

FACILITATIVE MEDIATION AS A SOCIOCULTURAL PRACTICE

Background. The current trend in conflict resolution emphasizes non-violent, less traumatic, and non-repressive communication. This approach focuses on halting destructive behaviours and fostering mutually beneficial solutions, with conflict resolution methods seen as a conscious effort shaped by value-based considerations. This shift aligns with the trend towards the 'democratisation' of fairness and recognition of individual autonomy in decision-making, as seen in the rise of mediation as an alternative dispute resolution method. This article examines the key characteristics of facilitative mediation as a specific practice of resource management at its current stage of development, drawing on the insights of mediators practising in the United Kingdom. A holistic approach is proposed, which considers the simultaneous functioning of role, emotional, temporal, and spatial structures within the practice.

Methods. Interdisciplinary approach, comparative analysis, induction, deduction, generalisation, analysis, synthesis, and the descriptive method.

Results. The dialogue in mediation is examined at individual, interpersonal, and intergroup levels. The functioning of attitudes, actions, positions, and interests in mediation process is explored. The study examines perspective-taking, social roles, informality, and the emotional structure of mediation, including emotional rules.

Conclusions. Offline mediation is a unique form of mediation, as third party mediates the parties from each other with them co-present. Each of the studied structures has a specific dynamic pattern. Dialogue patterns are consistent across all communication levels. Mediation creates its own social reality with specific emotional rules. Emotions are regulated by temporal and spatial factors.

Keywords: mediation, facilitation, sociocultural practice, emotional structure, emotional rules, role structure, informality, spatial structure, temporal structure.

Background

At present, there is a growing emphasis on seeking non-violent, less traumatic, and non-repressive methods of communication and conflict resolution, which is contributing to a redefined understanding of the nature of conflict. Such a renewed perspective on the nature of conflict is reflected in the overall focus not on eradicating conflict as a social phenomenon, but on stopping the use of destructive behaviour patterns within conflicts, as well as finding and implementing long-term solutions that are preferably mutually beneficial for the participants involved. The initiation of conflict resolution and the methods used for this purpose are regarded as a conscious effort and a result of controlling one's own behaviour, which is determined by value-based considerations. This can also be connected to the trend of paying attention not only to the specific outcome but also to the way in which it was achieved.

Today, we can see a tendency towards a certain democratisation and deinstitutionalisation of fairness and its contrasting with the concept of justice. An understanding of the individual as one who can independently make the best decision for themselves in cooperation with 'others', which is based on mutual trust and recognition, is reflected in a certain transition from formal to informal ways of achieving fairness. A rapid increase in the popularity of mediation as a method of alternative dispute resolution is a reflection of these tendencies.

At the same time, the lack of general awareness about the practice and the misunderstanding of its essence among the general populace make the study of this topic highly relevant. The significance of such research is driven by the absence of cultural studies sources that provide a comprehensive theoretical analysis of the practice.

Literature review. This study employed two primary categories of literature: specialised works focused on mediation within the United Kingdom, and theoretical investigations from the fields of cultural studies, philosophy, psychology, and microsociology. The latter served as a theoretical framework for interpreting the practical aspects of mediation. Specialised works from the first block of sources

can be approximately divided into those intended for instructing participants of the process, with a separate section focusing on the role of each in the process, and those sources intended for improving the professional qualifications of the mediator. The latter are usually presented in the form of internet blogs, in which mediators working in the United Kingdom share their experiences and express their views on the effectiveness of using certain methods in mediation. Particularly, such blog platforms as 'Kluwer Mediation Blog,' 'Mediate.com,' 'The Worcester Family Mediation Practice' can be highlighted. Both types of sources are of an applied nature. In general, the texts show the consistency of the authors' views on the basic principles of mediation. A comprehensive understanding of mediation in the United Kingdom can be gained through the work 'The Mediation Handbook 2014/15' by D. Dingle and D. Kelby.

