Reframing as an Argumentative Competence in Dispute Mediation

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ABSTRACT

Dispute mediation is a dialogical and communicative process in which a neutral third party, a mediator, helps conflicting parties modifying the way in which they interact with each other so that they become able to co-construct a solution to their conflict that is mutually satisfactory. Mediators cannot impose solutions to the parties, yet they play a fundamental role in conflict resolutions as they enable people to be in the right mindset to explore options for win-win solutions by themselves.

Mediators are able to perform this task employing different techniques; it has been observed several times, both in scientific research and in professional practice, that *reframing* is an important communicative competence of mediators (see e.g. Donohue, Allen and Burrell, 1988). However, research has not elicited yet how *reframing* actually works, i.e. what a mediator should – or should not – say in order to do a *reframing*. The research project RefraMe, within which this dissertation is written, tries to fill this gap. The RefraMe projects' team members started studying *reframing* after having made the assumption that *reframing* has an *inferential dynamic*: when a mediator asks conflicting parties to leave behind their interpretation of the conflict (or of parts of it), s/he is asking them to make an *inference*; and therefore s/he must provide them with elements (arguments) to reason in a specific way. In other words, the changes in interpretation mediators implicitly propose should be justified through argumentation, otherwise parties would not likely change their minds.

From a methodological point of view, I coded two corpora of mediation sessions' transcriptions identifying *reframing* instances starting from Putnam's definition of *reframing* as shifts in levels of abstraction (Putnam, 2004). This brought an interesting result, namely it showed the presence of "new" types of shifts in levels of abstraction (that Putnam does not mention in her work) in the *reframing* analyzed. Secondly, I analysed them employing two complementary theoretical frameworks: the AMT model (Rigotti and Greco, 2019), that allows for a fine-grained analysis of argumentation schemes, and the Pragma-dialectical model of a critical discussion (van Eemeren and Grootendorst, 2004), in particular its notion of *strategic maneuvering* (van Eemeren, 2010), as we view *reframing* as part of a mediators' *strategic maneuvering*. This analysis allowed me to find

out that argumentation plays different roles in different *reframing* instances: eventually, I discovered that the term *reframing* – as it is defined in this work – covers in fact four different phenomena that have different functions in the mediation process. Moreover, I also annotated the corpora with the software UAM Corpus Tool, that allows for a manual and multilayer annotation of texts: this made it possible for me to discuss which features of *reframing* (in terms of AMT and/or pragma-dialectical analysis) are the more recurrent ones and to hypothesize why that is the case.

ACKNOWLEDGMENTS

CONTENTS

INTRODUCTION

This dissertation deals with dispute mediators' *reframing* as part of mediators' argumentation. The novelty of this work is introducing an argumentative interpretation of *reframing*. This study is inserted in a broader stream of studies on the role of discourse and argumentation in mediation.

The concept of *reframing* has been employed in several disciplines such as psychology, linguistics, sociology (see Dewulf et al., 2009; see also chapter 3, section 3.1.1). In all these fields *reframing* (literally, changing a frame) is used as a metaphor to describe changes in perspective. In dispute mediation, having conflicting parties change the way in which they interpret their conflict (or at least some aspects of it) is crucial to achieve conflict resolution. In fact, if all involved parties continue to tell themselves the same narrative about what happened (in which the opposing party plays the villain's role, of course), they will most likely not be willing to explore possible solutions that are beneficial to the other party as well.

Its use in many fields testifies its' relevance and power, however, we do not really know how reframing specifically works in communicative and argumentative terms, in particular in conflict resolution practices such as dispute mediation. This in spite of the fact that its efficiency for fostering conflict resolution and the important role it plays in dispute mediation has been recognized by the literature (see Donohue, Allen and Burrell, 1988) and that professional mediators have confirmed that it is usually taught in training programmes through the use of examples (not in a theoretical way).

Reframing is defined in the *Conflict resolution dictionary* as the "technique of relabelling or redefining a particular concept or reality so as to give it a slightly different and more constructive perspective" (Saposnek, 1983, p. 42). The word is clearly related to the verb *reframe*, also defined in the *Conflict resolution dictionary*:

"In its broadest sense, a realignment of a frame of reference. In this sense, reframing is a mental or emotional activity in which a person changes his interpretation of the conflict. Qualitatively different frames may help reduce perceptions of conflict and promote resolution. In a more specific use, reframing refers to a communication technique, sometimes used by mediators, to help disputants reframe (in the broader sense) the conflict to facilitate resolution". (Yarn, 1999)

It is important to note that the concepts of *frames, framing* and *reframing* have been defined in different ways depending not only on the field of studies but also on the scholars and efforts were made to get clarity among all the different ways of defining them (see chapter 3, section 3.1.1).

It is also worth explaining what I mean exactly when I mention the practice of mediation and professionals who practice it – mediators.

"Mediation is historically attested as one of the practices of conflict resolution that complement the function of a juridical system in a civil society. Mediation is present as an informal practice employed privately to resolve conflicts of an interpersonal nature in families, small communities, between friends, and so on." (Greco Morasso, 2011, pp. 16-17).

Moreover, van Bijnen (2020) has shown that there might be different variants of mediations depending on the *formality* of the process and the *proximity* of the mediator to the involved disputants. However, in the present work when I mention mediation, I refer to the standardized professional practice that is part of the Alternative Dispute Resolution

(ADR) movement that started developing in the 1970s in North America[1]. This is not to say that some of the findings of this work (in particular those about the internal functioning of *reframing)* would not apply to other kinds of mediation practice, but the data collected and analysed are all cases of sessions mediated by professional mediators. Mediation is a process in which a neutral third-party help conflicting people find a win-win solution for their conflict through the use of communicative techniques that promote constructive dialogue[2]. Its difference from other alternative dispute resolution practices has been discussed extensively by Greco Morasso (2011), here I will stress only that mediators have no power to impose any solution to the parties (like it is the case for example in arbitration) and that they should also not even propose solutions in virtue of their neutral role.

Since mediation as a professional practice started to be employed more widely, studies in different fields started to be carried out with the aim to study different aspects of its functioning. However, even if it has been observed that *reframing* is an important communicative competence of mediators (Donhoue, Allen & Burrell, 1988; Moore, 2014), it was not yet clear how this competence can be performed in a concrete way, meaning what a mediator should – or should not – say in order to do a *reframing*. Therefore, this dissertation aims at answering this research question, i.e. *how reframing actually works.*

In this dissertation, I adopt the hypothesis that *reframing* is related to mediators' argumentation, and often presents an inferential dimension, as conflicting parties often would not change their mind (shift their *frames*) if they are not provided with good reasons

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[1] The "major event often credited as the 'Big Bang' of modern dispute resolution theory and practice" (Menkel-Meadow, 2005, p. 19) is a speech titled "Varieties of Dispute Processing" (Menkel-Meadow, 2005, p. 19) by Harvard Law Professor Frank Sander, in which "he described his vision of a courthouse in which not all cases would proceed through the doorway (literal and figurative) leading to litigation. Instead, the 'multidoor' courthouse would direct cases to proceed through a variety of other processes, including mediation, arbitration, conciliation, fact finding, or ombuds services, depending on the nature of the case" (Menkel-Meadow, 2005, p. 19).
[2] As for a precise definition of mediation, Van Bijnen (2020) observes how "Although there is some disagreement among scholars on the detailed characterization of mediation (e.g. Schonewille and Schonewille, 2014, pp. 22-23; Gewurz, 2001, p. 136), most studies on mediation take the definition of mediation for granted, accepting mediation as a more or less standardized object of professional training and practice (see e.g. Wall and Dunne, 2012, p. 2019)" (Van Bijnen, 2020, p. 17).

(i.e. arguments) to do so. Argumentation studies on mediation have already been carried out (see for more details chapter 2, section 2.2) but they did not focus on the technique of *reframing*. For the purpose of understanding how *reframing* actually works, in this thesis I analyse instances of *reframing* in two corpora of transcriptions of role-played mediation sessions. Corpus I is composed of 17 mediation sessions in English, all being exemplary cases available for the public either as teaching materials for professional mediators or, more in generally, as illustrative examples of exemplary mediation practice. Corpus II is composed of 9 mediation sessions that I organized within the RefraMe project with professional mediators active in Switzerland (in French and Italian speaking regions) and volunteers playing the roles of the conflicting parties; to my knowledge, this constitutes the first corpus of mediation sessions based on Swiss mediators and used for research purposes. Despite the different languages and venues in which the sessions have been recorded, the two corpora are comparable because, as said, all cases are part of ADR mediation, which follows similar rules across countries. The sessions were video-recorded and then transcribed. For the analysis, I coded *reframing* instances starting from a definition provided by Putnam, that views them as "shifts in levels of abstraction" that provide a positive change in the way parties' view their conflict (Putnam, 2004), relying also on Fillmore's linguistic approach to *frames* to identify such shifts. It is worth stressing that, as I will show, Putnam's definition is more restrictive than the one provided by the *Conflict of dispute resolution* but it is not incompatible with it.

I then employed two complementary theoretical frameworks, namely the Pragma-dialectical approach to argumentation and the Argumentum Model of Topics (AMT), which, together, allow both for a reconstruction of argumentative moves (including *reframing*) that takes into account the discourse in which they take place and a fine-grained analysis of the internal structure of single argument schemes. The Pragma-dialectical approach is a useful tool to identify thesis supported by speakers (i.e. *standpoints*) and the arguments employed to support them. It is a powerful theoretical tool as it can be employed also to analyse implicit argumentation which, as we will see, is very present in the case of *reframing* instances in dispute mediation. The AMT allows for the

reconstruction of the logical principle (inference) that links standpoints to arguments taking also into account contextual, "real life" elements – namely *endoxa* (shared values, beliefs etc. of the parties involved in a given discussion) and *data* (factual elements relevant for the argumentation taking place). It will be used in those cases in which mediators give reasons for their attempts at reframing the discussion.

This PhD dissertation has been developed within the RefraMe project, a SNSF funded research project in argumentation (project 10001C_17004 / 1, 2017-2020, applicant: Sara Greco), to which the author of this dissertation has participated as a scientific collaborator. RefraMe was aimed at understanding the precise functioning of the technique of *reframing* employed by conflict mediators from the viewpoint of argumentation. One of the advantages of having worked within a funded research project, rather than conducting an independent dissertation, is that within the RefraMe project, I had the occasion to collaborate with different scholars on the topic of *reframing* from various perspectives, which has certainly enriched my work. For example, I explored the idea of *reframing* one's negative past experiences in a way that allows him/her to reconciliate with his/her past with Kyoko Murakami, and I reflected upon the role emotions of conflicting parties emerge in mediation during fruitful discussions with Sara Cigada.

This work is structured as follows: in chapter 2, I will discuss about the role argumentation plays in dispute mediation in general; in chapter 3, I will introduce the concept of *reframing*, focusing in particular on how it is defined in the approaches I will rely on in this research and explaining why and how it is considered useful for conflict resolution; in chapter 4, I will introduce the two complementary theoretical frameworks I will employ for an argumentative analysis of *reframing*. Then, in chapter 5, I will discuss in detail about data collection – in particular motivating the rationale behind choices I made regarding the type of data I was going to use; in chapter 6, I will give an overview of how I have annotated data with the software UAM Corpus tool. Having explained this, in chapter 7 I will present the findings of my work, providing illustrative examples of how I analysed instances of *reframing* on multiple levels. Finally, chapter 8 includes a

conclusion, in which, having reflected on the main findings of this work and how they might illuminate the functioning of reframing, I will also discuss the limits of this dissertation, and present avenues for future research.

CHAPTER 2:
USING ARGUMENTATION TO *REFRAME* CONFLICT: ARGUMENTATION IN DISPUTE MEDIATION

The argumentative role of dispute mediators has been studied by different authors (Van Eemeren et al., 1993; Jacobs, 2002; Jacobs and Aakhus, 2002a; Jacobs and Aakhus 2002b, Aakhus, 2003; Cisterna Rojas, 2007; Greco Morasso, 2009, 2011, 2012; Greco, 2016, Vasilyeva, 2012, 2015; Vesper, 2015; Janier and Reed, 2015; Janier and Reed, 2017).

Dispute mediators may argue for different reasons. Firstly, they may need to argue to defend their way of proceeding with the discussion. It is their role to structure the mediation session in a way that potentially fosters conflict resolution, but parties might be unwilling to let them lead the conversation-dispute: parties might interrupt each other or the mediators, insist upon discussing an irrelevant issue or blaming the other party, and so on. Mediators "face social-psychological conditions where parties have tremendous difficulty processing evidence effectively, taking the other's perspective, or thinking beyond a single goal or issue" (Bazerman and Neale, 1992; Thompson, 1990, both quoted by Aakhus, 2003). Mediators could argue why it is important to address a certain issue, in spite of parties' being reluctant to do so.

For example, in a mediation case discussed by Greco Morasso (2011), one of the parties keeps interrupting the other because he does not understand how what she is saying is relevant for conflict resolution. It is a family-business conflict in which the father wants to address a specific issue – the firing of an employee -, whereas his daughter feels the need to express how she feels about their father-daughter relationship more in depth. To make the father change his attitude, the mediator argues for the importance of listening to her daughter using a metaphor: navigating in "uncharted waters". He claims that it is important to proceed even though you cannot know in advance where you are going (in this case, where the conversation will lead you) (cfr. Greco Morasso, 2011, pp. 222 ff).

Mediators might also use arguments to explain why they find better to address an issue *before* another that seems more crucial to the parties. They sometimes appeal to their professional experience to support their standpoints. In a mediation case between the biological mother of a child and the adopting parents, when the mother states that she wants contact with the child ("my main issue is I want contact"), the mediator tries to make her understand why it may be better to address small sub-issues first. Secondly, another reason why mediators may engage in argumentation is because they might want to indirectly challenge the parties' points of view on specific sub-issues if they see that this may be helpful to conflict resolution. This is a delicate task, because mediators are expected to be neutral regarding the outcome. However, if a mediator brings good reasons and does not directly attack a party's standpoint, s/he can succeed in having that party change his/her mind. For example, in a conflict between an NGO's director and a major benefactor who wants to be involved in the decisions regarding the development project he has donated money for, the mediator brings about arguments to indirectly support the NGO's director's claim that asking for weekly reports is not a good strategy to make the project progress[3]. If the other party is convinced by these arguments, this specific sub-issue will be solved and the mediation will progress.

Before I start discussing the argumentative significance of *reframing* in dispute mediation, I will give an overview of the state of the art concerning communication and argumentation studies in relation to dispute mediation. In section 2.1. I will give an overview of studies interested in mediation techniques and mediators' competences from the point of view of discourse and communication; in section 2.2. I will focus more specifically on the study of mediation activity from the perspective of argumentation studies.

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[3] For more details on this kind of practice in relation to the neutrality of mediators see chapter 7, section 7.2.2.2.

2.1 Studies on mediation employing discourse analysis and conversation analysis

The field of communication studies has shown interest in different communicative aspects of the mediation practice; in particular, communication scholars focus on the effects of specific communicative moves on the interaction taking place in mediation and therefore their consequences for the mediation outcome.

Reframing may be seen as a technique, which mediators may adopt. The importance of communication *techniques* employed by mediators is widely recognized in the field: in fact, communication is the only tool available to mediators to shift the parties quarrelling into a positive and respectful discussion aimed at finding mutually satisfying solutions. This is because

> "the very structure of mediation ensures that the resolution of the conflict must emerge from the *reasonable discussion of the disputants themselves*, rather than from a solution imposed by some external authority (Greco Morasso, 2011, p. 1). Since mediators cannot impose solutions to the parties (see chapter 5, section 5.2 on mediation guidelines in different countries), to achieve the goal of conflict resolution they necessarily need to put in place a constructive dialogue with the parties, that allows them to become 'co-arguers'" (Greco Morasso, 2011, p. 4).

Thus, understanding how mediators make use of communicative techniques is crucial for the advancement and improvement of the mediation practice. Therefore, techniques proven effective after empirical analysis of cases may be integrated into mediators' training courses. Some studies have tried to categorize mediation communicative techniques by dividing them according to different criteria. For example, in 2001, Wall, Stark and Standifer proposed a table of mediation techniques (Wall, Stark and Standifer, 2001, p. 376), subdividing them into three macro-categories depending on whether a technique is "disputant oriented", or whether it regards the "disputant-disputant

relationship" or the "disputants-third-party relationship" (Wall, Stark and Standifer, 2001, p. 376). In total sixteen communicative techniques are mentioned and this gives us an idea of how complex the mediator's activity is. In a 2014 article Wall & Chan-Serafin notes that

> "When considering the mediation process scholars and practitioners have raised and investigated two central questions: What are the mediators' strategies? and What are their effects? As for the types of strategies, approximately twenty-five are reported, such as analytic (Birke 2000), evaluative (Lande 2000), pressing (Kichaven, 2008), facilitative (Gabel 2003), and neutral (Kydd 2003)" (Wall and Chan-Serafin, 2014, p. 286).

Other scholars (Boulle, Colatrella and Picchioni, 2008) choose a simpler categorization, arguing that all mediators' skills and techniques "can be brought within […] four categories of functions", namely "creating favourable conditions for the parties"; "assisting the parties to communicate"; "facilitating the parties' negotiations" and "encouraging settlement" (cfr. Boulle, Colatrella and Picchioni, 2008, p. 14).

Without the aim of creating a comprehensive categorization, in the following sections I give an overview of the main topics on which studies on discourse and communication in mediation have focused. As one will notice, some studies touch upon more than one aspect as they are closely interconnected.

2.1.1   The jointly constructed dialogical structure in mediation

In his introduction to a special issue of the *Negotiation Journal* (April 2010), Susskind (2010) stresses the importance for "negotiation analysts" (Susskind, 2010, p. 163) to focus more on "the ways in which meaning is jointly constituted through sequences of verbal and non verbal exchanges" (Susskind, 2010, p. 163). That is, he encourages scholars to foster communicative studies regarding mediation and other related practices using Conversation Analysis and Discourse Analysis, since these approaches "offer powerful

lenses through which we can examine interaction patterns central to negotiation and mediation" (Susskind, 2010, p. 163).

We might say that in order to transform the quality of the interaction between conflicting parties from what is usually a "disputational talk" (Mercer and Littleton, 2013, p. 15) to an "exploratory talk" (Mercer and Littleton, 2013, p. 16). Mercer & Littleton define disputational talk as a dialogue in which "there is a lot of disagreement and everyone just makes their own decisions; there are few attempts to pool resources, or to offer constructive criticism; there are often a lot of interactions of the 'Yes it is! – No it's not!' kind; the atmosphere is competitive rather than co-operative" (Mercer and Littleton, 2013, p. 15). They define exploratory talk as a kind of dialogue in which "everyone engages critically but constructively with each other's ideas; everyone offers the relevant information they have; everyone's ideas are treated as worthy of consideration; partners ask each other questions and answer them, ask for reasons and give them; [they] try to reach agreement at each stage before progressing; to an observer of the group, reasoning is 'visible' in the talk" (Mercer and Littleton, 2013, p. 16). This latter type of dialogue in mediation allows for exploring solutions that take into account the other party's needs, mediators help them move their dialogue in the right direction – always managing to be perceived as neutral by the parties. Their role is to "act as the architects of [the parties'] argumentative discussion" (Greco Morasso, 2011, p. 6).

Several studies have focus on specific moves that mediators can make in order to carry out this extremely delicate task.

To start with, Philipps focuses on the technique of "formulation" (1999, p. 164), as "an active listening technique in which the mediator reflects or mirrors the thoughts and feelings contained in the message of the speaker, without making judgement" (Philipps, 1999, p. 164). His analysis of data allows him to come to the conclusion "that formulating is a nonneutral means of communication that allows the mediator to (1) transform disputants' statements, (2) select or ignore disputants' issues, and (3) invite or discourage disputant's contributions to these issues" (Philipps, 1999, p. 161). These three goals that can be achieved through "formulation" could be considered ways of directing the parties'

dialogue away from "disputational-talk" (Mercer and Littleton, 2013, p. 15), ways of "redirect the focus of discussion" (Aakhus, 2003, p. 273).

Garcia analysed "15 small claim mediation hearings" from a CA perspective (Garcia, 2000, p. 315), looking at how "the mediators and disputants collaboratively produce ideas for resolution, and use several techniques to control production of ideas and their placement" (Garcia, 2010, p. 315). Addressing the topic of cross-cultural mediation, the same author (Garcia, 2013) observes that "(m)ediators have a variety of techniques at their disposal for achieving and repairing intersubjective understanding during mediation sessions" (Garcia, 2013, p. 96). Among these, "(o)ne common technique is reflective listening, in which the mediator repeats a disputant's point back to them to check for comprehension" (Garcia, 2013, p. 96). Although the focus of her paper is cross-cultural communication, this technique is also frequently used in mediation cases involving parties from similar cultural backgrounds, as misunderstandings can easily occur also between parties sharing the same cultural background. Promoting "intersubjective understanding" (Garcia, 2013, p. 96) is a fundamental prerequisite to foster a dialogue that allows for conflict resolution.

Also concerning formulations, another study on mediation interventions analyses the frequent co-occurrence of two mediator's moves: namely, the (re)formulation of parties' "complaints and experiences" (Stokoe and Sikveland, 2016, p. 101) by the mediators, followed by "questions that seek to get clients to make suggestions about ways out of the conflict" (Stokoe and Sikveland, 2016, p. 101). According to the authors, these "SFQs (*solution-focused questions*)" (Stokoe and Sikveland, 2016, p. 101) are "put to use in the service of subtly-done *mediator-proposed solutions*, which are, in turn, built off subtly-done *formulations* of clients' turns at talk" (Stokoe and Sikveland, 2016, p. 110). In this way too, the discussion steers away from content that is detrimental to conflict resolution, such as for example mutual blaming, and focuses on possible solutions.

As said, all these mediators' moves, ideally, contribute to creating a "dialogical space" (Greco, 2018, p. 11) in which a clear change in the parties' "communication style" (Greco Morasso, 2011, p. 4) can be observed. As Greco Morasso (2011) observes,

> "in [...] successful cases, during the course of the parties' communicative interaction, their respective attitudes evidently change. If we compare the discussion of two parties at the beginning and at the end of a mediation session, a difference can be detected in the communication style; for example, the parties' capacity to concentrate on the issue of resolving their conflict, on talking directly to each other, while at the same time leaving space for the other party to express their reasons" (Greco Morasso, 2011, p. 4).

2.1.2   Evaluation of unsuccessful cases (and unexpectedly successful ones)

In order to improve mediation practice it is worth not only identify the communicative "moves" made by mediators that help conflict resolution, but to be aware also of the negative impact poor communicative choices might have on the outcome. This is why another group of empirical studies try to elicit which communicative behaviours by mediators have negative impacts on the mediation's outcome, some of them then proposing alternative behaviours that have proven to be effective in reaching a positive outcome. This is the case in Smith (2000), who, starting from the analysis on an unsuccessful mediation case, "use[s] Conversation Analysis to expose the practical methods by which mediators achieve consensus between disputants" (Smith , 2000, p. 1). He suggests that mediators encourage parties to "empathising with each other's perspective" (Smith, 2000, p. 8) and one of the reasons why mediation might fail is when parties "cannot entertain the assumptions that there are two perspectives, and assume rather their own perspective to be veridical" (Smith, 2000, p. 18). Mediators can employ different techniques in order to achieve this goal, such as "active listening" (Smith, 2000,

p. 11 quotes Schlosberg, 1995, p. 300) and paraphrasing parties' statements[4] (Smith, 2000, p. 14).

Related to the issue of getting to understand what the difficulties can be even before a mediation process begins, Stokoe (2013) analyses, from a conversational analytical perspective, intake calls to mediation services and outlined "barriers to mediation" (Stokoe, 2013, p. 289), i.e. "factors routinely presents in these intake calls that seemed to prevent disputants to ultimately engaging in the mediation process" (Stokoe, 2013, p. 289). In particular, she discusses behaviours mediators should avoid during these calls, in order not to discourage potential clients. She notes that mediators tend to "explain mediation in terms of what it does not do, rather than what it does do" (Stokoe, 2013, p. 295). For example, they give "dispreferred respose[s]" (Stokoe, 2013, p. 295) to help requests (Stokoe, 2013, p. 295): instead of offering to help - which, as Stokoe points out, would be the "preferred response" (Stokoe, 2013, p. 295) – they hesitate and explain the limits of the mediation instead. Mediators also "formulate explicitly the impartiality of their role" (Stokoe, 2013, p. 297), which can result in "callers […] rejecting offers of mediation" (Stokoe, 2013, p. 297). According to Stokoe (2013) this happens because, as "Robert Benjamin (2010) has argued […] human beings are 'predictably irrational' in that they are generally reluctant to accept that there are two or more sides to a story: they want a third party to establish that they are right and that the target of their complaint is wrong" (Stokoe, 2013, p. 299).

Based on the empirical evidence she collected, she advises mediators to explain that mediation "offers a *different* solution to the self-help already tried by callers [= talk with the other party]" (Stokoe, 2013, p. 301) and "offer some affiliation with (or empathy toward) callers and display some shared understanding of the problem" (Stokoe, 2013, p. 301).

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[4] Although the author acknowledges that "the technique of paraphrasing is reliant on collaboration from the disputants" (Smith, 2000, p. 14).

Also on which factors can hinder a positive mediation's outcome is a contribution by Arunchalam et al. (2001), in which the authors discuss "two mediator techniques that may have costly effects: (a) suggestions that each negotiator show concern for the other, and (b) proposals for moderate goals" (Arunchalam et al., 2001, p. 952). They suggest that for the first technique to bring positive outcomes, "the negotiators receiving the suggestions of high concern for the other must view the negotiation as potentially win-win" (Arunchalam et al., 2001, p. 953) and this is not necessarily always the case (cfr. Arunchalam et al., 2001, p. 953). As for the second technique, they argue that "when the mediator proffers moderate goals […] the aspirations of the negotiator and opponent will be lower; therefore, the two can easily find agreement points that satisfy the goals of each but that have low joint outcomes" (Arunchalam et al., 2001, p. 954). However, they also found that when a mediator proposes moderate goals, "she is likewise viewed very positively (even though she is actually less effective)" (Arunchalam et al., 2001, p. 955).

In another study, Wall and Chan-Serafin discuss the use of "assertive strategies" (Wall and Chan-Serafin, 2014, p. 285) by mediators and their surprisingly[5] positive impact on the parties' satisfaction with the mediation process. They explain that "[they] reasoned that disputants would not like to be on the receiving end of an assertive strategy" (Wall and Chan-Serafin, 2014, p. 287). However, this study – an analysis of fifty cases (Wall and Chan Serafin 2014, p. 285) – makes interesting suggestions for mediators on how and when to use such strategies, together with "neutral" ones, and the authors also acknowledge that there are limits in the use of assertive strategies (for e.g. parties will not be satisfied if they had to reduce their expectations in terms of monetary compensation too much, see Wall and Chan-Serafin, 2014, p. 300).

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[5] They explain that "[they] reasoned that disputants would not like to be on the receiving end of an assertive strategy" (Wall and Chan-Serafin, 2014, p. 287). They based this assumption on "reactance theory (Brehm 1961; Hockenberry and Billingham 1993) and self-determination theory (Band, Flaxman, and Bunce 2008), which hold that individuals prefer to have control over their actions and have a negative emotional reaction when someone is attempting to constrain their personal freedom" (Wall and Chan-Serafin, 2014, p. 287).

In sum, the study of mediation cases with unsuccessful outcomes has proven to be a useful tool to understand how mediation practice can improve by avoiding certain communicative strategies substituting them by other ones that foster conflict resolution. Of particular relevance are also studies like Stokoe's (2013) that investigate how people perceive mediation when first contacting with mediation services, in that they can help in improving the way mediation is presented to potential clients instead of turning them away.

2.1.3 How mediators maintain neutrality while influencing the parties' discussion and coping with power imbalances

A particularly relevant topic that has been of interest for communication scholars who studied mediation is the crucial role of mediators' neutrality: In particular, how it is displayed in the way mediators communicate with the parties and which communicative strategies mediators may use to overcome difficult situations - such as "power imbalance" (Garcia, 2010, p. 222) between the parties – while at the same time remaining neutral. It is indeed a difficult task and there is a debate among scholars and professionals whether it is even possible to be a hundred per cent neutral for mediators (see for example "Bernard et al., 1984; Cobb and Rifkin, 1991a.b.; Dyck, 2000; Fuller et al. 1992; Greatbatch and Dingwall 1989; Rifkin et al., 1991; Tracy and Spradlin, 1994", quoted by Heisterkamp, 2006). Glenn talks about the fact that mediators have to deal with "competing constraints" (Glenn, 2010, p. 155) – namely, guiding the discussion without ignoring parties' stance displays (Glenn, 2010, p. 155) - and be able to "respond sensitively to participants *while maintaining impartiality and guiding the mediation process*" (Glenn, 2010, p. 155, my emphasis). Glenn (2010) stresses the importance of finding a balance between these two aspects, as "relentless pursuit of the [latter] to the neglect of the [former] risks alienating participants; undue focus on the [former] can derail progress and undermine perceptions of impartiality" (Glenn, 2010, p. 161). Greatbatch and Dingwall (1999), "using the approach and findings of conversation analysis, […] demonstrate that an orientation to mediator impartiality pervades the conduct of the mediators and disputants [in the sessions analyzed]" (Greatbatch and Dingwall, 1999, p. 272). They "show how mediators advance

a stance of neutralism which allows them to escape formal charges of bias, even when applying pressure in favour of some options or against others, and how disputants normally collaborate in the maintenance of this stance" (Greatbatch and Dingwall, 1999, p. 272).

Garcia (2000) focuses on how mediators can influence mediation outcome by proposing solutions without disregarding their institutional constraint of neutrality (Garcia, 2000, p. 331), by "formulating […] solicits of disputants' position reports' as "specific" rather than "general" solicits" (Garcia, 2000, p. 331).

In order to honour their neutrality, mediators must also be aware of power imbalances among the parties and find a way to empower the weaker party without leaving their neutral role. In a 2010 study, Garcia proposes a series of measures mediators should take in order to counter "power imbalance" (Garcia, 2010, p. 222) among the parties due to the use of particular "interactional techniques" (Garcia, 2010, p. 222) by one of them. In particular, Garcia argues that the first party to give his/her opening statement[6] limits the possibilities the other party has to *frame* the conflict in a way that favours his/her point of view, by using "extreme case formulations" (Garcia, 2010, p. 210) and other "pre-emptive moves" (Garcia, 2010, p. 210) that limit the other's possibilities of shaping the conflict's story. According to her, "the challenge for the mediator is to learn to 'see' these interactional techniques as they are happening and be aware of differences in interactional competence between the disputants" (Garcia, 2010, p. 221). She acknowledges that is not an easy task, because

> "[m]ediators may focus solely on identity-based sources of power imbalance (e.g., gender, age, race) or status-based differentials (such as prestige of job, education level, position in the hierarchy; e.g., Neumann 1992; Landau 1995; Ver Steegh 2008) rather than also

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[6] In a mediation session, after an introduction by the mediator, each party is usually given the possibility to explain the conflict from his/her point of view, without interruptions by the other party. (Cfr. Greco Morasso, 2011, p. 74 or Kovach, 2005, p. 307).

considering how power differences can be created through talk"
(Garcia, 2010, p. 222).

Analysing negotiation of power in mediation settings, Van Bijnen (2019) observes that
"when their procedural power is threatened, mediators may use specific
devices in their interventions that correlate with the four devices –
interruption, enforcing explicitness, topic control and formulation –
Fairclough (1989: 135-137) states can be used by dominant participants
to control weaker parties in dialogues" (Van Bijnen, 2019, p. 84).

If it is indeed true that there are moments in which mediators need to stress their procedural power, in other cases it can be beneficial to stress a mediator's neutral role. This can be done in different ways, as Heisterkamp (2006) explains in a 2006 study in which he analyses "the conversational features of mediation neutrality in a court-based community mediation program" (Heisterkamp, 2006, p. 2051), such as "self-labeling, unbiased paraphrasing, perspective display invitations, footing, and replies to disputant information seeking attempts" (Heisterkamp, 2006, p. 2051).

These studies suggest that, in spite of the fact that there is no complete agreement among scholars and practitioners on exactly how mediators' neutrality is to be defined nor on whether or not is it possible – or desirable - for mediators to be always neutral, several techniques mediators employ seem to linguistically signal mediators' intentions to be neutral – or impartial, or non biased: as one prefer to call it – while at the same time managing to perform their role maintaining their "procedural power" (van Bijnen, 2019, p. 84). According to Tracy and Spradlin (1994, p. 111) mediators use specific "conversational moves" (111) to "gain this interactional power" (Tracy and Spradlin, 1994, p. 111)[7].

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[7] They analyzed the language used by four different mediators mediating the same case, and they found that "by displaying themselves to be expert and fair, they claimed the right to influence. They stablished expertise by labelling self as a professional and by referencing experience and knowledge; they worked to establish their fairness by implying they were fair people, by using referee-like conversational moves,

2.1.4 How mediators deal with cultural differences among the parties

Intercultural cases mediation might pose a further specific issue on a higher level: in fact, as Brigg (2003) observes

> "In Western mediation practice, conflict and violence are typically seen as destructive and unhelpful ways of being, and this does not allow for the constitutive and productive role of conflict in many non-Western traditions. The playing out of these assumptions in mediation practice effects an operation of power that is particularly significant in intercultural mediations" (Brigg, 2003, p. 287).

