JOINED (subject-subject strategy—**SS**).
- 2) TO SET THE AGENDA BASED ON KNOWLEDGE RECEIVED BEFORE THE MEDIATION PROCESS ON PARENTING PLAN STARTS – subject-object strategy – **SO**),
- 3) TO ACTUALISE TOPICAL TERM(S) ON STARTING THE DISCUSSION (the term “timeshare” – subject-object strategy – **SO**).

Strategies actualised in Structural element 2:

- TO LIST KEY TALK ISSUES (such as *the needs of children and schedules, flexibility or lack thereof, and work schedules*) – **OS**;
- TO LIST THE HOW-TO-DO things (*how we can come up with something*) – **SS** linked to **OS**

- TO MAKE DISCUSSION PRACTICAL (*meet children's needs in short and long terms* – OS.

- TO DRAW ATTENTION TO THE ACTIVE ROLE OF THE PARENTS – SS

Strategies actualised in structural element 3:

- TO LIST THE ACTIVITIES and THEIR FOCI (presented in a question form TO DRAW ATTENTION – SS,
- TO INTRODUCE THE MEDIATOR’S EXPERIENCED PRACTICE (OS) so that TO SHOW ONESELF AS EXPERIENCED and PROFESSIONAL (SS) incorporated with OS: TO LIST THE STEPS IN DISCUSSION, WHICH LEAD TO SUCCESSFUL RESULT (both OS and SS)

Strategies actualised in structural element 4:

- TO INVITE EACH OF THE PARENTS + TO FOCUS ON THE SUCCESS OF THE MEDIATION + TO FOCUS ON EACH PARENT (all three are SS)

6.1.5 Integrative functional model of the discourse of Stage 1

The integrative functional model of this stage is given in Table 44.

Table 44 Integrative functional model of mediation discourse – Stage 1

PPMD as a phenomenon, idea and activity Stage 1	
Basic interactive model (abbreviations: M-Mediator, S-Stephanie, G-Glen) (M to both S and G) = (M to both S and G) = (M to both S and G) = (M to each S and G)	
Mediation discourse as phenomenon Referent-cortege structure sequential representation (Rf – Co)	
M’s monologue. Structural element 1	Rf1: the issue of timeshare “who has the children with” to be followed in mediation discourse by parents-in-divorce (S and G) in a certain time and space. Co1: 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	Rf 2: we as togetherness (M,S,G) focused on the same details of timeshare representation. Rf3: a practical timeshare meting children’s needs in short and long terms. Co2: actualising the modality of possibility, flexibility, choice for the participants of the mediation discourse. Co3: reflectivity on cause-consequence extension of acting (to try and to do in order to see how this or that works).
Structural element 4	Rf 4 the mediator’s experience in mediation practice”. Co4 people who exchange thoughts Rf 5: “feedback directed by M”. Co5 attentive listeners focused on thematically developed referential information.
Mediation discourse as idea Content-context structure sequential representation (Cnt – Cxt)	

M's monologue. Structural element 1	Cnt1 /informativity: meeting on previous agreement to address the issue of timeshare. Cxt1 /situationality: mediation discourse on timeshare agreed before by parents in divorce. (Cnt1-Cxt1 in balance).
Structural elements 2 and 3	Cnt2 /intentionality: in developing understanding on the details of timeshare construction for today's discussion focused on practical issues (needs of children, parents' schedules, etc.) and time perspective (in short and long terms). Cxt2 /acceptability: is expected as possibilities to divide those up depend on what we want. It is also in openness to test different ways of discussion to see what works best for the parents.
Structural element 4	Cnt3 /intertextuality: reference to M's experience in starting mediation discourses. Cxt3 / interdiscursivity: changing monologue into dialogue inviting the parents to share what they think would work best for children.
Mediation discourse as activity Object-subject-bias strategy sequential representation (OS – SS)	
M's monologue. Structural element 1	=to thank for joining = to set normative relations (SS); =to set the agenda (topical issue) (OS); =to actualise the topical term "timeshare" (OS).
Structural elements 2 and 3	=to list key talk issues (discussion steps: needs of children, schedules, etc.–(OS), =to list of how-to-come-up-with– (SS), it corporates with (OS): =to focus on practical issues = to differentiate children's needs in the short and long term (OS), = to open time-choice discussion: to try or miss short-term plan for practicing (both SO and SS).
Structural element 4	=to give an example from M's experience = to invite each of parents to express themselves

Structural element 4: = M's experience presentation as indirect way of advising the parents to make first steps in discussion + invitation to start.

Discourse of parenting plan as a phenomenon

- ❖ The **referential information** (also: phenomenon-bias themes) actualised here goes from the (1) *reality* (real subjects) "who has the children with" [1] to (2) the *verbal reality* TIMESHARE – the term accepted for the *format-orientation* of the mediation and goes through all five stages of the parenting plan mediation under research. (3) It promotes the choice (FLEXIBILITY) for the parties in mediation process concerning the notion/term "timeshare" in both short and long term-period. Finally, in structural element 4, (4) the mediator asks the parties individually to express their feedback, inviting Stephanie and Glen to actively cooperate in timeshare building, and describe how they see the very sense 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). And also, via format sense and individual sense production and social context realisation.

Discourse of parenting plan as an idea

- ❖ Here, discourse reveals itself on a *meso-level* of functioning, e.g., **discourse textual layer**. It is interesting to notice that the "*informativity and situationality*" take a starting position and in a definite balance here enriching the functional qualities of discourse to its maximum.
- ❖ This dichotomy exchanges itself 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.

Discourse of parenting plan 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, and within two 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 really strong in his discourse realization.

6. 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 hear their concerns and feel hope concerning the mediation's outcome.

6.2.1 Organisation of the transcript for further qualitative analysis – Stage 2

The transcript is split into four structural elements. Each is separated with the help of the sign "=". The basic interactive model below shows that the role of the mediator is really high. We present below all cases of the mediator's initiating the talk in bald letters.

Basic functional model-1 (BFM-1) – Stage 2:

**S to M and G + M to S, to G + G to M/S = M to S and G, both and each, to S, to G =
+ G to M + M to G and S = M to G + G to M/S**

Note: 'G to M/S' means that Glen addresses the mediator and implicitly Stephanie.

Transcript of Stage 2 within its four structural elements

Structural element 1 (introductory part)

S to both (M and G): "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"[1].

M to S: "Okay, so, consistency during the midweek nights is important to you, okay, okay, okay"[1].

to G: "Glen, what are your basic thoughts?" [1].

G to M/S: "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" [1].

Structural element 2 (central part)

M to S and G, both and each: "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 to not 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 of you about your work schedules since you started last time" [1].

To S: "Do you mind if I start with Glen Clint?"[1].

To G: "Tell me a little bit about the structure of your work, you know, the number of hours you work or flexibility that kind"[1].

Structural element 3 (central part)

G to M: "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"[1].

M to G: "okay, great, great, So, your work hours are fairly demanding; you have some flexibility, but your clients sometimes might demand that there you work extra hours. Is that accurate?" [1].

G to M/S: "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" [1].

Structural element 4 (concluding part)

M to S and G: "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 Glenn is saying. What are your thoughts on maybe having him having the children?" [1].

6.2.2 Content-context reconstruction based on discourse representation via textual categories actualised in dichotomy-built clusters: First-reading technique of the causal-genetic approach

Structural element 1 (introductory part)

The introductory part is presented in Stage 2 by the first messages of Stephanie and Glen. *Stephanie's concern* on children stay all weekday, otherwise, have a consistent place to live. *Glen* thinks he can do the same on weekdays but not every night, just one or two. His concern is also in the fact that they are split and, so, the situation is different. The mediator comments on the words of Stephanie via choosing *her keyword* ("consistency during the midweek nights" [1]) and asks Glen to express his opening statement as if linking two messages together as a starting point for the mediation. Thus, the introductory part introduces two positions on timeshare (*informativity*) and gives a certain initial vision of the context (*situationality*): they are in different status (divorced) and have confronted aims. (both want to have children on weekday nights, but the number of nights is different).

Structural element 2 and 3 (central part)

The mediator reacts to the words of Glen on the change of their family new situation (divorce) using a technical term flash cut.² He evidently sees that the family problem and conflict of interests lies there and, so, tries to say that "what is cut is cut" and we need to start "from the scratch" [1] ("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" [1]).

The mediator's reaction monologue aims to say how he views the situation and how they are to come out of it. This is his *intention*, and to get *acceptability*, he refers to Glen asking him to speak on his current work schedule in detail to make him come back to the discussion and

² It is a sudden and quick cut from one clip to another, often used to convey a passage of time or to create a dramatic effect. The transition is so fast that it appears as a flash to the viewer, hence the name "flash cut".

finally focus on timeshare. In this way, the categories of *intentionality and acceptability* are filled in with a certain 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.

G to M: While speaking about how his work is time-consuming and demanding, Glen switches from this theme to the other—his children—mentioning that he does not want to be ‘a weekend dad or something like that’ [1] (**intertextuality**). Thus, this role is definitely not acceptable for him.