For the theoretical analysis of the unity of the role, emotional, temporal and spatial structure of mediation, it is possible to use the theoretical achievements of cultural studies, philosophy, microsociology and sociology of emotions. The issues of the specificity of the phenomenon of interaction from the point of view of microsociology are investigated in the works of such authors as K. Maiwald and I. Suerig. From the perspective of the sociology of emotions, the material is explored in the works of T. Kemper, C. Bond, M. Davis and G. Peterson. From the point of view of the psychology of face-to-face communication and the peculiarities of communication in the triad the issue is studied by C. Meyer and C. Bond et al. The dramaturgical perspective of K. Burke highlights the relationship—referred to as the 'ratio'—between the actor and the attitude. These approaches lay the groundwork for an interdisciplinary study that will allow for the examination of mediation as a sociocultural practice.

The purpose of the study is to elucidate the unique characteristics of mediation as a dynamic sociocultural practice of resource management.

Methods

The subject matter of the study necessitated the use of an interdisciplinary approach, that is based on integrating

theoretical frameworks from cultural studies, microsociology, sociology of emotions, psychology, and philosophy, alongside applied sources on mediation. The examination of mediation as a practice of resource management led to the application of the comparative method, specifically to compare mediation with court practices. The comparative method was also employed to analyse the cognitive processes of perspective-taking and empathy. Additionally, the study applied such general scientific methods of cognition such as induction and deduction, generalisation, analysis, synthesis, and the descriptive method.

Results

Mediation can be conceptualised as a sociocultural practice, characterised by standardised patterns of behaviour acquired through socialisation within a specific cultural context. As with other sociocultural practices, mediation operates within a framework of norms that shape expectations, coordinate behaviour, and influence communication strategies. Cultural frameworks enable individuals to interpret the actions of others, guiding their responses within the established social norms and expectations of the mediation process. The sociocultural practice of mediation provides participants with the cognitive tools to respond to the social and physical environment within the context of the specific conflict in mediation.

The study uses the term 'mediation' to refer to facilitative offline mediation, which implies a voluntary procedure based on self-determination in which disputing parties meet with a neutral intermediary, a mediator, to find a solution to a problem between them.

Unlike evaluative mediation, which implies a mediator providing assessments, facilitative mediation operates within the logic of the 'principle of self-determination' of 'conflicting actors,' giving them full responsibility for decision-making, while the mediator acts as a neutral intermediary who does not evaluate the situation or suggest ways to resolve it.

In this study the interaction of actors within the framework of mediation is considered holistically, taking into account the role, emotional, spatial, as well as temporal structure of the practice, due to the fact that these dimensions function in a single logic of solving a certain problem. Considering that a certain change, or its possibility, is the norm for each of the above-mentioned structures except for the dimension of power, it can be assumed that mediation as a practice is characterised by a specific internal dynamic pattern. This dynamic pattern is characteristic of both individual, interpersonal and intergroup levels of communication.

In this work, the term 'actors' refers to the individuals participating in the mediation process. A 'party' denotes a group of individuals who represent one side of a dispute. 'Conflicting actors' are those whose disputes are being addressed in mediation; they are most often the initiators of the mediation, or representatives of the initiators. Conflicting actors hold the greatest influence within their respective party, as their choices are decisive.

Despite the fact that the final outcome of mediation depends on the 'internal' decisions of the conflicting actors, due to the dependence of the conflicting actors on the participants of their parties and the interaction based on this dependence, as well as the dependence of the conflicting actors on each other, which is the basis of mediation, the latter can be called an intersubjective and 'externally oriented' practice from the point of view of its participants.

A party can be considered as a 'holistic' participant of a process. Such a social group is a unique unit that demonstrates the properties of emergence, that is, it has qualities that arise at the group level and are not reduced to the sum of the individual characteristics of its members. This approach is suitable for analysing the interaction between parties. At the same time, each party can be considered as a social group consisting of many actors, each of whom may have different points of view, but represent the party.