However, in spite of this underlying issue, some studies have focused on how mediators take into account and deal with cultural differences among the parties. Although this dissertation does not specifically deal with intercultural mediation, it is important to consider the observations emerged in this field because, to some extent, interaction between different parties might always include some differences between the parties, depending on their different stories and cultural identities in a broad sense.

In order to at least hope that both parties' in the course of a mediation process get able to acknowledge (to a certain degree) the reasonableness of the other person's point of view – which is a fundamental prerequisite to conflict resolution, although it does not equal one party changing his/her mind on an issue – they need to share a "common ground"[8]. Cultural differences can be the causes of a lack of "common ground" (although, of course,

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and through the language they used to reframe disputants' face-threats to each other (Volkema, 1988)" (Tracy and Spradlin, 1994, p. 111).

[8] According to Stalnaker (2002): "I believe that the expression 'common ground', as a term for the presumed background information shared by participants in a conversation has its origin in Paul Grice's William James lectures. He did not define or explain the term in the published text, but described certain propositions as having 'common ground status'. See Grice (1989, pp. 65 and 274)" (Stalnaker, 2002, p. 701). Clark observes that "two people's common ground is […] the sum of their mutual, common, or joint knowledge, beliefs, and suppositions" (Clark, 1996, p. 93).

they are not the only possible ones), therefore mediators should be aware of such differences among the parties and find the best way to mediate taking them into account. Moreover, "misunderstanding in handling intercultural conflict is likely because the same communicative strategy may be interpreted differently by different cultures (Kozan, 1997)" (Xiaodong Dai and Guo-Ming Chen, 2017, p. 103).

A possible way to deal with these issues when intercultural differences are particularly evident is co-mediation, as Honeyman, Goh and Kelly (2004) point out: they discuss mediation cases between Aboriginal Australian and non-Aboriginal Australian parties, underlining the importance of having co-mediation with both aboriginal and non aboriginal mediators, so that parties' behaviours linked to cultural differences can be better understood and dealt with (Honeyman, Goh and Kelly, 2004, p. 502). They employ the concepts of "connectedness" and "authority" to argue for it (Honeyman, Goh and Kelly, 2004): "Connectedness" refers to "a sense on the parties' part that the mediator is, in some way, 'one of us'" (Honeyman, Goh and Kelly, 2004, p. 501), whereas "Authority" refers to "a sense on the parties' part that, even while being 'one of us', the mediator is a person of more than average seriousness of purpose, experience and gravitas" (Honeyman, Goh and Kelly, 2004, p. 501). These two categories are important, as we may add, also in contexts in which intercultural differences are less prominent.

Garcia (2013) claims that "conversation analysis can contribute to the understanding of cultural difference in mediation by providing the means to investigate how participants achieve and maintain intersubjectivity and repair failures of understanding when they occur" (Garcia, 2013, p. 85). She observes that "(m)ediators have a variety of techniques at their disposal for achieving and repairing intersubjective understanding during mediation sessions" (Garcia, 2013, p. 96).

All the studies presented in sections 2.1.1., 2.1.2., 2.1.3. and 2.1.4. have in common the interest for gaining a better understanding of the communicative tools at mediators' disposal for leading the parties' dialogue into a fruitful area for conflict resolution or at

least avoid a further deterioration of the parties' relationship (due to insults or other offensive behaviours). What is positively surprising is the variety and complexity of possible mediators' moves reported in the literature, in spite of all the constraints mediators face – in particular their commitment to be neutral and not to propose possible solutions. *Reframing* is also part of these tools that mediators use, as I will discuss in chapter 3.

2.2 Argumentation studies on mediation

Since this dissertation, in the broader framework of the RefraMe project, hypothesizes that *reframing* has an argumentative dimension, it is worth looking at argumentation studies that have focused on mediation (Jacobs, 2002; Jacobs and Aakhus, 2002; van Eemeren et al., 1993; Aakhus, 2003; Janier et al., 2016; Cisterna Rojas, 2007; Greco Morasso, 2011; Janier and Reed, 2015; Vasilyeva, 2012; 2015; 2017) starting from the underlying assumption that "mediators play a role in shaping and conditioning the argumentative possibilities and qualities of discussions aimed at managing conflict" (Janier et al., 2016, p. 2). Moreover, Van Eemeren (2018) considers mediation as a "genre" (van Eemeren, 2018, p. 136) in which argumentation occur.

These contributions stemming from argumentation studies do not study *reframing* – in spite of the fact that it has been acknowledged as a mediator's important communicative competence (Donhoue, Allen and Burrell, 1988; Moore, 2014).

2.2.1 How mediators manage to get the parties out of "dead-end" discussions

Some argumentation studies dealing with mediation focus on the concept of *impasse,* i.e. "situations in which the discussion leads nowhere and nothing constructive comes out of it" (Janier et al., 2016, pp. 2-3), or, in Aakhus' (2003) terms, "moments in dialogue where preparatory conditions for critical discussion are not met"[9] (Aakhus, 2003, p. 282).

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[9] "The model of *critical discussion* articulates the set of argumentative moves necessary for dialogue to result in the rational resolution of differences of opinion" (Aakhus 2003: 266), whereas "preparatory conditions" consist of different kinds of prerequisites for the possibility of a critical discussion to take place (for more details see Aakhus, 2003 p. 266, or van Eemeren et al., 1993).

It is not surprising that in a dialogue among two or more conflicting parties such situations might arise easily, as, especially at the beginning of a mediation process and/or in cases of exacerbated conflicts, people tend not to be in the right mind space to be willing to listening and understanding the other. Usually, they tend to have an "adversarial and hostile attitude" (Greco Morasso, 2011, p. 2). *Reframing* can indeed be employed in order to exit from these situations.

Impasses can take many different forms, but an interesting characterization is provided by Aakhus (2003). He describes three types of impasses encountered in mediation sessions: "irreconcilable facts, negative collateral implications and unwillingness to be reasonable" (Aakhus, 2003, p. 271). The first type, *irreconcilable facts*, refers to disputed facts, for example when one of the parties claims that a particular event did never take place and accuses the other of being a liar. *Negative collateral implications* occur when a disputant "make[s] claims that bring the other disputant's moral character or competence into question (Jacobs et al. 1991; Jacobs and Jackson 1992)" (Aakhus, 2003, p. 272). This will enact a reaction in the other party, who will try to "defend [his/her] spoiled identity" (Aakhus, 2003, p. 272). *Unwillingness to be reasonable* refers to the cases in which "disputants will resist proposals that, at least on their face, are based on legitimate values and presumptively accurate facts" (Aakhus, 2003, p. 272). Aakhus investigates "strategies for handling impasse" (Aakhus, 2003) employed by dispute mediators by focusing on the analysis of "discussion procedures dispute-mediators use to craft the disputant's argumentation into a tool to solve conflict" (Aakhus, 2003, p. 265). In this connection, Aakhus develops the concept of "reconstruction as *design*" (Aakhus, 2003, p. 266), arguing that it is useful for the analysis to interpret mediators' interventions as "moves third-parties make to shape argumentative dialogue into a means to solve conflict" (Aakhus, 2003, p. 266). Employing these procedures, mediators pursue the goal of "defend[ing], in terms of fairness, equity and reasonableness, the quality of the dialogue used to handle the controversy" (Aakhus, 2003, p. 270). In the course of a mediation session, it might be useful for mediators to "intervene by relativizing key facts or assumptions in a dispute by *framing facts as points of view*" (Aakhus, 2003, p. 272, my

emphasis). As it will be elicited in this work, this may indeed be obtained through argumentation, in particular enacting a *reframing*: this suggests a connection of *reframing* to solving impasse moments. For example, in a mediation case between two business partners (who are also close friends), when one of the parties is complaining about the unfair workload division, the mediator observes: "the part you're describing to me is not that Robert is not working enough but that you're working too much".[10] Here, what is presented as an objective fact by one of the parties is reinterpreted as a subjective point of view by the mediator. Employing Aakhus' characterization of types of impasses, Janier et al. (2016) propose an analysis of mediation transcripts based on Inference Anchoring Theory (IAT, Budzynska and Reed, 2001), a theory that "shows and explains how dialogue create arguments" (Janier et al., 2016, p. 4). Their intention is to analyse sources of impasses in mediation and ways to deal with them (Janier et al., 2016).[11]

Thanks to these kinds of mediation interventions, it is not uncommon that parties who previously where extremely reluctant to even *have* a discussion – because they were persuaded that talking reasonably to each other was not even possible – manage to find mutually satisfying solutions through the mediation process. For example, see example 12 in chapter 7, section 7.3.2.

2.2.2 Argumentation's role in the structuring of the parties' discussion

Argumentation studies have also focused on the complex structuring of the parties' discussion operated by mediators and the role argumentation plays in it (Jacobs, 2002; Greco Morasso, 2011, 2012; Vasilyeva, 2015). For example, Greco Morasso (2011) has analysed excerpts of successful mediation sessions, looking at the crafting of the discussion space by the mediator through the employ of argumentation, and at how this structuring of the dialogue enables conflict resolution. In fact, without mediators' changing the course of the discussion, it is very likely that conflicts "spiral down", as

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[10] Mediation case "Business conflict" (see chapter 3, section 3.2), turn 302.
[11] They also proposed (Janier and Reed, 2015) the development of "a theory of close analysis for discourse in dispute mediation" (Janier and Reed, 2015, p. 45) in order to create software able to help mediators' in reaching their goal (Janier and Reed, 2015, p. 45).

parties lose hope to solve it and get more and more unwilling to listen to the other party and to make concessions or be open to discuss possible solutions (see for example Glasl, 2004; Greco, 2020). *Reframing* can indeed be one of the argumentative tools mediators can use to craft this space.

In analyzing transcripts of mediation sessions from an argumentative point of view, Vasilyeva (2012), focuses on argumentation as a dialogic process and she claims that "argument and reasoning are constituted through interaction that imposes various constraints on what contributions are appropriate in mediation talk" (Vasilyeva 2012, p. 210). When conflicting parties argue in a way that is not functional for conflict resolution, e.g. when one tries to demonstrate through arguments why the other is to blame for every problem they are having, the mediator tries to steer the conversation in a more desirable direction. As Vasilyeva puts it, "dialogue activities mediators initiate can be considered as strategic moves they make to achieve the institutional goal of the meeting", i.e. conflict resolution (Vasilyeva, 2012, p. 210). Another contribution that provides an interesting communicative analysis of the mediation process is an article published in 2002 that tries to elicit – and it is titled – "what mediators do with words" (Jacobs and Aakhus, 2002). In this article, the authors identify different "models of rationality" (Jacobs and Aakhus 2002, p. 177), i.e. ways of making sense of the conflicting situation that lead mediators to deal with the mediation process differently. One of these models is indeed "critical discussion" (Jacobs and Aakhus 2002, p. 177), a concept they take from the pragma-dialectic approach (van Eemeren, 2010) and that I will discuss further in chapter 4, sections 4.1.1 and 4.1.1.1. This model "assumes that disputants are able to produce and recognize good arguments, and that they are willing in principle to accede to the force of the better argument"[12] (Jacobs and Aakhus 2002, p. 186). To foster conflict resolution, mediators are "expected to intervene in ways that attempt to improve the quality of arguments and to guide the argumentation in more productive ways" (Jacobs and Aakhus 2002, p. 186). Mediators' interventions obviously depend on parties' statements, and "mediators examine each interactive turn – disputants' statements, challenges, questions, narratives – for the

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[12] This underlining assumption is also at the basis of my analysis of *reframing*.

possibilities each affords for transformational opportunities" (Folger and Bush, 1994, p. 15). If sometimes mediators do not take into account what a party just said for the development of the discussion (and, as we have seen, justifies this by means of meta-argumentation), in other occasions something expressed by a party gives the mediator an occasion to make a move otherwise not possible to make. By paying careful attention to what parties say, and sometimes also guessing what is left implicit and only hinted to, they try to make parties focus on those elements around which a potential agreement could be developed.

A more recent study employing the pragma-dialectical notion of "strategic maneuvering"[13] (van Eemeren, 2010) also focuses on mediators' moves, analysing "the variety of interventions mediators perform using the concepts of face and facework" (Vasilyeva, 2017, p. 341). Vasilyeva stresses the importance for mediators to intervene when participants are engaged in dialogical activities not appropriate for mediation in a way that does not threaten their positive and/or negative face (Vasilyeva, 2017, pp. 341 and following). Positive face refers to a "person's wish to have his/her public image to be approved and ratified" (Vasilyeva, 2017, p. 343), whereas negative face is "the person's wish to be free of impositions" (Vasilyeva, 2017, p. 342). Avoiding face threats on the part of the mediator is crucial to avoid the risk that one or all parties perceive the mediator as negatively biased against them. If someone's positive and/or negative face has been threatened, that person main goal will most likely be to defend him or herself instead of focusing on the search for a win-win solution to the conflict. The notion of mediators' strategic maneuvering, which has already applied to dispute mediators beyond Vasilyeva's work (Greco Morasso, 2012; van Bijnen and Greco, 2018; Greco and Jermini – Martinez-Soria, 2021) is a central one also in this work, as it will be employed to analyse *reframing* instances (see chapter 3, section 4.1.1.1).

2.2.3 Questions and (re)formulations

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[13] Strategic maneuvering is a key analytic tool also in this work and will be described in detail in section 4.1.1.1. It refers to "the continual efforts made in all moves that are carried out in argumentative discourse to keep the balance between reasonableness and effectiveness" (van Eemeren, 2010, p. 40).

Up to now, argumentative studies on mediation have explored two types of techniques widely employed by mediators, namely *questions* (van Eemeren et al., 1993; Jacobs, 2002) and *(re)formulations* (van Eemeren et al., 1993; Jacobs, 2002). Questions can be a "discreet way in which the mediator can suggest possible arguments to the parties" (Greco Morasso, 2011, p. 229). In particular, "through lines of questioning, the mediator may get the respondent to commit to answers that could serve as common premises for arriving at some conclusion" (Jacobs, 2002, p. 1411), so that "the mediator has not publicly advocated any standpoint or committed himself to any particular argument" ("van Eemeren et al., 1993: Ch. 6; Jacobs, 1989" quoted by Jacobs, 2002). This can perform the function of displaying an appearance of neutrality. Jacobs observes that some of the mediators' questions he analyzed "are tinged with argumentative potential simply by virtue of raising issues for consideration" (Jacobs, 2002, p. 1411). I will illustrate in chapter 7 (in particular section 7.1.2) how mediators may argue at a meta-level, in the sense of arguing that a specific issue needs to be addressed in order to advance in the mediation process. At a linguistic level, they might do so employing questions.

As for reformulations, Jacobs notes how

> "in their summaries and reports, mediators may frame viewpoints as not being their own. Yet, providing such summaries may actively attribute to the disputants; formulations of their positions they would not have otherwise held, and in their reports mediators may actively pursue positions from which they are officially disengaged" (Jacobs, 2002, p. 1423).

However, among these most often studied techniques *reframing* is not mentioned, even if - as I will illustrate in this work – it can be enacted through questions or reformulations (see chapter 7, in particular section 7.2.2.1 and 7.2.3), even though not *all* questions or reformulations are instances of *reframing*.

CHAPTER 3: *REFRAMING* AND CONFLICT RESOLUTION

In section 2.1 in the previous chapter, I have discussed how argumentation studies worked on mediation and I have noted that *reframing* has not been considered in a systematic way. I will now discuss in section 3.1. why *reframing* is considered important in conflict resolution studies and why an argumentative perspective on *reframing* is needed; in section 3.1.1. I will explain what *reframing* is – starting from considering the related notions of *frames* and *framing*; and in section 3.1.2. I will explain why *reframing* is useful in mediation.

3.1 Introduction to *reframing*

Studies that focus on conflict resolution have discussed the notion of *reframing* as an important communicative technique employed by dispute mediators (Donhoue, Allen and Burrell, 1988; Moore, 2014). The literature even alludes to the argumentative or inferential dimension of *reframing* (see for example Hoffmann, 2011; Greco, 2016). In fact, different scholars describe the kinds of reasoning enacted by *reframing* in terms that are very similar to what argumentation scholars would call *argument schemes* (e.g. Rigotti and Greco, 2019). For example, reasoning from analogy is mentioned (Putnam and Holmer, 1992, p. 140), as well as cause-effect relations (Putnam and Powers, 2015, p. 386)*.* However, the technique of *reframing* has not been studied in depth in argumentation. This lack of more research on the specific functioning of *reframing* is surprising given its importance for conflict resolution. As Atran and Axelrod note, "surprisingly little has been written on how the process actually works" (Atran and Axelrod, 2008, p. 222).

3.1.1 What is *reframing*?

Before I discuss what *reframing* is and, more specifically, how it is defined in this work, a premise on the related concepts of *frames* and *framing* is needed. In fact, these concepts have been defined in a variety of ways in different disciplines (conflict resolution studies but also psychology, sociology, communication and other fields: see Dewulf et. al, 2009). As Rocci (2009) notes, "In the 1970s similar notions of *frame* were developed roughly at

the same time in anthropology, artificial intelligence, linguistics and sociology. The different notions have evolved somewhat independently but share a certain number of similarities […]" (Rocci, 2009, p. 260). According to Dewulf et. al (2009), it is possible to see two broad research streams around *frames*: one views them as cognitive structures that help people making sense of their experience (Dewulf et al., 2009) whereas the other focuses on the communicative aspect of frames, i.e. "on how parties negotiate meaning in interactions" (Dewulf et al., 2009, p. 156). Similarly, Hoffman distinguishes between cognitive and semiotic framing (see Hoffman, 2011). He defines the first type as "the process of interpreting data or perceiving things in a way that they fit into a subject's belief-value-attitude system" (Hoffman, 2019) and the second as "the use of signs for certain effects on an audience" (Hoffman, 2019). Although Dewulf et al. (2009) stresses the differences between these two approaches, they both bring interesting insights for the study of frames. For example, in a conflictual situation, to find out what is a party's understanding of the conflict, a mediator needs to rely on what is expressed by that party through communication (e.g. how does s/he depicts the other party, what words s/he chooses to describe the facts), and this understanding changes in the interaction (for e.g. a party can shift from characterizing an incident as a "personal attack" to describe it as a "misunderstanding"). So, the mediator focuses on the communicative aspects of *frames*, however the way parties will verbally describe their conflict and the way they will behave is linked to the way in which they make sense of that conflict – i.e. to *frames* as cognitive structures[14]. This is because, "when one encounters a new situation (or makes a substantial change in one's view of the present problem), one selects from memory a structure called a 'frame'. This structure is a remembered framework to be adapted to fit reality by changing details as necessary" (Minsky 1975 quote in Dewulf et al., 2009, p. 158). For example, if someone found himself in a conflictual situation similar to another one s/he lived in the past, s/he will have a specific idea of how to interpret the situation, or if the

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[14] Bateson, in his work on *frames* observes: "We assume that the psychological frame has some degree of real existence. In many instances, the frame is consciously recognized and even represented in vocabulary ("play," "movie," "interview," "job," "language," etc.)". (Bateson, 1972, pp. 186-187), therefore identifying a connection between the two types of *frames* as defined by the scholars mentioned in this text.

opposing party behaved towards him/her as another person in a similar position did, s/he will consider them analogous. As Hample et al. observe, "once an argument is joined we bring to bear not only our content knowledge, topical attitudes and habitual argument patterns, but also our preconceptions about what we are doing and our predispositions about how to do it" (Hample et al., 2008, p. 21).

An approach to *frames* that takes into account both their communicative and their cognitive dimension is the one developed by linguist Charles Fillmore. In fact, he explains that

> "[…] the meaning of words may, more than we are used to thinking, depend on contexted experiences; that is, the contexts within which we have experienced the objects, properties or feelings that provide the perceptual or experiential base of our knowledge of the meaning of a word (or phrase or grammatical category) may be inseparable parts of those experiences. Second, the process of interpreting an utterance may depend, more than we are used to thinking, on our perception of the context in which the utterance is produced and our memories of the concepts for earlier experiences with the utterance or its constituent parts." (Fillmore, 1976, p. 24).

If we keep this way of thinking about *frames* in mind and we consider now what *reframing* does, or, as Boulle, Colatrella and Picchioni (2008) put it, what the goal of *reframing* is – namely "to change [parties'] frame[s] of reference in order to get the parties think differently about things, or at least to get them to see things in a different light" (Boulle, Colatrella and Picchioni, 2008, p. 128) –, we can see that it can be achieved thanks to "the fact that the language we use affects how we perceive the world [therefore] by changing language we can change perceptions, and […] changed perceptions can lead to changed behaviour" (Boulle, Colatrella and Picchioni, 2008, p. 128).

At this point the author has anticipated that *reframing,* simply put, consists of a change in *frames.* However, like for the related concepts of *frames* and *framing* there is no univocal definition of it. Therefore, for the purposes of this study I adopt the following working definition, reported by the *Dictionary of conflict resolution*: *reframing* refers in general to "(a) technique of relabeling or redefining a particular concept or reality so as to give it a slightly different and more constructive perspective" (Saposnek, 1983, p. 42). In particular, when the term is used referring to mediation, it indicates "a mediation technique that the mediator uses to recast conflictual issues in neutral terms" (Van Slyck, Newland, and Stern, 1992, p. 196).

Moreover, *reframing* "does not only involve the move by the mediator that initiates it, but also the parties' subsequent interaction […] 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" (Greco and Jermini, 2021, p.78). This consideration is important because it explains why a linguistic approach to frames (e.g. Fillmore, see section 3.2 above) is not sufficient to fully understand how *reframing* works. In fact, *reframing* as intended in this work is a discursive phenomenon, although it originates in a mediators' move (and for clarity reasons I will refer to that move as *reframing*). For an analysis of parties' interaction following a *reframing* see chapter 7, section 7.4.

In the following section we will see what are the advantages of employing *reframing* in conflict resolution processes.

3.1.2 Why is *reframing* useful in mediation?

First of all, studies have shown that there is "a correlation between frame convergence and conflict resolution" (Drake and Donhoue, 1996). Frame convergence is usually lacking when two or more parties are in a conflictual situation, since each of them sees the conflict from his/her own perspective, without even considering that the other might give a different interpretation to the events. For example, imagine a situation where a worker is

always chosen by his/her boss to carry out the most difficult or heaviest tasks. The worker might get angry and interpret this behaviour as the boss disliking him/her and punishing him/her, whereas the boss always chooses him/her because s/he thinks s/he is the best worker and trusts him/her more than the others (for the detailed example cfr. Fisher, Ury and Patton, 1991, 2nd ed.). There are numerous examples of analogous situations in everyday life.

The "frame convergence" that *reframing* creates is possible because it has been observed that reframing takes into account "both (or all) parties' interests" (Gray, 2003, p. 32), whereas the individual frames of the parties usually do not. Obviously, taking into account all parties' interests is a fundamental prerequisite to conflict resolution, and making a communicative move that does not do that would also go against the mediator's neutral role.

To see how interests of all parties' are taken into account by *reframing* instances, the author finds useful referring to the list of different functions that *reframing* can perform developed by Boulle, Colatrella and Picchioni (2008), which includes: "detoxify language"; "focus on the positive"; "focus on interest"; "focus on the future"; "mutualise problems"; "soften and quality demands, threats and negotiate 'bottom lines'"; "turn an absolute demand or a position into one possible option" (Boulle, Colatrella and Picchioni, 2008, p. 130). They do specifically mention "focus on interest" as one of the functions but, indeed, the other functions also imply an attention on the part of the mediator to interests: for example, if the mediator bring the parties to "focus[ing] on the future", they have to reflect upon their *real* interests instead of focusing on what went wrong in the past. Boulle, Colatrella and Picchioni also discuss three main problems that might occur when mediators carry out a *reframing*: it "is a difficult art and if performed badly may be seen as mere parroting the parties"; it "could be seen as manipulative" and it "could be perceived as the mediator favouring one party and losing the non-partisan role" (cfr. Boulle, Colatrella and Picchioni, 2008, p. 130). Notwithstanding, these possible problems

should not be reasons for mediators to avoid performing *reframing* altogether (cfr. Boulle, Colatrella and Picchioni, 2008, p. 131).

Another reason why *reframing* can foster conflict resolution is that studies have shown that it can be effective for *tractability* of *intractable conflicts* (see Shmueli, Elliot and Kaufman, 2006), i.e. complex conflictual situation in which the conflict has escalated so much that even the existence of a satisfactory solution for all parties involved is strongly doubted. According to Schmueli et al. "frame divergence often contributes to the intractability of conflict" (Schmueli, Elliot and Kaufman, 2006, p. 207). She states that this is the case because "these differences endanger divergent interpretation of events, paint parties into negative characters, yield mutually incompatible issues, and focus attention on specific outcomes that impede exploration of alternatives" (Schmueli, Elliot and Kaufman, 2006, p. 208). Intractable conflicts are characterized by "sticky frames" (Carnevale, 2011, p. 272), namely by the stability of frames over time. It is not possible to define at which point exactly a conflict becomes intractable[15], but it definitely it is when parties are not concerned with the finding of solutions anymore but are focusing on "eliminating" the other party or parties. If communication among parties is not managed well from the moment in which a disagreement arises, it is very easy for it to degenerate into a conflict (cfr. Greco Morasso, 2011) in which it has become impossible for the parties to "separate the people from the problem" (Fisher, Ury and Patton, 1991, p. 17). An example of intractable conflict is discussed in Shmueli and Ben-Gal (2003). The authors present the case of a complex environmental conflict regarding the pollution of a river basin involving different stakeholders, such as the companies that caused the pollution, governmental authorities, environmentalists and different users of the river, like fishermen (Shmueli and Ben-Gal, 2003, p. 220). This study elicits the importance of analyzing *frames* for making sense of a conflict and ultimately for exploring ideas that foster resolution. *Reframing* has proven to be effective even to address conflicts that involve "sacred values" (Atran and Axelrod, 2008), i.e. "essential or core values – such as the

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[15] However, important studies on intractable conflicts analysed data over a period of fifteen years (cfr. Shmueli and Ben-Gal, 2003, p. 215).

welfare of [one's] family and country, or [one's] commitment to religion, honor and justice" (Atran and Axelrod, 2008, p. 222).

Reframing also allows the development of discussion issues (Dewulf et al., 2011, p. 17; Putnam and Holmer, 1992, p. 138), which is important because addressing and develop some issues can be fundamental for conflict resolution. In fact, "a *frame* refers to the definition, meaning, and conceptualization of an issue" (Putnam and Holmer, 1992, p. 138) and "although in typical interactions or negotiations, each side starts with a specific framing of the problem, this definition can shift through an interactive process of shaping issues" (Dewulf et al., 2001, p. 17). *Reframing* can also lead to the emergence of new issues within a discussion. For example, mediators might ask parties to reflect upon *when* a course of action is to be taken, instead of discussing whether it is to be taken or not in general.

On a similar note, Greco observes how *reframing* might be a way to center the discourse around "the other side of negative emotions" (Greco, 2020, p. 98, my translation) instead of on them, as "each fear, each anger […], is the other side of a wish" (Greco, 2020, p. 98, my translation). She also points out how "*reframing* is also important in what we could define "reconciliation with oneself' (Greco, 2020, p. 100, my translation), namely the capacity to re-read difficult moments of our past and re-interpret them in a more positive way, for example as useful experiences that will improve our present or future (see Greco, 2020, p. 100).

Up until now the author has discussed why *reframing* is useful for conflict resolution and how an argumentation perspective might be needed in order to better understand its functioning, after having given a brief overview of what *reframing* actually is. In the following section (3.2) I will come back to the concepts of *frames* and *framing* and introduce how they are defined by a well-known linguistic approach (Fillmore, 1976) that is also compatible with an approach used for empirical research on *frames* in studies on conflict resolution (Shmueli, 2008; Shmueli, Elliott and Kaufmann, 2006). These two

approaches are useful to classify *reframing* instances (after having already identified them based on the definition that I will discuss in section 3.3) into four broad categories that indicates what gets reframed (the *issue*; *characterization frames*; *identity* or *conflict management frames*) – which is interesting, in that it allows to see whether recurrent patterns emerge.

Then, in section 3.3 I will introduce communicative studies on *framing* and *reframing* in conflicts in organizations. They provide a definition of *reframing* that I will employ in order to find *reframing* instances in the corpora.

3.2 The concepts of *frames* and *framing* in linguistics

Since to code *reframing* instances in the mediation transcriptions' corpora I rely on *language* (i.e. what the parties and the mediator actually *say*), it is important to clarify how the concept of *framing* – from which *reframing* derives – has been defined in linguistics. In particular, I follow Fillmore's approach, according to which *framing* refers to "the appeal, in perceiving, thinking, and *communicating*, to structured ways of interpreting experiences" (Fillmore, 1976, p. 20, my emphasis). According to Fillmore,

> "[p]articular words or speech formulas, or particular grammatical choices, are associated in memory with particular frames in such a way that exposure to the linguistic form in an appropriate context activates in the perceiver's mind the particular frame – activation of the frame, by turn, enhancing access to the other linguistic material that is associated with the same frame" (Fillmore, 1976, p. 25).

Fillmore makes the example of the frame of a "commercial event" (Fillmore, 1976, p. 25), that is activated by any of the words belonging to that semantic domain, such as "buy"; "sell"; "pay"; "cost" and so on (Fillmore, 1976, p. 25). He then points out that "each of these (words) highlights or foregrounds only one small section of the frame" (Fillmore, 1976, p. 25). This dissertation will show that it is indeed in this way – by activating new

frames in the parties' minds through uttering specific words – that it is possible for mediators to *reframe*.

Fillmore's approach has not been applied to conflict resolution studies so far, but can serve as a background to understand how frames are activated in discourse through the use of specific words and how an analyst can reconstruct them. An interpretation of *frames* potentially compatible with Fillmore's approach seems to be the one behind the methodology developed by Shmueli and her colleagues in conflict resolution studies (Greco, 2020). Based on empirical analyses of cases of conflict, Shmueli provides "a methodology that can elicit or capture [framing] (Shmueli 2008, p. 2048), mainly through the detection of "*linguistic cues*" (Shmueli, 2008, p. 2049, my emphasis). Through such empirical analysis, Shmueli identifies different categories of frames that play different roles in conflictual situations and have different effects on stakeholders (see Shmueli 2008, table 1, p. 2050; see also Shmueli and Ben-Gal, 2003).

Starting from their approach and considering also Gray's assumption that also "issues" can be reframed (Gray, 2006, pp. 196-198), in this thesis (and in the RefraMe project) I classified *reframing* instances by looking at *what* gets reframed: *reframing* of an issue; identity *reframing*; characterization *reframing* or conflict management *reframing*. It is important to stress that "categorisation of frames significantly vary from one study to another, as they are reconstructed inductively (Greco Morasso 2009: 78)" (Greco, 2016, p. 353), therefore each scholar should choose to adopt the categorization that better suits the purposes of the study. In the RefraMe project's case, centered around mediation of interpersonal conflicts, we consider particularly important how parties' view themselves (identity frames) and others' (characterization frames) – since in conflictual situations there is a tendency to end up viewing the other as simply an enemy and cause of all the problems – and how, thanks to mediators' interventions, conflict management frames can change. Mediators also play an important role in selecting issues for discussion (reframing of issues) that need to be addressed in order for the conflict to move towards resolution.

3.3 Putnam: communicative studies on *framing* and *reframing* in conflicts in organizations

While Shmueli (2008) is mainly focused on frame analysis and the reconstruction of different frames in disputes, communication and discourse studies have also focused on the concept of *reframing*. In particular, Linda Putnam and her colleagues propose an approach to *framing* and *reframing* as communicative processes (see Putnam, 2004; Putnam and Holmer, 1992). Although Putnam's work focuses mainly on communication in negotiation (which is not the same as mediation in spite of some similarities, as discussed in the introduction), her approach to *reframing* remains useful for my purpose of understanding its functioning. In fact, *reframing* is a phenomenon that can occur in different communicative contexts, even though in this work I will only look at how it is used in mediation. Moreover, negotiation can also been considered "as a basic process that is present also in other conflict resolution practices" (Greco Morasso, 2011, p. 51), including mediation (Greco Morasso, 2011, p. 51).

Importantly, Putnam defines *reframing* as "shifts in levels of abstraction" that foster conflict transformations (Putnam, 2004). This means that reframing that transforms conflict always includes a shift from one category to a different one. More precisely, as based on her work in organizational conflict, Putnam provides different categories of shifts that in the present work will be used to identify instances of *reframing* In what follows, I will briefly describe each of the categories proposed by Putnam, before discussing the argumentative dimension of *reframing* in the next chapter (chapter 4).

    (a) *Shift from specific to general*

This shift "occurs when parties shift the negotiation from the details of specific positions to the broader common goals that both parties share" (Putnam, 2004, p. 279). An important principle of mediation states "focus on interests not positions" (Fisher, Ury and Patton, 1991), and, we might argue, this is exactly what this kind of shift does. It moves the conversation away from quarrelling over positions and leads parties to reflect upon their common interests. These interests can be variegated: for example, it could be the case that

both parties have at heart the best interest of a third person (e.g. children in divorce mediation), that continuing a commercial relationship would be financially beneficial to both or that both want a positive outcome for a project on which they're working together.

(b) *Shift from concrete to abstract*

It is a "shift [that] creates a language system that differentiate concrete practices from abstract definitions" (Putnam, 2004, p. 280). For example, defining an action as a "favour" might have different implications than using concrete terms to describe what the favour actually was. This type of shift allows to "creat[ing] a level of meaning together" (Putnam, 2004, p. 208) that in turn makes it possible for parties to "redefine issues and alter the naming of a conflict" (Putnam, 2004, p. 280).