Structural element 4 (concluding part)

The mediator accurately presents Glen's key ideas and asks if the words are accurate in presenting Glen's idea. Glen does not give a short answer ("yes" or "no") but gives an extended answer practically repeating the issues mentioned by the mediator (his wish or, rather, readiness to stay 1-2 nights with children adding "it is under my control"[1]. These words of Glen definitely **give hope to all participants** (Stephanie, the mediator, and Glen himself) that all goes as it should and the mediation has a chance to be successful. Otherwise, together with this phrase, the stage becomes *open to other stages* to follow (**interdiscursivity**). Glen is not a lost person anymore but the one who is ready to try, and do what is necessary (to spend certain nights with his children).

6.2.3 Referent-cortège clusters reconstruction: Depth-balanced analysis or second-reading technique of the causal-genetic approach

Integrative functional model of discourse of Stage 2

S to M and G + M to S, to G + G to M/S = M to S and G, both and each, to S, to G =

G to M + M to G and S = M to G + G to M

Abbreviations: *S-Rf1* – the first referential theme actualised in this stage by Stephanie;

G-Rf1 – the first referential theme actualised in this stage by Glen;

M-Rf1 – the first referential theme actualised in this stage by the mediator.

Rf1 (MandS) – the first referential theme actualised within a particular cortège – that of the mediator and Stephanie.

Co1 (S and G) – the first type of relations built between Stephanie and Glen (they in a specific communicative cortège actualised in this stage).

Structural element 1 (introductory part)

Following the mediator's question, Stephanie speaks first and in a straightforward way. She thinks that consistency (*S-Rf1*) is the most important thing for children as they need a space to live in, and this space (place) is her home, where children are to spend all weekday nights. Glen as if contradicts saying that he can do the same (1-2 nights) (*G-Rf1*). Glen adds another referential theme here (*G-Rf2*) "we're split, things're different, we are in a whole different arrangement" [1]. *Co1 (S and G)*: their relations in this mediation stage is formed with S being a leader and G – a person who is lost in the situation of divorce and reflects on his role in it.

In his turn the mediator repeats the key word (idea) introduced by Stephanie ("consistency"), and it starts to be the theme of both Stephanie and the mediator, and, implicitly, Glen – *Rf1 (MandS)*

Structural elements 2 and 3 (central part)

M-Rf2a: the mediation process can include ups and downs (*transition, a person leaving, starting from the scratch*). *M-Rf2b*: It is important to trace what is in use without assumptions: "past may not predetermine future"; otherwise, it is "openness to a completely new situation". *M-Rf3*: the topic on agenda: talk on S and G's work schedule already started earlier *M-Co2*: intellectual (those who know mediation problems). *M-Co3*: practical: equal participation (the mediator invites Glen to start developing the theme to prevent S's leading potential)

Structural element 4 (concluding part)

The phrase actualised in *G-Rf3* ("it's not just being a weekend dad" [1]) can be considered as an in-between structural element (between 3 and 4). Also **note (!)** that, besides keeping a link between the elements, it also opens the link of this stage to the ones that follow. One more referential theme here is *M-Rf4*, "accuracy in repeating the ideas of G." As for another cortege information – *M-Co4*, i.e., "normatively formatted."

6.2.4 Reconstruction of the dichotomy “object-subject targeted strategies”: Verification analysis or third reading technique of the causal genetic approach to discourse research

Structural element 1 (introductory part)

Its basic interactive model: *S to M and G + M to S, to G + G to M/S.*

Within it, the following strategies are actualised:

- Stephanie’s strategy: = to express herself first (**OS and SS**);
- The mediator’s strategies: = to name key issues of Stephanie’s thoughts (**OS**) and = to initiate Glen to share his thoughts (**SS**);
- Glen’s strategy: = to share his thoughts on timeshare (**OS**) and
- = to express his vision of their divorced situation (**OS and SS**);

Structural elements 2 and 3 (central part)

Its basic interactive model: *M to S and G, both and each, to S, to G + G to M*

The mediator’s strategies actualised here are:

- = to share knowledge on the mediation difficulties (**OS**);
- = to overcome the difficulty raised m in the current situation (**OS**);
- = to return the mediation process to its agenda issues (**OS**);
- = to balance turn-taking (**SS**) and within it: to invite G to speak first to balance G and S’s participation (**SS**) to build their cortege as constructive (both **OS**)

Structural element 4 (concluding part)

Its basic interactive model: *M to G + G to M*

- M: = to organise a fruitful discussion (**OS and SS**) and = to be accurate in reflection (**SO**);
- G: = To be accurate in presenting his thoughts

6.2.5 Integrative functional model of the discourse of Stage 2

The integrative functional model of this stage is given in Table 45.

Table 45 Integrative functional model of mediation discourse – Stage 2

PPMD as a phenomenon, idea and activity Stage 2
Basic interactive model (abbreviations: M-Mediator, S-Stephanie, G-Glen (M to both S and G) = (M to both S and G) = (M to both S and G) = (M to each S and G)

Mediation discourse as phenomenon Referent-cortege structure sequential representation (Rf – Co)	
Structural element 1	All- Rf1 : Basic thoughts of S and G. S- Rf1 : Consistent place to live for children (with her all weekday nights). G- Rf1 : he can do the same 1-2 nights. G- Rf2 : we're split, things're different. M- Rf1 : Consistency is important to S (repeated key word). Co1 : first try for S and G where S is a leader and G is reflective in sharing his thoughts
Structural elements 2 and 3	M- Rf2a : the mediation process can include ups and downs (transition, a person leaving, starting from the scratch). M- Rf2b : important to trace what is in the use without assumptions (past may not predetermine future). M- Rf3 : the topic on agenda: talk on S and G's work schedule already started earlier M- Co2 : intellectual (those who know mediation problems). M- Co3 : practical: equal participation (M invites G to start developing the theme to prevent S's leading potential)
Structural element 4	G- Rf3 : it's not just being a weekend dad I am M- Rf 4 : accuracy in repeating the ideas of G. M- Co4 : normatively formatted
Mediation discourse as idea Content-context structure sequential representation (Cnt – Cxt)	
Structural element 1	Cnt1 /informativity: basic thoughts of S and G: all nights with children (S) vs 1-2 nights (G). G- Cnt2 : the parents in divorce (a whole different arrangement). Cxt1 /situationality: S and G join the discussion. S takes a leading role in discussion; G adds the theme which is not on M's agenda. M takes in-between position: repeats main thought of S and asks G to share thoughts
Structural elements 2 and 3	Cnt2 /intentionality: making S and G knowing about the problems of mediation, overcoming them and forming equally shared community: Cxt2 /acceptability: is programmed by M's speech behaviour, so it is expected to follow
Structural element 4	Cnt3 /intertextuality: discussion is parenting plan agenda-focused (a week-end day with negative connotation is rejected by G) Cxt3 / M and G are in active interaction
Mediation discourse as activity Object-subject-bias strategy sequential representation (OS – SS)	
Structural element 1	S: = to express herself first (OS and SS); G: = to share his thoughts and his vision of their divorced situation (OS)
Structural elements 2 and 3	M: = to share knowledge on the mediation difficulties to overcome them in the current situation; = to return to the issues on agenda; = to balance turn-taking (to invite G to speak first in order to balance G and S's participation)
Structural element 4	M: = to organise a fruitful discussion (OS and SS); = to be accurate in reflection (SO) G: = to be accurate in thoughts presentation

The mediation discourse of the parenting plan of Stage 2 as a phenomenon

The referential information (phenomenon-bias themes) actualised here go from (1) the timeshare for their children (both Stephanie and Glen and the situation of divorce that split the family and made things different (Glen) to (2) the mediation process itself within certain difficulties needed to overcome, i.e., to start from the scratch as past may not predetermine future (the mediator); and, then, from (3) coming back to agenda issue (working schedule of Glen) to (4) Glen's expressing his self-identification as a parent, but not a weekend dad.

The discourse as a phenomenon is focused on the agenda issues (timeshare and working schedules specifically, but what is of a special attention is that, together with realising itself through referential information, its participants build new (constructive) attitudes towards themselves (on the example of Glen, the father of children). It gives hope that mediation will result in a practical parenting plan to be followed in the constructive relations of its participants. In Stage 2, the mediation discourse is open (from stage to stage) and holistic within its macro level of functioning.

The mediation discourse of the parenting plan 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 certain type of discourse within its typological traits.

The mediation discourse of the parenting plan 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 parenting plan mediation discourse.

6.3 Results and discussion - Stage 3

Stage 3 is central in parenting plan (timeshare) mediation process. Its task is to give the parties-in-conflict an opportunity to express themselves and their points of view in the presence of each other. For the mediator it is necessary to transform negative emotions of his clients into positive ones as positive communication is a prerequisite to move on to the next stage of mediation negotiation.

6.3.1 Organisation of the transcript for further qualitative analysis - Stage 3

Basic interactional model (BMI) Stage 3

M to S and G, to G, to S) + (S to M/G) + (G to S) =
M to S and G + S to G + M to G =
G to M/S+ M to S and G, both and each + G to M +
M to G + M to both + S to M + M to both

Transcript (Stage 3) within its 4 structural elements

Structural element 1 (introductory part)

M to S and G: ‘‘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, (e.g.) 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’’ [1].

to G: ‘‘And, what I'm hearing from you is that you're fine with Stephanie having the children the majority of the week-nights. 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: (1) You can just tell me originally what your thoughts were, which I think you went over a little bit before’’[1].

to S: ‘‘Or (2) you can respond to what, what Glenn is saying. What are your thoughts on maybe having him having the children?’’[1].

