Mediators' *reframing* as a constitutive element of a reconciliatory argumentative style

Sara **Greco**, USI – Università della Svizzera italiana, sara.greco@usi.ch
Chiara **Jermini-Martinez Soria**, USI – Università della Svizzera italiana, chiara.martinez.soria@usi.ch

Abstract: This paper shows that reframing of conflict can be considered as a constitutive element of a "reconciliatory argumentative style" (van Eemeren, 2019), which is typical of dispute mediators, whose aim is to steer parties towards the resolution of their conflict. On the basis of a systematic empirical analysis of mediation cases, we first show that reframing encompasses a change of issue, which may or may not be justified by arguments. Then, we show how it is functional to the three aspects of mediators' strategic manoeuvring, being used consistently by mediators in their effort to help parties solve their conflict on the basis of reasonable discussion.

Keywords: strategic manoeuvring, argumentative style, reconciliatory style, dispute mediation, reframing

> In fact, the more one explored Mr. Smith's holiday luggage, the less one could make anything of it. One peculiarity of it was that almost everything seemed to be there for the wrong reason; what is secondary with everyone else was primary with him. He would wrap up a pot or pan in brown paper; and the unthinking assistant would discover that the pot was valueless or even unnecessary, and that it was the brown paper that was truly precious (G. K. Chesterton, *Manalive*).

1   Introduction

Against the backdrop of the definition of *argumentative style* recently introduced by van Eemeren (2019; 2020), the broad question that we address in this paper is whether one can define *reframing of conflicts* as

a constitutive element of a "reconciliatory style" (van Eemeren, 2019),[1] which could arguably be considered typical of dispute mediators whose aim is to steer parties towards the resolution of their conflict.

Reconciliatory style has not yet been characterized thoroughly in argumentation studies,[2] and its introduction into a typology of styles is at an initial stage (van Eemeren, 2019). In order to contribute to a definition of this style, we will start from empirical analyses of reconciliatory moves in argumentative discourse. Leaving aside the problem of a final definition of reconciliatory style and of the presence of reconciliatory style in different argumentative activity types, we will make two initial assumptions. First, when we use the phrase *reconciliatory style*, we use *reconciliatory* in a positive sense: we refer to an argumentative style that is directed at emphasizing common ground and favouring the resolution of differences of opinion. In other words, *reconciliatory* here does not mean papering over conflict and trying to reach an agreement superficially and at all costs but, rather, helping parties in a process of true reconciliation. Second, as external neutral interveners who have the task of helping disputants to arrive at a resolution of their conflict, mediators can be expected to adopt a reconciliatory style (rather than, for example, an aggressive or polarizing style, as explored in the discussion in section 2.1).

This paper is structured as follows. In section 2, we position our paper within its theoretical context while in section 3, we describe our methods of data collection and analysis. Section 4 reports the main findings, illustrating the argumentative potential of reframing (section 4.1) and discussing how this potential might be connected to a reconciliatory argumentative style (4.2). Finally, we draw our conclusions and sketch out avenues for further research in section 5.

2   Theoretical positioning: reframing and argumentative style

2.1   A pragma-dialectical view of argumentative style

The concept of *argumentative style* has been recently introduced into the pragma-dialectical approach to argumentation studies. Van Eemeren (2020) observes that regarding argumentative style as something that gives a certain shape to the argumentative discourse goes beyond the way in which style is treated in the field of stylistics (traditionally indicated with the Latin term *elocutio*) through considering the function and the instrumentality of style in resolving differences of opinion.

According to van Eemeren (2020), in a pragma-dialectical perspective, this means "considering the choice of argumentative moves" in the discourse, as represented in the analytic overview; the choice of "dialectical routes" (argumentative patterns) made by the arguer; and the "implementation of strategic considerations" in the design of a discourse. In order to be able to speak in terms of argumentative style, the choice made by a responsible arguer must be sustained and manifested consistently throughout the discourse or a

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[1] "Among the possible candidates for being included in such a classification could be such argumentative styles such as a "polarizing" and a "reconciliatory" argumentative style, but further reflection is required about the suitability of these and other candidates before any final decision can be made" (van Eemeren, 2019, p. 166).

[2] A cursory search on the phrase "reconciliatory style" in other disciplines reveals that this is used, with a broadly well-defined technical meaning, to indicate a conflict-resolution oriented style in political speech or advocacy, inspired by and oriented towards reconciliation (see for example Chan and Law, 2008). "Conciliatory style" is used more widely, but not necessarily with a meaning that is in line with the idea of reconciling conflicting parties.

significant part of it (ibid.). More precisely, as noted in van Eemeren (2019), argumentative style can be defined as follows:

"*Argumentative style* is the particular shape systematically and consistently given to the selection of topical choices, adaptation to audience demand and exploitation of presentational devices in the strategic manoeuvring taking place in a representative part of an argumentative discourse that manifests itself in the argumentative moves included in the analytic overview of the discourse, the argumentative patterns indicating the dialectical routes that are chosen and the strategic design reflecting the implementation of strategic considerations" (van Eemeren, 2019).