(c) *Shift from part to whole*

This shift "centers on the crafting of solutions rather than on the substance or content of negotiation" (Putnam, 2004, p. 281). This shift occurs when "bargainers set forth a formula with broad objective and principles [and] then [they] draw out a number of detailed points for an agreement within the broader framework" (Cfr. Zartman, 1977; Ikle, 1964, quoted by Putnam, 2004, p. 281). This shift creates a situation where "rather than pursuing incremental concession making, negotiators work through a whole-part, two-stage process from framework to detail" (Putnam, 2004, pp. 280-281). In mediation, mediators may argue why proceeding in this way would the best way (in some cases) to deal with a conflict, making often reference to their professional experience.

(d) *Shift from individual to system*

This shift "frames the discussion within a different context" (Putnam, 2004, p. 281), it forces parties to stop seeing the conflict as an interpersonal quarrel, in order to look at it from a broader perspective that takes into account the systemic picture, i.e. all the factors at play. For example, in a mediation session between two individual parties, it may emerge that there is a gap in the regulations within the organization in which they work – thus, technically, no one can be said to be right or wrong. Moving the problem at the system

level, for example acknowledging this lack of clarity in the rules and look for solutions for it (like asking the management to fill this gap by establishing clearer rules), removes the blame for the conflict from the single individuals and thus enables them to move on. This removal of blame from the parties is a fundamental precondition of conflict resolution. In fact, when people find themselves in a conflictual situation, it frequently happens that they feel left alone, i.e. being frustrated to be in an unpleasant situation and not knowing well what to do to exit from it. This feeling can often be mixed with a feeling of guilt, e.g. one finds him/herself wondering whether s/he could have acted differently, if there is something wrong with his/her personality and so on. Secondly, it is extremely likely that from this frustration also stems an anger towards the other party or parties, which is perceived as the problem and eliminating that party is envisaged as the only solution (see for example Greco, 2020, pp. 49 and following, on conflict escalation).

(e) *Shift from literal to symbolic*

"Symbolic language refers to the use of images such as metaphors and narratives to talk symbolically about issues" (Putnam, 2004, p. 282). As Matukaitis (1989) observes, metaphors can be "used to help bridge the communication gap [between the mediator and the parties]. Instead of hearing, 'Let me lecture you', the clients hear, 'let me tell you a story'" (Matukaitis, 1989, p. 23). Thanks to the use of symbolic language by the mediator, conflicting parties are lead to reflect upon the links between the metaphors used and their current situation, in a way that hopefully makes them shift their points of view on their conflict in a way that foster positive conflict transformation.

In spite of describing particularly illustrative examples of the different types of shifts, Putnam does not follow an empirical approach in her work, so the examples she gives are limited to the cases briefly illustrated above. On the opposite, in this work, starting from Putnam's definition of *reframing* as shifts in levels of abstraction, we have systematically categorized instances of *reframing* present in a corpus of mediation sessions. In so doing, starting with Putnam's categories, we have then added some new categories that emerged

empirically during the course of the analysis for this dissertation (see Greco and Jermini-Martinez Soria, 2021).

So far I have explained how *reframing* is defined in this research project and how I searched for *reframing* instances in the corpora; in the next chapter I will discuss the argumentative dimension of *reframing* that is the core of my research question.

CHAPTER 4: THE ARGUMENTATIVE DIMENSION OF *REFRAMING*

In the present work, I follow Greco's general hypothesis that *reframing* has an argumentative dimension (Greco, 2016), although this aspect has not been studied in previous communicative approaches to reframing (see chapter 3). In fact, if parties accept to change their *frames* of reference regarding a specific issue or the conflict in general, they must have been given good reasons (directly or indirectly) to do so. Otherwise, two or more people that are quarrelling and are hostile to each other will not spontaneously change their minds. As Hoffman (2011) observes, it is not possible to explain "a substantial change of mind" such as reframing, unless one considers an argumentative dimension (Hoffman, 2011, p. 139). In what are probably the only argumentative studies of reframing in conflict resolution preceding this dissertation, Hoffman describes *reframing* as a "cognitive change" (Hoffman 2019) that coincides with "a turning point at which people decide – consciously or not – to change the trajectory of a conflict from either escalating it or dragging it on to building consensus" (Hoffman 2019).

In order to bring forward the argumentative interpretation of reframing, the tool that I will use to find out which is the reasoning involved in each *reframing*, i.e. to make its argumentative dimension explicit, is the Argumentum Model of Topics (AMT), developed by Rigotti & Greco (2010, 2019), a tool that "allows to reconstruct the inferential configuration of arguments schemes (Rigotti & Greco Morasso 2010: 502)" (Greco, 2016, p. 358; for a detailed description of the model see section 4.2 below). In fact, in order to understand how the shift in levels of abstraction happens and how it is justified, it is important to use an argumentation model that focuses on inference. In this dissertation, I will employ the AMT within the theoretical framework of the extended pragma-dialectical approach to argumentation. The pragma-dialectical approach, which is based on a dialogical view of argumentation as a *critical discussion* (van Eemeren and Grootendorst, 2004), has already been employed for studying argumentation in dispute mediation (see for example Greco Morasso, 2011; Vesper, 2015; see also the discussion in section 2.2). In the present dissertation, the combination of the AMT and the pragma-dialectical model

allows considering the specific inference moves regarding mediators' reframing in the broader context of the argumentative discussion in which the mediator and the parties are involved.

Before I go into details into explaining *strategic maneuvering*, it is worth describing the general framework of the pragma-dialectical model of a critical discussion – namely, the theoretical model within which the concept of strategic maneuvering was developed. While some anticipations of this model have been discussed in section 2.2, in the following sections I will discuss the models that are used for the analysis in this dissertation.

4.1 The pragma-dialectical model of a critical discussion

The pragma-dialectical approach to argumentation was originally developed by Frans H. van Eemeren and Rob Grootendorst at the University of Amsterdam in the eighties. A comprehensive publication that describes the model was published in 2004 and titled *A Systematic Theory of Argumentation.*

According to the pragma-dialectical model, argumentation "comes into being in response to, or in anticipation of, a difference of opinion, whether this difference of opinion is real or merely imagined by the arguer" (van Eemeren, 2018, p. 1); in this sense, pragma-dialectics does not focus on single argumentations as "products" but on the dialogical "process" of argumentation in which these single argumentations are included. When someone advances a claim – in pragma-dialectical terms, a "standpoint" (van Eemeren and Grootendorst, 2004, p. 2) – about any issue (such as "we should go to the movies tonight" or "That book is not interesting"), s/he can either be confronted with an "opposing standpoint"[16] (van Eemeren and Snoeck Henkemans, 2017, p. 1) (such as "we should not go to the movies tonight" or "that book is interesting") or with doubts[17] (for example:

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[16] This is defined as a "mixed difference of opinion" (van Eemeren and Snoeck Henkemans 2017: 7), one in which "opposing standpoints are adopted with respect to the same proposition" (van Eemeren and Snoeck Henkemans, 2017, p. 7)

[17] This is defined as "nonmixed" (van Eemeren and Snoeck Henkemans, 2017, p. 6) difference of opinion, one in which "there is only one party who is committed to defending a standpoint" (van Eemeren and Snoeck Henkemans, 2017, p. 6).

"why do you think that?" or "are you sure?") expressed by an "antagonist"[18] (van Eemeren and Snoeck Henkemans, 2017, p. 20). Clearly, in conflictual situations like those taking place during mediation sessions, several differences of opinions oppose the parties. The conflict might have originated around a single one, but usually it degenerates because parties' get angrier and angrier at each other and they end up disagreeing on a larger number of issues. If attempts to solve the conflict were not made, the conflict becomes then "intractable" (see for example Shmueli and Ben-Gal, 2003) and solving the original issue is not the main focus of the parties anymore, as winning in some way against the other has become more important in their eyes (Greco Morasso, 2011).

In order to "resolv[e] a difference of opinion" (van Eemeren and Grootendorst, 2004, p. 57)[19], the protagonist has to support his/her standpoint with one or more arguments (see van Eemeren and Snoeck Henkemans, 2017, p. 20). In the case in which there is an antagonist with his/her own standpoint, s/he will try to win the argument too by supporting it with arguments (see van Eemeren and Snoeck Henkemans, 2017, p. 20). This exchange of opinions supported by arguments creates an ideal model of how an argumentative discussion should proceed, which is labelled a "critical discussion" (van Eemeren and Grootendorst, 2004, pp. 42 and following; van Eemeren and Snoeck Henkemans 2017, pp. 21 and following), i.e. "a normative representation of how an exchange could proceed if it was aimed solely at resolving a difference of opinion on the merits" (Andone, 2013, p. 7). A critical discussion is composed of four stages – that can be "analytically" (van Eemeren and Snoeck Henkemans, 2017, p. 20) distinguished, but are not always chronologically present or present at all in a discourse or text (see van Eemeren and

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[18] The person defending the first standpoint is the "protagonist" (van Eemeren and Snoeck Henkemans, 2017, p. 20).

[19] It is important to note that "the resolution of a difference of opinion is not the same as the settlement of a dispute" (van Eemeren and Grootendorst, 2004, p. 58): in fact, "a difference of opinion is only resolved when the parties involved in the difference have reached agreement on the question of whether the standpoints at issue are acceptable or not" (van Eemeren and Grootendorst, 2004, pp. 57-58), whereas "a dispute is settled when, by mutual consent, the difference of opinion has in one way or another been ended – for example, by taking a vote or by the intervention of an outside party who acts as a judge or arbitrator" (van Eemeren and Grootendorst 2004, p. 58). In this respect, mediation is particularly suitable for resolving disputes, whereas other practices like negotiation or traditional justice are more likely to only settle them.

Snoeck Henkemans, 2017, pp. 20 and following). First,: the *opening stage* "is manifest in those parts of the discourse where [the parties] commit themselves to act as protagonist or antagonist and explore whether there is sufficient common ground to have a critical discussion" (van Eemeren, 2010, p. 10); second, the *confrontation stage* "manifests itself in those parts of the discourse where it becomes clear that there is a standpoint that meets with – real or projected – doubt or contradiction, so that a potential disagreement arises" (van Eemeren, 2010, p. 10); third, in the *argumentation stage* "the one party advances argumentation to overcome the other party's doubts, and […] the other party continues to be critical until he has been convinced (van Eemeren, 2010, p. 10); and, finally, in the *concluding stage* "the parties draw a conclusion about the result of their attempts to resolve the difference of opinion" (van Eemeren, 2010, p. 10). Therefore, "in each [stage] a particular aim is pursued" (Andone, 2013, p. 7).

The assumption behind this model is that human beings are willing to accept the reasonableness of arguments and therefore to recognize when the opponent's argumentation is stronger, since "[a]dvancing argumentation in order to resolve a difference of opinion always involves an appeal to reasonableness, because advancing argumentation means making an effort to resolve the difference *on the merits*, i.e., based on the quality of the defense of the standpoint at issue" (van Eemeren and Snoeck Henkemans, 2017, p. 136) . It is also important to note that the model of the critical discussion is an *ideal* and *theoretical* one, and that obviously in real life people usually do not argue in such a tidy way. A conversation or a written text can for example contain argumentative parts, but also non-argumentative ones, or be argumentative in an implicit way (see van Eemeren and Grootendorst, 2004, pp. 97 and following). In order to analyze argumentation in real life contexts, the pragma-dialectical approach proposes to do an "analytic reconstruction" (van Eemeren and Grootendorst, 2004, p. 95). In this reconstruction "all components that are irrelevant to this concern [i.e. resolving the difference of opinion through argumentation] are left out" (van Eemeren and Grootendorst, 2004, p. 95). To carry out this task, an analytic reconstruction involves four kinds of "transformations" (van Eemeren and Grootendorst, 2004, p. 100): "the *deletion*

of all those parts of the discourse or text that are not relevant to the resolution of the difference of opinion" (van Eemeren and Grootendorst, 2004, p. 103); "the addition of relevant parts that are only implicit in the discourse or text"[20] (van Eemeren and Grootendorst, 2004, p. 103); the "*substitution*" (van Eemeren and Grootendorst, 2004, p. 103), namely "the replacement of formulations that are confusingly ambiguous or unnecessarily vague by clear ones"[21] (van Eemeren and Grootendorst, 2004, p. 103) and "*permutation*" (van Eemeren and Grootendorst, 2004, p. 104), which "requires parts of the discourse or text to be rearranged where necessary in the way that best brings out their relevance to the resolution process" (van Eemeren and Grootendorst, 2004, p. 104).

Identifying parties' and mediators' standpoints and arguments in the analysis of mediation sessions is a fundamental prerequisite in order to be able to study the argumentative functioning of *reframing,* its aim is to persuade parties to abandon previous standpoints. Moreover, it is also interesting to check in which stage of the critical discussion a *reframing* occurs, in order to explore in which way it is linked to argumentation (see chapter 7, section 7.2).

In the next section I will discuss the notion of *strategic maneuvering*, that was introduced later in the model and it will be employed in the present work to analyze *reframing* instances.

4.1.1 The notion of *strategic maneuvering*
As Andone (2013) notes,

> "The model of critical discussion outlines the dialectical procedure for
> resolving a difference of opinion reasonably. In argumentative practice,

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[20] This is particularly important in our case, since mediators' *reframing* very often involves implicit argumentation.

[21] This means that "different phrasing of the same standpoint or the same argument that have the same meaning are, for instance, represented by a single standard formulation" (van Eemeren and Grootendorst, 2004, pp. 103-104).

however, arguers can be regarded as striving not only to satisfy the dialectical interest related to resolving the difference of opinion. They also have a rhetorical interest in resolving the difference of opinion in their own favor" (Andone, 2013, p. 10).

To account for this rhetorical interest, the notion of *strategic maneuvering* was introduced in the pragma-dialectical model. It constitutes an extension of the Pragma-dialectical model that was systematically discussed in 2010 as "the final result of a research project that [van Eemeren and Houtlosser] started together in 1996, and it is to a large part based on [the authors'] joint work" (van Eemeren, 2010, ix). It brings into the model a "rhetorical dimension" (van Eemeren, 2010, xi), since it refers to "the continual efforts made in all moves that are carried out in argumentative discourse to keep the balance between reasonableness and effectiveness" (van Eemeren, 2010, p. 40) in all stages of a critical discussion. In other words, when one engages in argumentation, he or she wants to persuade the other party by means of *reason* (i.e. not using fallacious argumentation[22]) but one also tries to do it in a way that is *effective* in reaching his/her goal. Therefore, rhetoric enter argumentation, since arguing means "to expose a thesis in a persuasive way, making an argument a good argument", to put it with Puppo (2015, p. 73). As Fahnestock observes, the concept of *strategic maneuvering* fullfills the need to "appreciating the *what* and *how* of argument" (Fahnestock, 2009, p. 191). It is perhaps worth underlying the fact that in the extended pragma-dialectical model this *persuasion* does not have, like the word frequently (and unfortunately) has, a pejorative connotation[23]. In fact, as Tindale notes, "entering argumentation with others also confers value upon them, recognizing them as *worth* persuading and attaching importance to their agreement (1969, p. 16)" (Tindale, 2006, p. 343).

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[22] In the pragma-dialectical approach they are viewed as violations of one or more of the rules for a critical discussion (see van Eemeren and Grootendorst, 1992).

[23] *Strategic maneuvering* can be considered a device to achieve effectiveness (i.e. persuasion) in an argumentative discussion and, as Tindale obseves, often "the charge of 'device' arises as a charge of 'fallacy'" (Tindale, 2006, p. 344), however "unlike a fallacy, a rhetorical device is indeed the vehicle of persuasiveness and needs to be retained" (Tindale, 2006, p. 344).

In the case of mediation, mediators' overall goal is to lead parties to conflict resolution and ultimately to achieve it. On a more local level (however obviously functional to reach the ultimate goal), mediators' goals might be to persuade parties to accept his/her standpoint regarding a specific discussion issue (see chapter 7, section 7.2).

Strategic maneuvering has three interrelated aspects: *topical potential, adaptation to audience demand* and *presentational devices. Topical potential* refers to "the (not always clearly delineated) repertoire of options for making an argumentative move that are at the arguer's disposal in a certain case and at a particular point in the discourse" (van Eemeren, 2010, pp. 93-94). Selection from the topical potential is extremely relevant in mediators' interventions, as it allows centring the discussion on issues that do not exacerbate the conflict, and it also makes possible to address issues that are fundamental for conflict resolution but that parties would otherwise not have spontaneously addressed. *Adaptation to audience demand* means meet "the requirements pertinent to the audience that is to be reached" (van Eemeren, 2010, p. 94). In the context of mediation practice, for example, a mediator might adapt to his/her audience (i.e. conflicting parties') demand by "fram[ing] the conflict and its potential resolution in a way that all parties perceive to be fair" (Gray, 2006, p. 193). This aspect is obviously crucial when mediators' maneuver strategically, it is important as it signals the mediator's neutrality in the conflict. Parties will most likely not accept a *reframing* if they perceive it as damaging them (e.g. in terms of face – cfr. Garcia, 2010, or in terms of outcome). Or, parties' will not accept a *reframing* if it is based on an *endoxon* they do not share (for a definition of *endoxon* see section 4.2 below). As Piazza observes, "rhetoric […], thanks to its extra-linguistic aim (persuasion), pays particular attention to [the connection between language and extra-linguistic world" (Piazza, 2017, p. 2): in my opinion, in the extended pragma-dialectical model of a critical discussion, this "connection between language and extra-linguistic world" (Piazza, 2017, p. 2) is accounted for especially by introducing the elements of *topical potential* and *adaptation to audience demand*. In fact, for example when a mediator chooses which issue is best to address (selection from the topical potential), s/he necessarily needs to reflect upon the real word situation in which the conflicting parties find themselves. Piazza also

notes that "*persuasive speech* […] necessitates the considerations of extra-linguistic components (such as emotions and desires as well)" (Piazza, 2017, p. 5), and this is also extremely relevant in the notion of *strategic maneuvering*: in mediation, for instance, taking into account parties' emotions and desires is fundamental when selecting from the topical potential, adapting to audience demand or choosing presentational devices. For example, if a party has a strong desire to receive recognition from the opposing party of the suffering s/he is going through, it might not be a good idea in terms of topical potential to try to make them discuss about a possible solution to their problem, but it might be worth focusing a bit more on how the parties' are feeling before moving on to this.

The third aspect of *strategic maneuvering* is *Presentational devices*, which refer to the choices regarding "how the argumentative moves are to be presented in the way that is strategically best" (van Eemeren, 2010, p. 94), i.e. the specific linguistic choices. For example, mediators may use the first person plural form "we" (as in "we need to discuss how you can continue working together") instead of "you" in order to signal their implication in the case, or they might choose to ask a question instead of stating something (more examples of different *presentational devices* will be provided in the analysis: see chapter 7).

Fanhestock clearly unfolds the connection between the concept of *strategic maneuvering* and classical rhetoric:

> "These three [i.e. the categories of strategic maneuvering: topical potential, audience demand and presentational devices] correspond roughly to the rhetorical canons of invention and style. The first two, topical resources and audience demand, link to logos and pathos. The second category, audience demand, could be expanded to include how rhetors construct themselves as well as their audiences in their language choices, thereby projecting an *ethos* appropriate to the occasion and their goals. […] The third and final category, presentational devices, is really concerned with how the material of the first two categories is expressed.

Presentational devices, sampled methodically, actually contribute to (one could say *constitute*) any of the three appeals. In short, the complete rhetorical canon may be useful in the pragma-dialectical pursuit of how meeting rhetorical goals can still satisfy dialectical demand since the first two elements of strategic maneuvering actually include the standard three appeals and the third element considers their expression" (Fahnestock, 2009, p. 211-212).

It is important to stress that these three elements are indeed different *aspects* of *strategic maneuvering*, meaning that the same piece of text will contain all of them, although one aspect might be more prominent. Van Eemeren observes that "analytically several aspects can be distinguished in the strategic maneuvering that are helpful to provide a more precise characterization of the strategic function that the argumentative moves fulfil in the resolution process" (van Eemeren, 2010, p. 93). He refers to the three aspects as "the strategic maneuvering triangle" (van Eemeren, 2010, p. 95). In this work I will analyse in which stage of the critical discussion the *reframing* occurs and which one of these three aspects is more prominent in each case (chapter 7).

There are already studies on mediation that employ the model of critical discussion and, more specifically, the concept of *strategic maneuvering* and it is also with the aim of contributing to further develop this line of studies that this theoretical and analytical tool was chosen in this work to carry out an argumentative analysis of *reframing* in mediation. It has been noted that mediation is a particular type of argumentative discussion[24], because the discussion between the parties does not unfold spontaneously but is guided by the mediator, and also because the mediator him/herself can open a critical discussion with one or both parties' advancing his/her own standpoints regarding the management of the discussion for example (see chapter 7, section 7.1.2). In relation to strategic maneuvering, mediation is described by van Eemeren (2010) as a "genre of communicative activit[y]"

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[24] Greco Morasso speaks of "a special argumentative 'thirdness'" (Greco Morasso, 2011, p. 31) of mediators.

(van Eemeren, 2010, p. 143) that "covers a cluster of communicative activity types that are to a large part argumentative […]" (van Eemeren, 2010, p. 149). He explains:

> "In principle, the mediator's only task is to facilitate the resolution process by structuring and otherwise improving the communication between the parties. In practice, however, he can exploit the room for strategic maneuvering that is left to him in order to contribute indirectly to the achievement of an arrangement. In the confrontation stage, for instance, the mediator can try to stimulate the parties to shift their attitudes towards the conflict to a more constructive level. In the opening stage he can encourage them to modify the perceived meaning of the implicit concessions in such a way that they can be used more easily to come to an agreement. In the concluding stage he can prepare the ground for acceptance of an agreement by the parties by allowing both parties to save face"(van Eemeren, 2010, p. 156).

Greco Morasso has employed *strategic maneuvering* to discuss the "issue management" (Greco Morasso, 2012: my translation) by mediators. Vasilyeva has worked on mediation employing *strategic maneuvering,* looking at "the variety of interventions mediators perform using the concepts of face and facework" (Vasilyeva, 2017, p. 34; see also chapter 2, section 2.2.2 above). Van Bijnen and Greco employ *strategic maneuvering* "to analyze how mediators construct the interventions on the disagreement in terms of (a) the topics they select from the topical potential; (b) the adjustment of interventions to suit their intended addressee(s); and (c) what presentational devices are used" (Van Bijnen and Greco, 2018, p. 285); Greco and Jermini-Martinez Soria, building on the consideration that "reframing proves to have a close connection with mediators' systematic *strategic manoeuvring*" (Greco and Jermini-Martinez Soria, 2021, p. 89), have hypothesized that *reframing* might be "a trait of a 'reconciliatory style' (van Eemeren, 2019), which could arguably be considered typical of dispute mediators whose aim is to steer parties towards the resolution of the conflict. However, apart from Greco and Jermini-Martinez Soria (in press), there are no systematic analysis of strategic maneuvering for *reframing*.

Having described strategic maneuvering in the context of the pragma-dialectical model of a critical discussion, in the next section I will present the complementary theoretical tool that I will use in order to analyze *reframing* instances at the level of inference, namely the AMT.

4.2 Reconstructing argumentative inference with The Argumentum Model of Topics (AMT model)

As anticipated in section 4, in order to understand *reframing*'s functioning from an argumentative point of view, it is necessary to employ a methodological tool designed to analyse inference, such as The Argumentum Model of Topics (AMT), "a theoretical and methodological tool to analyze the inferential configurations of arguments" (Rigotti and Greco, 2019, vii) that was developed by Rigotti and Greco in 2006 (see also Rigotti and Greco, 2010).

The AMT is a tool that allows for the analysis of argumentation on a micro-level: specifically, it looks at how inferences are drawn – which means, "how a single argument supports a standpoint" (Rigotti and Greco, 2019, x). According to this model, "inference involves a cognitive move from something that is known (stablished) for the arguers, i.e., an argument, to something that is not known and must be proven (i.e., the standpoint or, as beautifully introduced by Cicero, a *res dubia* […])" (Rigotti and Greco, 2019, xi). The authors note that, thanks to its "micro-analytical focus" (Rigotti and Greco, 2019, p. 208), the "model could be integrated into a framework that takes into account processes of dialogical argumentation, such as the pragma-dialectical approach to argumentation […]" (Rigotti and Greco, 2019, p. 208), which is what will be done in this work.

It is also important to stress that "the AMT is not a purely logical model of reasoning, as it intends to explain argumentation as it happens in communicative interactions, which take place within social relationships" (Rigotti and Greco, 2019, pp. 207-208); as a

consequence, the integration of the AMT and the pragma-dialectical model of argumentation is not contradictory.

To account for the use of inference in interaction, the AMT reconstruction of inference is composed of a "procedural component" (Rigotti and Greco, 2019, p. 210) and a "material-contextual component" (Rigotti and Greco, 2019, p. 212), that

> "taken together […] are seen in the AMT as two interconnected syllogistic structures […]. Together, these justify how the inferential configuration of arguments is established and how a standpoint is justified based on an inferential rule derived from the locus, as well as on premises that are part of the culture of the interlocutors, their context, and how they interpret it" (Rigotti and Greco, 2019, xiii-xiv).

The procedural component involves three different levels: "the first level is the *locus*, as the source from which arguments are taken" (Rigotti and Greco, 2019, p. 210). It consists of "an 'ontological' relation on which a given argument is based" (Rigotti and Greco, 2019, p. 210), such as "the cause-effect relationship, the analogy (comparability) relationship, and so on" (Rigotti and Greco, 2019, p. 210). Then – and we move to the second level of the procedural component – "[e]ach *locus* has a series of corresponding maxims; each of them creates a subclass of possible arguments" (Rigotti and Greco, 2019, p. 210). The third level is the "logical form" (Rigotti and Greco, 2019, p. 211) that "the maxim activates" (Rigotti and Greco, 2019, p. 211), such as for example "modus ponens"[25] (Rigotti and Greco, 2019, p. 211).

The material-contextual component involves an *endoxon*, that "[i]n the AMT interpretation, […] is a general premise that is accepted by the relevant public (not "the most notable and illustrious", but the relevant interlocutors) in a specific argumentative

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[25] The modus ponens is a logical form activated by the maxim, such as for example "if the cause is present, the effect will be present" (Rigotti and Greco, 2019, p. 211).

situation" (Rigotti and Greco, 2019, p. 214). It also involves a *datum*, which is a "factual premise" (Rigotti and Greco, 2019, p. 214).
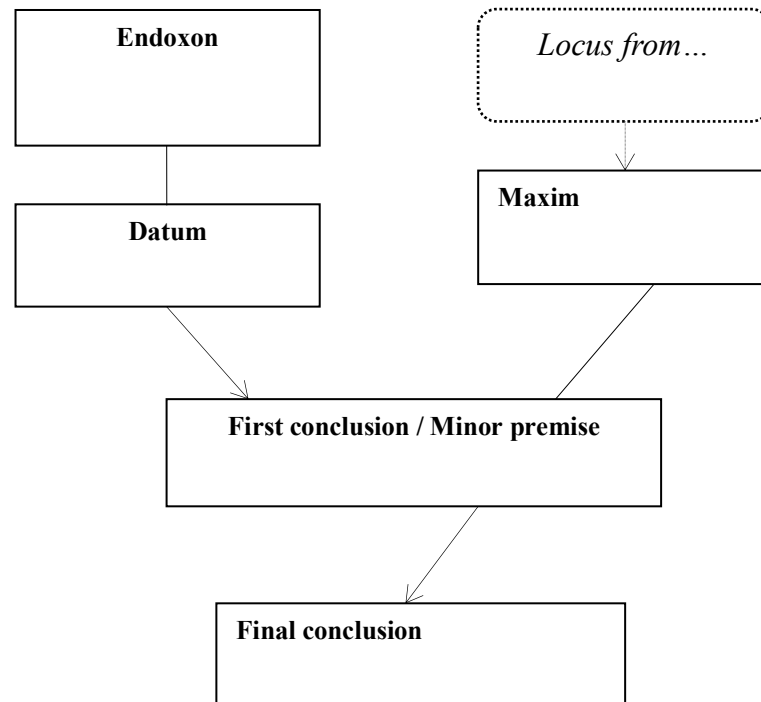
Figure 1: The AMT reconstruction of the inferential configuration of arguments (see Rigotti and Greco, 2019, xiv).

To elaborate more on this point, we might add that, as Puppo observes, whenever someone is involved in an argumentative dialogue, "there is an external state of affair in the world which makes my statement true or false" (Puppo, 2015, p. 73); in the AMT, this "external state of affairs" is condensed within the datum. Puppo stresses the importance of going beyond a purely logical interpretation of arguments to account for data,[26] by stating that

> "Logic is an unavoidable part of argumentation and "logic" means that
> argumentation admits not only deduction, but also induction and
> abduction as valid rules of inference. But logical validity is not the only

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[26] To this interpretation, the AMT adds the consideration of the *endoxon* that, taken together with the datum, constitutes the material-contextual component of each single argumentation.

criterion we must aspect to verify for accepting arguments: to accept an argument means to verify that it is not only valid, but correct too. In a word: sound, which means to include reference to [the external state of affair in the world]" (Puppo, 2015, p. 73).

To respond to this point, in the AMT, taken together, the *endoxon* and the *datum* constitute the "contextual-material starting points" (Rigotti and Greco, 2019, p. 212) on which participants to a discussion need to agree in order to then accept the conclusion (i.e. standpoint that is defended). For example, in the case of mediation, if the parties' disagree over a factual element (such as the fact that an event did or did not take place) or if they do not share an *endoxon*[27] (such as considering something important or valuable), *reframing* that involves such factual element or such endoxon in the reasoning will not be accepted by all the parties. Then, "[f]rom the logical point of view, the conjunction of the endoxon with the datum leads us to [a] conclusion" (Rigotti and Greco, 2019, p. 215), that is in its turn "'used' as a minor premise in the inferential procedural component" (Rigotti and Greco, 2019, p. 215) that will then lead to the final conclusion.

Understanding how inferences are drawn, which is possible thanks to the AMT, is key to shed light on the functioning of *reframing*, since only in this way it is possible to elicit how mediators' words instil a reasoning in the parties' minds that – at least in "successful" cases – makes them change their point of view.

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[27] Arguably, an *endoxon* could be defined as a "general premise" (Rigotti and Greco, 2019, p. 214) that, according to the arguer, is *supposed and expected to* be "accepted by the relevant public" (Rigotti and Greco, 2019, p. 214). In fact, it can happen that people do not share the same endoxa.

CHAPTER 5: DATA COLLECTION

In this chapter, I will describe the data collection method. This will be complemented by the method for data analysis, based on the theoretical framework sketched in chapter 4, which is discussed in the following chapter (chapter 6).

In order to study the functioning of *reframing* in dispute mediation, the present work takes an empirical focus, like several other studies of argumentation in mediation activity (see chapter 2, section 2.2; 2.2.1; 2.2.2; 2.2.3). This dissertation focuses on the analysis of two corpora of mediation sessions' transcriptions, part of which were derived from role-played mediation sessions organized and recorded within the RefraMe project. To understand how *reframing* works from an inferential point of view, it is fundamental to carry out a micro-level discourse analysis, therefore the mediation's sessions were transcribed using a specific transcription method that suits this purpose (Traverso, 1999). In the following sections, I will first provide a general description of both corpora (5), (5.1); then I will describe each corpus more in detail (5.1.2 and 5.1.3), briefly presenting each mediation case analysed in this dissertation. Finally, I will discuss the use of the role-play method to gather data of dispute mediation sessions (5.4), describe the transcription method used (5.5). Finally, I will discuss the comparability of the two corpora, which include mediation cases recorded in different geographical areas but similar in structure and aim (5.6), including an overview of what can be considered two "opposite" poles of broad mediation approaches that can be found in the corpora.

5.1 Description of the corpora

Corpus I and Corpus II together consist of 26 transcriptions of mostly role-played mediations relative to different kinds of interpersonal conflicts. In both corpora, only cases in which the parties could choose whether to continue or to put an end to their relationship were taken into account, this means that we excluded cases involving minors and their parents or legal guardians (because in such cases the relationship has to continue anyway from a legal point of view – no matter how problematic it is). The choice to include cases

of mediation from different domains is justified by the hypothesis that *reframing* does not change in its core functioning depending on the context or type of conflict. Of course, each *reframing* instance will depend on the specific conflictual situation and parties involved, but the way it works from an argumentative point of view should remain the same.

5.1.1 Corpus I

Corpus I is composed of 17 transcriptions[28] of mostly (with the exception of one[29]) role-played mediation cases in English (from different countries: US; Canada; UK; Australia); The Netherlands[30], mediated by 13 different mediators. Only two cases are co-mediation and all cases involve only two conflicting parties[31]. In one case ("Termination Tempest") the parties attend the mediation together with their legal counsellors. All cases are either teaching materials used for the training of mediators, or anyway demonstrations of what is considered good mediation practice, organized by mediation institutions or similar organizations (such as Universities offering mediation-related courses, like the Program on Negotiation – Harvard University). Only one mediation session per case is included in the corpus, usually the first meeting (with the exception of "Medical business partnership", for which I have only the second meeting available). It can be inferred from the transcriptions that some mediations will likely continue (for example because the mediators ask parties to carry out some tasks for the next session[32]), whereas for other cases we do not know whether parties will come back for a second meeting. For yet other cases it is clear that the session will be the only one, as parties have already agreed to sign a mediation agreement. Some cases included also private caucusing, i.e. sessions in which the mediator meets individually with each of the parties. The purpose of such meetings is

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[28] Within the RefraMe project, part of corpus I (cases 1-6) was already transcribed and analyzed for other purposes in Greco Morasso (2011).