S to M: ‘‘maybe, having him, having the children one or two nights a week’’ [1].

G to S: ‘‘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’’ [1].

Structural element 2 (central part)

M to both: ‘‘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" [1].

S to G: "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" [1].

M to G: "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?"[1].

Structural element 3 (central part)

G to M/S: "Sure that, you know, I can pick them up during the nights that I'm going to have them... mm-hm" [1].

M to both and each: "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?"[1].

G to M: "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, it interests me more than, you know, the other, some of the other stuff they're doing" [1].

Structural element 4 (concluding part)

M to G: "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" [1].

M to both: "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" [1].

S to M: "it's really good, yeah, great thank you" [1].

M to both: "We'll, we'll build that into the agreement" [1].

6.3.2 Content-context reconstruction based on discourse representation via textual categories actualised in dichotomy-built clusters: First-reading technique of the Causal-genetic approach

Structural element 1 (introductory part)

The content here is **building** (and) **coming up with the typical structure** (of the parenting plan) (and) **timeshare range: who has two children when**. As we see, the mediator presents it twice (in the first and last sentences). The second time (last sentence) he is emotional and the ideas, which he conveys, are transparent. The frame of the mediator's message addressed to both parents brings *to the referential content* used – the *typical structure* of the plan and, within it, the *scheduled parent as the one who acts in accord with the typical structure* (timeshare). Started as a *context* (the situation of their communication, the parents involved with their specific roles in the mediation and in the plan, which they construct), this context-bias information starts to be content-focused (as the terminology needs to be defined).

This and other terminology introduced later in the stage is to be included into the final plan agreement and, so, it should be understood and followed. It raises the status of the mediator as a professional and the usage of the present time simple and the nearest future (present continuous) makes the talk on it topical and especially important. This focus of attention is enriched with deixis (time and space) – **here** and **right now**. It is given in contrast to another referential theme to be discussed later (no time specification is given) – **deviations and emergencies**., which goes with the another role of the parents – **approved caregivers** (the people, both of parents, who are "comfortable with taking care of the children , if an emergency"[1]

comes up, etc.). Thus, the pattern of presenting content and context-bias information is repeated. The repeated textual categories taken as a dichotomy – “*informativity-situationality*” – with speech patterns of representations definitely 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 a typical structure of the plan ,and later – on emergencies. No mistake is accepted, focused and responsible discussion is actualised.

to each G and S:

After it starts a somewhat clearer what the format of the communication (a focused discussion) and the genre (typical speech behavioural patterns), the mediator addresses Glen suggesting that he should consider other foci of discussion (*content*) and reconsider the attitude to the issues to be discussed (*context*). Addressing to Stephanie, the mediator suggests that she should follow closer the words of Glen (*content*) and develop her thoughts in response to Glen. He follows the situation of communication closer (*context*).

S to M + G to M and Stephanie directly:

While *Stephanie* suggests (with hesitation) what she may expect from Glen (“maybe him having the children ‘ [1]), Glen reacts to her message in a direct way (“night three thinking about, ... if you could be flexible from week to week” [1]). But, the next sentence shows that he is not ready to give the answer to the question posed by the mediator and the suggestion given by Stephanie (“I have to look at my schedule..., probably...”[1]). So it is too early to view in the discourse of Stephanie and Glen the dichotomy “*informativity-situationality*” as a holistic and balanced setting, which is actualised in the mediator’s discourse.

Thus, this structural element of discourse of Stage 3 opens the stage with a certain *uncertainty* of the parents how to address the issue of timeshare and how to address those who are in communication. A lot depends on the mediator, who is to take the floor in such a situation of his clients/ uncertainly.

Structural elements 2 and 3 (central part)

The mediator here vividly expresses his *intentions* to integrate the needs of children with the practical (for the parents) timeshare plan. Within it, the issues of consistency, for children just as lack of possible numerous transitions are to be considered. The same days and back-to-back nights are welcome. These intentions are also supported by Stephanie and, further on, after the mediator gives results of the research adding authoritative argument for such a strategy. Glen joins expressing his way of accepting such intentions. Finally, the mediator closes the monologue-formed frame of the central part of the stage adding the possibility of the parents as

they are sport coaches to think of regular sport activities with children if they do not confront these key intentions. The mediator's words make Glen think about being involved in children's sport activities as an intention, which really suites him.

Thus, we can conclude that the dichotomy "*intentions-acceptability*" is fundamental for the central part of stage 3.

Structural element 4 (concluding part)

While looking at the discourse of structural element 4, 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"[1] phrase, when the issue of transition is discussed, and also the expression "to be set in stone for the next 13 years" [1], when the talk on entering a certain flexibility into the plan is raised or "to talk about more down the road" [1], when the idea to meet on 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 the stage to the discourse category "interdiscursivity" focused on the mixture of genre to be applied to enrich the content-context structure of the mediation discussion.

Thus, we see that **textual categories, if discussed within their dichotomic organisation** help us see the way mediation discourse is **organised and functions**, as the pattern of their appearance has a certain **systemic representation**.

6.3.3 Referent-cortège clusters reconstruction: Depth-balanced analysis or second-reading technique of the causal-genetic approach

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 as a variant the dichotomy **referential – cortège-bias informative clusters of discourse**, which by now has been tested on different types of discourses. We want to demonstrate on the example of Stage 3, the way of a transparent representation of themes and cortèges. For this we set the collected data in a kind of columns so that to make transparent not only the data but also the results and discussion. Below such organisation of the data is presented.

Data collection: Themes and cortèges with development

Themes reconstructed

M to G and S
Th1: We: going to be doing/building/ expecting/ looking/ come up with at/ in need of doing / and will / will need/ have/ talk/work // would be willing.
Th2: Parents as each: the Scheduled parent.
Th3: Parents as people: both of you, possessing willingness, being comfortable.
Th4: mediation as process: for working through together (we), for building the typical structure, time and space matters.
Th5: a flow-chat: to have / talks about the scheduled parent
Th6: terminology for understanding: flow chat, approved caregivers: the scheduled parent, the parent / what I call

Corteges reconstructed

Co1: We (G, S, M) as programmed togetherness: via common focus of attention, via time and space right here and later), via orientation and format, via transparency (who/ has 2 children/ when).
Co2: Parents as each: the parent, and whether the other parent...; who has two children with.
Co3: the Scheduled parent: (singular) normally scheduled
Co4: approved caregivers: (plural) comfortable with taking care in case
Co5: professional mediator as a leader of mediation, as a possessor of his own terminology, the one to follow.

Data collection: Themes and corteges with development (continuation)

M to G
Th1: the thoughts of G: G agrees with St's plan on condition of its breaks.
Th2: further textual action of G: to give details on his thoughts.

Co1 (M and G): M attentive to the thoughts of Glen: he gets that he is in-between accepting St's vision of the typical plan and a wish to break it.
Co2: (M and G): Co should be **reciprocal:** M waits for feedback, e.g. for textual actions.

M to St
Th1: textual actions of St in relation to G's thoughts: respond to G's words in the process of mediation (what he is saying).
Th2 (implicit) mediation as communication and interaction: saying, listening and responding

Co1 (M and S): M attentive to St's textual actions in the format of mediation: M gives an opportunity (*you can*) to be better in
Co2: (M and S): should be **reciprocal:** M waits for feedback (for textual action). mediation (repeats its rules)

St to M /G
Th1: 1 or 2 nights with children on weekdays): maybe

Co1 (S and G): disbalanced: a wrong role of St in the format of mediation (comments without listening to G's details.

G to all
Th1: 3 nights (with children on weekdays) thinking about: probably and not always.

Co 1 (G and S): disbalanced: a wrong role of G in the format: contradicts without having his own decision (not ready yet for decision)

Results: Themes and corteges (roles) presented as results helpful for further discussion and theoretical modelling.

Themes reconstructed		Corteges reconstructed
M to	Th1: we together in various activities:	Co1: we as 'programmed' / focused
G	Th2: The 2 parents as each.	togetherness.
and	Th3: parents as people.	Co2: Parents as each.
S	Th4: mediation as process.	Co3: the Scheduled parent.
	Th5: a flow-chat.	Co4: approved caregivers.
	Th6: terminology for understanding.	Co5: professional mediator

Results: Themes and corteges (roles) presented as results helpful for further discussion and theoretical modelling.