In this volume, van Eemeren (2020) describes the main characteristics of two largely opposite categories of argumentative style, i.e. the *engaged* and the *detached* argumentative style; this latter is also illustrated empirically in the article by Anca Gata (2020). In van Eemeren's (2020) view, rather than inventing numerous categories to characterize all possible styles that emerge from empirical analysis, it is more appropriate to start, as a working hypothesis, from a few broad or "general categories": namely, the *detached*, *engaged*, *reconciliatory*, *polarizing*, *open* and *concealing* argumentative styles. One of these, namely the reconciliatory style, is the subject of this paper.

Van Eemeren (2020) also draws attention to the necessity of empirical analyses of style; there is a need for analysts to survey the combination of argumentative moves made in a discourse "that are relevant to achieving the arguer's dialectical and rhetorical aims" (ibid.). This means that, in order to give substance to the analysis of different styles, it is of primary importance to scrutinize those moves that can contribute to defining styles.

This is the route that we take in this article. We consider *reframing*, as enacted by dispute mediators, as a potential candidate for being considered an empirical and linguistically recognizable argumentative phenomenon. Although this aspect has not been acknowledged in previous literature on reframing in conflict resolution, initiating a reframing is an argumentative move, because it can help with the resolution of the parties' difference of opinion that escalated into a conflict (Jermini-Martinez Soria and Greco, 2019). Reframing may also occur in other activity types but in this paper we concentrate on reframing in dispute mediation. Arguably, in fact, it is a reasonable hypothesis that dispute mediators will prove to be a prime example of arguers using a reconciliatory style, given the fact that their main aim is to help parties find a reasonable solution to their conflict (Greco Morasso, 2011).

2.2   Dispute mediation as a genre

As a general definition, dispute mediation is "a genre used in a cluster of communicative activity types in the interpersonal domain, but also in argumentative communicative activity types in the commercial domain" (van Eemeren, 2018, p. 136). In mediation, a neutral third party – the mediator – is in charge of helping two or more disputants find a resolution to their conflict. As van Eemeren (2018, p. 136) notes, the communicative activity types encompassed in this genre "start from a difference of opinion that has grown into a conflict that the parties concerned cannot resolve by themselves", which, we might add, happens through a process of *escalation* (see the discussion in Greco Morasso, 2008; Greco, 2020). Professional mediation has been considered since the seventies as part of the Alternative Dispute Resolution (ADR)

practices (Sander, 1979; see the discussion in Greco Morasso, 2011). Beyond professionalized ADR mediation, actual applications of mediation may vary in terms of levels of "formality" and the "proximity" of mediators to parties (these terms are introduced by van Bijnen, 2020); but for this paper, we consider the type of mediation that has been studied so far in argumentation studies, namely ADR mediation, which is formalized and taught with similar principles across different countries.

There have been numerous studies of argumentation in dispute mediation over the years, starting with van Eemeren et al. (1993). Over time, scholars have analyzed different aspects (Jacobs and Aakhus, 2002; Aakhus 2003, Greco Morasso, 2011, Vasyleva, 2015; van Bijnen and Greco, 2018, etc.). More broadly, some studies in communication, discourse analysis and pragmatics might contribute to a definition of argumentative style in mediation (see for example Higham, 2019; Maley, 1995; Ran and Zhao, 2018).

Mediation is applied to a variety of domains, such as family, organizations, etc., but there are some invariant traits within these different applications, which we describe from an argumentation viewpoint. First, the mediator needs to be neutral in relation to the parties' conflict and does not have the power to impose a solution on the parties, who remain, as mediators themselves would say, "responsible for their conflict". In this sense, one of the main characteristics of mediation is that parties may become empowered, learning not only how to deal with the specific conflict that brought them to mediation, but also with disagreement and conflict in general. Because of this learning potential, mediation has been deemed *transformative* (Bush and Folger, 2005): indeed, a well-conducted mediation process is likely to help parties improve their dialogical attitude and their relationship (Greco, 2020, pp. 39-40).[3]

Second, because mediators do not have the power to enforce a solution, they will not argue for any particular standpoint to achieve a resolution of the conflict. Nonetheless, it has been noted repeatedly in the literature on argumentation in mediation that mediators do contribute to argumentative discussions (van Eemeren et al., 1993; Aakhus, 2003). They may, for example, propose instances of *meta-argumentation* (Greco Morasso, 2011), i.e. they may explicitly adopt and justify the standpoint that it is reasonable for the parties to solve their conflict through mediation, or that the parties should talk about one or other of the propositions at issue.

Third, because of the aforementioned two aspects, mediation is often seen as a "prototypical" case of argumentation *design*, as mediators build dialogical spaces for the disputants (Aakhus, 2003; see the discussion in Greco, 2018). In fact, mediators play a critical role in designing a space for the parties to conduct an argumentative discussion.

2.3   Reframing in mediation

In conflict resolution and mediation studies, reframing is considered a mediator's key "communicative competence" (Donohue, Allen and Burrell, 1988; Moore, 2014). Reframing allows the parties to "achieve a common basis for the parties' discussion" (Ury, 1993, p. 78; Putnam and Holmer, 1992, p. 129). It has

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[3] According to Bush and Folger (2005, p. 53), "In the transformative mediation process, parties can recapture their sense of competence and connection, reverse the negative conflict cycle, re-establish a constructive (or at least neutral) interaction, and move forward on a positive footing, with the mediator's help".

also been established that there is a correlation between frame convergence – which can be achieved through reframing – and conflict resolution (Drake and Donohue, 1996). While the importance of reframing is clear, it is less clear how reframing actually works, namely, what mediators should do if they want to initiate a reframing. In mediators' professional training, reframing is sometimes taught anecdotally rather than with a solid theoretical background (as revealed in personal communications with dispute mediators, March 2016 and July 2016).