[29] Case 9, "Landlord-Tenant conflict".

[30] In spite of being recorded in the Netherlands, the mediators in these recordings are trained and also worked in the US and the cases are mediated in English. This is why mediation in the Netherlands is not described in section 5.6 below.

[31] Mostly corresponding to two people, with some exceptions: in the "Adoption" case a party is represented by a couple, whereas in the "Medical business partnership" case a single medical doctor is speaking on behalf of her colleagues.

[32] Although we do not know this for sure: maybe parties find a solution privately or something happens and they decide to go to court and cancel the next meeting with the mediator.

to allow the parties to express themselves freely and to say things they would not dare or want to say in front of the other party. These sessions are confidential, at the end of each caucus the mediator will ask each party what s/he wishes to keep confidential and what can be discussed in the following joint session. Caucusing has been described as "the most frequently discussed tactic of mediation" (Kessler, 1972, quoted in Welton et al., 1988, pp. 181-182). On the one hand, some research "indicated that disputants in caucus sessions employed less direct hostility, provided more information and proposed more new alternatives than in joint sessions" (Welton et al., 1988, p. 181), whereas "other results showed that disputants were especially likely to boost their own position and put the other party down during the caucus session, suggesting that mediators must be wary of what they learn from one party when the other is out of the room" (Welton et al., 1988, p. 181). Future research on how *reframing* is employed in caucus sessions versus joint sessions is most certainly welcome, although it is beyond the focus of the current study.

An overview of this information for corpus I is provided in table 1 below.

Case	Country	"Outcome"	Source	Length (approximate nr. Of words
Adoption	Canada	Parties are advised to come back for a second session and they are given tasks for then.	Produced by Kent Taylor (Haynes & Haynes 1989: xv)	8017
Father and daughter in business	The Netherlands	Parties plan to come back for a second session.	Edumonde mediation	7397
Harassment complaint	Canada	Parties reach an agreement.	Produced by Kent Taylor (Haynes & Haynes 1989 : xv)	8303
Conflict at school	Canada	Parties plan to come back for a second session.	Produced by Kent Taylor (Haynes & Haynes 1989 : xv)	9624
Banker versus caterer	The Netherlands	Parties might come back for a second session but they have not decided yet.	Edumonde mediation	8380

Business conflict	Canada	Parties plan to come back for a second session.	Produced by Kent Taylor (Haynes & Haynes 1989 : xv)	9427
In the shadow of the city	US	Whether parties come back or not gets not discussed.	PON	10841
Landlord-Tenant	US	Parties reach an agreement.	PON	13070
Termination tempest	US	Parties reach an agreement.	PON	16153
Dead dog scenario	US	Parties reach an agreement.	Center for dispute solutions	13283
Neighbour to neighbour conflict	UK	Parties reach an agreement.	North shore community mediation program	5709
Business partnership Ireland	Ireland	Parties reach an agreement.	O'Sullivan Solutions Law Faculty, Griffith College	9219
Family conflict over construction works	Australia	Parties reach an agreement.	University of Canberra	7705
Another new girlfriend	Canada	Parties might come back for a second session but they have not decided yet.	Edumonde mediation	8122
Medical business partnership	Canada	Parties plan to come back for a second session.	Edumonde mediation	8595
"Dundee" co-workers mediation	UK	Whether parties come back or not gets not discussed.	University of Dundee in collaboration with Catalyst Mediation	9323
Co-workers conflict	UK	Whether parties come back or not gets not discussed.	ACAS	3952

Table 1: Cases Corpus I

It is important to point out that these differences among cases do not constitute an obstacle for the kind of research I plan to carry out: since I am interested in the functioning of *reframing* from an argumentative-inferential point of view, these differences do not influence our results. First of all, as already mentioned at the beginning of this chapter, the

choice to include in the corpora different domains of application of mediation was done because there are aspects of mediation practice that depend on mediation as an "activity type" (van Eemeren, 2010), and are therefore not influenced by the domain of application (e.g. family mediation, workplace mediation, neighbourhood mediation…). I consider the functioning of *reframing* to be one of these invariant aspects. Of course the *reframing*'s "content" will vary in each case, but its inferential dynamic will always be the same. For this reason, it is appropriate to compare cases of mediation practice applied to different "interaction fields" (Rigotti and Rocci, 2006) in order to verify *reframing*'s functioning in as many settings as possible.

Secondly, the fact that mediation cases included in corpus I were recorded in different countries is not an issue for the development of this research. In fact, professional mediation is a standardized practice at the international level. This aspect will be further developed in section 5.6 when discussing the comparability of corpus I and corpus II. I am not claiming that these differences do not influence mediation *at all*, as it can be hypothesized that a country's culture can somehow impact how people deal with conflicts in general and therefore how parties will behave towards each other in a mediation setting[33], and there are certainly linguistic differences, but an investigation of this type is beyond the focus of the current research.

As for the fact that in some cases parties may have to come back for a second mediation session, this is not indicative of the (in-)success of single *reframing* instances.

Here is also provided a short description of each mediation case:

Case 1: Adoption

Jennifer and Harrison are willing to adopt Vivian's newborn child, Rudoph. Vivian has still some time to decide whether or not she is signing all the papers and giving the child

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[33] See for example: Honeyman, Goh and Kelly (2004), on mediation between aboriginal Australian parties and non-aboriginal Australian parties. Or see also Boulle, Colatrella and Picchioni 2008, on the fact that although "[T]he core process of mediation might have something of value for people with widely varying cultural attributes […], the practical application of mediation skills and techniques is not culturally neutral" (Boulle, Colatrella and Picchioni, 2008, p. 16).

to them. They are in mediation because Vivian wishes to keep in touch with her son by visiting him regularly, and she also wants him to know that she is his birth mother. On the contrary, Jennifer and Harrison would like Vivian to have a much smaller role in the child's life, for example by sending him a postcard for his birthday and Christmas, and they are also not sure that it is a good idea to tell him that Vivian is indeed his birth mother. They all agree on the fact that initially there was a misunderstanding around the kind of "contact" that each thought Vivian would keep with the child.

Case 2: Conflict at school

A primary school teacher and the mother of one of her pupils have been suggested to try mediation by the school principal. The two women are in conflict because, according to the mother, the teacher's behaviour towards her son is unfair. She claims that he is given more homework than the other children and that he often gets unjustly punished. On the other hand, the teacher feels that her professional competences are questioned for two reasons. First of all, she regrets that the mother did not agree with her suggestion that the child followed grade two during the current school year (which he had already followed in another country) instead of grade three – which is the grade she is currently teaching. Secondly, she is offended because the mother went to the school's principal to complain about her instead of trying to talk with her directly. Moreover, she argues that the child's behaviour in class is disrespectful towards her and towards the other children and she makes an accusation that this is a consequence of the poor education he has received at home. This assumption makes the mother even angrier, she accuses the teacher of having prejudices against her and her husband.

Case 3: Banker versus caterer

Tim and Polly have known each other for many years, since they were children. For this reason, whenever Tim needs to organize an event for the bank where he works, he hires Polly – who owns a catering company – to take care of catering this time. They are in conflict because at the last event, the food served did not meet Tim's expectations: some food seemed to be rotten and had to be replaced at the last minute in the best way possible,

which resulted in a poor buffet with not much food and choice. Tim blames Polly for this, whereas she claims that the fault is to be attributed to Tim's employees that did not follow the instructions given by her deliverers to keep the food refrigerated until it was to be served. The conflict involves both financial issues (as Tim is refusing to pay Polly for the catering due to what happened) and emotional issues, since they have been friends – or at least good acquaintances – for a long period of time and Polly does not want to have the reputation of her business ruined for mistakes that other people made.

Case 4: Business conflict

Robert and David are good friends and co-owners of a business that produces and sells bagels and they disagree about how the business should evolve. David, who is the one in charge of baking, would like to mechanize the production process because he finds the physical work more and more tiring as he is getting older. He also claims that this is what everyone else in the field is doing and he fears they would suffer in terms of financial gains if they keep producing in an old fashioned way. Ultimately, he is resentful towards Robert because he is the one that – in his eyes – is in charge of more pleasant tasks inside the business, such as bringing customers out for dinner and golfing. Robert argues that his work is hard too, as sometimes he has to stay out late at night instead of staying at home with his family. Moreover, he is afraid that mechanizing the production would be too expensive for the business and he does not want to take risks to do it, such as having to put a mortgage on his house. He also fears that the quality of the bagels would decrease, which could potentially lead to a loss of customers. Both Robert and David want to try mediation because they have been friends for a long time, and this conflict has having a negative impact also on their respective families, which up until the current moment have been very close.

Case 5: Harassment complaint

Ann is a mature student that is following a University's study program especially designed by a professor, Philipp, to meet the needs of students with other commitments, such as children and/or another job. The program allows them to get a degree without having to

follow all the regular classes during the day. The "academic vice- president who is in charge of regulating these kind of issues in the university" (Greco Morasso 2011: 153) has suggested they try mediation because Ann has filed a harassment complaint against Philipp. According to her, his behaviour towards her has been inappropriate for a number of reasons: he always asks her personal questions, he has invited her to lunch and dinners, and in one particular occasion he has put his hand on her knee when they were sitting next to each other in his office for a meeting. Philipp is outraged of having been accused of harassment, he thinks that Ann is paranoid and that she is making up things, as he does not recall putting a hand on her knee. He claims that he has always had friendly relationships with all his students and that there were no ill intentions behind his invitations. Ann wishes to finish her studies and she is afraid that she will not be able to stay in the program, whereas Philipp fears for his reputation as a Professor if this were to become public.

Case 6: Father and daughter in business

Paul owns a real-estate company and one of his daughters, Therese, is working for him as head of one of the business's branches. While she was away on holidays, Paul fired one of "her" employees without consulting her. She is angry with him both for not asking her opinion and because she believes the employee did not deserve to get fired. She accuses her father of never listening to other people's points of view and to run the business in a despotic fashion. According to him, she still needs to acquire experience in order to know the best way to run a business, therefore she should not question his decisions. As the mediation goes on, Therese seems to express her need to have more open conversations with her father, whereas he is very reluctant to do so. He is persuaded that there is no communication problem between them and that the mediator's questions are worsening their situation instead of helping them solve the original issue – the firing of one employee.

Case 7: In the shadow of the city

Jember is the leader of an NGO that is currently carrying out a development project in Ethiopia. Alec is a benefactor who donated a big sum of money for the implementation of

this project, on the condition that he would also be involved in the decision-making process (how to spend the money, which are the priorities both financially and timewise). They are in conflict because they have very different ideas on how the project should be carried out. Alec is pushing to quickly achieve concrete and tangible results, such as the building of houses, in order to be able to show other donors that their money has been well employed. Moreover, he asks Jember to fill weekly reports to check on how the project is progressing. On the other hand, Jember is more concerned about obtaining results from the point of view of the locals' emotional and psychological wellbeing, for example through building a stronger sense of identity and belonging. She believes that this is a prerequisite to obtain concrete results, which remain however difficult to achieve due to practical problems (such as the lack of good street infrastructures and the government's lack of collaboration). She also feels that weekly reports are a loss of time in this difficult situation. Both Alec and Jember are also persuaded that they are entitled to have the final word, as both view the other as having less experience and therefore lacking the tools to make right decisions.

Case 8: Termination-Tempest

Pat has been working in a firm for fifteen years but when the firm was taken over by the owner's son, Robert, he was forced to retire. He was readmitted because the company's mandatory retirement policy was illegal, but shortly after his reinsertion he was fired because his sales performances were considered poor. Robert argues that he was damaging the firm financially and he was therefore forced to take the decision to fire him, whereas Pat claims that his sales performances *appeared to have worsened* because of a change in the firm's commissions' policy. Pat is an "old school" worker who does not fully approve the changes Robert has brought into the company, and he feels that the company is successful also thanks to his good work (he claims to have brought to them major clients). Robert is very worried for the company's current difficult situation, due to the increase of the competition in the market, and he has implemented changes in the company in the hope of saving it from bankruptcy.

Case 9: Landlord-Tenant conflict

Frank proposed mediation to his tenant Ann because she had not paid the apartment's rent for many months. During the mediation, she explains her extremely difficult financial situation, due to the loss of her previous job and the worse salary she receives now, and she also expresses her feeling that she should pay less than the amount Frank requires, because she and her boyfriend have been investing some money in reparations and other improvements inside the apartment. Frank thinks that he should have been informed that reparations were needed before they did anything, and he also claims that she has put him in a difficult situation with the bank, as he is unable to pay the mortgage as long as she does not pay her rent. Apart from the money due, Frank states that he has no problem with Ann as a tenant, but he really needs her either to keep up with the payments or to leave his apartment as soon as possible, so that he would be able to get new tenants.

Case 10: Dead dog scenario[34]

Valery is the mayor of a small town and Diane is the town's only veterinary (their names are not mentioned in the video). They are in mediation because, after Valery's dog died while she was been treated by Diane, Valery has filed a malpractice suit and she refuses to pay the bill for the veterinary expenses. She finds the bill disproportioned – especially given the sad outcome of the treatments – and moreover she accuses Diane of letting one of her employees gossip about her in town, therefore damaging her imagine as a mayor. Diane argues that the dog died because of its owner's neglecting behaviour and she defends herself by claiming that all the expenses indicated in the bill are either procedures that any good veterinary would have employed or medical tools required by laws. She also explains that her children are suffering as they are mocked in school by other children, as a consequence of what happened to the mayor's dog. She claims that Valery is so upset only because the dog was the symbol of her next election campaign, and she also expresses her frustration about people in town bringing to her abandoned animals her having to treat them for free.

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[34] This case is not available for free anymore on Youtube, however, it was when I was collecting transcriptions for corpus I.

Case 11: Business partnership Ireland

Pat and Joe have known each other since primary school and have been business partners for some time. They are in conflict because Joe wishes to dissolve the partnership, since he discovered – from another person - that Pat had the intention of signing an important business deal he did not know anything about. He feels that Pat has done this "behind his back" and therefore wishes to end the partnership. He also accuses Pat of not working hard enough and leaving him all the hard work to do. On the contrary, Pat does not want to dissolve the partnership and sees Joe's accusations as unfounded and his desire to end the relationship exaggerated. He claims that he had not spoken about the deal to Joe yet because he wanted every detail to be clear before he brought it to Joe's attention. During the session, other issues they have in working together also emerge: apparently Pat has never explained to Joe why he turned down some apparently good business deals, and Joe also is disturbed that Pat always phones him to discuss work-related issues instead of sending e-mails or messages.

Case 12: Neighbour to neighbour conflict

Josh and Burt are neighbours, Josh has moved a few weeks before the mediation took place in the house next to Burt's. A conflict between them arises when Josh, while doing some yard work, cuts a rose bush in Burt's yard – a rose that had a very important symbolic value for Burt. Burt is very angry with Josh for doing work on his side of the yard without asking his permission and he also dislikes him for not having properly introduced himself when he moved in the neighbourhood. On the other side, Josh is extremely upset for the way Burt expressed his anger – showing up one morning at his door yelling and insulting him, without even explaining to him why he is angry. Josh's wife suggested mediation, because it is important both for her and for her husband to have a good relationship to their neighbours. Josh is sorry for inadvertently cutting the rose bush, but he wishes that Burt would take better care of his side of the yard because it was neglected and Josh feels embarrassed about having his colleagues and friends over for dinner, as he wants them to see that he has moved in a nice neighbourhood. He also explains that he would have liked

to introduce himself to his neighbours but he has been extremely stressed out at work. Burt admits that his yard is not perfect but for him is not such a big deal (as Josh presents it).

Case 13: Family conflict over construction works

James and his sister in law Jackie are in mediation because of some construction works she did on his property. James needed a new driveway built and commissioned the work to her, but when it was finished he was not satisfied with the result, as when it rains water and things like leaves do not drain properly from the driveway. He accuses her of having done a poor job and he refuses to pay the amount that he still owes her, and he would like the driveway to be fixed for free. Jackie claims that she had explained to him that the draining problem would probably arise if he did not allow her to do some additional works, and that wanted the driveway build without the additional works she suggested, as he needed the construction works to be finished quickly – in time for his daughter's wedding. Jackie absolutely wants to be paid for the job, especially considering that she had already made him a discount since they are family. Both of them would like to be able to have a good relationship again in the future, in particular James is being put under pressure by his mother to solve his conflict with Jackie.

Case 14: Dundee workplace mediation[35]

Vivian and Eric are working together in a research institute, as Vivian was hired to work with Eric and eventually take over his role when he will retire. Vivian is frustrated because she feels she is not being allowed to do the job she thought she was hired for, as Eric does not allow her to carry out important tasks. Eric estimates that she still needs to acquire knowledge before being able to deal autonomously with such tasks without making serious mistakes that would cause the entire team's work to be lost. She does not know how she is supposed to prove she is indeed capable of doing the job if she is never allowed to try. Both acknowledge that currently the working environment has been disrupted but they

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[35] I wish to thank Professor Chris Reed and the mediation service of the University of Dundee for allowing this case to be part of the RefraMe project. Janier and Reed have also analysed this case under a different perspective in their articles "Towards a theory of close analysis for dispute mediation discourse" (Janier and Reed, 2015) and "*I didn't say that!* Uses of SAY in mediation discourse" (Janier and Reed, 2017).

hold the other party responsible for this: for Vivian, Eric dismisses her authority in front of the team, whereas for Eric, Vivian never listens to the others and she is always interfering in the team meetings with her ideas.

Case 15: co-workers conflict

Kristy and Paul work in the same company; she has been working there for several years whereas Paul arrived recently. They are supposed to collaborate but they are in conflict due to their very different ways of working. Kristy likes to interact spontaneously with her colleagues, to go to their office without previous notice and discuss her ideas with them, whereas Paul dislikes being interrupted and thinks that exchanging e-mails is more efficient, as the information remains written and the one who receives it has time to think about it before answering. Moreover, once Kristy was home sick and Paul gave a task she was supposed to carry out to another colleague, thinking he was doing her a favour by reducing her workload; but she felt offended as she thought he considered her unable to finish her work in time for the deadline. There was also an occasion in which Kristy invited Paul for a barbecue at her place together with other colleagues, and he did not attend, apparently without any reason.

Case 16: medical-business partnership

Harriet is a medical doctor who recently came back to work at a reduced percentage after being sick for a long period (due to stress). She is in mediation with Frederica, another doctor who represents the interests of all the members of the business partnership. In fact, they do not agree on the terms on which Harriet came back to work. They esteem that she is currently getting paid too much, considering the reduced workload she is taking on. In their view, this does not allow them to hire another partner to cover the shifts she is no longer doing (particularly night and weekend shifts) and as a result they all have to work more. Harriet is convinced that she is being paid a fair amount. Moreover, she feels that in the past she has always worked more than her colleagues without complaining about it, and therefore wishes they were more understanding of her current delicate situation.

Case 17: another new girlfriend

Ingrid and Réné have been divorced for years and they have a child, Wim. A conflict arose between them when Ingrid, after finding out that Réné was going to bring his new girlfriend and her son on holidays with him and their child, decided to take the child on holiday with her instead without discussing it with Réné. As a result, Réné's holiday was ruined, since he was worried that he was not able to reach his ex wife to find out where she and Wim were. Ingrid explains that she took this decision because she does not want her child to spend time with his father's girlfriend*s* (which, according to her, change relatively quickly) – she is afraid that Réné's behaviour causes emotional distress to Wim. Moreover, she thinks that Réné sets a bad example for the child by dating several women one after the other. Réné, instead, does not tolerate that Ingrid keeps interfering in his personal life. He is convinced that when the child is with him, he has the right to do what he wants and to spend time with whoever he wants to. He considers his son a smart and happy child who is not troubled at all by the presence of his girlfriend. The two divorced parents do not have a formal agreement of shared custody, up until the holiday incident they always managed to agree with whom the child was to spend time with.

5.1.2 Corpus II

Corpus II is composed of ten[36] transcriptions of role-played mediation sessions I organized in different areas of Switzerland between 2017 and 2018 within the context of the RefraMe project. To my knowledge, this is the first corpus of this kind collected in Switzerland[37] for communication and argumentation research, and it has a potential of being used for future research on argumentation and discourse in mediation.

The role-play scenarios were selected by the researcher following different criteria (see section 5.1.3.1). In each role-play the mediator is a certified professional mediator working

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[36] In total, I organized eleven role-played mediation sessions. However, one of them had to be excluded from the corpus (for more details see section 5.1.3 below).

[37] In fact, research on mediation in Switzerland has focused primarily on juridical (see for example Mirimanoff, 2011) and sociological aspects (see for example Guy-Écabert et al., 2015). For this reason, there is a lack of textual data available for research.

in Switzerland at the time of data collection, and the conflicting parties are played by volunteers (mostly not mediators themselves). Three mediation session are in Italian and seven are in French[38] – they were recorded in Ticino and in different cities in the French speaking part of Switzerland. Each role-play represents a first meeting between the mediator and the parties and, as in corpus I, the outcome varies – in some cases a solution is reached, in others the mediator asks the parties to come back for a second session. The first session is particularly important because it is the one in which – if mediation works – are set the bases for conflict resolution; it is the occasion in which conflicting parties are asked to leave behind their positions and to start thinking about ways in which the conflict could be resolved. For this reason, I was expected to find instances of *reframing* particularly in this session.

An overview of all this information is provided in table 2 below.

Case	Language	"Outcome"	Length (video time)	Length (approximate nr. Of words
Co-workers argue over prize	Italian	Parties reach an agreement.	44 min.	4812
Hotel manager-client conflict	Italian	Parties reach an agreement.	1h 7 min.	4556
Shop owner-client conflict	French	Parties reach an agreement.	41 min.	5830
Car reparation conflict	French	Parties may come back for a second session.	33 min.	5317
Parking spot neighbours conflict	French	Parties reach an agreement.	33 min.	5843
Loud music neighbours' conflict	French	Parties plan to come back for a second session.	45 min.	7860
Conflict between an intern and her boss	French	Parties reach an agreement.	50 min.	7614

Roommates rent conflict	French	Parties reach an agreement.	42 min.	7656
Money family conflict	French	Parties plan to come back for a second session.	1 h 4 min.	10472

Table 2: Cases Corpus II

The role-plays scenarios from Corpus II were chosen by the researcher. Cases 16-18 and case 20 are inspired to scenarios proposed online by an institution that promotes mediation, whereas the other scenarios were written by members of the RefraMe project, freely inspired to conflicts that happened in real life (obviously they were written in a way that does not possibly allow to recognize the real life situation that inspired them, in order to guarantee anonymity to all people involved). The choice to combine scenarios proposed online with scenarios created within the RefraMe project was made to guarantee for enough variety of conflict types – analogously to Corpus I.

In what follows I will give a short summary of each mediation case.

Case 16: Car reparation conflict

Jodie and Elba both live on campus apartments. Elba likes gardening on her balcony, and one day a big flowers' pot fell from the balcony and damaged Jodie's car that was parked underneath. When Jodie asked Elba to pay for the damage, Elba proposed that her boyfriend would fix the car, but Jodie refuses, as she wants to bring the car to a friend of her father who is an expert coachbuilder, who also offered her a discount. Elba is a student and she does not have enough money to cover the expenses and she wishes they could find a compromise. Jodie feels very frustrated by this situation, as her car was almost new and it was a present from her parents. Moreover, she thinks that the campus apartment's balconies are too small to be appropriate for gardening. She proposes that Elba asks for the money to her parents but she refuses, as she claims to have been financially independent for a while.

This role-play was acted in French.

(role-play idea taken from: http://www.campus-adr.org/Training_Center/roleplayresults, even though slightly modified).

Case 17: Parking spot neighbours' conflict

Patricia and Linda are neighbour and they share a relatively small parking space in front of their houses. Patricia has been having trouble parking since Linda's boyfriend has taken the habit to sleep over at Linda's place very often and therefore to park his car in their parking spot. When Patricia's father, an elderly man who has troubles walking, moves in with her, the situation gets worse, as getting him in and out of the car is always difficult. One day, Patricia is particularly upset and she goes at Linda's place, yelling at her and her boyfriend for the way they park their cars. They get upset for Patricia's behaviour, as they did not even realize they were causing her any problem and in their opinion there is enough space to park three cars in their parking. Patricia wishes that she would have been asked whether it was ok for her to often have an extra car in their spot, and she also proposes that Linda's boyfriend rents a parking place somewhere else. Linda is unwilling to accept this proposal because parking places are expensive in their neighbourhood, and she asks Patricia to find another solution. Both agree on the importance of restoring a positive relationship, as they will have to continue to live next to each other and this conflictual situation makes both of them uncomfortable.

This role play was acted in French.

(role-play idea taken from: http://www.campus-adr.org/Training_Center/roleplayresults, even though slightly modified).

Case 18: Loud music neighbours' conflict

Louise and Clarisse are neighbours, the first one works and the other is a student. They are in conflict because Clarisse likes to listen to loud music and invite people over to her place. The noise disturbs Louise, who claims to have a very stressful job and therefore she wishes to be able to rest and meditate during her free time at home. Clarisse feels persecuted by her neighbour, who is always paying attention to what she is doing. The student also claims that every time she had tried to adapt her lifestyle in order to disturb Louise less, Louise's requests have augmented – she feels her efforts were never good enough.

This role play was acted in French.

(role-play idea taken from: http://www.campus-adr.org/Training_Center/roleplayresults, even though slightly modified).

Case 19: Conflict between an intern and her boss

Anaïs is a Master student who recently start a training at a firm. She is frustrated because she is never given interesting tasks to carry out and she feels she is not learning anything useful for her professional future. She chose to do this training to gain experience in the field and as a consequence she will get her degree six months after the majority of other Master students; and she feels she is doing this sacrifice for nothing. On the other hand, Bernard, her boss, explains that he was simply attributed an intern to train from the human resources department. He claims to have no time to take care of Anaïs's training as he is stressed out working on an extremely important project with a close deadline. They have a very different view of what an intern experience should be like: for Bernard, who has also been an intern when he was young, it is just something you need to do – like it or not – to put on your resume, whereas for Anaïs it should be really an opportunity to develop skills and to put at use what she has learnt at the theoretical level at the university.

This role-play was acted in French.

Case 20: Money family conflict

Theo has sued her former sister-in-law Eloise because she never returned a considerable amount of money he lent her. He is convinced that the entire sum of money would be destined to pay for her studies, whereas she claims that the money was used also for common expenses she had with her ex husband, such as buying a house and take care of their child. As the mediation goes on, it emerges that the borrowed money might have been only an excuse to talk about their relationship in the past, as Theo believes he might be the father of Eloise's son, even though she firmly claims that it is not possible. Theo wants to know the truth but Eloise refuses to let him back in her life and especially in her son's, who, according to her, is already a fragile child that suffers from nightmares and

has already had to deal with not seeing his father anymore, as Eloise's ex husband does not care about his son.

This role-play was acted in French.

(role-play idea taken from: http://www.campus-adr.org/Training_Center/roleplayresults, even though slightly modified)

Case 21: Roommates rent conflict

Stephanie is a student who has rented a room inside Amélie's apartment. They are in conflict because Stephanie has found a new place and wants to leave immediately without paying to Amélie some rent money that, according to Amélie, she owes her. Stephanie feels like she does not have to pay that sum: in particular, she claims that bills (such as electricity, water) should not be split in half because she is frequently away during the weekends (and therefore does not use any light or water) and also because Amélie's boyfriend spends much time very often in the apartment. Amélie is also accusing Stephanie of having damaged her nearly new vacuum cleaner and of not keeping the place clean and tidy. The two do not have a formal rental contract because Stephanie is a friend of Amélie's former tenant, who recommended her.

This role-play was acted in French.

Case 22: Co-workers argue over prize

Giorgia and Tommaso are co-workers at a university as academics; they share the same office and they were supposed to carry out together an important project. According to Giorgia, she had to carry a heavier workload than Tommaso, in spite of the fact that the project regarded mainly Tommaso's area of expertise and that he was paid extra money for working on it. Recently, Tommaso got a promotion and Giorgia is persuaded that this is due to the success of the project she worked so hard for. According to Tommaso, Giorgia's accusations are unfounded. He claims that if she feels that she has worked more is because she is a slower worker and she is unable to employ her time efficiently. They also argue about how to share a prize, consisting of expensive books, that they won for the

project. During the mediation, other issues emerge related to their work relationship and the way they use their common working space.

This role-play was acted in Italian.

Case 23: Hotel manager and client conflict

Alberto is the manager of a small family-run hotel and Carolina is a client who stayed at his hotel during a work trip. They are in conflict because when she arrived at the hotel they could not find her booking, and – as all standard rooms were occupied – they offered her to stay in a superior room. When she received the bill, she found out that the hotel charged her the cost of the superior room, even though she had understood that this would not have been the case, as she had originally booked a standard room (and as her employer is only covering for that cost). She kept trying to contact the hotel via phone calls and e-mails in order to get her money back unsuccessfully. Contrarily, the hotel manager states that he never confirmed the client that he would only charge the cost of a standard room, and he blames the online booking platform she used for the fact that he was not able to find her original booking request. Moreover, he is very upset for the tone of her phone calls and e-mails, which he considers rude and disrespectful. The conflict is worsened by the fact that the client wishes to cancel a second reservation she made for her next stay.

This role-play was acted in Italian.

5.1.2.1 The choice of specific role-plays

In the selection of role-play scenarios, I considered important to have a good variation among different "interaction fields" (Rigotti & Rocci 2006), namely different "piece(s) of social reality where the communicative interaction takes place" (Greco Morasso 2011: 84) and to which mediation is applied, such as family, workplace, neighbourhoods, commercial relations and so on. However, at the same time, I wanted to select types of disputes our participants would feel familiar with and comfortable with playing the roles, in order to avoid as much as possible "face validity" (Jameson et al. 2014: 2015) issues (see section 3.2.1). This resulted in the choice of two workplace mediation simulations, two commercial ones, three neighbourhood conflicts and one family conflict. The

scenarios selected did not require parties to have deep specific knowledge about one field, so that we had increased chance of recruiting participants who were likely to be able to stay in the role-plays. We also avoided scenarios in which the main conflictual issue was related to people's identity (for example sensitive cases involving racism), because it would have been difficult to reproduce it in a role-play if the participants had not lived a similar experience in their real life. We preferred to choose conflictual scenarios over relatively simple "everyday life" problems that our participants were likely to have encountered in their life (see next section for more details on participants).

5.1.2.2 How mediators and parties were selected to participate in the study

Having described the contents of the cases of corpus II, I will now move to explain the rationale behind the choices made to construct this corpus and the method used. The first step has been to contact professional mediators working in Switzerland in order to let them know about this research project and see whether they were interested in mediating one or more mediation sessions[39]. In the end, ten mediators took part in the project, most of them mediated a single session, whereas two of them accepted to mediate two sessions (two separate role-plays with different participants playing the parties). Since mediation activity is not extremely wide-spread in Switzerland in comparison with other countries such as The Netherlands (cf. the discussion in van Bijnen, 2020), it was not easy to establish contacts and collaborate with mediators. The RefraMe project had contacts among professional mediators in the Italian speaking part of Switzerland (Ticino) and in the French speaking part. We excluded the German speaking part for language knowledge reasons, but it is something we would definitely like to do in the future. The role-played mediation sessions took place in the time span between 2017 and 2018.

Mediators received only general information about our research interest in order not to influence their behaviour during the sessions. This information was part of the informed

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[39] I would like to thank CEMAJ (Centre de recherche sur les modes amiables et juridictionnels de gestion des conflits) – Université de Neuchâtel for getting me in touch with professional mediators within the RefraMe project.

consent we asked them to sign.[40] Mediators also received only a brief overview of the role-play in which the issue of dispute and the positions of the participants were very concisely described, as it would happen in a real-life case (in fact, when mediators meet the parties for their first session, they only have an extremely vague idea of the conflict they are about to mediate – this is done in order to give all parties the chance to explain their point of view on the conflict in their respective opening statements). Mediators did not meet the participants before the role-plays took place and they were instructed to act as much as possible as if they were having a first mediation session with new clients. I made what was possible to meet their requirements, for example some mediators asked for a flip-chart to take notes on, or in terms of sitting arrangements. We also let mediators decide where the role-plays would take place. This resulted in part of them being video-taped in mediators' offices and other in different spaces (e.g. university rooms). The language in which the mediation took place obviously also depended on the mediator. Once role-play mediation sessions were scheduled, I started recruiting participants through convenience sampling and snowball sampling. When we had the choice, we tried to vary the participants as much as possible in terms of gender/age. In sum, we can say that we achieved the result of constructing a corpus adequate for the purpose of this research project. Participants received the same piece of information as mediators regarding the conflict and, in addition, they received each a more specific description of their character[41] – they were also instructed to feel free to improvise (e.g. insert new information) and try to act as if they were in a real conflict (e.g. not to hesitate to interrupt the other person or contradict him/her in a harsh manner).

In conclusion, considering both corpus I and corpus II for the present study I took into consideration 26 mediation cases of interpersonal conflicts of various kinds in 3 different languages (English, French and Italian). Although it is a relatively small sample, it suits

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[40] The informed consent was approved by the Ethical committee of USI – Università della Svizzera italiana (cfr. Appendix).

[41] This practice has been used before by relevant scholars in the field, see for example Baruch Bush and Folger (2005, p. 132): "the (mediation) session itself was completely unscripted and unrehearsed, with the actors playing out their roles spontaneously, working from basic information about their characters and the facts of the dispute […]".

the aim of my research. In fact, in order to fully understand how reframing works from an inferential point of view, it is required to carry out a fine-grained textual analysis that would not be possible (due to time and resource constraints) to perform on a large sample. However, future research on this topic is desirable, for example on the frequency of use of *reframing* or on differences in frequency of use in different cultures.