M to	Th1. The thoughts of G.	Co1 (M and G): M attentive to G's
G	Th2. Further textual action of G.	thoughts.
		Co2 (M and G): should be reciprocal /
		with a feedback.
M to	Th1. Suggested textual actions of St in	Co1 (M and S): M attentive to St's textual
St	relation to G's thoughts. Th2 (implicit)	actions in the format of mediation.
	mediation as communication and	Co2 (M and S): should be reciprocal / with
	interaction.	a feedback.
St to	Th1. One-two nights with children on	Co1 (S and G): disbalanced:
M	weekdays for him (G).	
/G		
G to	Th1. Three nights with children on	Co1 (G and S): disbalanced:
all	weekdays thinking about	

Discussion on the data collected in development and results on themes and corteges organised as a discourse functional dichotomy

The data given above in the discourse of the mediator in the introductory part of Stage 3 actualises 6 referential themes (in our research these themes are presented with the abbreviations *Th* or *Rf*) and 5 corteges (*Co*). 3 of them are as if repeated but with different angles:

- 6) theme 1 "we in various action" and cortege 1 "we as programmed together shows parallel development of "we" – as *being in activities* and *being led by the mediator* (in these activities);
- 7) theme 2 and cortege 2 "parent as each" as if double each other, but they do not. Each parent is *the scheduled parent* with a definite thematically developed role explained and expected to be accepted (referential content) and each parent is just "parent", the definition of which is not necessary (cortege-focused context = parent of (two) children);

- 8) theme 3 “parents as people” corresponds to cortege 4 “approved caregivers.” Parents are just human beings and are to be respected by the parent who are in emergency”. The other parent, if asked, can take on themselves the role “caregiver” if he or she feels comfortable. Thus, we see how inseparable are theme and the cortege here. This fact turns the mediation into a completely new stage – the stage of *being ready to think of the choices* (referential content) and *becoming constructive in the mediation* (cortege-bias context). Thus, we define cortege via theme and theme via cortege. A shrewd researcher can guess that we analyse the central stage of the mediation;
- 9) as for the other themes of the mediator, all three of them (4-6) develop the ideas, which deal with the mediation as a practical (themes 4 and 5) and verbal (theme 6) activity;
- 10) the other cortege (5) the mediator as a professional subject who knows what he does.

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 one) is “*we as acting and understanding what we do*. The second is “*I am a professional and I know how to programme togetherness with my clients leading them to successful mediation result*”.

6.3.4. Reconstruction of the dichotomy “object-subject targeted strategies”: Verification analysis or third-reading 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 representations. We start with the example of how it works.

Our basic functional model revealed during the first step of the procedure, as we might remember, is

(M to S and G + to G + to S) – (S to M/G (imp) – (G to all)

So let us follow the reconstruction of the strategic actions actualised within this model. In step 3 (referential-cortege informative cluster reconstruction) we are focused on the categories within noun and attribution-based representations, while the verbal and adverbial representations are our targeted search.

We enumerate the strategies presenting them in the format of column presentation. At the same time, it seems easier and more convenient for the reader to present the transcript inserting into it the names of the strategies actualised and only then to present them in two columns.

Thus, the transcript with discourse strategies reconstructed and named (the same open coding applied here) follows:

What we're going to be doing here (TO SET THE AGENDER) is **building the typical structure** of course (TO FOCUS ON THE KEY TOPIC OF DISCUSSION). 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. (TO SET THE PATTERN "FIRST TASK – THEN RESULT"). We'll have a flow chart that talks about **the scheduled parent** (TO GIVE THE EXAMPLE OF THIS PATTERN ON WHAT IS TOPICAL), (e.g.) the parent that was normally scheduled during that time, the parent flowchart, the scheduled parent (TO GIVE DEFINITION OF THE TERM). 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. (TO INTERPRETE THE DEFINITION INTRODUCED BY HIM). So, we'll work through that process. (TO REPEAT THE PATTERN "FIRST TASK – THEN RESULT") But what we're looking at **right now** is how do we come up with **the typical timeshare range**: who has two children when (TO FORMULATE THE AFENDA AND THE TOPIC WITH A MORE EMOTIONAL STRESS).

to G: And, what I'm hearing from you is that you're fine with Stephanie having the children the majority of the week-nights. 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 (TO SHOW (in a detailed way) CONTRADICTION IN G's MESSAGE).

What you can? (RHETORIC QUESTION as a strategy)

You can just tell me originally what your thoughts were, which I think you went over a little bit before. (TO SHOW G THE WAY OUT OF HIS CONTRADICTIONS: TO EXPLAIN HIMSELF)

to S Or you can respond to what, what Glenn is saying. What are your thoughts on maybe having him having the children? (TO EXPLAIN St THE STRATEGIES SHE CAN APPLY TO EASE THE MEDIATION).

S to M: maybe, having him, having the children one or two nights a week (TO STAY ON HER PRVIOUS POSITION).

G to S night three thinking about (TO CONTRADICT S). Well, I was(n't) necessarily thinking about any particular nights. I have to look at my schedule (TO SAY WHAT SPONTANEOUSLY COMES TO HIS MIND). I mean, if you could be flexible from week to week (TO REPROACH S) that's probably the easiest for me (TO SHOW EGOCENTRISM) because I can't always plan a rigid schedule from week to week (TO GIVE HIMSELF AN EXCUSE) [1].

Below, we present the discourse strategies reconstructed out of the discourse of the mediator addressed to Stephanie and Glen:

9. TO SET THE AGENDER (object-bias).
10. TO FOCUS ON THE KEY TOPIC OF DISCUSSION (object-bias).
11. TO SET THE PATTERN "FIRST TASK – THEN RESULT" (object-bias).
12. TO GIVE THE EXAMPLE OF THIS PATTERN ON WHAT IS TOPICAL (object-bias).
13. TO GIVE DEFINITION OF THE TERM (object-bias).
14. TO INTERPRETE THE DEFINITION INTRODUCED BY HIM (object-bias).
15. TO REPEAT THE PATTERN "FIRST TASK – THEN RESULT" (object and subject-bias).
16. TO FORMULATE THE AFENDA AND THE TOPIC WITH A MORE EMOTIONAL STRESS (object and subject-bias).

In addition there is the list of discourse strategies actualised by the mediator to his clients:

- **to G:** TO SHOW (in a detailed way) CONTRADICTION IN G's MESSAGE (object-bias).
- **To both parents:** RHETORIC QUESTION as a strategy (subject-bias)
- **To G:** TO SHOW G THE WAY OUT OF HIS CONTRADICTIONS (TO make him EXPLAIN HIMSELF) (both).
- **to S** TO EXPLAIN St THE STRATEGIES SHE CAN APPLY TO EASE THE MEDIATION (object-bias).

Finally, there is the list of strategies actualised by Stephanie and Glen:

- **S to M:** TO STAY ON HER PRVIOUS POSITION (subject-bias).
- **G to S:** TO CONTRADICT St.(subject-bias)
TO SAY WHAT SPONTANEOUSLY COMES TO HIS MIND (subject-bias).
TO REPROACH S) that's probably the easiest for me (subject-bias)
TO SHOW EGOCENTRISM (subject-bias)

TO GIVE HIMSELF AN EXCUSE (subject-bias).

As we see the strategies actualised by the mediator are, in their absolute majority object-bias and only two are both object and subject-bias. As for Stephanie and Glen the situation is reverse. They both use exclusively subject-bias strategies.

6.3.5. Integrative functional model of the discourse of Stage 3

The integrative functional model of this stage is given in Table 46.

Table 46 Integrative functional model of mediation discourse – Stage 3

PPMD as a phenomenon, idea and activity Stage 3	
Basic interactive model (abbreviations: M-Mediator, S-Stephanie, G-Glen M to S and G, to G, to S + S to M/G + G to M/S = M to S and G + S to G + M to G + G to M + M to G = G to M/S + M to S and G both and each + G to all = M to G + M to G and S, S to M + M to all)	
Mediation discourse as phenomenon Referent-cortege structure sequential representation (Rf – Co)	
Structural element 1	M-Rf1: building typical structure of the parenting plan (here and right now): “We as togetherness and plan as a target”). M-Rf2: scheduled parent (plan-regulated). M-Rf3: approved caregivers in plan deviation M-Rf4: parents as people with emergencies. M-Rf5: thoughts of G all-Rf1: all weekday nights with S (as stated earlier) vs 3 weekday nights with G (stated now). M-Co 1: M sets turn taking of S and G and navigates their relationship (S and G) as better communicators (G – focused speaker and S - better listener)
Structural elements 2 and 3	M-Rf6a: <u>Plan practical</u> (“consistency, nothing influences it, not too many transitions”) for parents but integrative for children. all-Rf1: the same as M “not as many transitions”. M-Rf7: study shows that more consistency is better for children; “they understand Mo, Tue, I am at dad’s house, We, Thu I’m at mom’s”[1].
Structural element 4	M-Rf8: proactive meeting (on a year basis).
Mediation discourse as 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 practical and integral plan, introducing proactive meetings on the yearly basis, introducing it to the agreement. Cxt2/acceptability received.
Structural element 4	Cnt3/intertextuality: proactive meeting in M’s practice and in agreement. Cxt: all agreed Cxt3/ intrdiscursivity:
Mediation discourse as activity Object-subject-bias strategy sequential representation (OS – SS)	
Structural element 1	M: = to present the agenda for here and right now vs; emergencies and later (OS); = to make Glen develop the thoughts on 1-2 nights with children (OS); = to male S listen to G and respond (OS).
Structural elements 2 and 3	M:=to summarise the discussion key points for consistency + not too many transitions.

	M = to speak on behalf of the children. Before the direct question “do you think that is something you can make?” [1]. G: =to assure he can.
Structural element 4	M:= to build proactive meeting into agreement. S: = to support the idea of such meeting.