However, communication scholar Linda Putnam proposed a definition of reframing in negotiation and mediation, which is theoretically convincing although not fully grounded empirically in close analyses of discourse in mediation. Putnam (2004) observes that reframing is part of "conflict transformation"; it involves a "shift in levels of abstraction", namely changes in "the way words are categorized or exist in relationship to other concepts" (Putnam, 2004, p. 278). Thus we could say that reframing is a shift from one interconnected category to another, which contributes to a resolution of the conflict. For example, in a mediation case taken from our corpus, the mediator shifts the discussion from a problem concerning a single child, Rudolph, to the broader category of problems experienced by children in general, by using the term "a young boy" rather than Rudolph's first name. In this way, the mediator shifts from the individual (Rudolph) to a broader and necessarily more abstract category, i.e. the category of young boys. For Putnam, reframing is a clear moment of transformation in the dynamics of the discourse about a conflict, such that "a light bulb goes on and illuminates a situation in an entirely different way" (Putnam 2004: 276).

At this point, two notes are necessary to define better what reframing is. First, Putnam's definition leads us to consider reframing as a restructuring of the preceding discourse. If reframing is like a light bulb turning on, then it does not only involve the move by the mediator that initiates it, but also the parties' subsequent interaction. In fact, in order to be successful, reframing must be explicitly or implicitly accepted by the parties who remain responsible for their conflict (Jermini-Martinez Soria, in preparation). However, in the literature on conflict resolution studies, the word *reframing* is used to indicate the single move that a mediator makes to ignite the process of discourse restructuring. In this paper, we will follow this tradition and use the word *reframing* to refer to the mediator's move that initiates reframing; our analyses will also refer to this move. We are well aware, however, that reframing works when the remainder of the discourse has, indeed, been reframed; it is not therefore just a single move that makes a successful reframing.

Second, because the words *frame* and *framing* have been used extensively in the scientific literature (albeit not always with identical meaning, see the discussion in Hoffmann, 2011), one might wonder whether this interpretation of reframing has anything to do with the well-known linguistic notions of *frames* developed by linguist Charles Fillmore within *frame semantics* (Fillmore 1976, 1982/2006; see also the discussion in Rocci and Luciani, 2016).[4] The linguistic-semantic interpretation of frame is very localised; in this sense, discourse includes a quantity of frames, which might be more or less consistent throughout the discourse itself; potentially, frame-activating words might change frames from one utterance to another and even within a single utterance. However, in dispute resolution, reframing is not just seen as any change of frame: otherwise, if one thinks of Fillmore's definition, we would have a reframing almost every time one changes

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[4] In the words of Fillmore (1982/2006, p. 373), "By the term 'frame' I have in mind any system of concepts related in such a way that to understand any one of them you have to understand the whole structure in which it fits; when one of the things in such a structure is introduced into a text, or into a conversation, all of the others are automatically made available". In this sense, frame-activating words evoke an entire frame in the mind of the listeners; if one says "alimony", for example, the frame of "divorce" immediately comes to mind.

from one predicate to another (e.g. from one verb that activates one scenario, to one adjective that activates a different one). And this continuous change of frame would not fit with the idea of a "light bulb" that enables a profound transformation in the conflict resolution discourse. Reframing is thus initiated by a move by a mediator but it is more than a change in linguistic frames; in fact, reframing involves a "shift in levels of abstraction" (Putnam, 2004, p. 278) that includes a broader restructuring of the parties' discussion.

3   Methodology

In this section, we discuss how we designed the collection of the dataset of the RefraMe project and how we proceeded with the analysis and interpretation of the cases that form the basis of this paper.

3.1   Empirical dataset

Our dataset of mediation transcriptions within the RefraMe project is composed of two sub-corpora. One consists of transcriptions of best-practice (mostly role-played) mediation sessions (approximate no. of words = 86,000) in English, mediated by mediators in North America and the United Kingdom. These are also available as video recordings. The other sub-corpus (collected by author 2) is, to our knowledge, the first corpus of transcriptions based on cases mediated by Swiss mediators in the Ticino Canton and in the French-speaking area of Switzerland (approximate no. of words = 60,000), in Italian or French.[5] For this paper, we have considered examples from the first sub-corpus. The use of role-played sessions instead of situations containing fully natural interaction is motivated by the high level of confidentiality that is necessarily requested in mediation. In fact, since mediation is a confidential process, it is extremely difficult to get access to real data. Therefore, several authors have relied on role-play sessions (mediated by professional mediators) to study discourse within this communication practice (to quote but a few, see Putnam and Holmer, 1992; Janier and Reed, 2017; see also the discussion in van Bijnen, 2020).

The role-plays in the first sub-corpus are either used in the training of professional mediators or proposed as best-practice cases to showcase what mediation is to potentially interested parties; therefore, the findings deriving from our analysis may be considered as "typical" examples of how dispute mediation should proceed. This sub-corpus is composed of interpersonal conflict cases in various domains, in which the relationship between the parties may or may not continue after the mediation process. Moreover, we tried to include as many different fields of application of mediation as possible (commercial mediation, family mediation, etc.), in order to investigate a variety of cases in which reframing could potentially be employed - and avoid the potential objection that reframing could only be present in one or other application of mediation.