5.1.2.3 Video-recording of the mediation sessions

All the mediation sessions that constitute Corpus II were video-recorded by the author upon informed consent of all the parties participating in the role-plays. The informed consent guarantees participants' privacy's protection (the full text of the informed consent can be read in appendix I). The choice of video-recording was made so that non-verbal elements with relevant communicative meaning (such as for example someone shaking his head) could be noticed and included in the transcript (for the transcription method used see section 5.5 below). The camera was always positioned in a way that captured all participants all the time and, as much as possible (depending on space constraints), the author tried to position it in a way that would capture all their faces frontally. Once put in place, the camera was never moved in order not to distract participants from the role-plays, and the researcher remained present for the entire session in order to make sure that it kept recording correctly.

5.2 Rationale for the use of the role-play method to gather data

It has been observed that role-plays can be "considered a fruitful way to get at difficult-to-capture human interactions without violating privacy" (Jameson et al., 2014, p. 214). (As already mentioned before), all cases but one included in the corpora are based on transcriptions of role-played mediation sessions. Since institutionalized mediation is a confidential process, it is extremely difficult to get access to real mediation sessions. As Burrell, Donohue and Allen note "an important consideration and complication when conducting a field study centers on the confidentiality of participants and the reticence of communities to agree to audio- and/or videotaping of actual mediation sessions" (Burrell, Donohue and Allen, 1990, p. 134). People entering mediation find themselves often

already insecure and bad about the situation, that it is unlikely they would consent to sharing their private talks for research purposes. Secondly, there are also legal implications involved: as it will be shown in section 5.6, mediation guidelines and codes of conduct in different countries require that the mediation process remain confidential. Moreover, role-plays have already proved to be a valid alternative to gather data when access to real data is difficult. As Jameson et al. observe, "[there is] precedent for the use of simulations for the study of natural linguistic phenomena, such as apologies (Demeter 2007) and invitations (Rosendale 1989)" (Jameson et al., 2014, p. 213). For example, Janier and Reed analysed mediation discourse starting from what they label a "mock-mediation" that "was originally created for training mediators"[42] (Janier and Reed, 2017, p. 46) and which is mediated by "graduate mediators" (Janier and Reed, 2017, p. 46). They present these two elements – the case being used for mediators' training and the fact that in the role-play the mediators are real – as justifications of their methodological choice, claiming that "for this reason, the case presented and the mediation are realistic and can be exploited for the fulfilment of our task" (Janier and Reed, 2017, p. 46). They are not the only ones using role-plays as data, as it is not uncommon to do so for the reasons above mentioned. Van Bijnen (2020) observes that it "is a functional solution that has become standardized in studies on mediation discourse from a conflict resolution and argumentative perspective, and has proven to be representative of natural mediation discourse and the practice itself" (Van Bijnen, 2020, p. 64). She also points out that "part of the natural mediation data that can be found in studies on the communication used by mediators was collected before the rules on confidentiality were formalized or tightened, and thus relatively old for a profession such as mediation that evolves in practice (see e.g. the examples in van Eemeren et al., 1993)" (van Bijnen, 2020, p. 64).

In our case, corpus one is composed of cases mediated by real mediators and used as video materials for the training of mediators; Corpus II is composed of cases mediated by

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[42] This case corresponds to case 14 in this work, thanks to the authors' permission to use it.

professional mediators, and the role-plays dispute topics selected are similar to the ones employed in the training videos.

Jameson et al. list as important criterion for establishing whether role-plays can be considered valid material to be analysed "face validity" (Jameson et al., 2014, p. 2015), namely to verify, "for example, that all parties remained in character and the mediation simulation was coherent" (Jameson et al., 2014, p. 2015). They also mention "social desirability bias" (Jameson et al., 2014, p. 226) as being a consequence of the use of role-plays, due to which participants reached agreement quickly and easily, and therefore as a limitation of their study (see Jameson et al., 2014, p. 226).

For the purpose of this study, it was chosen to keep in the corpora cases in which parties exited from the role-play only briefly and for specific reasons (e.g. technical ones – such as: someone entered in the room without knowing it was booked) and to exclude cases (eventually only one) in which the role-play was clearly unrealistic as the mediator and the parties repetitively exited their roles. As for the "social desirability bias" (Jameson et al., 2014, p. 226), we cannot exclude that it affected participants playing the roles of the parties in our study and we shall definitively keep this into account when discussing whether *reframing* instances are accepted by the parties (chapter 7, section 7.4; see also limits of the study in the conclusions, 8.2). However, for understanding how mediators' *reframing* functions – i.e. to capture its internal dynamics – parties' behaviour in this sense is not relevant as we assume that mediators will behave normally. In fact, while the parties were not trained actors, the mediators were professional mediators and the present dissertation only concentrates on mediator's *reframing*, thus focusing on mediator's talk.

I do not want to imply that role-plays are a valid tool to carry out *any* type of research on mediation, but that – depending on what one wishes to investigate – they can be under certain conditions (elicited above). Since I am primarily interested in a specific strategy/behaviour employed by mediators – not parties, role-plays will provide useful insights, which would be otherwise impossible to gather.

5.3 Transcription method used

In order to be able to properly analyse the mediation sessions it is indispensable to transcribe them "in such a way that allows maintaining the oral traits as much as possible" (Greco, 2011, p. 156). In fact, even if *reframing* is verbally expressed and could be captured also reading less precise transcriptions, elements such as long pauses, repetition of certain words, emphasis, overlapping and so on give the analysts a much more detailed idea of the interaction going on – which can be useful to understand for example parties' frames of reference[43], that are in turn necessary to fully understand *reframing* (for more on this see sections 7.3.1 and following).

The notation system employed for the transcriptions of Corpus I and Corpus II is adapted from Traverso (1999):

[	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

(See Greco Morasso, 2011, p. 157).

This system had already been employed to transcribe part of Corpus I (cases 1-6, already discussed in Greco Morasso, 2011), and therefore it has also been chosen for uniformity reasons.

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[43] For example, in case number 6, one of the parties repeats several times in the course of the mediation session "I am the boss", and this is clearly relevant in terms of identity frames.

As far as Corpus II is concerned, I have transcribed and analyzed all data in the language in which they were video-recorded (French and Italian), and only in a second moment I translated excerpt from the transcriptions.

5.4 Comparability of the corpora

In the analysis of *reframing* instances I relied on examples from both corpora to illustrate how it works, and I have annotated both corpora with a software to see if interesting patterns emerged throughout the different cases (see chapter 5 below). In this sense, this research work assumed as a hypothesis that the cases from corpus I and II were comparable, despite the obvious differences in how and where they were collected. Therefore, before proceeding, it is important to address the following question: are these corpora really comparable when it comes to *reframing*? In the following sections I will explain why I can assume that it is indeed the case.

5.4.1 Professional mediation as an internationally standardized practice

Within this dissertation and in the RefraMe project in general, the empirical analysis is based on case from different Anglo-Saxon countries and Switzerland. It is therefore of paramount importance to consider whether these different countries have comparable definitions of "dispute mediation" as a professional practice.

In order to do gather information on this point, I compared the guidelines provided by major mediation associations in each country, and this systematic scan confirmed what has already been stated in the literature, i.e. that professional mediators in different countries are required to follow specific behaviours and that the core characteristic of professional mediation are the same in different countries. Moreover, Kovach (2005, p. 304) observes that some characteristics of mediation "cut across current variations of the process", while Menkel-Meadow (2005, p. 23) states that there is an "emerging professionalization" and "institutionalization of various forms of mediation". The RefraMe project makes the assumption that these various forms of mediation share a common kernel of features that can be considered part of *standardized technical mediation*, which can also be labelled as "ADR mediation", considering mediation as one of the Alternative Dispute Resolution practices which have gained traction internationally

since the sixties (cf. Greco Morasso, 2011). As van Bijnen (2020) has shown, this standardized technical mediation is not the only type of mediation practice that is available nowadays, different standard being present depending on the proximity and the formality of the process (ibid). To this, one should add that mediation also has a long history in different countries and cultural traditions (Greco Morasso, 2011). However, for the purposes of this study, we focused on ADR mediation only, which has been the subject of almost all the preceding studies on argumentation in dispute mediation (see the discussion in van Bijnen, 2020) and that, as such, can be considered a relatively uniform *activity type* across countries and languages. In fact, if in section 2.2 we have noted that mediation can be considered as a genre, we can assume that there might be different activity types within this genre, and ADR mediation is one of them, which is relatively standardized independently from the country where it is used.

Regarding ADR mediation and its degree of standardization, is also worth noting that the cases included in Corpus I are used for teaching purposes worldwide, and two of the mediators of cases in Corpus I (John Haynes and Larry Fong) have also taught in mediation trainings in Switzerland in the past. Before going into details on the results of this comparative analysis, I will now provide a brief overview of the documents I consulted, which are then synoptically presented in table 3, in which the core definitions, values and recommendations around mediation practice in each country are summarized. Each country has its own regulations, however some common features are to be found across countries and regulations.

	US	Canada	UK	Australia	Switzerland
Definition of mediation	"Mediation is a process in which an impartial third party facilitates communication and negotiation and promotes voluntary decision making by the parties to the dispute".	" 'Mediation' means the use of an impartial third party to assist the parties to resolve a dispute, but does not include an arbitrator"		"Mediation is a process that promotes the self-determination of participants and in which participants, with the support of a mediator: (a)communicate with each other, exchange information and seek understanding (b)identify, clarify and explore interests, issues and underlying needs (c) consider their alternatives (d)generate and evaluate options (e)negotiate with each other; and (f) reach and make their own decisions. A mediator does not evaluate or advise on the merits of, or determine the outcome of, disputes".	"La mediazione è un processo volontario di risoluzione del conflitto, nel quale un terzo con formazione specialistica (il mediatore) assiste le parti nella risoluzione amichevole della controversia. […] Il mediatore non ha alcun potere decisionale nel merito".
Principle of party self-determination and informed choice	"When appropriate, a mediator should make the parties aware of the importance of consulting with other professionals to help them make **informed choices**".	**"It is the right of parties to a Mediation to make their own voluntary and non-coerced decisions regarding the possible resolution of any issue in dispute**. Every Mediator shall respect and encourage this fundamental principle of Mediation. […]	"All members of the PMA shall conduct mediation based on the **principle of party self-determination and informed choice**".	"Mediation is a process that promotes the self-determination of participants […]. Ethical Principles (iii) Self-determination […] Where a mediator uses a blended process such as advisory or evaluative mediation or conciliation, which involves the provision of advice, the mediator	"(Il mediatore esamina con i partecipanti se la mediazione è lo strumento adatto alla loro situazione e li informa sui rischi e i limiti del procedimento)".

		The Mediator shall also, where appropriate, advise parties of the need to consult with other professionals to help parties make **informed decisions**".		must: […] (c) ensure that the advice is provided in a manner that maintains and respects the principle of self-determination".	
Impartiality	"Impartiality means freedom from favoritism, bias or prejudice A mediator **shall conduct a mediation in an impartial manner** and avoid conduct that gives the appearance of partiality".	"Unless otherwise agreed by the parties after full disclosure, **the Mediator** shall not act as an advocate for any party to the Mediation and **shall be and shall remain at all times during the Mediation**: (a) wholly independent; (b) **wholly impartial**; and;	"All members of the PMA **shall demonstrate impartiality throughout the mediation process** by conducting mediations fairly, diligently, even-handedly, and with no personal stake in the outcome".	"Procedural Fairness and Impartiality 7.1. A mediator must conduct the mediation in a fair, equitable and impartial way, without favouritism or bias in act or omission".	"Il mediatore assume nei confronti dei partecipanti un atteggiamento imparziale ed equidistante. Il mediatore garantisce un procedimento equo e assiste i partecipanti in modo tale che giungano a una risoluzione del conflitto da loro percepita come giusta. […]"
Conflicts of interest	"A mediator shall avoid a conflict of interests or the appearance of a conflict of interests during and after a mediation. A mediator shall make a reasonable inquiry to determine whether there are any facts that a reasonable individual would consider likely to create a potential or actual conflict of interest for a mediator. ⌊SEP⌋A mediator shall disclose, as soon as practicable, all actual and potential conflicts of interest	(c) **free of any personal interest or other conflict of interest** in respect of the Mediation".	"PMA members should carry out an assessment, based upon practice context, to decide whether there are facts that a reasonable person would consider likely to create a potential or actual conflict of interest. PMA members shall disclose, as soon as practicable, all actual and potential conflicts of interest that are reasonably known to them and could reasonably be seen as raising a question about the mediator's	"Procedural Fairness and Impartiality 7.2. A mediator must identify and disclose any potential grounds of bias or conflict of interests before the mediation, or that emerges at any time during the process. 7.3. A mediator must not mediate in cases involving a conflict of interests without the informed consent of the participants, and then only if, in the mediator's view, the conflict would not impair his or her impartial conduct of the process.	"L'indipendenza del mediatore è uno dei principi cardine della mediazione. Di conseguenza, egli informa spontaneamente i partecipanti dell'esistenza di possibili conflitti d'interesse o di circostanze che dal loro punto di vista potrebbero dare adito a dubbi sulla sua indipendenza e neutralità. Spetta alle parti decidere sulla presenza o meno di tali impedimenti".

	that are reasonably known to the mediator and could reasonably be ⟦SEP⟧seen as raising a question about the mediator's impartiality. After disclosure, if all parties agree, the mediator may proceed with the mediation".		impartiality. After disclosure, if all parties agree, the mediator may proceed with the mediation".	[…] (c) Ethical principles […] (vi) impartiality including the avoidance of conflicts of interest".	
Competence	"A mediator **shall mediate only when the mediator has the necessary competence to satisfy the reasonable expectations of the parties**".	"The mediator **shall acquire and maintain professional skills and abilities required to uphold the quality of the Mediation process**".	"All members of the PMA **shall mediate only when they have the necessary competence to satisfy the reasonable expectations of the parties**".	"Ethical conduct and professional relations 8.1 a mediator must mediate only where they have the competence to do so".	"Il mediatore è preparato a rispondere alle esigenze dei partecipanti e nel medesimo tempo a mantenere la giusta distanza rispetto alla situazione litigiosa. Egli rispetta i valori e le idee differenti. Il mediatore ha svolto una formazione adeguata allo svolgimento dell'attività di mediazione. Egli s'impegna a seguire dei corsi di aggiornamento continuo e ad analizzare il proprio modo di lavorare tramite la supervisione e/o l'intervisione".
Confidentiality	"**A mediator shall maintain the confidentiality of all information obtained by the mediator in mediation, unless otherwise agreed to by the parties** or required by applicable law".	"The mediator, the parties, their experts and advisors, and any other persons who accompany the parties to Mediation **shall keep confidential and shall not disclose** to any non-party all information, documents, and communications that are	"All members of the PMA shall discuss confidentiality issues as soon as practical and before confidential information is provided by anyone. PMA members **shall maintain the confidentiality of all information obtained by them during the process of**	"3.2 The preliminary conference or intake includes: […] (b) explaining to participants the nature and content of any agreement or requirement to enter into mediation including confidentiality, costs and how they are to be paid.	"La confidenzialità delle informazioni rivelate nel corso del procedimento è un principio fondamentale della mediazione. I partecipanti si accordano sul modo di gestire tale confidenzialità e la comunicazione verso l'esterno.

		created, disclosed, received or made available in connection with the Mediation".	**mediation, unless otherwise agreed to by the parties".**	9.Confidentiality 9.1 A mediator must respect the agreed confidentiality arrangements relating to participants and to information provided during the mediation, except […] 9.2. Before holding separate sessions with different participants, a mediator must inform participants of the confidentiality which applies to these sessions. […] 9.5. A mediator must take care to preserve confidentiality in the storage and disposal of written and electronic notes and records of the mediation and must take reasonable steps to ensure that administrative staff preserves such confidentiality".	Il mediatore è tenuto al segreto nei confronti di terzi sull'identità dei partecipanti e su tutti i contenuti della mediazione. Qualora il mandante sia una terza persona che non partecipa alla mediazione, il mediatore è tenuto a concordare con i partecipanti se e come il mandante vada informato. Il mediatore rifiuta di deporre quale testimone dei partecipanti in un eventuale procedimento previsto dalla legge".
Quality of the process	"A mediator shall conduct a mediation in accordance with these Standards and **in a manner that promotes diligence, timeliness, safety, presence of the appropriate participants, party participation, procedural fairness, party competency and mutual respect among all participants".**	"The Mediator shall conduct Mediators in a manner that permits the parties to participate effectively in the Mediation and that encourages respect among the parties. […] The Mediator shall act professionally at all times, and the Mediator shall not engage in behaviour that will bring the Mediator or the Institute into disrepute".	"All members of the PMA shall conduct mediation in accordance with these Standards and **in a manner that promotes diligence, timeliness, safety, presence of the appropriate participants, party participation, procedural fairness, and mutual respect among all participants".**	"The Mediator Standards Board […] 1.2 oversees the application of the Approval and Practice Standards with a view to achieving consistency, quality and public protection regarding mediation services and mediation accreditation; […] 1.4 promotes progressive development in the training and accreditation of mediators and the quality of mediation services	"Le organizzazioni socie della FSM esortano tutti i loro soci attivi quali mediatori a ossequiare le presenti regole professionali. […]"

Advertising and solicitation	"**Advertising and solicitation** A mediator **shall be truthful and not misleading** when advertising, soliciting or otherwise communicating the mediator's qualifications, experience, services and fees".	"In advertising or offering services to clients or potential clients, the Mediator shall: (a) refrain from guaranteeing settlement or promising specific results; and (b) provide accurate information about his or her education, background, mediation training and experience, in any oral or written representation or biographical or promotional material".	"All members of the **PMA shall be truthful and not misleading** when advertising or otherwise communicating their qualifications, experience, services and fees".	(c) Ethical Principles (viii) honesty in the marketing and advertising of mediation and promotion of the mediator's practice"	
Fees and other charges	"A mediator **shall provide each party or each party's representative true and complete information** about mediation fees, expenses and any other actual or potential charges that may be incurred in connection with a mediation".	"The Mediator shall give the parties as soon as practicable after his or her appointment a written statement of a fee structure, likely expenses, and any payment retainer requirement. The Mediator's fees shall not be based on the outcome of Mediation, or on whether there was a settlement, or (if there was a settlement) on the terms of settlement. […]"	"All members of the PMA **shall provide each party or each party's representative true and complete information** about mediation fees, expenses and any other actual or potential charges that may be incurred in connection with mediation".	"11.Charging for services 11.1 A mediator must obtain agreement from participants about the fees and charges payable for the mediation and about how those fees and charges are to be apportioned between them. 11.2 A mediator must not charge fees based on the outcome of a mediation or calculated in a way that could influence the manner in which the mediator conducts the mediation. [SEP] 11.3 If any fees or charges paid in advance exceed fees or charges payable for the mediation, the excess must be returned promptly upon	"I partecipanti,l'oggetto del conflitto, gli obiettivi e le regole di procedura della mediazione devono essere determinati per contratto. È raccomandato di formalizzare l'accordo in forma scritta all'inizio dela mediazione. L'accordo di mediazione dovrebbe di norma regolare i seguenti punti: […] 7. Costi della mediazione e loro ripartizione. […]"

			conclusion or termination of the mediation."	
Advancement of mediation practice	"A mediator **should act in a manner that advances the practice of mediation**".	nothing specific is said: only that information – if the parties are not identifiable – can be used for educational purposes	"All members of the PMA **shall act in a manner that advances the practice of mediation**".	"Ethical conduct and professional relations 8.8 A mediator should, where possible, engage in professional debriefing, peer consultation and mentoring of less experienced mediators".	

Table 3

To sum up the findings presented in Table 3, professional standards' guidelines in the five countries have a shared understanding of the key elements of mediation practice, starting for example from the definition they give of *mediation* itself, and the importance of mediators' impartiality and of the confidentiality of the process.

The compliance of professional mediators with these standards gives rise to what we have defined *standardized technical mediation* in the RefraMe project. In fact, having to respect these guidelines necessarily influence the way in which mediators will communicate with the parties. For example, the obligation of being impartial will lead to the use of non-evaluative language.

In what follows, I will list the main sources of guidelines for mediators in each of the countries taken into consideration in this study, from which I have built Table 3.

US

I based my observations on the *Model Standards of Conduct for Mediators*, which are jointly defined by the American Bar Association (ABA), the Society of Professionals in Dispute Resolution (SPIDR) and the American Arbitration Association (AAA)" (https://www.mediate.com/articles/model_standards_of_conflict.cfm, last consulted: December 3, 2020).

UK

The guidelines I consulted are available online (https://consult-smp.com/wp-content/uploads/2017/01/PMA-Professional-Standards-2016.pdf last consulted: January 8, 2021) by the Professional Mediators Association (PMA), that since 2017 is part of the Civil Mediation Council (CMC), "the recognised authority in the country for all matters related to civil, commercial, workplace and other non-family mediation" (https://civilmediation.org) . I have also consulted the PMA's *Practice standards* and the *Code of conduct* for mediators. They are available online at https://cdn.southampton.ac.uk/assets/imported/transforms/content-

block/UsefulDownloads_Download/D500BE79CC9C47FD809F7614D8CC2E31/mediat
ors_code_of_practice.pdf (last consulted: December 3, 2020).

Canada

Mediation in Canada is regulated by the *National Mediation Rules & Code of Conduct for
Mediators*, authored by the ADR Institute of Canada, "recognized as Canada's preeminent
self-regulatory professional Dispute Resolution organization" (https://adric.ca/fr/rules-
codes/national-mediation-rules, last consulted: December 3, 2020).

Australia

I consulted the guidelines provided by the National Mediator Accreditation System. It
"promotes quality, consistency and accountability of NMAS accredited mediators within
the diversity of mediation practice in Australia. It informs participants in mediation about
what they can expect of a NMAS accredited mediator"
(https://msb.org.au/themes/msb/assets/documents/national-mediator-accreditation-
system.pdf last consulted: December 15, 2020).

Switzerland

The *Regole professionali dei mediatori FSM* (= "professional rules of FSM mediators",
my translation) are available on the FSM website (https://www.mediation-ch.org/cms3/fr/
last consulted: December 9, 2020). The SDM-FSM is the "Swiss federation of mediation's
associations". This document is only available in three Swiss national languages (German,
French and Italian).

5.4.2   Different mediation approaches, cultural and linguistic aspects

Beyond the different juridical norms that regulate ADR mediation across different
countries, another issue that might be discussed regarding the comparability of the cases
collected is whether it is reasonable to compare mediation session mediated by different
mediators (in total 13 mediators in corpus I and 6 mediators in corpus II), who were trained
in different places and times and who may refer to different mediation styles and

approaches; beyond, they speak different languages. In the next sub-sections, I will first present two representative mediation styles or approaches; which may be considered as opposite poles of the mediation practice. The approaches I will briefly discuss about are the transformative mediation approach (Baruch Bush and Folger, 2005) and the "Harvard" model of principled negotiation (Fisher, Ury and Patton, 1991). The Harvard model of principled negotiation has its roots in negotiation, therefore mediators who tend to work using this approach are more likely to guide parties towards a compromised solution, centring the discussion on solving the concrete issues that brought them to mediation. Differently, transformative mediation is more inclined to make a deep meaningful change happen in the way in which parties interact with each other. It is however important to note that these two approaches are not mutually exclusive[44], since in one same mediation session elements from both can be present. After this, I will discuss the comparability of the two corpora in terms of mediation approaches, languages and other cultural aspects.

5.4.2.1 The Harvard model of principled negotiation

Principled negotiation, a "method […] developed at the Harvard Negotiation Project" (Fisher, Ury and Patton, 1991, xiv) can be considered one of the extremes of mediation approaches. In the corpus of empirical data at the basis of this work (corpus I), I have two cases clearly pertaining to the PON approach, while in other cases elements from this approach might be found. The Harvard model is defined as follows:

> "The method of *principled negotiation* developed at the Harvard
> Negotiation Project is to decide issues on their merits rather than
> through a haggling process focused on what each side says it will and
> won't do. It suggests that you look for mutual gains wherever possible,
> and that where your interests conflict, you should insist that the result

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[44] Although Baruch Bush and Folger (2005, p. 45) state that "even though each of the different theories of conflict and mediation may be valid – including the transformative theory – we do not believe that they can be combined or integrated, at either the theoretical or practical levels" (see also Baruch Bush and Folger, 2005, p. 131), my observation of professional mediators showed that techniques and insights from transformative mediation can be used also in mediations that are prominently working in another approach. Professional mediators backed this during a focus group.

be based on some fair standards independent of the will of either side"
(Fisher, Ury and Patton, 1991, xiv).

This approach is structured around four fundamental principles (see Fisher, Ury and Patton, 1991, p. 11, and also https://www.pon.harvard.edu). I will list and discuss these principles, which are introduced in different mediation programs also in combination with other approaches and can be used, thus, by mediators who do not completely align with the Harvard "school":

1. Separate people from the problem
2. Focus on interests, not positions
3. Invent options for mutual gain
4. Insist on using objective criteria

The first principle stresses the importance of focusing on solving the problem instead of nurturing one's anger at the person or people s/he is in conflict with. The authors explain that this does not spontaneously happen because "people's egos become identified with their positions" (Fisher, Ury and Patton, 1991, p. 11) and therefore one has a tendency to feel personally attacked when someone is contrasting their position. They also acknowledge that "[m]aking concessions 'for the relationship' is equally problematic because it can actually encourage and reward stubbornness, which can lead to resentment that ends up damaging the relationship" (Fisher, Ury and Patton, 2012, p. 12). Ultimately, the goal should be for people in conflict "to see themselves as working side by side, attacking the problem, not each other" (Fisher, Ury and Patton, 2012, p. 12). In order to be able to do this, one needs to stop considering the other party as the *cause* of the problem and acknowledge the fact that a different position may be equally valuable to our own (which of course does not correspond to one easily change his/her mind on the subject matter, but simply means shifting to a mindset in which it becomes possible to consider other options).

The second principle goes in the direction of detaching oneself from his/her position to focus on his/her deep interest. Usually, we view our position as the only possible way or means to meet our interest. For example (as will be the case in some of the mediation cases analyzed in this work), positions around monetary (non-) concessions (in divorce, or business or other) are very often related to one's interest of feeling that his/her work or efforts or feelings are valued by the other party. This wrong equation between positions and interests forbid us to see all the other possible ways in which we could meet our interest in a way that is acceptable to the other party as well. This is why parties' underlying interest need to emerge in mediation, because, as the authors warn us, "[c]ompromising between positions is not likely to produce an agreement that will effectively take care of the human needs that led people to adopt their positions" (Fisher, Ury and Patton, 2012, p. 12).

The third principle, to "invent options for mutual gain" (Fisher, Ury and Patton, 2012, p. 12) can be implemented only when conflicting parties leave behind their positions. Mediation should allow parties to discuss "a wide range of possible solutions that advance shared interests and creatively reconcile different interests" (Fisher, Ury and Patton 2012, p. 12), but this can only happen when parties' are already in the right mindset, otherwise it will not be possible. The fourth and last principle, "insist on using objective criteria" (Fisher, Ury and Patton, 2012, p. 14), encourages parties who have not been able to find a mutually satisfying solution yet, to look for a "fair standard" (Fisher, Ury and Patton 2012, p. 14) that their agreement needs to comply with. They mention for example "market value, expert opinion, custom or law" as criteria that can "determine the outcome" (Fisher, Ury and Patton, 2012, p. 14). This last principle is perhaps the one that is most far away from the way mediation is conceived by the transformative approach, because sometimes what is perceived as a fair standard from the outside is not for one of the parties involved[45].

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[45] For example, in a mediation case (that will be discussed in this work) between an adopting couple and the biological mother of a child, the mediator suggests consulting a children psychologist in order to decide whether and/or when tell the child he was adopted, and the biological mother raises the issues that, since the adopting couple is in a very good financial position, they will be able to find an expert that just agrees with them as they pay him/her well.

However, also the transformative approach fully agrees on the idea that agreement found through mediation must by all means comply with the law.

Although this approach, when compared to transformative mediation (see the next section) focuses more on finding concrete solutions to conflictual issues, it also acknowledges two core concepts around which the transformative model unfolds, as we will see in the next section: the first one is the importance people attribute to their relationship.[46] The authors recognize that, in most cases and for most people, "the ongoing relationship is far more important than the outcome of any particular negotiation" (Fisher, Ury and Patton, 1991, p. 20). The second one is the awareness that "the most powerful interests are basic human needs" (Fisher, Ury and Patton, 1991, p. 49), among which they list "recognition" (Fisher, Ury and Patton, 1991, p. 50), that in the transformative perspective is considered fundamental to restore a positive interaction.

In the next section I will describe the Transformative approach to mediation.

5.4.2.2 Transformative mediation

This approach was proposed by Baruch Bush and Folger

> "to call [their] colleagues' attention to a disturbing state of affairs in the mediation field. In [their] view, the potential that mediation offered to foster and sup- port positive human interaction within conflict was being squandered. Instead mediation was being used to shore up institutional processes that operate to control, contain, and settle conflict, because of a pre- vailing view that conflict interaction is a fundamentally negative social force. [Baruch Bush and Folger] argued for an alternative approach to mediation, now known as *transformative mediation,* basing [their] argument on a theory of the larger political

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[46] Although for different reasons than the ones proposed in the transformative approach.

and social values implicit in different conflict intervention approaches"
(Baruch Bush and Folger, 2005, p. 1).

The approach they propose relies on a specific definition of the meaning people attribute
to *conflict*, namely:

> "According to transformative theory, what people find most significant
> about conflict is not that it frustrates their satisfaction of some right, or
> pursuit, no matter how important, but that it leads and even forces them
> to behave toward themselves and others in ways that they find
> uncomfortable and even repellent. More specifically, it alienates them
> from their sense of their own strength and their sense of connection to
> others, thereby disrupting and undermining the interaction between
> them as human beings" (Baruch Bush and Folger, 2005, pp. 45-46).

This explains why, as reported by lawyers who turned to mediation practice from litigation
(see for example Friedman, 1993), it happens that even parties who win their case in court
still experience some negative feelings as sadness, frustration and dissatisfaction with the
outcome. If a solution to the conflict is found without deeply restoring the relationship
with the other party these feelings are likely to be experienced. According to Baruch Bush
& Folger, "insights from the fields of communication, cognitive psychology, and social
psychology, among others, all support this view of what conflict means to people (Folger
and Poole, 1984; Folger and others 2001; Bush and Pope 2002; Beck, 1999; Rubin and
others, 1994; Goleman, 1995" (Baruch Bush and Folger, 2005, p. 48).

The authors speak of what happens in conflictual situations as "interactional degeneration"
(Baruch Bush and Folger, 2005, p. 50) and identify as the task of mediators to help the
parties to "restor(e) constructive interaction" (Baruch Bush and Folger 2005, p. 52). This
is because, "if the negative conflict cycle is not reversed, if parties don't regenerate some
sense of their own strength and some degree of understanding of the other, it is unlikely

that they can move on and be at peace with themselves, much less each other" (Baruch Bush and Folger, 2005, p. 52). According to the transformative approach, "that value [i.e. reversing the conflict spiral] goes beyond the dimension of helping parties reach agreement on disputed issues"[47] (Baruch Bush and Folger, 2005, p. 52). However, the advocates of the model pinpoint the fact that it "does not ignore the significance of resolving specific issues" (Baruch Bush and Folger, 2005, p. 68). In their view, if mediators correctly help parties regain empowerment and recognition, they spontaneously will be able to find mutually acceptable solution (see Baruch Bush and Folger, 2005, chapter 2). Therefore, the mediation process changes the way parties' approach their interaction.

It is also important to point out that this model has been elaborated starting from two fundamental assumptions about human nature: namely, that "parties have both *the desire* and *the capacity* for conflict transformation" (Baruch Bush and Folger, 2005, p. 62, my emphasis). This is why mediators have the power to end the process if they consider that one or both of these prerequisites is lacking (for example if one of the parties suffers from a mental disease that impacts his/her way of perceiving the other and their conflict, or if s/he systematically resists each attempt the mediator makes to create a non-violent dialogue).

5.4.2.3 Comparability of the cases in terms of mediators' approach, cultural and linguistic aspects

In a 2009 article, Charkoudian et al. have pointed out the difficulty of establishing a single definition of mediation, and they also have shown that there might be great variation in the concrete strategies used by mediators who claim to work under the same approach (see Charkoundian et al., 2009, p. 294). In particular, they mention a study whose result confirms "that there is no clear agreement among mediators associating a name to a set of

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[47] From this stems also a definition of mediation itself in the transformative approach that slightly differs from the one usually provided in the literature, in the sense that it stresses this aspect instead of others. For details, see Baruch Bush and Folger (2005, pp. 65-66).

behaviors practiced" (Charkoundian et al., 2009, p. 303).[48] In the same study, Charkoudian et al. (2009) "found that even when mediators report they identify with a given mediation style (such as facilitative or transformative), in practice they still use a wide variety of strategies to meet the needs of any given mediation" (Jameson et al., 2014, p. 210). Therefore, since the purpose of this study is to understand how *reframing* works from an inferential point of view, comparing mediation sessions mediated by different professional mediators will be possible. This is also stated by Meier speaking about the Swiss context, who claims that "[…] one cannot discern a notable difference between mediator style based on the mediation models in which mediators have been trained" (Meier, 2003, p. 12). Moreover, professional mediators have confirmed during a focus group within the RefraMe research project[49] that each mediator has his/her own unique style and that most mediation trainings nowadays include techniques from different approaches so that each professional can decide which ones s/he feels more comfortable using in his/her professional practice. Therefore, the two different approaches described are extremes of a continuum but most of the time, each mediator has his/her own unique personal approach[50] (recently re-stated by mediators who participated on a focus group within this research project). In sum, it is worth describing these two approaches to show that there might be different "styles" within ADR mediation but, to our knowledge, few mediators directly identify with one of the styles (in the RefraMe cases, we only have the mediators of cases 7 to 9 from and Y from corpus I, which is part of the Program on Negotiation) and there is no previous evidence of an influence of the style on the use of reframing, which is taught across different "schools".