The structure of mediation at the cognitive level of each actor can be represented as a multidimensional system that includes the individual, interpersonal, and group levels. At each of these levels, the actor, consciously or unconsciously, operates with a complex system of cognitive constructs, which include attitudes towards the following phenomena: at the individual level: the problem under consideration; the phenomenon of conflict in general; mediation; oneself (self-perception). At the interpersonal level: the mediator; other actors in one's party; each of the actors in the other party. At the group level: one's own party as a holistic unit (group identification); another party as a holistic unit; and the group of all cooperating actors in general, possibly taking into account one's place in the group.

Dialogue is an ever-present component of mediation, existing respectively at the individual level: within the actor's mind, through the internal change of his attitude and roles (which will be highlighted later); at the interpersonal level: between actors, in particular between actors and the mediator; and at the group level: between the parties as whole units. Each of the above types of dialogue is a source of dynamic change in the mediation process.

Mediation can be seen as a holistic practice only at the level of abstraction and 'detachment' from the process due to the existence of parallel communication patterns in the practice, which function in the logic of open and private so that none of the participants can be included in all communicative interactions.

Since the 'continuous line of mediation' can only be studied at the level of individual perception of each actor and given that each participant in the mediation process will have their own perception of mediation, for a deeper analysis of the interaction, it is worth considering the categories of attitude and action.

It is worth noting that in mediation, attitude is perceived as a variable that drives the actions of actors and directly determines the final outcome of mediation: "But first and foremost, what you need most of all to underpin a successful mediation is the right attitude and an open frame of mind" (Robey, 2019, p. 45–46). This feature can be attributed to the improvised nature of mediation, which is not just the technical execution of pre-arranged algorithmic actions, but a way of regulating relations in order to distribute resources. Thus, attitude is seen as the initial stage of action and its precondition. In this case, through the optics of K. Burke's dramatism, attitude is related to action as implicit to explicit and as potential to actual (Burke, 1969, p. 46–51).

In this context, it is important to consider the phenomena of 'position' and 'interest'. In the context of mediation theory, position is understood as the pre-formed expectations of actors regarding the outcome of a conflict. A position can be interpreted as a form of static nature and bias, and can be seen as being formed under the influence of emotions, previous experience, and stereotypical perceptions, which complicates the process of finding a

solution. Interests, on the other hand, are the true benefits of the participants, meaning the reasons why the participants have the positions they do (Dingle, Kelbie, 2014, p. 24). The mediator aims to identify the true interests of the parties and reconcile them with each other on the basis of common interests. A position can be considered a form of attitude, while interest is seen as a factor that, according to the normative model, is supposed to determine attitude.

The actor themselves is not seen as identical to their attitude. After all, the purpose of distinguishing the phenomenon of 'attitude' as well as phenomenon of 'position' is to emphasise that the actor is not constrained by their current viewpoint, but rather is expressing a particular form within the temporal restrictions. Thus, an attitude in mediation is considered dynamic, as it can evolve during the process through internal dialogue, a deeper examination of interests, the influence of new information, and interactions with other participants.

In this context, it is worth considering the cognitive process of 'perspective taking' – an attempt to look at the situation from the perspective of another actor, which the mediator often encourages actors to do. This is usually considered a process that involves both suppressing one's own perspective and constructing the other's perspective (Maiwald, & Suerig, 2020, p. 143–156). Thus, it can be argued that at the cognitive level, there is a certain 'movement' from the actor's own position and perception of the explicit behaviour of other actors to the position of another actor and perception of them 'from the inside.' Thus, the principle of 'imagining how the other feels' expresses the perception of the perspective of each actor in the mediation as potentially changeable.

It is worth noting that perspective taking is not identical to empathy. Empathy is considered to be an emotional phenomenon that implies that an actor experiences the emotional state of another, or experiences a certain emotional state in response to the experience of another. Another approach considers empathic experience as the actor's recognition of the internal state of another without necessarily changing their own emotional state.