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[5] Despite the different geographical settings, the cases are comparable because they belong to the institutionalized practice of ADR mediation, which tends to be taught in similar ways in different countries (see for example Meier 2003).

We transcribed the video recordings of these cases according to standards of Conversation Analysis adapted to the needs of argumentation analysis, in conformity with the standard described in Greco Morasso (2011). The transcriptions have then been annotated by Chiara Jermini-Martinez Soria using UAM Corpus Tool,[6] coding for types of reframing and their argumentative interpretation (see section 3.2).

3.2 Analysis

We identified cases of reframing by looking at shifts in levels of abstraction in the data, starting with the categories expounded by Putnam (2004). In a preliminary phase of analysis, we added four further categories that emerged from our own interpretation of the data, as shown in table 1. (For a more elaborated discussion, see Jermini-Martinez Soria, in preparation).

Type of reframing
From specific to general (and *vice versa*)
From concrete to abstract (and *vice versa*)
From part to whole (and *vice versa*)
From individual to system (and *vice versa*)
From literal to symbolic (and *vice versa*)[7]
From the content of the discussion to the appreciation of its value (meta-pragmatic shift)
From individual to species (and *vice versa*)
From propositional content to question
Shift of semantic roles

Table 1: Categories of shifts in levels of abstraction (adapted and expanded from the original categories in Putnam, 2004)

The list included in table 1 is empirically grounded; the four categories that have been added to Putnam's original classification are drawn from our empirical work within the RefraMe project. However, this is *not*

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[6] See http://www.corpustool.com/ (last visited: July 2020).
[7] Putnam and Holmer (1992, p. 140) also include "reasoning from analogy" in the categories of shifts in levels of abstraction. However, we decided to leave this category out of our own classification because, in our view, this label indicates a type of inferential move (or argument scheme) rather than a shift in levels of abstraction. In our argumentative interpretation of reframing, argument schemes (not only analogy, but also others) might often be present: this happens every time reframing is justified. Consequently, we have left this category out, as it does not fit consistently with the others.

an exhaustive list of shifts in levels of abstraction, as with more empirical research more categories could be added.

As a second step, we analyzed reframing from the point of view of argumentation; in particular, we connected reframing to the mediator's *strategic manoeuvring* (Jermini-Martinez Soria and Greco, 2019). The concept of strategic manoeuvring has been introduced in pragma-dialectics to do justice to "the fact that real-life argumentative discourse always involves the need to combine aiming for effectiveness and maintaining reasonableness" (van Eemeren, 2018, p. 111). Now, "since the simultaneous pursuit of these two aims inevitably creates a certain tension, a theoretical starting point of the pragma-dialectical approach is that the arguers involved in making argumentative moves always have to manoeuvre strategically to keep the balance" (ibid.). In previous studies, it has been noted that a mediator's strategic manoeuvring has a relevant feature: namely, the *rhetorical* goal for mediators is persuading the parties to have a *reasonable* argumentative discussion (van Bijnen and Greco, 2018). This is seemingly paradoxical: for a mediator, a "victory" is the parties' pursuit of reasonable discussion and reconciliation by means of dialogue.

As van Eemeren (2010, pp. 93-96) explains, strategic manoeuvring manifests itself in three interrelated aspects: the selection made from the "topical potential" available to the arguer, the continuous adaptation to "audience demand", and the exploitation of adequate "presentational devices". These three aspects have been taken as starting points for our argumentative analysis of reframing. In analyzing reframing, however, we have not considered all elements included by van Eemeren (2020, as reported in section 2.1) in the definition of argumentative style, such as the choice of a dialectical route. Those elements refer to the definition of a style (in our case, reconciliatory style) which should be considered as a combination of aspects, which go beyond reframing. Because this paper only deals with reframing as a constitutive element of reconciliatory style, the most important thing is to determine how it is related to the mediator's strategic considerations.

## 4	Findings

### 4.1	Mediators' reframing as argumentation

Generally speaking, the findings of the RefraMe project reveal that initiating reframing certainly plays a role in the mediator's strategic manoeuvring (Jermini-Martinez Soria and Greco, 2019). More specifically, reframing always involves a change of issue (Aakhus' (2003) *redirection*) related to the preceding issue. Van Eemeren (2010, p. 126) observes that framing normally has to do with a single issue; our findings confirm that the same is true of reframing, which tends to concern a single issue, which is then changed by reframing. In particular, reframing involves a shift from one issue to another one; the latter, however, must be in some way connected with the former. In other words, reframing does not occur when someone simply changes the discussion issue, abandoning one discussion to move onto a different one: the two issues need to have some form of relation, as we will show in this paper.

Reframing may or may not be justified by arguments; more often than not in our data, it is justified, because explicit or implicit argumentation in support of the reframing can be reconstructed. In view of these

findings, we might reconsider Putnam's definition from the point of view of argumentation: the "shift in levels of abstraction" is to be found either in the standpoint at issue or in the argument. In fact, reframing can apply to the empirical counterpart of the confrontation stage only (when reframing only includes a change in issues) or to the empirical counterparts of the confrontation and argumentation stages (if it is justified reframing, as it is in the majority of the cases). When reframing is justified by arguments, the shift in level of abstraction happens in the argument. When it is not justified by arguments, the shift is in the new issue; the new issue may be considered as a particular form of *(re)formulation* of the previous one, in the sense of van Eemeren et al. (1993).