6.4 Results and discussion - Stage 4

Stage 4 is the negotiation stage, which results in flexibility and innovation. When the parties in conflict have enough information about the thoughts of the other party and when the mediator has 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 parenting plan agreement is successful.

6.4.1 Organisation of the transcript for further qualitative analysis

Basic interactive model-1 (BIM-1), Stage 4

M to S and G both and each + S to M + M to both S and G = (S to G + G to S + S to G + M to both) + (S to M, to G + G to S) + (M to S + S to M + M to S + S to M) + (M to G + G to M) = (M to S and G + S to all) + (M to S + S to M + M to S and G) + (S to G + G to S) + (M to G + G to M) = M to both + S to G + G to S + M to G + G to M

Structural element 1 (introductory part)

M to S and G both and each: “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” [2].

S to M: “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” [2].

M to both S and G: “we haven't addressed it yet” [2].

Structural element 2 (central part)

S to G: “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 early in the week, so I don't know if you could take it earlier in the week” [2].

G to S: “Earlier in the week, all right. 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” [2].

S to G: “ 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 and that's the plan that's a lot [2].

M to both: “week, okay, 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 often times 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?”[2].

S to M, to G: “Okay, if Glen... could you take two days during the week?”[2].

G to S: “ the week okay yeah that makes sense to me okay?” [2].

M to S: “which do you think would work better for you in general? You said that” [2].

S to M: “I'd rather have them on Monday, Tuesday”[2].

M to S: “okay do you want them on Monday, Tuesday?” [2].

S to M: “Yeah” [2].

M to G: “And you, Glen, for Wednesday, Thursday” [2].

G to M: “Yeah” [2].

Structural element 3 (central part)

M to S and G: “so, Monday Tuesday they'll be with Stephanie, Wednesday Thursday they will be with Glen and then we'll alternate every weekend”[2].

S to all: “now that sounds good” [2].

M to S: “Does it work for you?” [2].

S to M: “yes, it does” [2].

M to S: “okay does it work for you?” [2].

S to M: “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?” [2].

M to S: “absolutely” [2].

S to M: “ come to my house instead then or he would call me or how would that work?” [2].

M to S and G: “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?" [2].

G to M: "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" [2].

Structural element 4 (concluding part)

M to S and G: " 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?" [2]

S to G: "will you pick them up from school?" [2].

G to S: "'yeah" [2].

M to G: "'or after work?" [2].

G to M: "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" [2].

6.4.2 Content-context reconstruction based on discourse representations via textual and, partially, discourse categories actualised in the dichotomy-built clusters; First-reading technique of the causal-genetic approach

Structural element 1 (introductory part)

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 *informativity* involves the idea of what is important for the parents to build the parenting plan (consistency, minimising transition, certain days, etc.) and (implicitly or explicitly) what children need. The mediation process discussion on parenting plan reminds parents of it, 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 family culture and organisation of the family life. Together with it, the existence of textually and discursively the inscribed context reveals itself, which is “we as a team” or “one of us as an agent who acts and changes the situation” (from misunderstanding to understanding, from distress to hope etc.) The relations they build in communication matters and mediation discourse is focused on it.

Structural element 2 (central part)

Here in the central part, we expect (as we are at Stage 4 of our research material) to find actualisation of the dichotomy *intentionality vs acceptability*. This dichotomy is as well 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 are no time and space for conflicts and distress. Both Stephanie and Glen get it in the process of professionally mediation process discussion, that is why they relatively quickly become involved in interaction in the most effective way, following the mediator but also following their common sense built on responsibility to care and upbringing their children (trace the words of Glen: “Earlier in the week, alright. Maybe I was thinking midweek, because, then, you know, I had them on the weekends, then, it wouldn’t be as many days we can meet” [2]).

Structural element 3 (central part)

While the parents communicate constructively, the mediator informs them on the key terminology of mediation discussion on parenting plan as, for ex., “typical structure of the mediation plan” or “a coverage flow-chat” [2]. Just as each action is discussed to the depth. “By coverage I mean who has responsibility for the children”, “the other person has the right of the first refusal. So, the scheduled parent calls the other parent and says “I can’t make it” [2].

Structural element 4 (concluding part)

It is one of the shortest elements found in the holistic mediation process discussion on the parenting plan. The parents received the highest assessment of the mediation discussion. In their

turn, they accept the discussion's result, specifically Glen's words: "I'm gonna try to make the time. So, I can do it"[2]. Intertextual and interdiscursive textual elements can be traced in such a closing part.

6.4.3 Referent-cortège clusters reconstruction: Depth-balanced analysis or second reading technique of causal-genetic approach

Structural element 1 (introductory part)

In Structural element 1, the mediator leads the discussion as the professional mediation format needs to be followed (M to S and G). Thus, M constructs normative cortège (*M-Co1*) but Stephanie also takes the role of the leader inquiring on some parallel issue constructing her own vision of cortège where she can change the discussion path (*S-Co1*) – active communicant, a person who cares, a participant who follows the themes and adopt them with her vision of the parenting plan. Thus, we have a somewhat parallel discourse here. What about the referential themes actualised in this structural element? From the beginning, the mediator's talk manifests *M-Rf1*: what makes *sense*. It is "consistency" of parents and stability for children: "minimizing their transition ...certain nights, certain midweek" [2]. The talk of Stephanie opens her first referential theme, *S-Rf1*, in which she specifies if they were talking on the timeshare to be regular ("every other weekend"[2]), adding another theme – *S-Th2*, producing within it a **textual action** asking the mediator to assess the way the discussion goes on. The reaction of the mediator forms his *M-Rf-2* (mediation normative structure): the issue being introduced by Stephanie has not been discussed yet as it should (implicitly: **format** should be followed).

Structural elements 2 and 3 (central part)

Stephanie takes the initiative and directly addresses Glen with her *S-Rf3* developing it with the idea, how she can adjust her time of work (with the time for children and how Glen could do it. Here Stephanie plays the role of a person who builds positive (constructive) cortège with Glen to solve the problem she sees important at the given moment. *Co(S and G)1*: "cooperation-focused". In its turn, Glen takes the theme and develops it further adding week-end days – *Co(G-S)1*: "responsive communicant open for cooperation." Finally, the mediator puts the words of Stephanie and Glen into a certain system and specifies their plan for timeshare day by day from Monday to Sunday presenting logically and systemically the information (which was a bit chaotically presented by the parents) *Rf(S and G)1* – parenting plan developing.

Further on, there is another cortege in cooperation developed *Co(M and S)1*; parenting plan in development. The mediator positively assesses the development of the referential themes “experience in mediation” and “successful mediation structure” *.M-Rf 3 and 4*. These themes make the parents motivated for further cooperative discussion and, as a result, the mediator sums up its key issues and gets positive feedback from the parents on their agreement to accept the issues discussed (the central exchange of short messages (here Rf and Co information are balanced and enrich the discussion with positive emotions and elements to be introduced into the parenting plan).

Structural element 4 (concluding part)

It starts with the phrase “this is the best balance I’ve seen between maximising the time that you each get to spend with the children and so not creating a burden on one party, if the other party has an lot of emergencies or, you know, their schedule is changing a lot. Does that work for both ok?” [2]. With positive feedbacks Stage 4 is closed. So, we may say that both referential and cortege information shows that the goal of the stage is realised.

As we see, the stage of negotiation results in an available solution to avoid living in conflict as the arrangement of the parenting plan agreement is successful in its so to say “first reading” or , rather, listening to.

6.4.4 Reconstruction of the dichotomy “object-subject targeted strategies: Verification analysis or third reading technique of the causal-genetic approach to discourse research

Structural element 1 (introductory part)

Within it, the following strategies are actualised:

- ❖ the parents-oriented discourse strategies actualised in the *mediator’s discourse*:
 - = to focus on what makes sense (OS),
 - = to present the composites of “what makes sense” (OS).
- ❖ The mediator-oriented discourse strategies actualised in **Stephanie’s discourse**;
 - = to verify if the mediation discussion is focused on “every other week plan” (OS),
 - = to present the argument for introducing her direction of the parenting plan discussion (OS).

Structural elements 2 and 3 (central part)

- ❖ Glen-oriented discourse strategies actualised in *Stephanie’s discourse*:

= to share her positive attitude to Glen as she demonstrates her readiness to adopt her working schedule for his working schedule to make the parenting plan parents-friendly (SS and OS),

- ❖ S and G’s reciprocally oriented strategies of discourse actualised in their (*S and G*) *discourses*:

= to cooperate with each other in setting the best parenting plan (SS)

- ❖ the mediator-oriented discourse strategies actualised in Stephanie’s discourse:

= to contextualise the mediator’s positive professional experience to motivate the parents to constructive textual actions (SS),

= to apply the modality of possibility,

- ❖ The mediators discourse strategies applied for different purposes: for the themes on agenda specification, for positive motivation of his clients, etc.

Structural element 4 (concluding part)

M: = to appreciate the work of the mediation process discussion team,

= to finalise the mediation process discussion with *a positive short question – a short answer* series of phrases

6.4.5 Integrative functional model of the discourse of Stage 4

The integrative functional model of this stage is given in Table 47.