The second approach is more likely to be used in mediation. For example, one of the normative orientation patterns of mediation is 'acknowledge feelings without agreeing.' In particular, mediator N. Hartnell notes: "If the other person expresses anger, frustration, or any other strong feeling, you can acknowledge that feeling without agreeing that it is valid. Using words of acknowledgment such as "I understand that you are feeling angry/frustrated/ upset" or "it's obvious that you are feeling..." before continuing, but what we need to focus on is the... [the problem]" (Hartnell, 2018). Thus, the separation of the problem from the emotions it evokes, while understanding their correlation, is a feature of the emotional orientation of mediation.

Perspective taking as a cognitive process also allows predicting the actions and decisions of others on whom an actor is dependent. Thus, perspective taking in mediation can be used to predict the extent of self-interest. However, this temporary identification with another actor and the dissolution of the 'otherness' pattern represents a trend that merits attention in the context of resource distribution practices.

The dialogic structure of the practice is also manifested through the functioning of a social role. A social role is a set of generalised, anonymous behavioural expectations that function by limiting the

possible outcomes of future events. To the extent that such expectations are mutual within the framework of sociocultural practice, we can say that social role as a phenomenon that is activated in interaction with other actors' functions within a dialogical framework.

Interaction in mediation can be viewed through the prism of active or latent social roles of the actors in the process. An active role is one that contains norms that operate as factors that determine the behaviour of an actor in a particular situation. A latent role is any other role that is not active at the time of observation.

It is worth noting that, in mediation, conflicting actors initially select participants in a party according to the logic of the role structure. Therefore, in mediation as an environment with a specific thematic focus, where actors interact with a clear goal, the requirements for the actions of most actors are pre-structured through their roles, as only some aspects of the actors are relevant in the course of trying to achieve the goal of the process. Thus, actors may be invited by the conflicting actors to participate in mediation, usually because of their professional competence or to provide emotional support. Thus, it is possible to initially classify the participants according to their specific functions.

In the context of examining the role structure, it is important to highlight informality as a characteristic feature of the procedure, particularly due to the fact that mediation is a form of dispute resolution alternative to litigation. Thus, mediation can be viewed in the general context of the trend towards democratisation and deinstitutionalisation of justice through the contrast between fairness and justice. Thus, mediation assumes a view of the individual as one who can make the best decision for themselves based on their own understanding of justice, in cooperation with 'others,' founded on mutual trust and recognition.

On the one hand, the purpose of mediation is clearly defined, with each participant's role established in advance. The interactions among them are primarily functional, utilitarian, and focused on achieving a practical resolution. On the other hand, the informal nature of mediation becomes evident in several key aspects. These include the flexible approach to reaching a resolution, which relies on personal judgment of fairness rather than strict adherence to laws or rigid procedures. Additionally, there is the option to establish communication rules at the outset of the process, allowing for a more customised approach. At the verbal level, informality is maintained through the use of non-technical language and the practice of addressing participants by their first names.

Informality in the logic of the role structure can be manifested in the activation of latent roles. For example, calling each other by a shortened version of a name indicates the actor's life outside the mediation. Thus, the actors are portrayed not only in terms of their active roles, which can be called holistic perception. Thus, each of the actors in the mediation may have an obvious active role, but is not necessarily limited to it. Thus, informality as a characteristic of mediation can be seen alongside the emotional rules of mediation as 'separation of people from the problem' and 'separation of interests from positions.' After all, they all involve a holistic perception of actors, including their attitude toward themselves, as seen in the case of separating interests from positions. However, this trend may appear to remain merely declarative, as mediation always involves certain initial goals, requirements, and expectations regarding the actions of the participants, which are pre-structured through their roles.

The functioning of the social role within mediation is characterised by changeability, which can be observed in the logic of spatial and temporal components, as will be discussed further in the text. The role of a mediator is often understood as that of a representative of social norms and what is commonly perceived as 'common sense,' meaning the generally accepted ideas of what is logical and fair within a given sociocultural context. Since a mediator operates within the logic of neutrality and is expected to act in a manner that is acceptable to all parties, it can be assumed that this involves referencing generally accepted facts, laws, ethical principles, and so on. Thus, the mediator appears as an articulator of norms, thus combining the individual perspectives of the conflicting actors, with what might be called 'social reality.' This is particularly realised through 'reality testing,' one of the tools the mediator uses during the mediation process.