Arguably, both types of reframing, justified and non-justified reframing, are relevant to the development of argumentative discussions in mediation. Justified reframing is a clear instance of mediators' meta-argumentation (Greco Morasso, 2011): the mediator proposes a new issue and justifies this proposal by means of argumentation. In pragma-dialectical terms, this opens a *sub-discussion*, and thus gives rise to a qualitatively multiple dispute (van Eemeren, Houtlosser and Snoeck Henkemans, 2007, pp. 22-23). The reframing that is not justified counts as a proposal of a new discussion issue (again, a sub-discussion) on the part of the mediator. Apparently, in this case, mediators do not consider it necessary to justify their proposal.

In what follows, we will discuss two examples of justified reframing, which is the most frequently occurring type of reframing in our dataset. Through these illustrative cases, we will show how reframing is relevant to the development of the argumentative discussion in mediation.

Example 1

Example 1 is taken from a case in which an employee, Pat, has been forced to retire from a company for which he has been working for fifteen years; the company is called "Kane's restaurant supplies". At first, Pat is readmitted, because it turns out that the company's mandatory retirement policy was illegal; however, shortly after being reinstated, he gets fired again because his sales performance is considered poor by Robert, the son of his former boss who is now in charge of the company ("Kane" is, in fact, the family name of the company owners). Robert argues that Pat's bad sales performance is damaging the firm financially, whereas Pat claims that the changes in the firm's commission policies, which Robert has introduced, have disadvantaged him. Pat is very resentful towards Robert because he feels he helped Robert's father build up the company by bringing in important clients. Extremely worried about increased competition in the market, Robert has introduced changes in the company in the hope of saving it from bankruptcy. Pat, Robert and their respective lawyers, Dahlia and Jonathan, participate in the mediation session. Recorded in the US, this case is part of the teaching materials created by the Program on Negotiation at Harvard University.[8]

We report here a moment of the mediation process in which the mediator has proposed a shuttle mediation (or caucus).[9] She has, thus, separated the parties and is talking to Pat and his lawyer Dahlia only, Robert

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[8] The transcription was made from the video "Termination tempest" purchased from the Program on Negotiation (PON) – Harvard Law School Clearinghouse. We would like to thank PON for permitting us to transcribe the contents of this video for research purposes.

[9] The use of shuttle mediation, or caucusing, is controversial. Some mediators prefer to avoid it and hold their discussions with the parties in joint sessions only. Other mediators, however, use separate sessions to gain information that can enable a better resolution of the process; for a discussion, see Hoffman (2011).

and his lawyer not being present. At this point in the discussion, the mediator (turn 50) asks whether it is possible for Pat to go back and work for Robert at "Kane's restaurant supplies", in view of the conflict that has occurred.

50   M   Well let me go back and take a little ( ) and again this is an early stage of the mediation and I'm just kinda trying to do the landscape here and see what might be possible one of the things and I obviously haven't talked with him about this at all but given the fact that we're talking about (.) ehm (.) how much (.) being at work and being a salesman means to you I mean I don't know whether there is any possibility of (.) your going back (.) to Kane's restaurant and obviously if if your relationship weren't a good one I'm not sure I would suggest it but having heard your answers that's something you'd ever consider↑

51   P   Well eh we (*he and D*) talked about that

52   M   Did you↑

53   P   And (.) yes I would consider it but I would consider it on the circumstances that probably couldn't happen

54   M   Give me some details on that 'cause that may be helpful to me=

55   P   An apology↓ (.) an an admission that (.) that I was (2) a ( ) by him I don't think he would ever do that

56   M   Well let me let me just explore =

57   P   = ( ) work for the man after what he did to me

58   D   Especially after some of the remarks he made you know threats to bring up irrelevant personal stuff that he's privy too

59   M   Mmh

60   D   That's you know (.) that' s a little ( )

61   M   Well you know obviously I this in a lawsuit kind of context it's it's not surprising that things do get said back and forth in a way that's unfortunate and and obviously you're here to try to see if we can resolve this or dress this in a different kind of way ehm let me go back though when you talked about an apology it sounded when you were describing why that was important that to go back (.) after some of these things said back and forth without some sense that things (.) would be better going forward in terms of the relationship is that what is at the heart of that you

The reframing in example 1 starts with the mediator's move at turn 61. It involves a shift from *individual* (what Pat or Robert have done) to *systemic* (what happens in a lawsuit kind of context in general). By this means, the mediator normalizes the negative situation that the parties are describing, suggesting that the negativity is imputable to the system and not to their own will or behavior.

In argumentative terms, the first issue proposed by the mediator through her question at turn 50 is: "Can P go back to work for Robert?". To this issue, he gets two negative answers, motivated differently. In fact, both Pat and Dahlia (Pat's lawyer) give the same negative answer and both of them give a single argumentation in support of their standpoint (turns 51-60); we can represent these argumentations as set out in table 2.