Table 47 Integrative functional model of mediation discourse – Stage 4

PPMD as a phenomenon, idea and activity Stage 4
Basic interactive model (abbreviations: M-Mediator, S-Stephanie, G-Glen M to S and G both and each + S to M + M to both Stand G =(S to M + M to S/G) +(S to G + G to S + S to G) + M to both = S to M, to G + G to S + (M to S + S to M + M to S + S to M) + (M to G + G to M) = M to both + (S to G + G to S) + (M to G + G to M)
Mediation discourse as phenomenon Referent-cortege structure sequential representation (Rf – Co)

Structural element 1	M-Rf1: What make sense. Plan for week-days. S-Rf1: weekday plan is connected with weekend plan. S and G-Rf1: detailed specification of the plan on weekdays and week-end days together. All-Co1: normative format discussion
Structural elements 2 and 3	M constructs normative cortege (M-Co1) M-Rf1: what makes <i>sense</i> . M-Rf-2 (mediation normative structure): M-Rf 3 experience in mediation” and “successful mediation structure Co(S and G)1: "cooperation-focused". Co(M and S)1; parenting plan in development
Structural element 4	M-Rf: the highest appreciation of the results and Co building Co: constructive
Mediation discourse as idea Content-context structure sequential representation (Cnt – Cxt)	
Structural element 1	Cnt1/informativity: plan for weekdays (is resented) Cxt1/situationality: plan for week-end 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	S: = to check if they work right S and G: = to work in cooperation on the plan M: to be in-between S and G to highlight most important issues.
Structural elements 2 and 3	M:=to summarize the discussion key points S and G = to confirm the stipulations
Structural element 4	M: = to appreciate All: = to finalise

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 in-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 is 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 deeper to see the way mediated discourse is organised to reach its tasks;
- 4) the particular messages of the mediation discourse need clarification, as for example the messages of M, whose sense at times is not evident (as, for example, “**M2:** we haven’t

addressed it yet”) because it definitely 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 falls into the introductory part in which the aim of the session is indicated by the mediator, the central part in which the negotiation of the best option is done by Stephanie and Glen, and then the confirmation is done by the mediator, who addressed the questions for confirmation to Stephanie and Glen. Finally in the concluding part, Stephanie and the mediator confirms the detail of timeshare whether Glen will take children from school or after work and receives the answer that Glen will take them from school.
- 6) finally, a further deeper reading with a focus on turn-taking regulation of the mediator and his balancing between different options of the parenting plan discussion including inter-categories of discourse (as interdiscursivity, intersubjectivity etc.) are to be in the focus of attention of the discourse researcher.

6.5 Results and discussion - Stage 5

Stage 5 is identified as resulting in agreement. It leads to the conflict resolution of the content. The agreement is prepared by the mediator to be signed by the parties -in-consent As a result, with their agreement, they attribute to the success of mediation. The success is emphasised by the mediator.

6.5.1 Organisation of the transcript for further qualitative analysis - Stage 5

Basic interactive model BIM Stage 5

M to S and G + S to S and G =M to S and G + S to S and G + G to M and S +

M to S and G + G to M and S + M to S and G =(S to M + M to S and G) +(S to

M + M to G + G to M) = M to S and G

Structural element 1 (introductory part)

M to S and G: "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 nights, so, starting whenever they get out of school on Friday. And, you have the alternative weekends. Is that correct?" [2].

S to S and G: "Then, whoever has them for the weekend takes them to school on Monday" [2].

Structural element 2 (central part)

M to S and G: "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?" [2].

S to S and G: "I think it is better, if they can spend more time" [2].

G to M and S: "That's fine with me" [2].

M to S and G: "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" [2].

G to S and G: "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" [2].

M to S and G: "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" [2].

Structural element 3 (central part)

S to M: "What if this arrangement doesn't work out, are we stuck with this?" [2].

M to S and G: "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?" [2].

S to M ‘‘yeah, no’’ [2].

M to G: ‘‘Glen? Do you have any questions?’’ [2].

G to M: ‘‘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’’ [2].

Structural element 4 (concluding part)

M to S and 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. 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’’ [2].

6.5.2 Content-context reconstruction based on discourse representation via textual categories actualised in dichotomy-built clusters: First-reading technique of the causal-genetic approach

In Stage 5, the reconstruction analysis at the level of the first reading reveals the content and context of the introductory, central, and concluding parts. Each structural element is reconstructed along the content and context perspectives and is presented in two columns as they are two sides of the same coin revealing the unity in mediation.

Structural element 1 (introductory part)

CONTENT

The mediator intends to confirm his understanding of the timeshare in the parenting plan. He also requests Stephanie

CONTEXT

The mediator opens this mediation stage in the context of the previous mediation session during which Stephanie and Glen's best option

and Glen to approve the agreement on the timeshare in the parenting plan. The result of the mediation in Stages 3 and 4 is that the children are with Stephanie "on Monday and Tuesday nights" and "on Wednesday and Thursday nights" with Glen [2]. Weekends "consist of Friday Saturday Sunday nights so starting whenever they get out of school on Friday"[2]. Stephanie implements the stipulation by saying that "whoever has them for the weekend takes them to school on Monday" [2].

is identified. As a result, conflict resolution is achieved and the agreement on the parenting Plan is reached in a very short period. The mediator positively appreciates Stephanie and Glen's mediation in terms of timeshare is one element of the parenting plan. The context of the mediator's utterance is the confirmation of his understanding and the need for confirmation. Stephanie adds a missing detail and appears to be attentive to details, responsible, and an active listener.

The context of the dialogue between the mediator and Stephanie refers to the confirmation and approval of the timeshare in the parenting plan. In general terms, it is the context of conflict resolution between parents to share time with their children when their family is no longer a cohesive unit. The reconstruction of the situational context shows that both Stephanie and Glen have achieved conflict resolution in the short term for the welfare of their children. For Stephanie, the stipulations of the agreement become the context of her utterance to be accurate on the details concerning the timeshare.

Structural element 1 is split into two messages, i.e. the mediator sends the message to Stephanie and Glen as well as Stephanie sends her message to both the mediator and Glen as feedback. The mediator's message is composed of open questions as each of the parents can take the word and start discussing any point of the mediator's statement. In her turn, Stephanie pays attention to the point when the weekend of the parents in their alternative weekends finishes. Her vision is that the space of the parents on the alternative weekends should be reduced with the school-home-school space. It gives the parents the chance not to meet each other. Otherwise, the beginning of stage 5 suggests the model in which the mediator formulates the Parenting Plan and asks Stephanie and Glen to choose if they want to extend anything and if they finally agree on what the mediator says. It means that after Stage 5 it is expected that their agreement on the parenting plan is reached and signed.

Structural element 2 (central part)

CONTENT

The mediator opens structural element 2 with the question about "that weekend extent". He needs confirmation if whoever has children on Sunday night takes them to "school the next

CONTEXT

The context of structural element 2 refers to the stipulations of the agreement between Stephanie and Glen in terms of the weekend extent. This situational context refers to

morning". Both Stephanie and Glen confirm it. Then, the mediator deliberates on the minimalization of Stephanie and Glen's interaction " during this stressful period at the beginning". Glen continues that approach by saying that he can take children on his way to work, therefore "[they] do not have to see each other". The mediator informs both Stephanie and Glen about other elements that need to be incorporated into the parenting plan. He also appreciates Stephanie and Glen's mediation as they have achieved the "comprehensive parenting plan" [2].

Stephanie's implementation to the weekend extent done in structural element 1 of this stage. The mediator's utterances also refer to the context of Stephanie and Glen's split family and the stressful time of the new reality in which they are. The parenting plan is located in the temporal dimension i.e. the weekly, monthly, and yearly dimension. This temporal context is used by the mediator to discuss other elements of the parenting plan such as "holidays, birthdays, special days, [...] summer vacation, Spring Break" that result in "the typical day to day schedule" [2].

The context of the mediator's, Stephanie's, and Glen's dialogue concerns the timeshare details in the parenting plan. The broad context of their dialogue is Stephanie and Glen's split family and the necessity to prepare the parenting plan to satisfy the parents' and children's needs. The situational context of structural element 2 refers to the stipulations on the weekend extent and other elements of the parenting plan in Stephanie's and Glen's stressful period in the new reality when they live separately.

Structural element 2 is split into two messages, The central part is split into 2 subparts. The first subpart of the central part element 2a is the address of the mediator to both parents concerning the weekend extent. The second question of the mediator requests confirmation if whoever has the children "for the weekend has them Sunday night, takes them to school the next morning". Stephanie gives her feedback first to confirm the mediator's question and she provides the evaluative argument "it is better they can spend more time". Glen gives his feedback as well confirming the mediator's question "[t]hat's fine with me". In the second subpart of the central element, the mediator directly addresses "the added benefit of the transitions", which is the minimalization of "the interaction between the two of you (i.e. Stephanie and Glen) especially during this stressful period at the beginning" [2]. To the mediator's address, Glen gives his feedback confirming that he can take children "on my way to work and then we don't have to see each other"[2].