'Reality testing' involves neutral questioning and listening to participants without providing an evaluation of their responses. This method is designed to help actors better understand their interests, assess the risks and benefits of different conflict resolution options, and assess the feasibility of their expectations. Although the actor in mediation is not obliged to answer the mediator's questions, even refusing to answer or ignoring a question can be considered an indirect communication action that carries certain information about the actor's attitude. Thus, in 'reality testing,' a specific dialogic nature can be observed, which can be realised not only in voicing the answer to the mediator, but also through a change in the actor's attitude and behaviour.

Mediation is a sociocultural practice with a specific pattern of emotional structure. While it can be said that mediation is an environment 'artificially constructed' by the parties, it involves the authentic and sincere emotions of the actors and actions based on them. The term 'artificially constructed' in this context indicates that mediation involves the establishment of specific rules of interaction between participants, which differ from those observed in everyday life outside the mediation process. Thus, mediation constructs its own social reality, setting the dynamics of interaction between actors. Mediation, as a cultural practice, suggests the existence of 'emotional rules,' which can be defined as a pattern of regulating one's emotional state and controlling the manifestation of emotions, expressing them in an organised manner. Specific norms and emotional rules of mediation will operate depending on the norms and rules of a particular sociocultural environment. The theoretical achievements of the sociology of emotions can be used to analyse the 'controlled' and 'learned' emotional structures characteristic of mediation, which manifest in social interaction. Since mediation is a decision-making practice aimed at the distribution of material or non-material resources, emotions should be studied within the framework of the social organisation of the group, particularly in terms of status and power.

Power, from the point of view of M. Weber, is the ability to exercise one's own will, to be able to force others to do what you want, regardless of their desire and resistance. R. Emerson deduces the correlation between power and dependence, which looks like this A's power over B is equal to the degree of B's dependence on A and vice versa (Kemper, 2006, p. 87–111).

The social group formed in mediation can be considered a group with a relatively stable power structure, as certain participants, namely the conflicting actors, typically hold more power than others. However, it is

important to emphasise that other participants are usually less dependent on the outcome of the mediation than the conflicting actors.

Influence is a more dynamic factor, as actors have influence in a group to the extent that others change to accept their ideas. The category of status also exists in the logic of differentiation of members of a social group to ensure a fair distribution of resources among them. Status, unlike power, implies voluntary concession in social relations, meaning that the attribution of a certain status to someone is made of their own free will, without coercion (Kemper, 2006, p. 87–111). It should be noted that, an actor who is a leader within the professional functions of one of the parties, such as a lawyer or a consultant, is usually not the final decision-maker in mediation. That is, the former may be an actor with high status and be considered a leader, while in reality the conflicting actor holds the most power in the frame of mediation. It is particularly relevant to study the problem of the mediator's status, since it can be assumed that in mediation, the legitimacy of the mediator's actions is usually not challenged.

T. Kemper distinguishes three categories of emotions in the logic of 'status and power': structural, anticipatory and consequent (Kemper, 2006, p. 87–111). Through the above-mentioned categories, it is possible to identify patterns characteristic of the emotional structure of mediation. Thus, it can be assumed that each of the above categories of emotions has a specific temporality that manifests itself in the context of mediation, and can reflect dynamics and statics in practice. Similarly, each category of emotions affects the behaviour of actors during interaction at the decision-making level and can be a source of change.

Structural emotions are stable emotions that prevail in the logic of power and status in stable social relationships. Thus, this category can be used to view mediation that takes place in the context of the 'status and power' structure of recurring relationships, where actors know each other and have stable perceptions of each other that have arisen before mediation. Examples include the relationship between employer and employee, between parents and children, or between spouses. Thus, in the logic of temporality, such emotions are based on the recurrence of interactions between actors that have occurred in the past.