Ultimately, the goal of mediation – regardless of the approach adopted – is to get parties to a mutually satisfying solution of their conflict, all approaches differ from the traditional

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[48] In all cases, Since the purpose of this study is to understand the inferential dynamics of *reframing*, whether *reframing* is used more or less frequently depending on the approach is beyond our current purpose.

[49] The focus group was organized by the author within the RefraMe project, it took place on April 16, 2019 in Switzerland. Three mediators currently working in Switzerland took part of it.

justice system in the fact that they allow for more creative solutions of conflicts and for people to talk directly to each other in a way that should be empowering.

In spite of having the same goal, these two models put emphasis on different aspects (the Harvard model focusing more on the importance of finding concrete solutions to the problem; the transformative approach attributing more importance on reconstructing a positive dialogical space for the parties), which can lead to differences in the way the mediation process is conducted (for example the kind of questions a mediator asks, how much space one leaves for the parties to express their emotions and so on). However, *reframing* is not discussed as being one technique that is exclusive to one of them and it is therefore expected to be used in both. Moreover, as already discussed, many of the mediators that took part in this study do not identify with a specific approach but integrate knowledge of both to create a unique personal style.

Finally, for what concerns the comparability of data in different languages, it is quite common in similar argumentation studies to use multilingual corpora (see for example Schär, 2021). In fact, the concept of *inference* – around which this research is built – is not language-dependant, in the sense that people draw inferences following a logical reasoning (*procedural component* of the AMT, see chapter 4, section 4.2) that also includes knowledge of the world in terms of factual pieces of information (*data*) and underlying beliefs or principles (*endoxa*), none of which is language-dependant either. *Endoxa* can of course vary across countries due to cultural differences (and not only), but in the present work I am mainly interested in understanding how inferences are drawn and not in discussing endoxical differences among cultures. How mediators may deal with these is certainly an interesting and useful topic for discussion (see for example Honeyman, Goh and Kelly, 2004), but it is beyond the purpose of this study.

CHAPTER 6: DATA ANALYSIS

Having described how data in this project were collected and transcribed, I will now turn to briefly discuss the steps of the argumentative analysis conducted on the data.

In order to analyze instances of *reframing* in the corpora, it was necessary to establish a clear and coherent way to identify them. In order to do so, I coded all shifts in levels of abstraction and corresponding categories of *reframing* following Putnam's definition (see chapter 3, section 3.3 above). Secondly, instances of *reframing* were analyzed from an argumentative perspective employing both the Pragma-dialectical model (focusing in particular on *strategic maneuvering*) and the AMT.

6.1 Annotation of the two corpora with UAM Corpus Tool

For the purposes of the analysis, all the transcriptions have been manually annotated with UAM Corpus Tool software (www.wagsoft.com/CorpusTool, see O'Donnell 2008), a tool that allows for a multilayer annotation of texts and that makes it possible to find patterns among the different layers. This kind of annotation might provide interesting insights on the use of *reframing*, which contribute to the argumentative analysis performed in this study and could be further developed in future studies. Preliminary findings relative to correlations found thanks to the UAM Corpus Tool annotation are discussed in chapter 7.

6.1.1   How instances of *reframing* have been annotated

Instances of *reframing* have been coded with the software UAM Corpus Tool. I have designed a coding scheme with different layers that can be divided into two macro-categories: characteristic traits of an entire text (meaning a complete transcript of a mediation session) and traits of each specific *reframing* instance found in the two corpora. In the first category is indicated the language of the text, the mediator's area and country of origin, and the mediator's name (a pseudonym, in order to protect their privacy). As already discussed in the previous section, these differences do not make it impossible to compare instances of *reframing* found in different texts, but they might be of interest for future research – and the annotation is made keeping this in mind.

The second category includes all the elements that are employed for the analysis of reframing, namely: the *reframing*'s acceptance by the parties; what gets reframed in the sense of Shmueli's categories (also the previous frames of the parties' are annotated); the critical discussion stage in which the *reframing* occurs; the type of shift in levels of abstraction it involves and the type of locus in the reasoning behind the *reframing*, plus the one behind the parties' reasoning in the case of *reframing* as counterargument (see chapter 7, section 7.2.2). When the findings of the argumentative analysis will be presented in chapter 7, it will become clear how the use of UAM Corpus Tool for the annotation has been useful for adding some simple quantification to the analysis, for example to establish the presence or absence of correlations between types of reframing and types of arguments.

6.2 The Argumentum Model of topics (AMT) and pragma-dialectics as analytical tools for the analysis of the reasoning behind *reframing*

Once I have identified *reframing* instances in the transcriptions, I first identified standpoints and arguments using the pragma-dialectical model of a critical discussion (see chapter 4, section 4.1). Then, I proceed with an AMT analysis (see chapter 4, section 4.2). The final conclusion in the AMT semi-Y structure always correspond to the standpoint that is hold by the mediator, whereas arguments and/other things that s/he says are helpful to identify the other elements in semi-Y structure such as endoxa or/and data.

Let's consider the for example (example 1) the following excerpt, taken from a mediation case in which a young woman damaged another woman's car by accidentally letting a flower's vase fall from her balcony in the parking underneath. In the excerpt below, Jodie (the car's owner) is explaining why in her opinion Elba (the one who damaged her car) should not have kept flower's vases in her balcony in her first place. After that, the mediator asks her some questions:

Example 1

22	J	en fait déjà en premier lieu franchement on a des petites balcons (*elle indique avec*
		actually firstly frankly we have small balconies (she indicates with
		ses mains qu'ils sont petits) c'est un campus universitaire on ne peut pas se mettre à
		her hands that they are small) it's a university's campus we can't
		faire du jardinage là-bas c'est vraiment très petit l'espace moi aussi j'aime bien les
		do gardnening there it's a really very small place I also like
		pots de fleurs j'aimerais bien faire du jardinage mais pas là-bas↓ (.) quand je rentre
		flower's vases I'd like to do gardening too but not there ↓ (.) when I go back
		chez ma famille oui j'ai tout mon jardin je peux me permettre de faire du jardinage
		to my family's home yes I have my garden I can do gardening
		mais franchement (*elle bouge sa tête*) (2) pas dans un campus universitaire↓ en plus
		but frankly (she moves her head) (2) not in a University campus↓ and
		t'as pas autre chose à faire ↑ t'est en train (.) t'es ici pour étudier ↓ franchement (.)
		dont' you have anything else to do↑ you're (.) you're here to study↓ frankly
		pourquoi se mettre à faire des (.) des petits bricolages avec du jardinage↑ et en plus
		why do gardening (.) gardening decorations ↑ and you also
		tu sais très bien tu habites ici ça fait longtemps désormais (.) il y a le parking en bas↓
		know very well you've been living here for a long time (.) there is the parking under
		your balcony↓
		c'est comme ça (.) c'est pas moi qui a construit le bâtiment qui a projété le bâtiment
		It's like that (.) it's not me that built this building
		c'est comme ça c'est (2) et une deuxième chose on peut quand-même trouver une
		it's like that it's (2) secondly we can also find a
		solution tu peux me payer ce que tu a fait finalement (.) je te propose ça
		solution you could pay me for what you've done finally (.) I propose you this
23	M	qu'est-ce que vous en pensez↑ qu'est-ce que vous avez à répondre à ça (.) elba↑
		what do you think about that you would you like to answer to that (.) elba ↑
		en fait il y a plusieurs choses plusieurs points qui sont abordés (.) le fait moi j'entends que vous
		actually there are several things several topics that are touched upon (.) I hear that you
		vous dites bah que jardiner c'est pas possible j'ai presque l'impression que vous dites
		say that gardening is not possible I almost have the impression that you're saying
		que c'est quelque chose qui (.) qui doit pas se faire (.) mais est-ce que dans le
		that it is something that (.) one must not do (.) but is it règlement du campus c'est /
		c'est interdit↑est-ce que c'est autorisé ↑
		according to the campus' rules it's / it's forbidden ↑ it's autorized ↑

From turn 22 we are able to reconstruct Jodie's standpoint around the issue "Is it ok to do gardening in this building's balconies?":

 1. on ne peut pas se mettre à faire du jardinage là bas
 1. one should not do gardening there

Supported by the following argument :

1.1.　c'est vraiment très petit l'espace
　　　1.1.　it is a really very small space

From this, we are able to make an AMT reconstruction (Figure 2). For this reconstruction, we now base the analysis on the English translation of the original excerpt

```
┌─────────────────────────┐        ┌ ─ ─ ─ ─ ─ ─ ─ ─ ─ ─ ─ ┐
│ Endoxon:                │          Locus from ontological
│ Very small places are not│             implications
│ suitable places to do   │        └ ─ ─ ─ ─ ─ ─ ─ ─ ─ ─ ─ ┘
│ gardnening              │                     │
└─────────────────────────┘                     ▼
            │                       ┌─────────────────────────┐
   ┌─────────────────────┐          │ Maxim:                  │
   │ Datum:              │          │ A place characterized by trait│
   │ The building's balconies are│  │ X makes activity A unsuitable│
   │ very small          │          │ to be performed in that place│
   └─────────────────────┘          └─────────────────────────┘
            │                                   │
            └──────────┐         ┌──────────────┘
                       ▼         ▼
        ┌────────────────────────────────────┐
        │ First conclusion / Minor premise:  │
        │ The building's balconies are characterized by a trait│
        │ that makes it unsuitable to do gardening there│
        └────────────────────────────────────┘
                       │
                       ▼
        ┌────────────────────────────────────┐
        │ Final conclusion:                  │
        │  It is not ok to do gardening in the│
        │ building's balconies               │
        └────────────────────────────────────┘
```

Figure 2: AMT reconstruction of argument 1.1

On the left side of the semi-Y structure one can see the *endoxon* that lies behind Jodie's reasoning and the *datum*, which corresponds to her argument in support of her standpoint (which is the final conclusion in the AMT reconstruction). However, it is only possible to fully understand her reasoning leading to the final conclusion taking into account also the right side of the semi-Y structure, the one presenting the *locus* and the *maxim.* In this case, we have a maxim drawn from the *locus from ontological implications*. This locus one of the three "definitional loci" (Rigotti and Greco, 2019, p. 252) and "is active in reasoning processes such as the following: 'we must thank him, because he has done a good job'.

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The implication of being grateful, int this case, depends on the "ontological" relation between doing something good and being grateful" (Rigotti and Greco, 2019, p. 254). It is a locus frequently found in the corpora (see section 7.2.2.4 below).

From this conclusion, one can further infer that, from Jodie's perspective, Elba made a mistake since she *did* do gardening in her balcony. At this point, let's consider the mediator's intervention at turn 23, in particular her question: "est-ce que dans le réglement du campus c'est c'est interdit ? est-ce que c'est autorisé ? (*according to the campus' rules it's / it's forbidden? it's authorized?*) ". From this question, the following AMT reconstruction can be drawn:
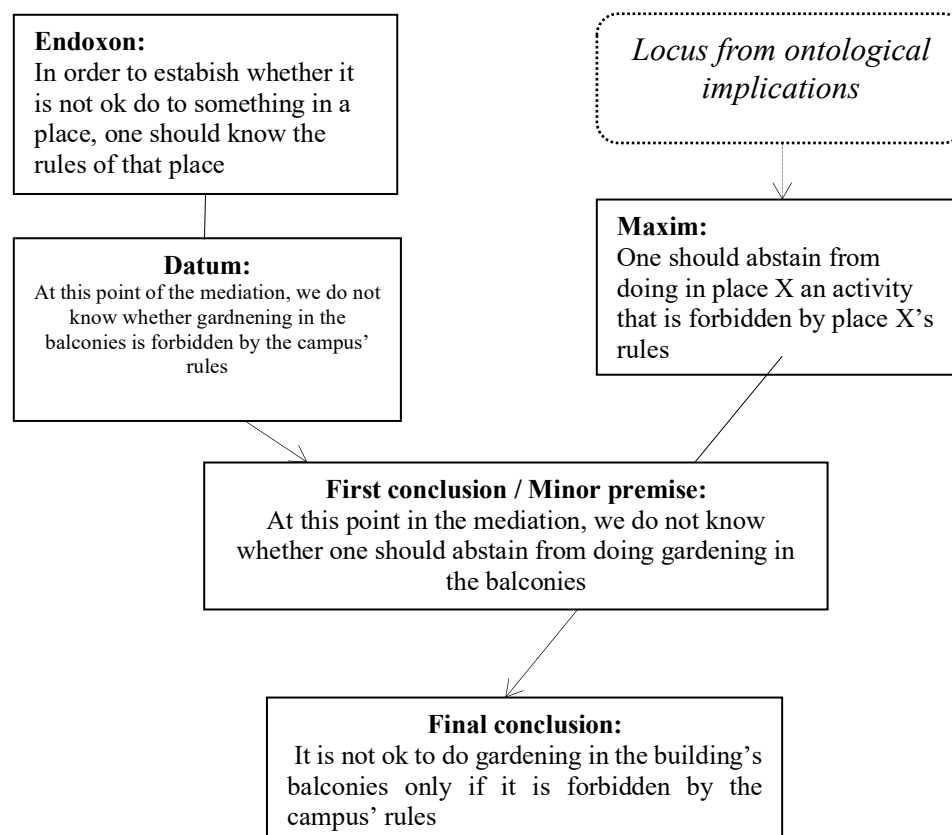
Figure 3: AMT reconstruction of the standpoint and argument

Here, the mediator's reasoning builds on a maxim drawn from the *locus from ontological implications* like Jodie's', but it is indeed a different one. Also, the endoxon at the basis of the mediator reasoning differs from Jodie's' one in the sense that for her, in order to determine whether it is ok to do gardening in a place, one should take into account the place's size, whereas for the mediator one should look at the official rules regarding that area.

Therefore, if we go back to the issue "is it ok to do gardening in the building's balconies?", the mediator standpoint and argument would be:

1 I cannot establish whether it is ok or not

1.2 Because I need to find out whether it is forbidden by the campus' rules

In terms of *presentational devices*, the mediator chooses to ask a question, arguably because s/he does not want Jodie to feel attacked, which could result in the *reframing* to be refused. As far as *topical potential* is concerned, the mediator chooses to keep the discussion on a topic introduced by Jodie (gardening in the balconies) but s/he tries to treat it in a way that could potentially remove the blame from Elba.

Reading the excerpt, it is possible to establish Jodie's endoxon that small places are not suitable for doing gardening; and the two data employed in Jodie's and the mediator's reasoning respectively (i.e. the fact that the building's balconies are very small and the fact that at this point of the interaction the mediator does not know whether gardening is a forbidden activity by the campus' rules). Whereas in order to infer that the mediator is actually supporting a standpoint – more precisely, one that honours his/her neutral role – instead of asking a simple factual question, I follow this consideration by Van Eemeren and Snoeck Henkemans:

> "If speakers or writers do not explicitly express their standpoint, as a rule
> they expect the listener or reader to be able to infer this standpoint from
> the arguments put forward. Why would they otherwise bother to present
> argumentation?

When an argument lacks an explicit standpoint, it is not only immediately obvious that the standpoint is missing, but it is also easier than in the case of other indirect speech acts to figure out what is really meant. This is because there is an extra tool available, namely logic (see also Chapter 6.3). (Van Eemeren and Snoeck Henkemans, 2017, p. 49).

So, in our case, it can be recognized that the mediator's question about the campus' rules on gardening in the balconies performs the function of argument in support of the standpoint reported above (the impossibility for the mediator to establish whether it is ok without knowing the campus' rules). If it was not his/her intention to support a standpoint about the gardening issue, s/he would not have asked this question – she would have had no reason for it.

Rigotti and Greco (2019, p. 253) provide a typology of 20 *loci* that are at the basis of argumentative inference. In this chapter, I will refrain from listing all the possible loci presented in this account, which I have used as a basis for the analysis of inference. When the findings of this work will be discussed in chapter 7, I will briefly discuss the loci that appear in mediators' uses of *reframing*, providing a brief explanation of those *loci* that actually appear in the data.

6.3 Focus groups to re-discuss the findings and ground them in professional experience

As shown in the preceding sections, the analysis is this dissertation is mainly based on the analysis of inference based on the AMT model, and it is inserted within the broader framework of the pragma-dialectical theory of argumentation. Analytically, from a viewpoint of argumentation, the analysis could have been concluded here.

Additionally, in the framework of the RefraMe project, I have organized two focus groups, one in Geneva and one in Lugano, to which mediators have been invited to discuss some excerpts, which we had analyzed in terms of *reframing* and argumentation. According to Van Bijnen (2020), "the use of focus groups […] in social science […] is often integrated in a multi-method design with other qualitative methods in a complementary manner" (Barbour, 2007, p. xvii; Kitzinger, 2005, p. 56; Marková et al., 2007, p. 34): in the case of this work, although *focus groups* were not strictly necessarily to carry out the analysis, they had the important purpose to assess whether the participants (all professional mediators) had something relevant to say in relation to specific *reframing* instances in a way that the analysis could be enriched, and this was indeed the case.

In the focus group that took place in Lugano participated three mediators and the team of the RefraMe project (Jermini and Greco); whereas in the focus group that took place in Geneva participated four mediators and only the author (Jermini) was present for the focus group.

During the focus groups, I asked mediators to read excerpt from mediation sessions from corpus I and corpus II[51] in which a *reframing* took place, without explaining to them that my research focused specifically on the phenomenon of *reframing* nor how I was thinking to define it. Secondly, I asked them to react – say whatever came to their mind about the mediator's intervention. It could be an evaluation, or an anecdote from their professional experience or really anything else. Very relevant insights emerged : for example, in some occasions the mediators participating to the focus group criticized the choice made by the mediators in the transcripts in terms of *presentational devices*, explaining that to get the parties to the same conclusion they would have proceeded differently (for example by asking questions instead of affirming something). In other cases, they pointed out what they particularly appreciated about a specific mediator's intervention and their insights might be useful also for future research on mediation practice (beyond *reframing*).

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[51] Each excerpt was also preceded by a short description of the mediation case, similar to the ones that can be found in chapter 5 in this work.

Although obviously this final confrontation with professional mediators does not change the analysis of extracts in terms of *reframing* and argumentation, in some cases the mediators suggested relevant information for the interpretation of the context of the cases. While discussing the findings of the analysis in chapter 7, I will refer to discussions in these focus groups, when relevant.

CHAPTER 7: DISCUSSION OF THE FINDINGS

This chapter presents the findings of the empirical analysis of the corpus, as based on the data analysis instruments described in chapter 6. The chapter will proceed as follows. In section 7.1 I will discuss how the identification of shifts in levels of abstraction made emerge 4 new kind of shifts that to our knowledge Putnam does not discuss in her work; in section 7.2 I will explain how the argumentative analysis of *reframing* instances in the corpora revealed that *reframing* corresponds in fact to three different phenomena – that, in spite of having very similar goals, differentiate themselves from the different argumentative (or non-argumentative) roles that *reframing* assumes. In section 7.3 I will discuss about *reframing*'s "targets" (i.e. parties' preceding *frames*) and how to identify them; in section 7.4 I will discuss about parties' acceptance of *reframing* and in the last two sections (7.5 and 7.6) I will shortly illustrate some patterns that emerged from the analysis on corpus tool that might be interesting for future research.

7.1 Categorization of reframing: types of shifts in levels of abstraction

As already discussed in chapter 3 (section 3.3), I follow Putnam's interpretation of *reframing* as shifts in levels of abstraction – it is starting from this that I identified *reframing* instances in the corpora. This is done by paying close attention to the mediator's words, i.e. the linguistic markers indicating that a shift in levels of abstraction is taking place. They will be discussed for each example analysed, as it is not possible to create a comprehensive list of indicators of *reframing* (since there are many different types of shifts and possibly infinite topics for discussion and many different ways to convey them linguistically).

In her work, Putnam describes five different types of shifts, which I discussed in chapter 3, and which I assumed as a first basis for the analysis. However, while looking for shifts in levels of abstraction, four other types of shifts emerged empirically from the corpus, as a result of this research. The final list of shifts in levels of abstraction is the following:

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 individual to species (and *vice versa*)
From the content of the discussion to the appreciation of its value (meta-pragmatic shift)
From hypothesis to temporal frame
From intrinsic quality to external condition

Table 4: Categories of shifts in levels of abstraction (expanded from the original categories in Putnam, 2004) (see also Greco and Jermini Martinez Soria, 2021, p. 81).

In what follows, I will describe these four extra types that result from the research in this dissertation.

Before proceeding, it should be noted that the different types of shits in levels of abstraction as reframing I list in this work are empirically grounded and therefore likely not exhaustive. Putnam herself stated in her work that "a review of the conflict literature reveals *at least* five types of shifts that may function as critical moments in negotiations" (Putnam, 2004, p. 278, my emphasis), recognizing therefore the possibility that more types of shifts exist.

7.1.1 Shift from individual to species

The first shift identified in the empirical analysis of corpus I and II is the shift that I have labelled *from individual to species* (these definitions inspired by the Aristotelian concepts, however here the two terms are to be interpreted in a broader sense), which is the most frequently recurring in the corpora.

This type of shift is enacted when mediators *reframe* what is said about or concerns a specific individual (typically one of the conflicting parties or, in the case of conflicts regarding children such as adoptions or divorce disputes, a specific child) as something that is a characterizing trait of an entire *species*, i.e. the group of people to which this individual belongs. As it will be shown, in some cases, this shift serves the extremely

important purpose of removing the blame from one of the parties, making him or her understand that the conflict situation s/he is living in is the natural consequence of belonging to a particular *species*.

This can be doubly beneficial: it can reassure someone that is feeling guilty and it can also prevent further blaming of the other party. But the *shift from individual to species* can also have other functions, such as pushing the parties to make a decision based on objective criteria. For example, when children are involved, reasoning on *children* in general instead of focusing on the one that matters to the parties may help them reach an agreement that is actually beneficial for the child, because the parties are pushed to focusing on his/her wellbeing (for example by reasoning on what is important for children to develop healthily) instead of focusing on their interest, for example of spending more time with their child than their ex-spouse[52]. Or considering the following mediator's turn in a mediation case between an apartment's owner and a girl who had rented a room in the apartment (for a detailed description of the case see chapter 5, section 5.1.3, case number 21):

143	A	= alors que tu dors toutes les soirs dans cet appartement (.) t'es une malhonnête
		when you sleep every night in this apartment (.) you're not honest
144	S	non non pas du tout pas les weekends
		no no absoutely not not on the weekends
145	A	la location c'est un mois avec ou sans weekends =
		the rent is one month with or without weekends =
146	M	= Il y a d'un côté l'intérêt du propriétaire qui est de (.) récupérer le loyer et aussi votre
		there is on one hand the interest of the owner which is to (.) get the rent paid and also your
		intérêt à vous qui est de partir et de partir dans les meilleures conditions
		interest which is to leave and to leave under better conditions

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[52] It is interesting to notice that in the case of *reframing* as shifts *from individual to species* the technique of assimilating one or more individuals into a category, that can be viewed as a negative strategy (see Serafis et. al, 2019) does not have a negative impact on the ones involved, at least in the cases I found in the corpora. It is plausible to image that it might have a negative impact in the sense that people might reject being part of a category if they do not view themselves as being part of it or if they think it is not important in the discussion.

The fact that the mediator at turn 146 refers to Amélie as "le propriétaire" (i.e. "the owner"), thus enacting a shift from individual to species, stresses the fact that her demand for the rent's payment is rightful, *because* it is due to the fact that she belongs to the category of home owners.

7.1.2 Meta-pragmatic shift

I labelled the second type of shift *meta-pragmatic shift.* It occurs when mediators make meta-level observations about the parties' discussion. These observations can be of different kind, but they all have in common the fact that they enable parties to evaluate their conversation/quarrel *from an outsider's perspective*, normally in a positive way. This shift can have the function to stress the usefulness of the mediation practice, for example two parties may shift from interpreting their talking together as a dead-ended quarrel, to see it as a useful conversation for gaining more clarity about the conflict). Consider the following excerpt from a mediation session between a teacher and the mother of one of her pupils (for a more detailed description of the case see chapter 5, section 5.1.2, case number 2). They are discussing about the fact that it is not clear to the mother which part of her son's homework is actually make up for tasks that he should have completed in class. At turn 46, the mediator intervenes to emphasize the positivity of the exchange with a *reframing* (indicated in bold) involving a meta-pragmatic shift:

42	M	okay↓ (.) would it be possible perhaps to put that on the actual (.) just not a note (.) but just some (.) something like an M or something on the pages that it is make-up↑
43	C	well I could but (.) I thought that a note was more [direct (.)
44	M	[yes
45	L	but it's not coming to me (.) ah it's not clear to me the difference between the kind of homework that it is it all looks like the same homework to me
46	M	mmh (.) so **here's another thing (.) we are getting some clarity and I have a SENSE that what we're going to do this afternoon (.) is get more and MORE CLARITY** (.) ah:: so that (.) you can each do what's (.) best for (.) kevin 'cause I think it's clear (.) that you both want what' s the best for him (.) in the context of what's: needed for all of the other kids in the class as: [as well

The mediator stresses that in spite of not having solved their conflict yet, they are actually achieving something positive, namely "more clarity" about the situation that led them to

be in conflict and he encourages them to continue to talk to each other to "get more and more clarity" in order to achieve their common goal, i.e. "what's best for Kevin".

7.1.3 Shift from "if" to "when": from hypothesis to temporal frame

This shift happens when the mediator tries to move the discussion from a hypothesis (for example around whether a certain course of action should be taken or not), to *when* that should happen. In fact, it may indeed be the case that the party that is against proceeding a certain way might feel different if s/he is given the possibility to discuss and choose *when* to do so. For example, considering the following excerpt from a mediation session between an adopting couple and the biological mother of a child (for a detailed description of the case see chapter 5, section 5.1.2, case number 1). Here, the biological mother expresses her will to let the child know that she is actually his biological mother. At turn 75 the mediator intervenes with a *reframing* (indicated in bold):

73	M	mmh (.) and just (.) for (.) interest's sake (.) when you spend time (.) on weekends (.) with rudolph (.) ah (.) what would you (.) say to him↑ how would you (.) tell him that↑ are you going to tell him you're his friend (.) or his=
74	V	=no I would tell him I'm his birth mom↓
75	M	okay (.) okay (.) so **one of the issues that (.) may arise is not (.) IF you tell him (.) you're his birth mom but for most couples (.) it is not only an if it's WHEN (.)** so we have a number of things to (.) agree to here before you walk out today (.) so one is you want to make sure that rudolph doesn't forget (.) that (.) you're (.) his mom (.) you want to ensure that (.) rudolph (.) always feels as though (.) you never abandoned him (.) and you want to ensure that you have a: (.) GOOD relationship with rudolph (.) and we still have to discuss the parameters of what this is going to look like (.) just in principle on those (.) three issues alone (.) without looking at what it's going to look like↑ (.) or HOW often or whatever (.) what are your impressions about what (.) Vivian is saying (.) today (.) about WHAT (.) is going to be good for (.) rudolph↑

Here, the mediators suggest to the parties to discuss about a new issue: instead of trying to decide *if* Rudolph should be told that he is adopted or not, perhaps they could try to consider *when* he should be told. In fact, the adopting parents might be strongly against telling him because they had not even though yet about the possibility of telling him in a more distant future. Obviously, this change of issue is only a tentative by the mediator to steer the conversation in a more productive way, as they could always still not change their minds.

Note that the case illustrated in the excerpt above is one of those cases in which more than one type of shift is present in the same *reframing*: in fact, the mediator starts his/her *reframing* by saying "for most couples" – enacting thus a shift from individual(s) (i.e. Jenny and Harrison) to species (i.e. all adopting parents).

7.1.4 Shift from intrinsic quality to external condition

This shift was found only once in the corpora and regards a *reframing* that will be further analysed in detail in section 7.2.2 below. The mediation case in which it happens concerns a conflict between an NGO's leader and an investor who donated a considerable amount of money for carrying out a development project, on the condition that he be involved in the decision-making process regarding the project (for a more detailed description of the case see chapter 5, section 5.1.2, case number 7; for a complete analysis of this reframing see section 7.2.2 below). In the following excerpt, the parties are discussing about the usefulness (or not) to have one of them write weekly reports on the project's advancement to the other. According to Alec, it is a good idea to do so because the project is in a start-up phase, whereas Jember does not agree on this. At turn 229 the mediator proposes a *reframing* involving this type of shift:

223	M	ok (.) you don't get the sense that weekly reports are unreasonable you said they were normal
224	A	oh well ehm definitely I all of my businesses are ehm (.) based on weekly reporting ehm and in fact I have in many cases when the business has been in trouble or in a in a start up phase which I think is analogous to to jember's organization I've had daily reports
225	M	mmh
226	A	from my key ( ) in fact in the case of the ( ) a real estate business that I was asked to take over I would meet with the key managers at 7 a.m and we'll met again at the end of the day eh for exceptional reports not a regular thing but if anyone had anything exceptional to report we'd get together in the evening (.) and so
227	M	these are computerized reports↑
228	A	well ehm in in in most cases yes those would be (.) a stock control report sales reports marketing reports those sorts of things financial statements and so on
229	M	I mean one of of the things I could imagine (.) ehm is just there is a difference in time (.) if you're dealing in the developed world at at the speed of new york and london stock exchange a lot happens in the day (.) you've got the telephone you've got computers you've got all kinds of large scale business going on being accounted for in in electronic ( ) has to be at this point (.) a week a lot happens in a week

230	A	yes
231	M	if you're dealing if I'm understanding it if you're dealing where you probably have no motorized transport (.) for most things /
232	J	that's correct

In this *reframing*, the attention is shifted from an *intrinsic quality* of the project (its *being in a start-up phase*) to an *external condition* (its *being based in Ethiopia*) that needs to be taken into account when deciding how to carry out the project because it is an external condition that has an impact on the feasibility of certain tasks and/or on the time required to carry them out.

It is possible to imagine that a shift of this type might be used also in other conflictual situations. Let's imagine for example that a divorcing couple with a son is arguing whether it would be ok for their child to spend school nights at the new apartment of his father: the father might argue that it is a good idea because in his new apartment there a big and fully furnished room for his son (a *quality*), whereas the mediator might draw the father's attention (with a *reframing*) to the fact that the apartment is situated far away from the school (an *external condition*) and this would require her son to wake up too early to get to school in time.

7.2 *Reframing*: an umbrella definition that includes three different phenomena
After having identified instances of *reframing* in the way described above, I proceed with an argumentative analysis of the mediator's move I identify as initiating a *reframing*. Before I do, I would like to point out the following:

> "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 […]. 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" (Greco
and Jermini-Martinez Soria, 2021, p. 78).

When I refer to *reframing* in this work, I therefore refer to the mediator's initial intervention, but I will also dedicate part of this work to a discussion of parties' acceptance of it (section 7.4). This is in line with the general definition of the process of mediation, in which it is up to the parties to make a final decision about whether and how to resolve their conflict.

Moving now to discuss the results of the argumentative analysis, a first important finding of this work is that *reframing* can correspond to different phenomena from a point of view of argumentation, depending on the cases. In other words, if one assumes Putnam's (2004) definition of *reframing* as a shift in level of abstraction, the analysis of the single cases of shifts reveals different underlying communicative and argumentative dynamics. In particular, three cases need to be distinguished. Firstly, *reframing* may correspond to a change of the discussion issue; this change can be either supported by arguments (and in this case it takes place in the empirical counterpart of the argumentation stage of a critical discussion) or not (and in this case it takes place in the empirical counterpart of the confrontation stage of a critical discussion). Secondly, *reframing* may consist of a *counterargument* the mediator advances against one employed by one or both parties to support a standpoint about the discussion issue (and in this case it takes place in the empirical counterpart of the argumentation stage). Thirdly, *reframing* may consist of a reformulation of something previously said by one of the parties: in this last case, it is not argumentative *per se*, but it still fulfils its function of shifting *frames* in a way that is functional to conflict resolution.

In the 26 mediation sessions that constitute corpus I and corpus II, I found 58 instances of *reframing*, the majority of which (36 cases) finds itself in the empirical counterpart of the argumentation stage. Of these, 19 are to be considered counterarguments that attack one or both parties' standpoints, whereas the other 18 cases are changes in the discussion issue

proposed by the mediator and supported by arguments (for a detailed description and examples of all these kinds of reframing see section 7.2.1 and following below). Of the remaining 22 cases, 6 are cases of reframing take place at the empirical counterpart of the confrontation stage, as they consist of proposals of new discussion issues that are not supported by arguments, and 16 cases are *reframing* as reformulations. The following sections illustrate examples of each of these cases, discussing in detail both their important differences and why yet they are all to be considered *reframing*, following Putnam's definition.