Structural element 3 (central part)

CONTENT

Stephanie opens structural element 3 with the question what if "this arrangement doesn't work out are we stuck with this"[2]. The

CONTEXT

The context of structural element 3 refers to the potential future failure of the parenting plan in terms of timeshare. In this context, the

mediator provides the comprehensive answer to this question taking advantage of his knowledge and experience which he shares with Stephanie and Glen. He finishes his deliberation on the test run with the yes/no question to enquire if his answer is satisfactory to her to which she gives a positive confirmation. Then, the mediator refers to Glen with the yes/no question if Glen has any questions. Glen states that they should see how the parenting plan works and if need be they will focus on it in the future.

mediator deliberates on the issues related to the parenting plan including the test run and if the parenting plan has not worked properly it is subject to future mediation. Additionally, the mediator discusses confidentiality of mediation in the context of 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 European Code of Conduct for Mediator in terms of the parenting plan validity.

The context of the mediator's, Stephanie's, and Glen's dialogue concerns the future failure of the parenting plan, the test run, future mediation if need be, and the relationship between confidentiality and validity of the parenting plan. The broad context of their dialogue is Stephanie's worries about future failure and her willingness to know what to do if it is a case concerning the parenting plan. Both Stephanie and Glen have received the comprehensive answer in the context of the temporal future dimension.

Structural element 3 starts with Stephanie's specific question what if? Her question refers to the future when the timeshare arrangement is not feasible in practice. Her question also indicates her worries and willingness to know the answer to what to "if this arrangement doesn't work out"[2]. The mediator informs the parties-in-consent that the arrangement of the timeshare is subject to a test run to verify it in practice in the future. He also specifies the alternative solution, namely if it works out during the test run, both Stephanie and Glen stick to it, however, if it does not, then they start the mediation process in this respect once again. The mediator directs the question to Glen if he has some questions to ask. Glen confirms the mediator's stipulation about the test run, and he presents his point of view saying " let's see how it works" and "if we need some adjustments later we'll talk about it then" [2].

Structural element 4 (concluding part)

CONTENT

The mediator informs Stephanie and Glen that the parenting plan is messy as things are changing with " five and ten-year-olds" since they are "going through different developmental stages [...] different activities". He informs Stephanie and Glen about the yearly review to "deal with any

CONTEXT

The context of the mediator's utterance refers to the time orientation, i.e. present and future temporal dimension. It also refers to the context of the potential future failure of the parenting plan indicated in structural element 3. The mediator uses this context to discuss the yearly review. He also uses the context of

issues as they come up” The mediator thanks all five mediation stages to thank Stephanie and Stephanie and Glen for “[g]reat job today”. and Glen for a great job.

The context of the mediator's utterance refers to the present and future time orientation, the potential future failure of the parenting plan, the yearly review to introduce changes, and the context of previous stages when the success is confirmed "Great job today" [2].

The mediator sums up that there is a yearly review of the timeshare for children, who are " a five and a 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” [2]. 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”[2].

6.5.3 Referent-cortège clusters reconstruction: Depth-balanced analysis or second-reading technique of the causal-genetic approach

M to both + S to both =M to both + S to both + G to both + M to both + G to both + M to both =S to M + M to both + S to M + M to G + G to M =M to both

Structural element 1 (introductory part)

M to both:

M-Rf1 “ confirmation of the agreement for the plan typical structure (bit by bit)“ (necessary because it is done too quickly and because it is done by S and G so they need to hear and read the final version)

M-Rf2: “the timeshare as most significant elements of the parenting plan.

M-Rf3: “the timeshare as a set of composites needed to be focused and followed And, after testing, signed – implicit ref.) :

- M-Rf3a: on Monday and Tuesday nights – at Stephanie’s.
- M-Rf3b: on Wednesday and Thursday nights – at Glen’s.
- M-Rf3c: weekends consist of night starting after school and finishes with leading to school
- M-Rf3d: each parent has the alternative weekends on Friday Saturday Sunday starting from Friday

Co1 (of parents): cooperative in realising the plan and now in its confirmation

Co2 (of M and parents): based on understanding and its verbalisation in a summing up style to check if correct

Structural element 2 (central part)

M-Rf3e: "the alternative weekends" for each parent on Friday Saturday Sunday finishing with Monday taking to them to school

Rf4 "benefits of transition" (discussed by S and M).

Rf5: "minimizing the interaction between the two of parents" (discussed by M and G as especially during this stressful period at the beginning).

M to both:

Rf 6: "**For future:** new topics for the future pro-active meetings" for another comprehensive parenting plan (exceptions, holidays, birthdays, special days, summer vacation, Spring Break).

Rf7: **for now** "the lion's share of the parenting plan "

- achieved"
- is the typical day-to-day schedule
- a great job.

Co1 (of parents): cooperative in realising the plan and now in its confirmation

Co2 (of M and parents): based on understanding and its verbalisation in a summing up style to check if correct

Structural element 3 (central part):

S-Rf: "plan / this arrangement if failed" (if doesn't work)

M to both:

M-Rf: "mediation as a plan to test" (with further discussion results at a proactive meeting)

M-Rf: "mediation as confidential until submitted to the court.

M-Rf: "confidential as open for another discussion of something different"

Co1 (of parents): cooperative in realising the plan and now in its confirmation

Co2 (of M and parents): based on understanding and its verbalisation in a summing up style to check if correct

Element 4 (concluding part):

G and S-Rf: a bit of a worry (G :I worry about failure at the beginning)

M-Rf: “Parenting is messy” (things always changing, and children grow up, yearly review may be needed)

M-Rf: “a great plan when both of parents are comfortable with” (it’s a great job today)

G-Rf: “ I work hard but I can set certain periods of time and try to keep to that, generally that's under my control”[2].

Co1 (of parents): cooperative in realising the plan and now in its confirmation

Co2 (of M and parents): based on understanding and its verbalisation in a summing up style to check if correct

6.5.4 Reconstruction of the dichotomy “object-subject targeted strategies”: Verification analysis or third-reading technique of the causal-genetic approach to discourse research

Structural element 1 (introductory part)

M to both:

- = to confirm the agreement on most significant issue: timeshare – **OS**,
- = to underline the fact that timeshare is the result of Stephanie and Glen’s decision – **OS**,
- = to check if Stephanie takes children on Monday and Tuesday nights – **OS**,
- = to check if Glen takes children on Wednesday and Thursday – **OS**,
- = to check if weekends consist of Friday, Saturday, and Sunday nights starting whenever children get out of school on Friday – **OS**,
- = to check if parents have the alternative weekends,
- = to check if, whoever (either Glen or Stephanie) has children for the weekend, takes them to school on Monday – **OS**.

Structural element 2 (central part)

M to both

- = to state that the question on weekend extent is the mediator’s one – **OS**,
- = to check if whoever (Glen or Stephanie) has children for the weekend and has them Sunday night, takes them to school the next morning – **OS**,
- S:** = to agree with the M’s statement discussed the last adding the argument for – **OS**,
- G:** = to agree with the last M’s statement with no additional comments – **OS**,
- M** (after the agreement statements pronounced): = to comment on the last statement of the agreement discussed

M: = to include into the comment on the last statement of the agreement the fact that it minimizes the interaction between the two of parents, especially during this stressful period at the beginning – **OS**,

G: = to react on the M’s comment as it is him who indicates that “we don't have to see each other” [2]– **OS**.

Structural element 3 (central part)

S: = to express her concern if the plan (“this arrangement”) does not work and they stuck with it – **OS and SS**,

M: = to assure that, since they are beginning mediation and continue discussing division of property and other issues, they'll “kind of have a test run, if you will... to see how and if it's working out to address the issues, if problems – **OS**,

= to assure that anything in mediation is confidential and not binding until you submit it to the court (before this is the agreement until the two of parents and it doesn't preclude them from discussing something different).

S: = to share being a bit on alert (“yeah, no”) – **SS**,

G: = to share a double vision: ready to try to make the plan work but (as well) worries about failure, specifically at the beginning – **SS**.

Structural element 4 (concluding part)

M: = to inform on the fact that Stephanie and Glen have the yearly review (as parenting situation has different developmental stages and, thus, changes in time – **OS**,

= to inform that the mediator is open to keep up to date on the parenting plan problems raising and deal with any issues as they come up – **OS**,

= to assure that Stephanie and Glen have a great plan, which they are comfortable with – **SS**,

= to thank for the great job done – **SS**.

6.5.5 Integrative functional model of mediation discourse - Stage 5

The integrative functional model of this stage is given in Table 48.