Facilitative mediation is grounded in the assumption that conflicting actors have the ability to resolve their disputes autonomously, without the involvement of external parties, including coercive institutions, in the decision-making process. Within this framework, mediation begins with the mutual recognition by conflicting actors of their interdependence and the influence they have on one another. By eschewing a competitive dynamic based on domination and submission, it can be argued that the conflict is temporarily detached from its broader context outside the mediation process. Furthermore, it is plausible to hypothesise that mediation has the potential to modify the existing power and status structures between the conflicting actors, in case of their previous imbalance. It is logical to assume that mediation, to some extent, alters the relationship between conflicting actors, as it introduces a third party – the mediator – into the process.

The intention to achieve balance in the relationship between the conflicting actors may be realised by creating conditions for an equal dialogue. This can be exemplified by providing each party with an equal opportunity to express their views and by ensuring the necessary

conditions for this exchange. Alternatively, the mediator may, at a minimum, express ideas of such equality in order to neutralise existing asymmetries, even if the actual distribution of power between the conflicting actors remains unchanged. It can be assumed that this is the mechanism by which the principle of neutrality is implemented.

Another important aspect of practice research is the impact of anticipatory emotions on the behaviour of actors. Anticipatory emotions arise in the context of predicting future outcomes of interactions. Such emotions come from two categories: optimism or pessimism, and confidence or lack of it. Prediction is based on previous experience of similar interactions and their outcomes, or interpretations of those outcomes. The temporality of these emotions is future-oriented, yet grounded in past experiences. The practice of mediation includes a set of emotional rules regarding anticipatory emotions.

The social role, defined as a set of behavioural expectations that shape the actor's perception by restricting potential courses of action and future outcomes, while simultaneously generating an incentive for conformity, can be associated with the category of anticipatory emotions. Thus, the actor's behaviour is influenced by the expectations of other individuals and by the attempts to anticipate the potential outcomes of their actions and interactions. As previously noted, anticipatory emotions are governed by the logic of informality, which allows for a more holistic and dynamic interpretation of the actors involved.

Such a perception can be called dynamic, because this orientation implies that the actors do not fixate on a single position and at the same time this orientation denies the perception of the other as a purely active role, which, if other roles and views are activated, introduces different options for the future development of the mediation process. In particular, one of the key emotional rules that mediators recommend participants follow is an 'open frame of mind.' Another important principle is 'separating the actors from the problem,' which also implies eliminating bias and taking a holistic view of other actors.

Consequent emotions are immediate and often short-term reactions to the interaction of actors in the logic of power and status. For example, A insults B, and B feels angry (Kemper, 2006, p. 87–111). From the point of view of temporality, such emotions reflect the dynamics of the current social interaction through the change of emotional states.

It is worth considering the tools offered by mediation to control consequent emotions. Thus, mediation as a practice emerges as a response to the certain problem that needs to be resolved. The problem is usually subjectively perceived by the participants as a negative, uncomfortable or threatening experience, and is accompanied by a pronounced negative emotional valence. This is particularly relevant in situations where the conflict involves a significant level of personal engagement from the participants, and its resolution has a direct impact on the individual life trajectories of the actors. In particular, one of the reasons for choosing offline mediation as a form of interaction may be the desire of participants to express emotions towards each other in a physical copresence (Dingle, Kelbie, 2014, p. 39). Thus, the association between the start of the process and the negative emotions caused by a particular problem suggests an initial correlation between the emotional and temporal components in the context of mediation.

Some emotional rules of mediation practice are characterised by the simultaneous mechanics of suppression and evocation of emotions. Thus, separating the problem from the actor, focusing on interests rather than positions, and downplaying the imbalance of power lead to the suppression of 'negative emotions,' such as resentment, distrust, and a sense of injustice, and at the same time can be perceived as evocative of mutual understanding, compassion, and a desire to find a common language. The mechanism of evocation is further applied in mediation through instructions emphasising the need for a 'positive attitude,' 'staying calm,' and an 'open frame of mind,' which involve evoking 'positive emotions,' such as trust, openness, and willingness to cooperate, while suppressing the opposite emotional range.