7.2.1 *Reframing* as a change of discussion's issue

In any argumentative exchange, parties' support standpoints (or doubt other parties' standpoints) regarding an *issue*, i.e. "a proposition which can be doubted by the interlocutors (Stump, 1978, p. 33)" (Schär, 2021, p. 19 ; see also the discussion on the concept of issue in Goodwin, 2002). If two or more people have entered mediation, it is likely that there will be a number of issues around which they are not able to get to an agreement without help. Mediators employ many different techniques in order to help parties solve their conflict and obviously simply always changing a discussion's issue would not be fruitful, as some issues need eventually to be solved as they are core ones in the conflict. However, sometimes the conversation between the parties gets stuck (see the concept of *impasse* discussed in chapter 2, section 2.2.1) as they quarrel about issues that do not necessarily need to be addresses (or perhaps not at that stage of the discussion). So, mediators may intervene by introducing a *different* issue in the discussion (one that is, to a degree that may vary, related to the previous one). Perhaps parties will not hold opposing standpoints around this new issue, or, if they do, they might find easier to find a compromise on this issue than on the previous one.

Notably, however, that not all changes of discussion issues proposed by mediators are indeed *reframing* instances. In order for a *reframing* to be present, there should also be a *shift in levels of abstraction* that fosters positive conflict transformation.

This kind of *reframing* can either be supported by one or more arguments or not, as we will see in sections 7.2.11 and 7.2.1.2 below.

7.2.1.1 Reframing as a change of discussion issue not supported by arguments

I will now discuss, through the analysis of an illustrative example, *reframing* cases that simply consist of a change of issue proposed by the mediator and not supported by arguments. Let's consider the excerpt below (example 1), taken from a mediation session between to business partners that own a Bagels' shop (for a more detailed description of the case see chapter 5, section 5.1.2, case number 4)[53]. In the excerpt below, they are discussing about the possibility of investing in machines for mechanizing part of the bagel's production and one of the parties' worries that it could be too expensive and that they would have to spend their private money to face the investment. At turn 187, the mediator asks them a question involving a *reframing*:

181	M	ah (.) okay (.) so you're probably looking [then at about a
182	D	[about a thousand bucks a [month I expect=
183	M	about fifteen hundred a month (*robert nods his head*)
184	D	sure↓
185	M	payment correct↑
186	D	well (.) give or take (.) yeah (.) so that's seven hundred and fifty bucks each (.) of which I think we should be paying a little more than [I should
187	M	[let's let's let's hold on about how much it is each each for a moment and think about it in terms of the BUSINESS perspective (.) what (.) could you if you had (.) if you did make that investment (.) could the business pay a mortgage of fifteen hundred a month↑

Here the mediator introduces a new discussion issue:

Could the business pay a mortgage of fifteen hundred a month?

And he does so in order to shift the discussion away from a very conflictual topic, namely how much of their personal money David and Robert should spend in order to mechanize the production. If they manage to think only in terms of what would be possible or not to

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[53] This case was first discussed in Greco Morasso (2011) but from a different perspective.

do *using only the business's money* they might be able to find a mutually satisfactory solution. Note that this *reframing* involves a shift from individual to system, as the mediator clearly asks whether "the business", not Robert or David, could afford to invest that amount of money.

In interventions of this kind the mediator does not advance standpoints nor supports the change of issue he proposes by arguments. Thus, these types of *reframing* are not per se argumentative, although one might argue that implicit argumentation always lies behind them, in a structure that could be:

Should you discuss about Y instead of X?
(1 Yes, you should)
(1.1   Because it would help you more to solve your conflict)

However, this general argumentation is implicit in all mediator interventions and is not specific of this case of reframing, which does not present an explicit justification. Therefore, in cases like the one we are considering, *reframing* does not concern the argumentation stage but finds itself in the empirical counterpart of the confrontation stage of the critical discussion, as the mediator expresses that s/he has a difference of opinion with the parties concerning what needs to be the topic of their discussion. In fact, as one can read in chapter 4 (section 4.1.1) of this dissertation, "in the confrontation stage the parties establish that they have a difference of opinion" (van Eemeren and Snoeck Henkemans, 2017, p. 20). In this case, an implicit standpoint of the parties' (i.e. "I want to discuss about X") "meets with doubt or criticism" (van Eemeren and Snoeck Henkemans, 2017, p. 21) on the part of the mediator.

Whether a mediator decides to justify *reframing* as changes of discussion issues with one (or more) argument(s) or not depends on each situation, on whether, arguably, he or she senses it would be beneficial in terms of *adaptation to audience demand* and/or *presentational devices.* In the next section, I will discuss about cases in which mediators

decide to support *reframing* with arguments.

7.2.1.2 *Reframing* as a change of discussion issue supported by arguments

As anticipated in 7.2.1, there are cases in which a *reframing* instance enacts a change of the discussion issue that is supported by one or more arguments. This has usually the function to move the discussion in a way that is more productive for conflict resolution. Let's consider now example 2. This example is taken from a mediation case between a woman and her brother in law about a complex family conflict involving a money loan and other issues (for a more detailed description of the case see chapter 5, section 5.1.3, case number 20). In the next excerpt, where Eloise (E) is talking about the problems she was having with her husband before their divorce, one of the mediators (M1) enacts a *reframing* involving a meta-pragmatic shift (turn 98, indicated in bold):

95	M1	vous vous aviez des informations sur ce qui se passait ↑
		did you have any information about what was going on ↑
96	T	d'henri un peu /
		a little from henri /
97	E	dans cette période-là on est pas bien on a besoin de soutien des choses comme ça et
		in that moment one is not well one needs support things like that and
		et quand je lui a posé ( ) (.) bah il y avait plus personne (.) quand je lui a dit de choisir maintenant
		and when I asked him ( ) (.) well nobody was there anymore (.) when I told him now
		entre ses idéaux son militantisme à côté des choses comment ça et vraiment
		you have to choose between his ideals his activism things like that and really
		se se se concentrer sur la FAMILLE pour une fois ↓ bah non là il y avait plus personne
		focus on his FAMILY for once ↓ well there was nobody there anymore
		(.) ses idéaux sont plus importants que tout le reste (.) bah écoute c'est pas vraiment
		his ideals are more important than anything else (.) well listen it's not really
		moi qui a décidé eh *(elle est presque en train de pleurer cette dernière phrase)* moi
		me the one who decided eh (she is almost crying while she pronounced these lasts words)
		je l'aimait encore
		I still loved him
98	M1	**du coup c'est un peu compliqué parce que de quoi est-ce que vous voudriez qu'on parle un peu↑ parce qu'en fait là on parle un peu il y a ça fait un peu de ricochets partout**
		so it's a little complicated because about what exactly would you like to discuss ↑ because actually ( )
		il y a cet argent que vous avez prêté que vous vous dites qui fait partie c'était le
		( ) everywhere there is this money that you lended that you said was part was the
		soutien de la famille pour votre projet familial (.) votre projet familial il a pas marché
		the family's support for your own family project (.) your family project didn't work out

(.) après bon vous vous avez aussi un peu un avis sur qu'est-ce qui se passe dans dans leur famille
(.) after that you also have an opinion about what happens in in their family
(.) **c'est un peu emmêlé il me semble** (.) qu'est-ce que vous pourriez faire qui qui permettrait
(.) it's a bit tangled this (.) what could you do that that would allow you
 de de trier un peu les morceaux↑ (4) de quoi il faudrait qu'on discute en fait↑
to put the pieces in order ↑ (4) actually about what shall we discuss ↑

99	E	de son implication dans mon divorce peut-être
		maybe about his role in my divorce
100	M1	à teo↑
		teo's role↑
101	E	oui
		yes
102	M1	parce qu'il était impliqué dans votre divorce↑
		did he play a role in your divorce↑
103	E	moi je pense pas que henri m'aurait quitté (.) si teo n'avait pas été impliqué
		I think henri would not have left me (.) if teo wouldn't have played a role in it

The mediator notices that the parties' conflict seems to involve several issues that they are trying to address in an untidy fashion therefore he asks them "what do you want to talk about?" introducing in the discourse the following issue:

Should we discuss about what topic to address first?

In this sense, also this case of reframing involves a change of issue, which according to Aakhus (2003) would go under the name of *redirection*; however, as I will show in what follows, this change of issue is *justified*. We can see that the mediator's preferred answer to this question is "yes"; the mediator provides an argument for his standpoint, as can be seen in the following reconstruction:

1 Yes, we should discuss about what topic to address first

1.1 Because it's a bit tangled

(1.2 And this is not helpful for conflict resolution)

Note that the most important part of the argument advanced by the mediator remains implicit: he points out that at the current moment the discussion is unfolding in an untidy way, which he imagines the parties will agree is not a good thing for the conflict resolution,

based on what we could call an *endoxon*, i.e. the fact that in order to find a solution to a complex problem one should proceed in a tidy fashion. Notably, this *endoxon* remains implicit.

In terms of strategic maneuvering, in this type of *reframing* the selection of the topical potential is clearly a prominent aspect, because the mediator asks directly to the parties to choose which topic they feel as the most important and urgent to address. Moreover, in terms of presentation devices, the mediator stresses the fact that their discourse is not unfolding around a specific issue by stating that it is "emmêlé" (i.e. "tangled") and by using the metaphor that "ça fait un peu de ricrochets partout" ("it bounces a little bit everywhere"): this metaphor perhaps can help the disputants understand better how the mediator is perceiving their interaction, and therefore hopefully encourages them to change it by focusing on one specific topic. Thank to the use of this metaphor there is a shift from literal to symbolic language.

In Shmueli's terms (see section 3.2 of this dissertation), here we are confronted with a *conflict resolution frame* whereas the preponderant frame in the turn preceding the reframing (turn 97) is likely to be a *characterization frame* of Eloise's former husband.

Another example of justified *reframing* is example 3, taken from a mediation session between two neighbours who are in conflict because of the use of a common parking spot. More specifically, one of them is upset that her neighbour's boyfriend always parks his car in a spot that originally was meant for two cars only, making in this way difficult for her to get her old and partially disabled father in and out of her car (for a more detailed description of the case see chapter 5, section 5.1.3, case number 17). In the following excerpt. the parties are describing to the mediator the unpleasant situation that they are dealing with, having to live next door to each other and kind of avoiding casual meetings. At turn 45 the mediator intervenes with a reframing, which involves a meta-pragmatic shift:

38	P	oui parce-que depuis effectivement depuis que ça c'est passé on (.) c'est presque un
		yes because after in fact after what happened we (.) we almost

		peu on évite de d'arriver au même moment on on s'évite (.) cordialement on va dire
		avoided arriving at the same moment we avoid each other (.) potelitely let's say
39	M	vous ressentez aussi ça vous↑
		do you also feel that ↑
40	L	^{0} oui oui ^{0} je sens aussi cette ( ) un peu de la gêne
		^{0} yes yes^0 I also feel this ( ) a little annoyance
41	M	de la gêne donc c'est quelque chose d'inconfortable pour vous ces ces jours-ci
		annoyance so it's something that is unconfortable for you these days
42	L	ah oui ^{0}la manière dont ça c'est passé^0 oui
		yes the way in which that happened yes
43	M	et et en acceptant de venir vous n'aviez pas pensé que peut-être l'idée que votre votre
		and accepting to come didn't you think that maybe the idea that your your
		compagnon vienne aussi aujourd'hui c'était quelque chose qui était imaginable pour
		boyfrined could come too today is it something that was imaginable for
		vous /
		you /
44	L	(*elle hésite à répondre*) bon à l'occurrence il étant donné qu'il est en séjour à
		(*she hesitates to answer*) *well now since he's staying*
		l'étranger pour pour son voyage la question c'est pas trop posé
		abroad for for his trip I didn't ask myself the question
45	M	**parce-que en vous entendant j'ai l'impression qu'on parle beaucoup vous parler**
		because listening to you I have the impression that you speak a lot you speak
		beaucoup de lui et que ce qui est un peu dommage c'est qu'il soit absent donc
		a lot about him and it is a little bit a shame that he's absent so
		qu'est-ce que vous pourriez imaginer est-ce que ce serait quelque chose
		what could you imagine is it something that would be
		d'envisageable pour vous et pour vous linda et pour vous patricia que le
		possible for you and for you linda and for you patricia that
		compagnon de de (.) de linda soit présent la prochaine séance↑
		linda's boyfriend would come to our next session↑

At turn 45, the mediator proposes a change of issue, namely he proposes to discuss whether Linda's boyfriend should be present at the next session, and he justifies this change of issue with an argument involving a meta-pragmatic shift: she has in fact noticed that "vous parlez beaucoup de lui" (= you talk a lot about him) – which is a comment on the parties' previous discussion. The mediator reasoning in this case can be reconstructed as follows:

Issue: Should Linda's boyfriend be present at the next mediation session?

1 Yes, Linda's boyfriend should be present at the next mediation session

1.1 Because "vous parlez beaucoup de lui" (= you talk a lot about him)

1.1.1   (And therefore he should be involved in the discussion)

The AMT reconstruction can be represented as follows:
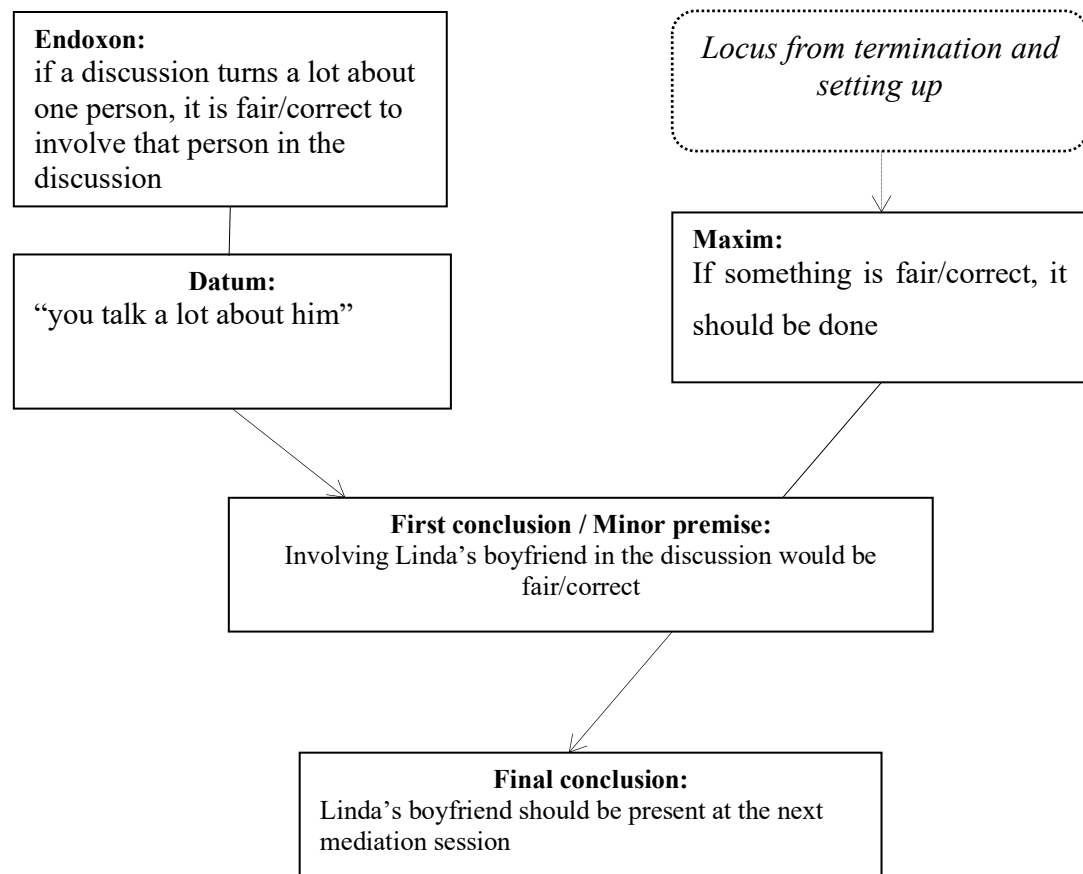
Figure 4: AMT reconstruction of argument 1.1.1

This *reframing* involves a maxim drawn from the *locus from termination and setting up* that, like the *locus from ontological implications*, is not rarely found in the corpora. According to Rigotti and Greco (2019), "when one uses the locus from termination and setting up, he or she is comparing the current situation with a future possible world. Following this comparison is an evaluation about the opportunity to set up (start or begin) an activity or to cease ("terminate") an existing state of affair" (Rigotti and Greco, 2019, p. 263). In this case, the mediator is presenting "a future possible world" (Rigotti and Greco, 2019, p. 263) in which Linda's boyfriend is present at their next mediation session and s/he is also evaluating this change as a positive one, relying on the endoxon and the datum reported in figure 4: it is a good thing to invite him to participate *because* Linda

and Patricia talk much about him and, according to the mediator's endoxon, this is a good reason to invite him.

In terms of strategic maneuvering, *presentational devices* are notable: we can observe how this *reframing* is characterized by *mitigation*, namely "attenuation or downgrading" (Caffi, 2007, p. 40), which "permits a 'smooth' management of the interaction and reduces the risks that the participants may incur on various levels, for instance the risk of […] refusal, conflict, or losing face (on a social level), etc." (Caffi, 2007, p. 40). In fact, the mediator says "c'est **un peu** dommage qu'il soit absent" (turn 44); "est-ce que vous **pourriez** imaginer est-ce que ce serait quelque chose d'envisageable pour vous […]" (turn 45). Mitigation is probably used so that the parties feel completely free to answer yes or no to the mediator's suggestion that Linda's boyfriend joins them at the next session, without feeling forced to agree with the mediator, which would not be in line with the aim of this professional practice. In terms of strategic maneuvering, thus, mitigation here is used by the mediator to maintain his neutrality.

Both unjustified and justified *reframing* (sections 7.2.1.1 and 7.2.1.2) perform the function of changing the discussion issue in a way that possibly steers conflict resolution or at the very least does not let it degenerate even further. As the pragma-dialectical reconstructions shows, they consist of mediators' standpoints disagreeing with parties' usually implicit standpoints regarding the need and/or importance of addressing a discussion topic instead of another one. As examples 2 and 3 show, they can be supported by arguments. These kinds of *reframing* fulfil an important function in the crafting of the dialogue space discussed in chapter 1, section 1.2.2, as they select topics for discussion that should help conflict resolution.

As I will discuss in more detail in section 7.4 below, *reframing* as changes of discussion issues tend to usually be accepted by the parties because they expect mediators to guide their discussion, thus *redirection* (Aakhus, 2003) is usually accepted. In the next section,

I will discuss about *reframing* in the form of counterarguments, which, as we will see, might be seen as slightly more problematic from the point of view of mediators' neutrality, as mediators' get involved in defending standpoints that regard other issues (vs the "what should we discuss about" issue), but that also have an important role in helping parties' solve their conflicts.

7.2.2 Reframing as counterargument

As we have seen in chapter 5, section 5.6.1, one of the key features of mediation practice is mediators' neutrality. However, as we will discuss more in detail in section 7.2.2.2 below, the questions arises whether mediators are always really neutral– or, put in other terms, how can we define neutrality in a way that really reflects what happens in mediation sessions? As it will be shown, the cases in which r*eframing* may be interpreted as a mediator's counterargument should definitely be one element to take into account in the discussion on neutrality.

In this section I am going to discuss some illustrative examples of these *reframing* instances that consist of mediators' counterarguments. More specifically, in section 7.2.2.1, I will focus on a specific sub-type of *reframing* as counterarguments, namely explorative questions about the future; in section 7.2.2.2, I will address the delicate relationship this kind of *reframing* has with mediators' obligation to remain neutral. Before entering into these detailed contents, let's consider a first illustrative example of *reframing* as counterargument. In example 4, the two parties are working together in a development project for an NGO (for a more detailed description of the case see chapter 5, section 5.1.2, case number 7). In the following excerpt, they are addressing the fact that they disagree over the reasonableness of having weekly reports sent to Alec by Jember. According to Jember, Alec's request of her sending him weekly reports is "unreasonable" because it requires a considerable amount of time that she would rather spend doing other tasks useful for the project. Alec explains why in his opinion weekly reports are reasonable and useful.

219	M	you (J) say weekly is you know completely unreasonable and takes a lot of time away from what you would see you ought to be doing
220	J	yes
221	M	ehm (.) where does that come from↑ what kind of what kinds of reports have you eh offered in the past for example in the pilot project↑
222	J	in the pilot project we ehm ( ) we developed report once a month and they were quite acceptable and ehm we received very positive feedback on the reports
223	M	ok (.) you don't get the sense that weekly reports are unreasonable you said they were normal
224	A	oh well ehm definitely I all of my businesses are ehm (.) based on weekly reporting ehm and in fact I have in many cases when the business has been in trouble or in a in a start up phase which I think is analogous to to jember's organization I've had daily reports
225	M	mmh
226	A	from my key ( ) in fact in the case of the ( ) a real estate business that I was asked to take over I would meet with the key managers at 7 a.m and we'll met again at the end of the day eh for exceptional reports not a regular thing but if anyone had anything exceptional to report we'd get together in the evening (.) and so
227	M	these are computerized reports↑
228	A	well ehm in in in most cases yes those would be (.) a stock control report sales reports marketing reports those sorts of things financial statements and so on
229	M	I mean one of of the things I could imagine (.) ehm is just there is a difference in time (.) if you're dealing in the developed world at at the speed of new york and london stock exchange a lot happens in the day (.) you've got the telephone you've got computers you've got all kinds of large scale business going on being accounted for in in electronic ( ) has to be at this point (.) a week a lot happens in a week
230	A	yes
231	M	if you're dealing if I'm understanding it if you're dealing where you probably have no motorized transport (.) for most things /
232	J	that's correct

At turn 224, Alec provides the following standpoint and argument in favour of having weekly reports:

1 Asking for weekly reports to Jember is reasonable

1.1 Because it works for analogous businesses and projects in a start up phase

Alec's reasoning can be reconstructed with the AMT model (figure 5). For Alec, the most salient trait of this project is its "being an a start-up phase", the way he frames the situation is by comparing it to other projects "in a start-up phase", taking for granted that the potential problems will be similar, and therefore applying a measure such as having weekly reports that has proven effective in the past.
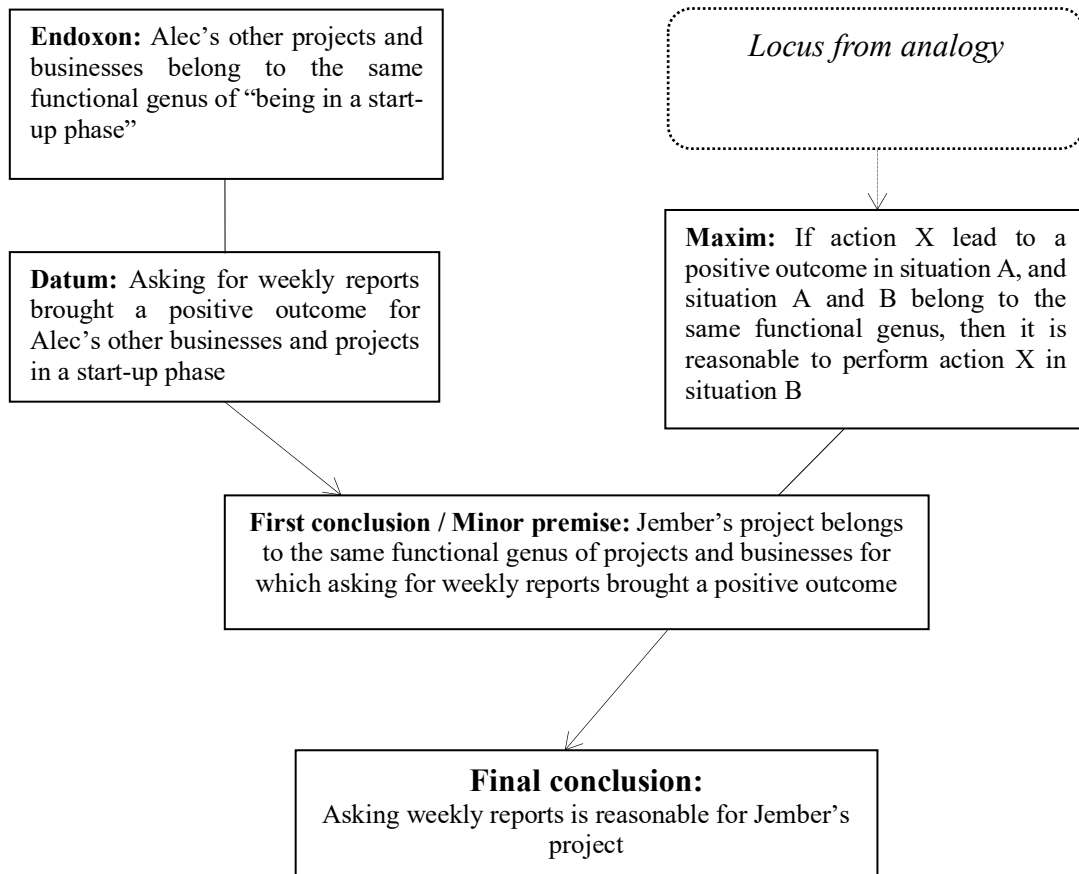
Figure 5: AMT reconstruction of argument 1.1

Alec's reasoning involves a *locus from analogy*, as he compares this project to other ones that share a trait with it, namely the fact of being in a start-up phase. Rigotti and Greco (2019) observe that "arguably, argumentation from analogy is not effective if the functional genus is ill-designed" (Rigotti and Greco, 2019, p. 262) – which is indeed what the mediator will try to point out. In fact, the mediator attempts a *reframing* (at turn 229) involving a shift from quality to external condition by drawing Alec's attention to the fact that there is indeed also a big difference ("there is a *difference* in time", turn 229) between his other businesses and project and this particular one, namely the country in which they are based. The word "difference" employed by the mediator strongly suggests that he is

going to attack Alec's analogy. The mediator expresses an argument (1.1) in favour of the following implicit standpoint:

(1   You cannot carry out this project in the same way as your other businesses in a start-up phase = you should not ask for weekly reports)

1.1 Because there is a difference in time between Ethiopia and the US

By 1.1. he means that the time required in Ethiopia to carry out tasks, communicate with other people and so on is much more, due to lack of infrastructure, internet. It is something that Jember has explained before in the mediation session[54]. That this is what the mediator means can be inferred from his following words at turn 229: "(.) if you're dealing in the developed world at at the speed of New York and London stock exchange a lot happens in the day (.) you've got the telephone you've got computers you've got all kinds of large scale business going on being accounted for in in electronic ( ) has to be at this point) […]" and at turn 231: "If you're dealing if I'm understanding it if you're dealing where you probably have no motorized transport (.) for most things / […]". The mediator's *reframing* can be reconstructed with the AMT in figure 6 below:

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[54] For example, at turn 162 she explains why the building of housing is not progressing fast: "Yes they're [= materials for construction] being collected in the country and we're having problems we're having problems with vandals trying to steal the raw materials we're having problems with the government not cooperating and holding documents and permits for longer than necessary I mean there are lot of obstacles that have been placed before before before us". At turn 172 she mentions again the difficulties they are having in receiving materials for these construction works: "we've been waiting for them well over a month I have I have I right now I don't know how much longer that's going to take we expect maybe another several weeks or so".
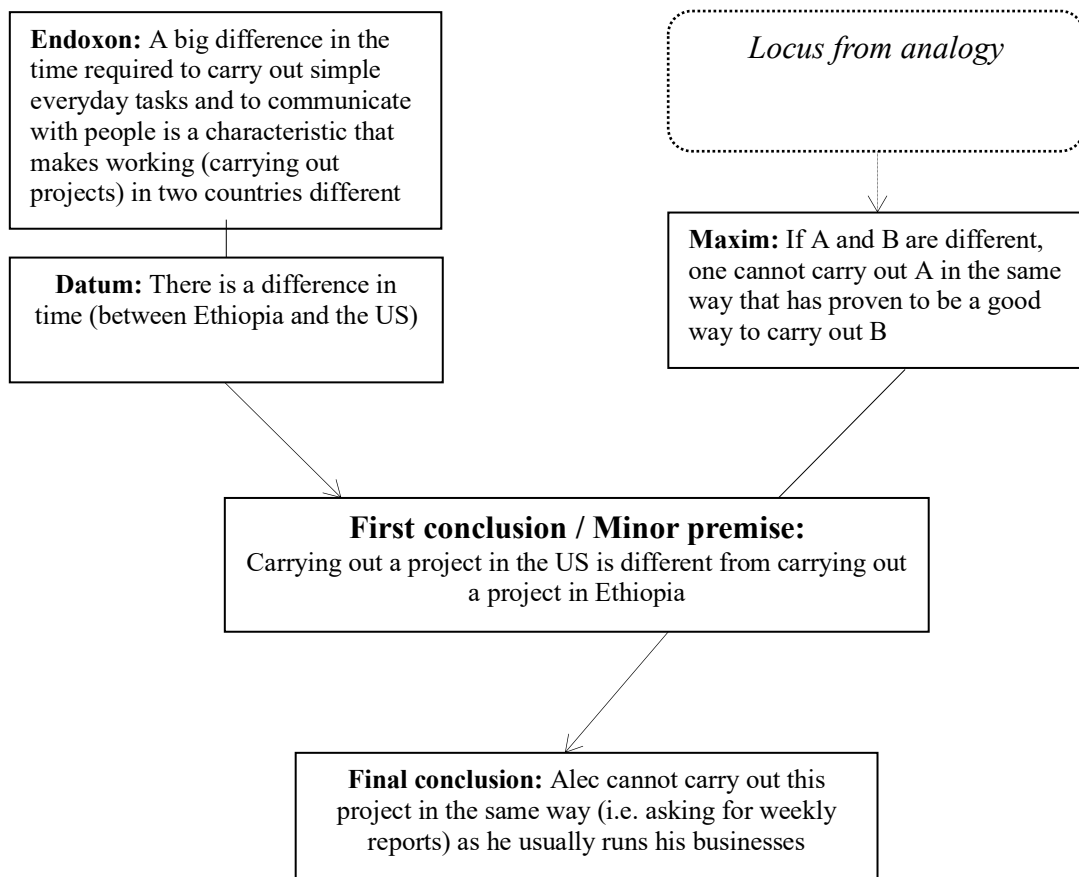
Figure 6: AMT reconstruction of the mediator's standpoint and argument

The mediator's final conclusion is oppositional to Alec's standpoint ("asking for weekly reports is reasonable") and coincides with Jember's point of view. In this case, unlike in the case presented in section 7.2.1.2 (*reframing* as a change of discussion issue supported by arguments) the mediator advances an argument in support of a standpoint regarding the issue the parties' are already arguing about – there is no change in discussion issue.

Note, however, that the fact that the mediator advances a counter-argument probably does not undermine the mediator's impartial role. In fact, the mediator only explicitly states a *datum* at turn 229 ("there is a difference in time") that performs the function of argument and Alec accepts it (turn 230). For the rest of the mediation session, they no longer discuss whether they will have or not weekly reports in the future, but it is most probably that they

will not, as Alec accepts to go and spend some time in Ethiopia to see for himself how things are getting done on the field.

In terms of *adaptation to audience demand* the mediator does not openly express disagreement with Alec, he simply draws his attention to an aspect of the situation that he might not have thought of but that is important to take into consideration and that contests the functional genus Alec has created. However, it is clear that the mediator expects Alec to come to his same conclusion on his own. The mediator would not introduce in the discourse his observation that "there is a difference in time" if he had no intention of supporting a standpoint and using this as an argument supporting it (on how to establish this see quote from Van Eemeren and Snoeck Henkemans 2017 in section 6.2).

Considering now *presentational devices* in this intervention, notably, the mediator emphasizes the factual, objective nature of his claim by stating "**there is** a difference in time" (my emphasis) but at the same time he acknowledges that the relevance of his claim might be challenged by Alec by saying "**I mean one of the things I could imagine ehm is just** there is a difference in time" (my emphasis)[55].

This case shows how a *reframing* targets and criticizes a standpoint expressed by one of the parties, in this case also aligning with the standpoint of the other participant (but this is not always the case: a *reframing* as counterargument might as well introduce a third, different standpoint in the discussion).