Pat	Dahlia (Pat's lawyer)
1. No I cannot go back and work for Robert	2. No Pat cannot go back and work for Robert
1.1. Because Robert is not apologizing	2.1. Because Robert has verbally threatened Pat

Table 2: Pat's and Dahlia's argumentation in response to the issue proposed by the mediator at turn 50

Both arguments give the reasons why, in Pat's and Dahlia's view, it would be impossible for Pat to go back and work for Robert. More specifically, using the terminology of the Argumentum Model of Topics (AMT, Rigotti and Greco, 2019), both arguments are based on the "locus from final cause" (pragmatic argumentation) and are constructed on the basis of the same *maxim* or inferential principle: "if there is a good cause not to perform a certain action, then it is reasonable not to perform it". However, the arguments by Pat and Dahlia differ in their material-contextual component, in that they are based on different cultural implicit premises (*endoxa*) that define what a "good cause not to do something" is. In one case (Pat's argument), the endoxon is "Lack of apology on the part of your employer after you had a problem is a good cause for not being able to go back and work for him"; in the other, it is "If your former employer threatened you, it is a good cause for not being able to go back and work for him".

Having received these justified answers, at turn 61 the mediator shifts the issue to a different level, which questions both these *endoxa*: "Are these really good causes to prevent Pat from going back and working for Robert?". While this new proposition at issue remains implicit, the mediator makes her own standpoint explicit and gives a supporting argument: "…in a lawsuit kind of context it's it's not surprising that things do get said back and forth in a way that's unfortunate". The reconstruction of this argumentation is shown in table 3, where we have slightly reformulated the mediator's argument to better highlight its contribution to the argumentative discussion.

Mediator

3 No
3.1 Because the normality of what happens in the context of a court may justify part of the aggressive verbal behavior/lack of apologies by Robert

Table 3: Mediator's argumentation on the new issue proposed at turn 61

We note that reframing implies a shift to a new issue which is related to the preceding one, in this case because the new issue questions the implicit premises that were used in the parties' argumentation (Table 2). In this sense, one might say that the mediator's reframing is a counter-argument, as suggested by Jermini-Martinez Soria (in preparation). In terms of shifts in levels of abstraction (section 2.3), the shift is to be found in the argument: with the shift from individuals' behavior to the system, the mediator is giving a reason why the causes advanced by Pat and his lawyer are not really sufficient causes to prevent making an attempt at reconciliation with Robert.

Example 2

Example 2 is taken from a mediation session between the director of an NGO (Jember) and a major benefactor (Alec), who are working together on a development project in Ethiopia.[10] They are having issues coordinating and handling the project because they have different ideas concerning the project priorities, i.e. about what should be done urgently in order to help the local population in an efficient way. Jember feels that Alec wants to impose his point of view, despite not having experience in the field. On the other hand, Alec has experience leading big projects, which she does not have; he therefore considers himself to be in a better position to see how things should be organized and is afraid that she will not be able to obtain good results unless she listens to his advice.

In this case, both parties feel that their capacities are challenged by the other person. They implicitly construct the discussion issue as "Are the problems in this project caused by the other person?"; the answer-standpoint in both cases is "yes", because the other party is reported as lacking expertise and, at the same time, wanting to run the project without really understanding what needs to be done. We will report the sections of the mediation transcription in which this aspect emerges most prominently; for this example, we need to report different parts of the transcription, because the standpoints of Jember and Alec emerge progressively in the course of the conversation. Numeration of turns is relative to the whole session and we report turns in chronological order. In order to help the reader orientate within these relatively long excerpts, we use bold characters to highlight the most relevant parts.

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[10] The transcription was made from the video "In the shadow of the city" purchased from the Program on Negotiation (PON) – Harvard Law School Clearinghouse. We thank PON for granting us permission to transcribe the contents of this video for research purposes. A preliminary analysis of this example has been discussed in Jermini-Martinez Soria and Greco (2019).

Jember's viewpoint:

73   M   Is there anything else you'd add at this point↑ (.) that I should know that ( ) understand where the difficulties are↑

74   J   Well I think the difficulties lie in ehm him not having enough confidence in our abilities (.) **he's doubting my competence he's doubting the ability of the people in Ethiopia** (.) to help themselves and (.) he he's using measures of success that really don't apply to this project (.) not at this stage

75   M   And what leads you to feel that↑

76   J   **Because I've lived here I know these people I know that you have to give them a sense of (.) belonging in a sense of community** and I understand that that's how you build communities and that's why I know that and I don't think that Alec has had that exposure to that experience but ehm yet **he feels very qualified to tell us what we're doing wrong** and (.) myself and some of the people in this project are becoming highly offended by that

Alec's viewpoint:

124   A   Well I I in terms of what has transpired I (.) I ehm (.) have been concerned that we are not meeting with these targets in terms of our eh initial understanding (.) the way it would be at this time ehm I mentioned several times to Jember that (.) eh the (.) fact that we have not built a single home yet well that may not eh be particularly troubling to her but is very troubling to me

125   M   Mmh

126   A   Because ehm that is the kind of thing where I can go back to the UK and I can say to people we have taken 2-3 thousand people from the streets and we have housed them in reasonably eh sanitary and (.) safe facilities (.) and that's the kind of tangible proof that people need rather than (.) ehm talking about things that I'm sure are very important but are very difficult to sell like saying that people are feeling much more empowered or much happier about their circumstances

(..)