Table 48 Integrative functional model of mediation discourse – Stage 5

PPMD as a phenomenon, idea and activity Stage 5
Basic interactive model (abbreviations: M-Mediator, S-Stephanie, G-Glen
M to both + S to both = M to both + S to both + G to both + M to both + G to both + M to both = S to M + M to both + S to M + M to G + G to M = M to both

Mediation discourse as phenomenon	
Referent-cortege structure sequential representation (Rf – Co)	
Structural element 1	M to both: M-Rf1 “ confirmation of the agreement for the plan typical structure Rf2: “the timeshare as most significant elements of the parenting plan. M-Rf3: “the timeshare as a set of composites needed to be focused Co1 (of parents): cooperative in realising the plan and now in its confirmation Co2 (of M and parents): based on understanding and its verbalisation in a summing up style to check if correct
Structural elements 2 and 3	M-Rf3e: ”the alternative weekends” for each parent on Friday Saturday Sunday finishing with Monday taking to them to school Rf4 “benefits of transition” Rf5: “minimizing the interaction between the two of parents” S-Rf: “plan / this arrangement if failed”) M to both: M-Rf: “mediation as a plan to test” M-Rf: “mediation as confidential until submitted to the court Co1 (of parents): cooperative in realising the plan and now in its confirmation Co2 (of M and parents): based on understanding and its verbalisation in a summing up style to check if correct
Structural element 4	M-Rf: a great plan Co1 (of parents): cooperative
Mediation discourse as idea	
Content-context structure sequential representation	
(Cnt – Cxt)	
Structural element 1	Cnt1/informativity: agreement on parenting plan 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	M = to confirm the agreement– OS , = to underline the fact that timeshare is the result of Stephanie and Glen’s decision – OS , = to check the stipulations of the agreement– OS ,
Structural elements 2 and 3	M to both = to confirm the stipulations of the agreement – OS S and G = to confirm the stipulation of the agreement - OS
Structural element 4	M = to inform about the result– OS , = to appreciate great job– OS ,

6.6 Conclusion

The mediation analysis results of all five Stages lead to the conclusions that

1. all Stages of the mediation process are a 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) - cortege (a4-a1-c2-c3) structure and content of the mediation discourse are involved to establish 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 *cortège/relationship* represented verbally and the categories of *time* and *space* are actualised in the mediation process.
5. the innate discourse category of *cortège* is significantly manifested both individually and socially in its interactive and interdiscursive i.e. genre related dimension.
6. all stages of the mediation process follows the specification of mediation discourse in its content-context (cortège-referent) balance.

Conclusions

Our dissertation aimed to reconstruct **how professional mediation discourse is organised and functions for conflict resolution**. To render the study more insightful, we have chosen the integrative methodological perspective with the Causal Genetic Approach and the Causal Genetic Modelling. This study 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.

At **the macro level**, the discourse of professional mediation 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 6 refers to professional **mediation discourse as an idea**, as PPMD 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 parenting plan 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 PPMD. 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 PPMD as an interactive, contextualized, oriented type of discourse that actualises itself in a specific format organization 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 PPMD is strong, though subject-bias strategies remain necessary, specifically for framing the PPMD 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 Parenting Plan Mediation Discourse, **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 18) 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 core 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 (Figure 27, Chapter 4). 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 (see Figures 29, 31, 33, Chapter 4). **Stage 5** confirms the horizontal multi-level hierarchy of discourse topics (see Figure 35,

Chapter 4) with a **slight change in the temporal dimension**. As shown in Figure 34, future needs impose future adjustments.

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 and intended perlocutionary acts he 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 both a communicative action and 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, 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.

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, 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.

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 of Mediation Process as a communicative action: A Case of Parenting Plan 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 acts and intended perlocutionary acts.

The fifth chapter, *Reconstruction of mediation process as a cognitive, affective, and behavioural action—a case of Parenting Plan 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.

The sixth empirical chapter, *Reconstruction and modelling of professional mediation discourse within its dichotomy -organisation and functioning: a case of Parenting Plan 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 6 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).

Streszczenie w języku polskim

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, akty illokucyjne i zamierzone akty perlokucyjne, 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: teorie 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 Profesor 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.

Rozdział czwarty, *Rekonstrukcja procesu mediacji jako działania: Przypadek mediacji w sprawie planu rodzicielskiego*, koncentruje się na związkach między tematami mediacji a interakcją, strategiami komunikacji mediacyjnej a argumentacją oraz aktami mowy w mediacji, z naciskiem na akty illokucyjne i zamierzone akty perlokucyjne.

Rozdział piąty, *Rekonstrukcja procesu mediacji jako działania poznawczego, afektywnego i behawioralnego - przypadek mediacji w sprawie planu rodzicielskiego*, 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.

Szósty rozdział empiryczny, *Rekonstrukcja i modelowanie profesjonalnego dyskursu mediacyjnego w ramach jego dychotomii - organizacja i funkcjonowanie: przypadek mediacji*

planu rodzicielskiego, 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).

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Appendix 1

Transcript of Part 1 of Family Mediation - Parenting Plan Mediation

Mediator: Well thank you both for coming in today. From what I understand from speaking with both you previously, one of the first issues that we need to address is who has the children with, what we refer to as the timeshare. 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. 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. 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. 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.

Stephanie: 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.

Mediator: Okay so consistency during the midweek nights is important to you. Okay okay okay. Glen, what are your basic thoughts.

Glen: 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 . 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 okay.

Mediator: 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 to not 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 Glenn Clint. Tell me a little bit about the structure of your work, you know, the number of hours you work or flexibility that kind.

Glen: 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.

Mediator: 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.

Glen: Is that be 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

Mediator: 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 Glenn is saying. What are your thoughts on maybe having him having the children.

Stephanie: maybe having him having the children one or two nights a week

Glen: 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.

Mediator: 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.

Stephanie: 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.

Mediator: 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?

Glen: Sure that you know I can pick them up during the nights that I'm going to have them mm-hmm.

Mediator: Them mm-hmm 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.

Glen: 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 interest me more than you know the other some of the other stuff they're doing.

Mediator: 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 change 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 an 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 make 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.

Stephanie: it's really good yeah great thank you.

Mediator: We'll we'll build that into the agreement.

Appendix 2

Transcript of Part 2 of Family Mediation - Parenting Plan Mediation

Mediator: 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.

Stephanie: Are we doing are we doing okay Can I just ask first. Are we doing like every other weekend or

Mediator: we haven't addressed it yet.

Stephanie: because then 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.

Glen: Earlier in the week alright. Maybe I was thinking midweek because then you know if I had him on the weekends then it wouldn't be as many days we can meet.

Stephanie: maybe we get to the weekend Friday Saturday Sunday. And then one of us take Monday Tuesday one of us take Wednesday Thursday, that way it's the same every week okay and that's the plan that's a lot.

Mediator: week okay and that's the plan that a lot of people find works well. One parent has Mondays and Tuesday nights consistently. The other parent has Wednesday and Thursday night 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?

Stephanie: okay if Glen could you take two days during the week?

Glen: the week okay yeah that makes sense to me okay.

Mediator: which do you think would work better for you in general. You said that

Stephanie: you'd rather have them on Monday or Tuesday.

Mediator: okay do you want them on Monday or Tuesday.

Stephanie: yeah.

Mediator: And you Glen for Wednesday Thursday.

Glen: yeah.

Mediator: so Monday Tuesday we'll be with Stephanie, Wednesday Thursday will be with Glen and then we'll alternate every weekend.

Stephanie: now that sounds good

Mediator: Does it work for you?

Stephanie: yes, it does

Mediator: okay does it work for you?

Stephanie: 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.

Mediator: absolutely.

Stephanie: come to my house instead then or he would call me or how would that work?

Mediator: 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 in a certain time. If that schedule parent can't make it then the other parent has what I call the right of first refusal. So the the schedule 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 and would fall on you during your time. What do you think about that structure

Glen: 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

Mediator: 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?

Stephanie: will you pick them up from school

Glen: yeah

Mediator: or after work

Glen: Well, it depends from week to week. But I'm gonna try to make the time. So I can do it. I'll pick him up from school okay.

Mediator: 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 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. And you have the alternative weekends Is that correct?

Stephanie: then whoever has them for the weekend takes them to school on Monday

Mediator: 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?

Stephanie: I think it is better they can spend more time

Glen: That's fine with me.

Mediator: okay okay and this 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.

Glen: 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.

Mediator: okay great there's 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, birthday, special days, how we deal with summer vacation, Spring Break. There's a lot of other things that we're going to deal with to round out the 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

Stephanie: What if this arrangement doesn't work out are we stuck with this ?

Mediator: well let's talk about that. What I would say is since we're beginning mediation that 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?

Stephanie: yeah no

Mediator: Glen? Do you have any questions?

Glen: 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.

Mediator: Parenting is messy and things are always changing especially with a five and a 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 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 of Family Mediation - Parenting Plan Mediation Organised into Stages, Parts and Structural Elements

Stage 1 of Parenting Plan Mediation [1]

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 [1]

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 Glenn is saying. What are your thoughts on maybe having him having the children?

Stage 3 of Parenting Plan Mediation [1]

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 4

Transcript of Part 2 of Family Mediation - Parenting Plan Mediation Organised into Stages, Parts and Structural Elements

Stage 4 of Parenting Plan Mediation [2]

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 Mediation [2]

Introductory part (Stage 5)

Structural element 1: M1-S1 (M to S and G // S to M and G):

- 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. And you have the alternative weekends Is that correct?
- S1** 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 to both S and G

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 5

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 recording but also reading the transcribed text 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 1 below.

Table 49 Parenting plan mediation selected examples of open coding

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 mediation related to the parenting plan 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 (1990) the 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 the parenting plan 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 50 Open Coding, Axial Coding, and Selective Coding

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
depressing	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 in the present research design, the findings lead us to further research as they are the input for investigation.