One of the specific features of the emotional structure of mediation is the emotional rule of 'delaying' the 'instantaneousness' of the reaction and the specific possibility of its implementation. This 'delaying' can be carried out within the change in the spatio-temporal structure. Thus, the line of communication within the meeting can be interrupted at any time, as each party can always request a private meeting with the mediator.

Given that the standard for mediation is the possibility of shifting from public to private at any time, with actors moving to another room, the space—divided into common (used during open sessions) and private (used during caucus sessions) — reflects the opposition between 'inside' and 'outside' a particular group, correlating with integration and, possibly, temporary exclusion from the informational space. The optical and acoustic closure of a certain space acts as an indicator of the ratification of the participants in the process. Thus, during mediation, the opposition between 'inside' and 'outside' is manifested through spatial elements.

The actors, through their decisions, position themselves within a new environment and, accordingly, a new context. Based on the communication between the actors, and possibly their mediator, along with the information they have received there, they can make decisions that will impact all parties involved. Communication in private sessions thus becomes the foundation for the participants' subsequent actions, introducing an improvisational component to the process.

Offline mediation is characterised by face-to-face communication among the actors, which occurs in real time and is marked by a responsive and interactive dynamic. Thus, this type of mediation implies direct contact between the parties, but at the same time, there are certain stages of dialogue between the parties, where each party can 'pretend' that the other is not present and transmit messages through the mediator rather than directly to the other party's actors. In this way, offline mediation is a unique form of mediation, as third party mediates the parties from each other with them co-present.

Given the alternation between the public and private spheres, along with the logic of the transition from the unknown to the known, it can be posited that mediation cannot be considered a holistic experience for any participant unless the mediator is involved at every stage of the process, including any private discussions that may have occurred.

Thus, mediation can only be viewed comprehensively at the level of abstraction and 'distancing' from the process. In this way, we can see a certain nonlinearity and 'discontinuity' of the process.

It can also be assumed that during communication, particularly with a mediator, in a closed session, the behaviour, including the active social role, of the communicating actors may change. This potential shift in behaviour, and specifically in the roles that is expressed spatially, further highlights the non-linearity of mediation as a communication practice.

However, there are also grounds to argue that communication in mediation is, to some extent, linear, as the same topics are discussed in private sessions as in open ones. Thus, although the focus on certain aspects of the topic, the actors, and the spatial conditions of the conversation may shift, all these factors still function within the logic of solving a specific problem.

It is important to note that mediation is characterised by an initial dependence of spatial factors on social factors, as the space where mediation takes place is selected to align with the specific logic of their interaction during the process.

The duration of the mediation process is typically determined by financial factors, particularly the cost of the mediator's services. However, the completion of mediation is generally considered to occur when the parties reach a consensus, which is then documented in the relevant agreement.

Despite the specific spatial logic inherent in its structure, face-to-face mediation demonstrates a high degree of flexibility. If some progress has been made during offline mediation, but no agreement has been reached yet, it is possible to continue mediation in a remote communication format, including online and telephone consultations (Dingle, Kelbie, 2014, p. 93).

Thus, it can be argued that face-to-face mediation, as a practice with defined time and space requirements, can be adapted to the dynamics of the parties' interaction to enable the parties to reach an agreement.

In cases where the parties do not reach a consensus, mediation may be seen not as a holistic process, but rather as a preparatory stage for other forms of dispute resolution, including litigation.

Discussion and conclusions

The analysis of the role structure of mediation has led to the following conclusions: the flexibility of role expectations is realised through the logic of informality and manifests itself through the actor's holistic vision, caused by the activation of latent roles. The role of the mediator as a neutral actor correlates with the expression of social norms, which is realised through dialogue using the tool of 'reality testing.' Actors are initially selected for the party based on their roles.