130   A   That's right and and ( ) **the keywords there are "based on my experience"**

131   M   Mmh

132   A   Because I when I was there last I said I asked the room we had we had the whole we had the whole basic ( ) committee and all the helping people ehm and Jember's people there and I said to them "which of you have ever worked on a five million pound project↑" and there was silence because (.) **none of them ever had I have I've worked on millions 5 millions pounds projects I worked on 20 million pound projects so I can tell you** that there are great differences in the economies of scale and in terms of the infrastructure that's required and **I don't think that there is an appreciation of that difference** ehm in in with Jember or with the organization at this point

Mediator

302   M   Just in a lot of ways the two of you are quite similar with your your drive and you're ability to get things going and to be in charge and (.) **sometimes people who like to be in charge aren't as comfortable when they're working with somebody else who wants to be in charge** (.) you can't both be in charge of all aspects of this project it looks to me like if you try to be you're not gonna work to altogether does that make sense↑ (our emphasis)

13

Example 2 could be seen as a conflict of authorities: Alec has been working for a long time on big projects for charities in the UK. Jember has never worked on such big projects but she knows Ethiopia, whilst Alec has no experience of this country or Africa at all. At turn 302, having listened to the parties' points of views and personal histories histories and the discussion having reached a more advanced stage, the mediator intervenes specifically to reframe this issue.

We turn to an argumentative analysis of this example, adapted from Jermini-Martinez Soria and Greco (2019, ISSA proceedings). With his intervention at turn 302, the mediator presents an argument to support an implicit standpoint. The mediator's argument refutes the standpoint previously expressed by the parties, i.e. that their problems are due to the other person. Thus, at turn 302, he implicitly changes the issue into: "Is it one of you two's fault that there have been difficulties?"

We might analytically reconstruct this move as in table 4; while the standpoint is left implicit by the mediator, the argument is stated explicitly.

Mediator
1 No it is not one of you two's fault 1.1   Because people who like to be in charge aren't as comfortable when they are working with somebody else who wants to be in charge

Table 4: Mediator's argumentation at turn 302

Analogously to what we saw in Example 1, the mediator's move changes the preceding issue, challenging what the parties had in common. Beforehand, you had an alternative paradigm between "Alec's fault" and "Jember's fault". Now, the mediator's intervention shifts "from the individual parties' responsibility to the responsibility of the species" (see Table 1 for the shift "from individual to species", introduced by Putnam, 2004), thus changing the formulation of the proposition at issue and opening up an opportunity to reflect on the characteristics of the "species", i.e. on what normally happens to people who find themselves in a situation similar to Alec and Jember's. In this example which involves shifts in the level of abstraction, we encounter a shift *from individual to species,* which is part of the argument 1.1. The parties do not need to feel guilty for "not being comfortable" in the present situation, because this is typical of the category of "people who like to be in charge". This shift removes the blame from the individuals, and serves an important function of mediation, namely reassuring the parties that it is normal to find themselves in this situation. At the level of inference, this argumentation is based on a "locus from parts to whole"[11] (Rigotti

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[11] To be more specific, here, the inference based on the part-to-whole reasoning is associated with an inference related to what Rigotti and Greco (2019) call "ontological implications"; in this case, implications connected to the concept of responsibility. Responsibility, in fact, cannot be attributed to an individual if he or she had no choice but to behave in a certain way, due to the context. We think, however, that the locus from parts to whole is more appropriate to describe the inference in this case.

and Greco, 2019, p. 255), with the maxim: "if a characteristic is attributed to a whole species, it should not be attributed to a single member of this species".

4.2 Reframing as a constitutive element of a reconciliatory style

Our findings discussed in section 4.1 show that reframing proves to have a close connection with mediators' systematic *strategic manoeuvring*, namely with their ultimate strategic considerations. In what follows, we will consider the relation of reframing to strategic manoeuvring in all its aspects and explain how these strategic aspects may indeed be connected to a reconciliatory style.

At the level of topical potential, our data shows that reframing always has to do with the choice of a new issue (and, often, of a standpoint and supporting argument). The selection of the new issue from the topical potential is done in such a way that it is not an abrupt change of topic (as one would often find in a polemical discussion or "*disputational talk*", as defined by Littleton and Mercer, 2003; or in the case of a powerful third party who can impose issues without justification). Reframing changes the parties' issue in a way that *is connected to what parties have previously said;* and, thus, it changes the level of the discussion. In the examples considered in this paper, reframing could be considered as a case of a phenomenon which Marcelo Dascal calls *de-dichotomization* (Dascal, 2008): the view of each party is that the conflict is due to their counterpart and the new issue raised by the mediator questions that view. It questions the fact that the conflict should be seen through the lens of a binary paradigm (namely, it is either A's or B's fault) and shifts the discussion to a different level, avoiding what is sometimes referred to as the *fallacy of false dilemma*.[12] Thus, reframing is functional to the mediator's ultimate goal of reconciliation, which is likely to appear not only in reframing but in all moves that mediators make to design a dialogue space for the parties.

In terms of adaptation to audience demand, we observe that reframing is subject to the parties' approval, as they retain responsibility for their conflict. Moreover, through reframing, the mediator makes an attempt to respond to the parties' deeper concerns, which often remain unsaid (Jermini-Martinez Soria and Greco, 2019). These could be, as in example 1, getting back to their job and reestablishing a normal professional relationship; or, as in example two, not being seen as the cause of a negative situation.

Finally, our broader findings in the RefraMe project (see the Acknowledgements) reveal that reframing has relevant characteristics in terms of presentational devices, which could be ascribed to a reconciliatory style. In the two examples discussed in section 4.1, we might highlight, for example, different cases of mitigation (e.g. "sometimes", "just in a lot of ways"). Moreover, mediators systematically choose terms that give a positive characterization of the parties and their intentions ("your drive", "your ability", "obviously you're here to try to see if we can resolve this") and remove fault ("things get said" rather than "you said" in example 1). To use Shmueli's terminology (2008), mediators use positive *characterization frames* (to characterize the parties in a positive way) and positive *process frames* (to describe what is happening in a way that promotes hope). In some further cases beyond the two examples analyzed in this paper, this includes using plural terms to avoid referring to the parties' specific responsibilities, while referring to

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[12] Van Eemeren and Grootendorst (1992, p. 190), observe that in a false dilemma, "a contrary opposition is presented as a contradiction" (see also the discussion in Lewiński, 2013). Reflection on the issue of false dilemma started as early as in Aristotle's discussion of the *topoi* based on oppositions (Rigotti and Greco, 2019, p. 26).

broader categories; saying, for example "divorcing couples generally get angry" instead of "you two are getting angry". If we consider the checklist of linguistic and stylistic categories relevant to argumentative style proposed by Ton van Haaften and Maarten van Leeuwen in this volume, the most important categories to be considered for reframing seem to be the lexical categories used (nouns, verbs, adverbs, adjectives) and the choices of positive and impersonal characterizations made within these categories (van Haaften and van Leeuwen, this volume).

At the level of frequency of use, reframing is sustained throughout mediation discourse, as shown in previous literature and confirmed by our study: in the approximately 146,000 words that constitute both sub-corpora in our dataset, we found 55 reframing instances. This is important in contributing to answer the main question of this paper, and determining that reframing is a constitutive element of a reconciliatory argumentative style, which needs to be "sustained and manifested consistently throughout the discourse or a significant part of it" (van Eemeren, 2020).

5   Conclusions

This paper showed that, reframing is a restructuring of discourse in line with the mediator's strategic considerations, which helps advance the discussion in a non-conflictual way, resolving potential moments of *impasse* (Aakhus 2003), without taking away responsibility from the parties. Therefore, the use of reframing in a discussion, alongside other moves, arguably typical of the style of formal or informal mediators whose intention is to design a discussion space for the parties, proves to be a constitutive element of a reconciliatory style.

Beyond these findings, this paper is also intended to pave the way for further research on the potential role of reframing within a reconciliatory argumentative style in dispute mediators' discourse. In order to provide a definitive answer to this research question, more research is needed in at least two areas. First, one should define the features of reconciliatory style in general, by means of more empirical research on cases in which this style can be encountered. Second, one should focus on dispute mediators, highlighting other features of reconciliatory style beyond reframing. Other communicative moves with the aim of reconciliation that could be potential candidates would be, for example, the use of given types of questions (Greco Morasso, 2011), the visualization of disagreement in a way that positively portrays the possibility and the agency of the parties to solve it (van Bijnen and Greco, 2018), and the mediator's attempt to make the parties' emotions discursively present through naming them (Greco, 2020). In addition to this, one might also verify to what extent mediators who take inspiration from different models or styles, such as principled negotiation (Fisher, Ury and Patton, 1991) or transformative mediation (Bush and Folger, 2004), initiate reframing and make other reconciliatory moves.

Finally, although mediators could count as prime examples of arguers whose goal is reconciliation, reframing might well be found in other genres of communicative activity, such as problem-solving and deliberation; reframing is also taught as part and parcel of some styles of coaching – an activity, which shares common features but also important differences with dispute mediation (see for example Passmore, 2007, p. 73). In sum, one does not need to be a mediator to more or less consciously understand the potential of reframing and trying to shift the discussion to a different level of reconciliation. Future work needs to

include research on the presence and function of reframing in reconciliatory argumentative style beyond "official" conflict resolution efforts.

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Appendix: transcription symbols

[	Interruption and overlapping: (indicates the point at which overlap by another speaker starts)
=	Turns following one another with no interruption
Wh-	Interruption of a word
Eh:	Lengthening of preceding vowel is indicated by colons
A::nd	Longer lengthening of preceding vowel
Hhhh	Aspiration
(.)	Pause of one second or less
(3)	Pause of more than one second (the duration in seconds is indicated)
↑	Rising intonation (questions)
/	Slightly rising intonation (suspension)
↓	Falling intonation (exclamations)
SHOULD	Capital letters indicate emphasis
°I agree°	Text comprised between the signs °° is pronounced at a very low volume

Particular vocal characteristics are indicated in small caps in brackets at the beginning of the excerpt. Their end is indicated by the sign +

(*looking at T*)	Essential non-verbal elements and actions are indicated in italic in brackets
[...]	Omitted from transcription
( )	Inaudible/incomprehensible passage

Address for correspondence

Sara Greco

Institute of Argumentation, Linguistics and Semiotics
USI - Università della Svizzera italiana
Via G. Buffi, 13
6900 Lugano, Switzerland
sara.greco@usi.ch