The study of the emotional structure of mediation has allowed to identify the following trends: the category of attitude in mediation is considered to be changeable, in particular through the tool of perspective taking. The concepts of 'position' and 'interest' are not identical. Separating the problem from the emotions it causes, while understanding their correlation, is a feature of the emotional orientation of mediation, as well as 'separating actors from the problem.' Within the framework of structural emotions, mediation involves the establishment of specific rules of interaction between participants that differ from those observed outside the mediation process. It can be assumed that the conflict is isolated from its nature outside the practice of mediation. Emotional rules of mediation are aimed at reducing the power imbalance between the parties. Anticipatory emotions are regulated by the logic of informality for the purpose of holistic and more dynamic

presentation of actors. Consequent emotions are regulated by specific guidelines to 'delay' emotional reactions.

The analysis of the spatial structure of the mediation process indicates the following observations: mediation is characterised by an initial dependence of spatial arrangements on social arrangements. The mechanism of 'delaying' emotional reactions can be implemented through a change of space, namely, moving to another room. The opposition of 'inside' and 'outside' in the context of mediation is manifested through the spatial dimensions of the process, particularly, through the spatial division into open and private space.

An analysis of the temporal structure of mediation leads to the following conclusion: a future-oriented focus is a standard feature of the practice. The norm for mediation is the ability to terminate the process at any time. Face-to-face mediation can be transitioned into a remote communication format, including online and telephone consultations. In the absence of consensus, mediation may not be viewed as a holistic phenomenon, but rather as a preparatory stage for other forms of dispute resolution, including litigation.

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Отримано редакцію журналу / Received: 12.11.24

Прорецензовано / Revised: 23.11.24

Схвалено до друку / Accepted: 25.11.24

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ФАСИЛІТАТИВНА МЕДІАЦІЯ ЯК СОЦІОКУЛЬТУРНА ПРАКТИКА

В ступ. Актуальною тенденцією у розв'язанні конфліктів є наголошення на ненасильницькій, менш травматичній та нерепресивній формі комунікації. Цей підхід фокусується на припиненні деструктивної поведінки та пошуку взаємовигідних рішень для учасників конфлікту. Методи розв'язання конфліктів кваліфікують як свідомі зусилля, сформовані на основі ціннісних міркувань. Така зміна відповідає тенденції до "демократизації" спрavedливості в логіці визнання індивідуальної автономії в ухваленні рішень, про що свідчить розвиток медіації як альтернативного методу врегулювання суперечок. У цій статті розглянута ключові характеристики фасилітаційної медіації як специфічної практики управління ресурсами на сучасному етапі її розвитку з урахуванням досвіду медіаторів, які практикують у Сполученому Королівстві. Запропоновано цілісний підхід, який ураховує одночасне функціювання рольової, емоційної, часової та просторової структур у межах практики.

Методи. Міжdiscipliнарний підхід, компаративний аналіз, індукція, дедукція, узагальнення, аналіз, синтез, описовий метод.

Результати. Розглянуто функціювання діалогу в медіації на індивідуальному, міжособистісному та міжгруповому рівнях. Досліджено функціювання ставлення, дій, позицій та інтересів у процесі медіації. Розглянуто функціювання перспективи, соціальних ролей, неформальності та емоційної структури медіації, зокрема її емоційних правил.

Висновки. Офлайн-медіація є унікальною формою посередництва, оскільки останнє відбувається за умови фізичної співприсутності учасників. Кожний з аналізованих структур властивий певний динамічний патерн. Патерн діалогу є на всіх рівнях комунікації. Медіація створює власну соціальну реальність зі специфічними емоційними правилами. Емоції регулюються часовими та просторовими чинниками.

Ключові слова: медіація, фасилітація, соціокультурна практика, емоційна структура, емоційні правила, рольова структура, неформальності, просторова структура, часова структура.

Автор заявляє про відсутність конфлікту інтересів. Спонсори не брали участі в розробленні дослідження; у зборі, аналізі чи інтерпретації даних; у написанні рукопису; в ухваленні рішення про публікацію результатів.

The author declares no conflicts of interest. The funders had no role in the design of the study; in the collection, analyses or interpretation of data; in the writing of the manuscript; in the decision to publish the results.