Let's consider now this other case, example 5, taken from a family mediation session (for a detailed description of the case see chapter 5, section 5.1.3, case number 20). In the following excerpt the mediator asks one of the parties whether she considers important that her child gets to know his father. At turn 259 Eloise, the mother, explains her point of view by stressing the fact that if the father is not a reliable person – that was and is not

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[55] This excerpt was analysed during a focus group (organized by the author) within the RefraMe with professional mediators working in Switzerland. One of the mediators observed that s/he would have proceeded in a different way, s/he would have rather asked Alec questions like "where are your other projects based?" to see whether he would have arrived alone at the same conclusion. This an issue of *presentational devices*, obviously every mediator has his/her own personal style and might have different insights as to how to guide the mediation process.

involved in the child's life - it is not a good idea to let him be part of his life because there is the danger that he will leave again and their child will therefore suffer. After this, at turn 272, the mediator asks a question that involves a *reframing* with a shift from specific to general (turn 272, indicated in bold):

261	E	moi non ↓ moi j'ai pas peur de ma place dans le cœur de philippe j'ai ma place et je
		not me↓ I'm not scared of the place I have in philippe's heart I have my place and I
		la quitterai jamais ça j'ai pas peur mais moi je veux pas qu'il y a quelqu'un de nouveau
		will never leave it I'm not scared of this but I don't want that there is someone new
		qui arrive comme une fleur au bout d'un bon moment quand même (.) qui se réveille
		that arrives like a flower after a long time actually (.) that wakes up
		et puis puisse repartir comme il est arrivé j'ai vu ça quand j'étais petite et (.) et puis c'est pour ça aussi que la
		and then can leave again like he arrived ( ) when I was little and (.) and it is also for this that my
		séparation avec henri a été si dure parce que parce que moi je pensais que ( ) mais c'était
		separation from henri was so tough because because I thought that ( ) but it was
		stable et ça c'est pareil c'est ce qui va se passer avec philippe il aura une relation qui aura l'air
		stable and it's similar it's what's going to happen to philippe he's going to have a relationship that seems
		d'être une relation durable et il va lui arriver la même chose qu'à moi
		to be a stable one and then the same thing that happened to me will happen to him
262	M1	vous voyez que pour pour le protéger justement de quelque chose qui
		do you see that for for protecting him from something that
		hypothétiquement pourrait être la même chose que vous vous avez vécu avec henri
		hypotethically might be the same thing that you have lived with henri
		du coup ça vous contraint ( ) si ce ce ce ce secret-là tombait il y a encore le secret
		this forces you ( ) if this this this secret was to be discovered there is still the potential
		potentiel de est-ce que c'est henri ou teo /
		secret whether is it henri or teo /
263	E	ecoutez j'ai toujours dit à philippe que son père c'était henri et moi j'y crois =
		listen I have always told philippe that henri was his father and I I believe it =
264	M1	philippe lui sait que henri c'est son papa ↑
		philippe does know that henri is his father ↑
265	E	oui ↓ qu'il s'appelle henri la différence c'est que pour lui il vit pas à (nom de la ville
		yes ↓ he knows that his name is henri the only thing is that for him he doesn't live in (name of the city
		où ils se trouvent) mais a (dans une ville très loin, autre continent) (.)
		where the mediation is taking place) but he lives in (name of a city far away from them) (.)
		il sait pas à quoi il ressemble
		he doesn't know how he looks like
266	M1	il y a pas de photos à la maison ↑
		there are no pictures at home ↑
267	E	il sait juste qu'il a ses yeux c'est tout (.) ses yeux sont les mêmes de teo mais ils ont
		he knows only that he has his eyes that's all (.) his eyes are the same's as teo's but

toutes les mêmes dans la famille c'est pas (.) c'est pas une preuve de quoi que ce soit
the entire family has the same ones it's not (.) evidence of whatsoever

268 M2 est-ce que ça serait important pour vous de:: (.) d'avoir aussi une (.) une information
would it be important for you to ::: (.) to have also (.) scientific evidence
(.) scientifique sur la paternité de philippe ↑ vous dites que vous vous savez est-ce
on philippe's paternity ↑ you say you know are you
que vous auriez aussi un intérêt à pouvoir vérifier en fait qui serait le père pour autant
also interested in being able to verify actually who the father is as long
que ça puisse se faire de façon scientifique↑
as this is something that is feasible ( ) scientific ↑

269 E vous demandez pour philippe ou /
you're asking for philippe or /

270 M2 pour vous deux (2) est-ce que vous estimez que ça serait important pour philippe est-
for the two of you (2) do you believe that it would be important for philippe would it
ce que ça serait important pour vous (.) d'avoir aussi un un test fiable qui puisse
be important for you (.) to have a reliable test that could tell who philippe's father
bétonner pour autant que ça soit possible qui qui sérait le père de philippe ↑
as long as it would be possible ↑

271 E La conception pour philippe c'est que un père ou une mère c'est quelqu'un
The idea for philippe is that a father or a mother is someone
qui est là depuis le début après un peut ne pas être d'accord sur le rôle mais c'est
that is there from the start afterwards we can disagree on each role but it's
quelqu'un qui est là c'est pas une histoire de biologie c'est pas une histoire de de legalité c'est
someone that's there it's not about biology it's about it's about law it's
une histoire de sentiments et puis dans les faits dans les sentiments il y avait pas de père
it's about feelings and if in terms of feelings there was no father

272 M2 **et puis en termes d'identité↑ est-ce que vous pensez que c'est important**
and in terms of identity ↑ do you think that it is impotant
quand on est enfant de savoir qui est son père au de-là de comment son père
when one is a kid to know who his or father is regardless of how his father
habite sa fonction ou pas s'il est là ou pas mais au moins de savoir qui c'est↑ (3)
performs his role or not if he's there or not but at least to know who he is ↑
pour pour se construire une identité (.) pour savoir d'où il vient
to build his own identity (.) to know where he comes from

273 E non par- on arrive à peine à s'en sortir maintenant (.) on a sorti la tête de
no be- we have only started to get better now (.) we took our heads out of
l'eau on commence à avoir de stabilité on va pas remettre (.) on va pas remettre
the water we have started to have some stability we're not introduce (.) we're not introduce
maintenant un père inconnu qu'il va devoir com- apprendre à connaître qu'il a déjà
now an unknown father that he (philippe) will have to st- learn to get to know he's
il a déjà du mal avec certains camarades de classe que parce que ça ce passe pas
he already has problems with some schoolmates because things do not always are not
toujours bien mais ça c'est normal c'est tous les enfants comme ça et si on rajoute de
always good but this it's normal every kid is like this and if we add something
nouveau un nouveau facteur il a changé plusieurs fois d'école il peut pas maintenant être déstabilisé
new element he changed many times school he can't now be destabilized
avec (.) un papa sorti de nulle part (2) non
with a dad that comes out of nowhere (2) no

274   M2   moi je parlais pas forcement de de mettre un père dans sa vie mais de clarifier
                  I I was not necessarily talking about having a father being part of his life but to clarify
                  cette question-là (.) est-ce que ça vous paraît important que (3) de savoir clairement
                  this issue (.) do you consider it important to (3) know for sure
                  QUI EST son père↑ […]
                  WHO his father is ↑

The mediator's *reframing* tries to steer Eloise's attention away from her established position (not letting Philipp get to know his father) by encouraging her to reflect upon what could be in the child best interest (note the mediator's choice of words: "do you think it is *important* when one is *a kid*", my emphasis).

Here the mediator's *reframing* proposes an implicit standpoint supported by an argument:

      (1 It is important for a child to know who his/her father is)

      1.2 Because this allows the child to build his/her identity

Note that in terms of *presentational devices*, the mediator chooses to phrase his/her standpoint arguably as a rhetorical question, probably in an attempt to present it in a way that might be accepted by the child's mother. This could mislead the analysist and consider this a simple case of change of the discussion issue (like the ones discussed in section 7.2.1.1 above). However, given the context, it appears more likely that it is a counterargument, however mitigated in terms of *presentational devices*. The line between the two types of reframing is not always a hundred percent clear and it is to some extent subject to interpretation. This is one of the limits of this study. In some cases, I think the best way to proceed is to talk of talk of changes of discussion issues *functional to* supporting a counterargument. Whereas in other cases, changes of discussion issues do not necessarily perform this function.

The AMT reconstruction of the mediator's reasoning could be represented as follows:
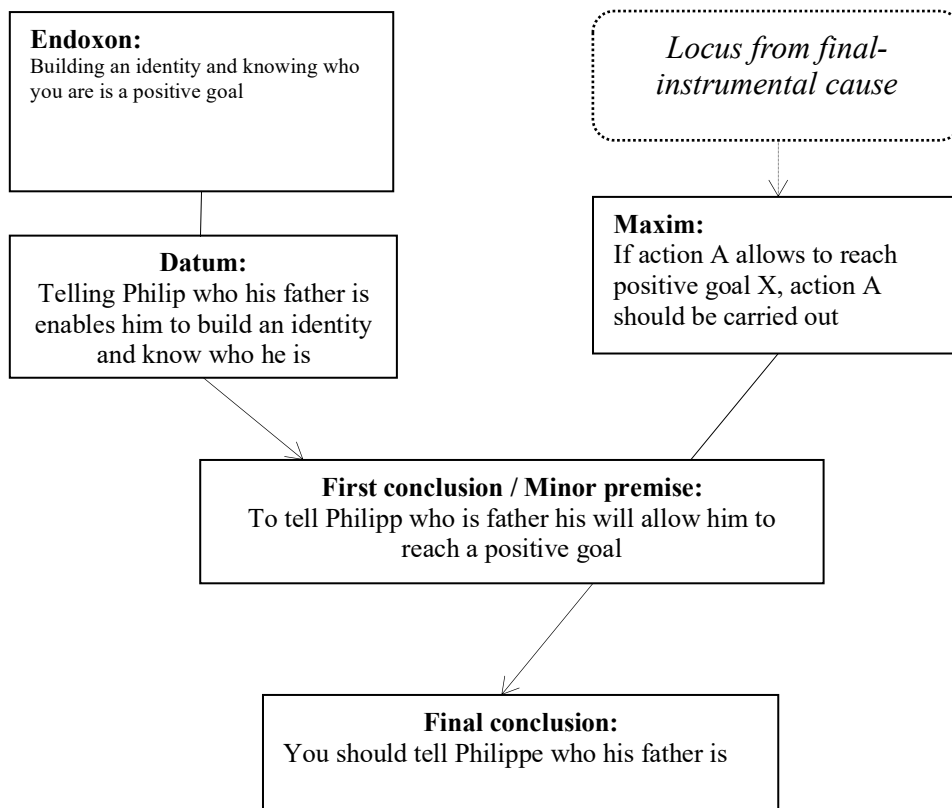
Figure 7: AMT reconstruction of the standpoint and argument

Here, the mediator's reasoning builds on a maxim drawn from the *locus from final-instrumental cause.* This locus is part of the causal loci (Rigotti and Greco, 2019, p. 257). According to Rigotti and Greco (2019), "*Final cause* and *instrumental cause* are tightly bound because they are relative to the ontology of the human action. Goal and instruments, in fact, are constituents of an action" (Rigotti and Greco 2019). In this case, action A (i.e. telling Philip who is father is) is an instrument that allows to reach a positive goal (i.e. develop Philip's ability to build an identity).

This is in opposition with the mother's point of view, namely:

(1 I should not tell Philippe who his father is)

1.2 Because it could have negative consequences for Philippe
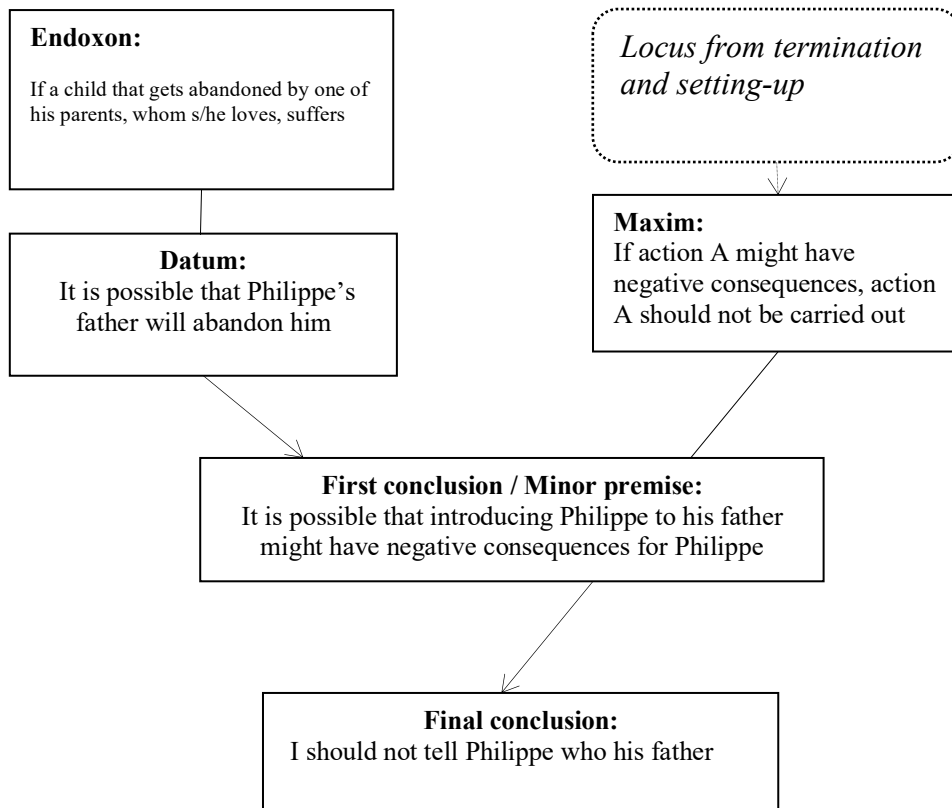
Figure 8: AMT reconstruction of Eloise's standpoint and argument

Here we see an example of a maxim drawn from the *locus from termination and setting-up* that evaluates as negative a possible future activity (introducing Philippe to his father), that therefore should not be carried out.

In this case, we have therefore a *reframing* that attacks a party's standpoint (namely "I should not tell Philippe who is father is"). This *reframing* is not among those that are accepted by the parties (see the mother's reply at turn 271; and for a discussion on *reframing*'s acceptance see section 7.4 below), however other *reframing* of the same kind are indeed accepted by the parties' (see example 12, discussed in section 7.3.2 below). Rocci (2021) "distinguishes three main types of counterarguments: *(a) rebutter of a conclusion,* (b*) rebutter of a premise,* (c)*, undercutter of an argument*" (Rocci et al., 2020, p. 75). Most *reframing* as counterarguments present in this work fall under (a), namely "provide a new argument against the conclusion" (Rocci, 2021). However, there is at least

one example of (b): This is the case of example 12 (discussed in section 7.2.3 below), where the mediator attacks the argument sustaining Lisa's standpoint (i.e. her unwillingness to talk to Claire) pointing out that the personality traits she attributes to Claire – corresponding to the reasons why she does not want to speak with her – are indeed prejudices that might not be true.

In the next section, I will discuss about a specific case of *reframing* as counterarguments, namely explorative questions about the future.

7.2.2.1 A specific case of counterarguments: explorative questions about the future

As we have seen in examples above, from a linguistic point of view *reframing* can take very different forms, and in terms of *presentational devices* it can also be presented in the form of a question. A particular type of questions in mediation are explorative questions about the future, namely questions that perform the function of making parties reflect upon "possible worlds" (Greco, 2020, p. 90, my translation), in particular related to BATNA (Best Alternative To Negotiated Agreement) and WATNA (Worst Alternative To Negotiated Agreement) (see Greco, 2020, p. 90). A typical explorative question about the future would be "What will happen if you leave this mediation session without a solution?" (see Greco, 2020, p. 91, my translation). They are important because they "orient parties' decision making" (Greco, 2020, p. 91, my translation) by "directly influencing their motivation in solving (or not) their conflict in a dialogical way" (Greco, 2020, p. 91, my translation).

In some cases, a *reframing* as counterargument is presented as an explorative question about the future. Let's consider the following example (example 6) taken from a mediation case between two business partners who may close their business due to the fact that one of them was about to sign a business deal without the other's knowledge and consent. In the excerpt below the discussion is about another incident that caused friction between the two, namely the fact that Joe was left in charge of closing a business deal while Pat was away on holidays, but he ended up not signing it – for reasons still unknown to Pat – and they lost the contract. The mediator is trying to get Joe to explain why he did not sign that deal but he is very reluctant to talk. In fact, at turn 306 he claims that he would rather

discuss about "the balance of the work", another issue between them.

302	J	them the people they'll make me go signing things (.) is (2) is never my thing you know
303	M	ok what was it the part that wasn't your thing↑
304	J	(2) ⁰Is not my thing you know⁰
305	M	ehm joe ehm (.) I'm getting a sense that this is (.) difficult for you↑
306	J	*(he looks on the floor while answering)* yeah I think we should just talk about the balance in the work
307	M	ok (.) we will we will move to that in a moment can I just ask a question↑ can I ask a question around ( ) way **ehm (.) if this isn't discussed and if there isn't understanding about it (.) what may be the outcome↑**
308	J	(5) that the business end
309	M	that the business would end (.) and how would it be like for you if the business ended↑
310	J	⁰( )⁰
311	M	In what way↑
312	J	look (.) I'm 41 (2) what am I gonna do write a CV↑ write a CV that ( ) I run a business but I didn't do the books
313	M	so you're really concerned↑
314	J	( ) unemployment
315	M	ok (.) you're really concerned about the future↑
316	J	yeah
317	M	ok and if you DID say what it is that's going on for you↑ what might be the outcome↑

At turn 307 the mediator asks a question (indicated in bold) that is linked to the implicit issue "should we discuss about this or not?" and that doubts Joe's standpoint expressed at turn 306 ("I think we would just talk about the balance of the work"). It can be deduced from the context (the mediator's repeated efforts to get Joe to talk about it previously in the mediation session) that her implicit standpoint is:

> (1 Yes, we should discuss about this)

Supported by the argument that Joe provides her by answering the question she asked at turn 302:

> 1.1 Because not talking about it will bring negative consequences, namely that the business will close

Note that the mediator here is also supporting the implicit standpoint "we need to work towards conflict resolution", supported by the (also implicit) argument "because not doing so will have negative consequences for you". This can be considered true for all *reframing* cases, as the mediator through *reframing* is always trying to make parties shift their points of view in a way that foster conflict resolution, however it is perhaps more evident in the case of *reframing* as explorative questions about the future.

In terms of topical potential, the mediator needs to stress the importance of addressing this discussion about an incident that happened by having the reluctant party recognize that the consequences of avoiding this conversation will be negative for him too, and, therefore, it is reasonable to talk about that incident. In terms of presentational devices, she chooses to utter an explorative question about the future. Moreover, she softens her question through the use of the verb *may,* so that Joe does not feel attacked.

The AMT reconstruction of this *reframing* is:
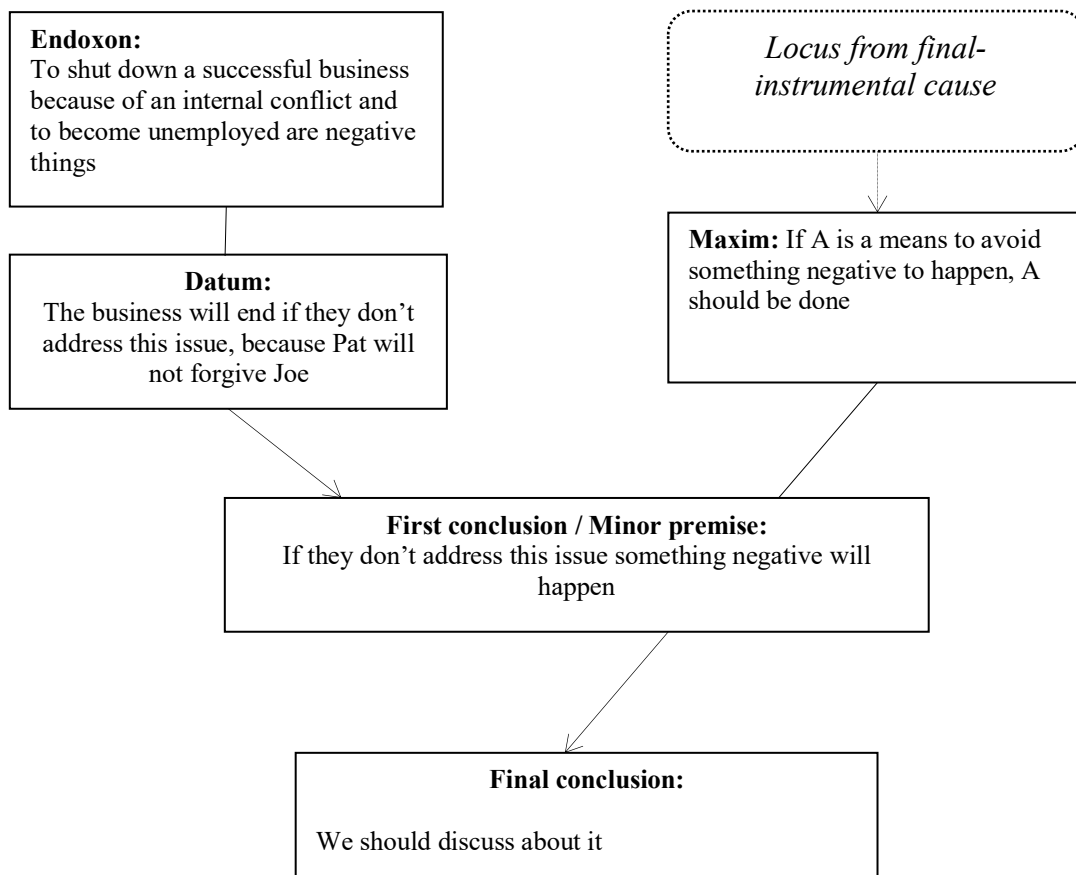
Figure 9: AMT reconstruction of the mediator's standpoint and argument

In this case, the *reframing* involves a *locus from final-instrumental cause,* the way to prevent something negative to happen is to address the topic Joe wants to avoid (because it presumably makes him uncomfortable to address it).

This *reframing* clearly involves a meta-pragmatic shift, as it concerns the unfolding of their discussion: "if this *isn't discussed*" (turn 307, my emphasis). Note that not all explorative questions about the future are also always *reframing*, as not all of them include shifts in levels of abstraction. For example, the question "what will happen if you leave this mediation session without a solution?" (example taken from Greco, 2020, p. 91, my translation) is an explorative question about the future that does not involve shifts in levels of abstraction and therefore is not to be categorized as *reframing.*

7.2.2.2 Reframing as counterarguments and mediators' neutrality

As discussed in chapter 5 (section 5.6.1), one of the defining features of mediation according to officially recognized mediation institutions in different countries is mediators' neutrality. However, whether it is possible for mediators to be completely neutral has been a widely debated issue among scholars and professionals for a long time: Garcia (2010) reminds us that already in a 1991 study on mediation (Cobb and Rifkin, 1991) "even though there is a rhetoric of neutrality among mediation practitioners and advocates, the nature of the mediation process militates against actual neutrality" (Garcia, 2010, p. 206). Also Heisterkamp (2006) states that "despite acceptance by many of neutrality as a key component of mediation (Donohue, 1989), the issue of whether or not a mediator can or should maintain neutrality has been called into question (Bernard et al., 1984; Cobb and Rifkin, 1991a.b.; Dyck, 2000; Fuller et al. 1992; Greatbatch and Dingwall 1989; Rifkin et al., 1991; Tracy and Spradlin, 1994)" (Heisterkamp, 2006, p. 2051).

In this research project, data seems to show that mediators sometimes disagree – even though always *implicitly* – with one of the parties', in those cases in which *reframing* has the specific function of having a party align with the other party's standpoint, as it happens for example in example 4 discussed in detail in section 7.2.2:

227	M	these are computerized reports↑
228	A	well ehm in in in most cases yes those would be (.) a stock control report sales reports marketing reports those sorts of things financial statements and so on
229	M	I mean one of of the things I could imagine (.) ehm is just there is a difference in time (.) if you're dealing in the developed world at at the speed of new york and london stock exchange a lot happens in the day (.) you've got the telephone you've got computers you've got all kinds of large scale business going on being accounted for in in electronic ( ) has to be at this point (.) a week a lot happens in a week
230	A	yes
231	M	if you're dealing if I'm understanding it if you're dealing where you probably have no motorized transport (.) for most things /
232	J	that's correct

Here, the mediator's claim "there is a difference in time" clearly supports Jember's standpoint that having weekly reports is unreasonable (expressed prior to this excerpt, at turn 203: "alec is absolutely right he has been (.) put he has been made responsible for the

overseeing of the money but we have provided him with reports and what we were being asked for were unreasonable report"), opposing Alec's standpoint that asking for weekly reports is the right way to proceed (for a detailed explanation see section 6.2.2.1). At first glance, this seems to go against the mediator's neutral role. However, it is important to note that all that happens in this case is that the mediator brings to Alec's attention something he was not considering relevant, but that is already part of his common ground: he knows that to carry out simple everyday tasks and to communicate with people in Ethiopia requires more time than in the U.S. or Europe (since Jember already talked about this to him and he believes her), he just simply did not made the connection between this aspect and his request for weekly reports.

It is less problematic for neutrality when a mediator's *reframing* as counterargument does not agree with the one of the parties but introduces a third standpoint, as it is the case for example in the following excerpt (example 7) from a mediation between a professor and a student who has filed a complaint for harassment (for a more detailed description of this case see section 2.3, case 5 and see also section 6.2.2.2 for this *reframing*'s analysis):

162 M in life (.) **each of us ha:s (.) different boundaries about (.) what's comfortable and what's uncomfortable right**↑ (2.5) a:nd (.) some people have a boundary here/ (1.5) some people have a boundary here (.) and one of the tasks that always seems necessary for the person in the power position (.) is to understand that the boundaries are set by the others (2) it's sometimes hard for us and as you know I taught for (.) many years at a university (.) sometimes it's hard for us in a power position on faculty (.) to: (.) recognize tha:t (.) the boundaries eh: should be set always by the most conservative person (3) hh and **I'm sensing here that one of the things that's gone wrong (.) is that (.) hh ann you have one set of boundaries and philip you have another set (.) and they've been crossed** (.) and in crossing those those two boundaries ann you've become very uncomfortable (.) and that discomfort is interfering with your (.) academic goals (.)

Here too, the mediator's move consists of introducing in the discussion an idea that he or she thinks both parties are likely to agree on (the fact that different people have different boundaries, due to personality, cultural background and so on can be considered an *endoxon*) and let them think about why it might be useful for the resolution of their conflict

to reflect upon this. Depending on which definition of neutrality one chooses to follow[56] this does not necessarily go against it.

7.2.3   Reframing as reformulation

Finally, I would like to discuss what can be considered yet another type of *reframing*, one that does neither involves a change of issue nor attacks parties' standpoints, but one in which the mediator rephrases something a party has said giving it a label that in the mediator's view will be more useful for clarity and/or conflict resolution. This type of reframing, thus, has a different role in the discussion than (justified) redirection or counter-argumentation; it is a reformulation of the parties' positions. Although the role of (re)formulations in mediation has been connected to argumentation (van Eemeren et al., 1993), it seems to us that the argumentative function of this type of reframing is less direct than the other cases discussed; of course, however, a positive formulation of the parties' statement is, indirectly, subservient to the goal of conflict resolution. For instance, Van Eemeren et al. (1993) observe:

> "[…] mediators will often formulate the standpoints and arguments of the disputants and the possible options for moving along with the discussion. Officially, such formulations have straightforward informative and procedural functions […]. In performing these functions, however, formulations can also give substantive shape and direction to an argument, and in that respect formulations can serve as a technique for mediators to manage the substantive character and argumentative force of a discussion without entering into the discussion as an advocate" (van Eemeren et al., 1993, p. 120).

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[56] In fact, as Jacobs notes "Neutrality functions as an umbrella term that embraces a number of concepts that are not identical and that refer to a constellation of interactional qualities (Cohen et al., 1999: 342; Tracy and Spradlin, 1994: 117)" (Jacobs, 2002, p. 1406).

Let's now consider the following excerpt (example 8) from a mediation case between two business partners (for a detailed description of the case see chapter 5, section 5.1.2, case number 11), that follows a part where one of the parties has just explain why he behaved in a certain way in the workplace:

302	P	ehm (.) I just wish he'd said it to me it would have been no big deal
303	M	Ii if joe had said this to you (.) ehm /
304	P	well I would have just read the things myself and (.) you know signed it or whatever put it off for a week till I came back or ( ) he wasn't telling me and then (.) I thought it was something else I thought he was too ( ) over you know said the wrong thing or something I I mean I hadn't a clue
305	M	so **you've been making many assumptions** about joe (.) in the last while↑ eh that may not actually be (.) valid↑
306	P	probably yeah
307	M	what does it mean for you now (.) to hear (.) ehm what joe has just told you↑
308	P	well I mean it's (.) you know it makes a bit more sense (.) ehm:: yeah I think generally it makes a bit more sense as to why he (2) kind of would act strange around certain things I mean there're other things (.) I didn't talk about but

At turn 321, the mediator summarizes what Pat (=P) has said in the previous turn by stating "you've been making assumptions about Joe". This involves a shift in levels of abstraction from concrete – what concretely happened in their situation (*I thought it was something else…*) to abstract (the idea of *making assumptions* about someone's behaviour). Here the mediator reformulates what Pat has stated in a way that makes clear that all the parties involved agree on the standpoint "Pat has made assumptions about Joe", perhaps with the intention of establishing a clear common ground. This type of shift allows to "creat[ing] a level of meaning together" (Putnam, 2004, p. 208) that in turn makes it possible for parties to "redefine issues and alter the naming of a conflict" (Putnam, 2004, p. 280).

This happens also in the following excerpt (example 9) from a neighbourhood mediation about the use (or mis-use, according to one of the parties) of a parking place. In this excerpt the parties are discussing about the episode that brought them to mediation, namely the fact that one of them one evening went to the other's place and yelled very angrily at her and her boyfriend for having parked two cars instead of one in the common parking spot:

18	L	moi je trouve que c'est aussi assez gonflé de venir (.) enfin de venir comme tu l'a fait
		I find it exaggerated to come over (.) actually to come over like you did

		eh le soir et sans même m'expliquer ce qui se passe
		eh in the evening and without even explaining to me what was going on
19	P	bah je oui peut-être j'étais non (.) tu sais ça arrive a tout le monde de se mettre une
		well I yes maybe I was no (.) you know it happens to everybody to get
		fois en colère alors (.) je suis désolée je voulais vraiment (.) je m'en suis voulu après
		angry once so (.) I am sorry I really wanted (.) I was mad at myself afterwards
		parce que
		because
		j'ai vu que ça t'a quand même secoué et c'était pas (3) bon voilà c'est on est quand-
		I've seen that it disturbed you and it wasn't (3) well it is that we are still
		même voisins (.) et /
		neighbours (.) and /
20	M	quels seraient vos besoins en fait parce que là j'entends eh patricia que **quand vous**
		what would actually be your needs because wheh I hear eh patricia when you
		dites « je suis désolée » donc c'est une manière pour vous de présenter à à linda
		des des excuses par rapport à votre /
		say you're sorry it is a way for you to excuse youself with linda about your /
21	P	oui oui
		yes yes
22	M	le fait que vous soyez emportée
		the fact that you had an angry reaction

At turn 20 the mediator asks to one of the parties' whether her saying "I'm sorry" (= Je suis désolée) corresponds to *an apology* (again, shift from concrete to abstract[57]), which she confirms at turn 21. By doing this, the mediator makes the fact that she has apologized more explicit. Of course this is a risky move for the mediator to make, because the party might feel that her words are being twisted[58], as it happens in the following mediation case[59] (example 10) (for a detailed description of the case see section 3.2):

192	M	(2) and you did this favor for your good friend (2) what would you want from (.) polly↑
193	T	what do you mean by (.) You did this **favor** for your good friend↑
194	P	[**it was a FAVOR**
195	M	[you helped there your good friend (.) You are the:: ah (.) ah (.) caterer (2) if you were caterer instead of (.) polly (.) and she was the banker↑ ()
196	P	you don't think that was A FAVOR (.) from me↑
197	T	(3) I think ah:: (1) I GAVE you the POSSIBILITY (.) to eh:: (.) to do a good job (.) that you you would get eh:: (.) a good payment for it **that's not exactly what I call a favor** [no

198   M   [ya (.) so (.) then (.) I may have misused (.) the word↑

At turn 192 the mediator defines as *favor* the fact that Tom has asked his friend Polly, who also happens to be a caterer, to cater at an important event he was organizing for the bank in which he works. The mediator makes this move clearly to try to lower hostility between the parties by reminding Tom that Polly has done something positive (a favor) for him, but he immediately disagrees (turn 193) with the mediator's defining it as a favor: for him, it was simply a request of her professional services in exchange of a fair amount of money. After Tom's reaction, the mediator recognizes that his use of the word *favor* might have been wrong (turn 198). In terms of presentational devices, he uses the expression "*I may have* misused the word" to try to keep a neutral stance. In fact, had he stated it strongly (by saying for example: "I misused the word"), he would have taken Tom's side. Similarly, in a mediation case concerning the custody of a child (see chapter 5, section 5.1.2 case number 17), example 11, the mediator frames the father's behaviour (namely telling her that he was bringing his new girlfriend on holidays with him and the child) as *being respectful* of his ex wife (turn 385):

377   R   yes (.) I thought I should do the best to tell her
378   M   I was just curious (.) you could have not told her gone on the trip and (her) found out
              later (*R nods*) why didn't you do that↑
379   R   I thought I did the best (.) I I thought you should be wanted to inform
380   M   mmh Mmh
381   R   because I I I find that the I think that she as a mother has to know where we are
382   M   mmh
383   R ^{0}in case something should happen^0
385   M   **so you wanted to be kind of respectful of her↑**
386   R   yes
387   M   her her wishes↑
388   R   yes
389   M   yes
390   I   **but you also know that I I'm very sensitive of (.) all these things you do with ( )**
391   R   but I thought [( )]
392   I   [( ) you thought I could handle this

The mediator describes what the father (R) has stated at turns 379, 381 and 383 has an attempt of *being respectful*, which is clearly a positive thing, and if the other party agrees to acknowledge this, they would be a step closer to conflict resolution. However, at turn

390 she expresses her negative feelings towards what had happened without commenting on his intention of being respectful, focusing instead of the fact that she is sensitive and his behavior made her suffer.[60]

Cases like this show that this technique is not always successful; therefore, each mediator should decide carefully when to employ it. It clearly fulfils an important function within the discussion, namely to have clear labels to define events the parties are referring to, avoiding in this way to give room to possible misunderstandings and ambiguities. Moreover, as Jacobs notes, "statements of disputant positions (i.e. that summarize or re-phrase what a party has said) can also give direction to a line of reasoning and add weight to an argument, and, in that respect, they can manipulate the substantive character of a discussion and push disputants towards settlements they might not ordinarily accept" (Jacobs, 2002, p. 1414).

From a theoretical point of view, it could be raised the question of what distinguishes cases of reformulation that does not involve *reframing* and cases of reformulation that do, in other words: do all cases of reformulations involve shifts in levels of abstraction and, therefore, are to be considered also *reframing* instances? Looking at the data, this seem not to be the case. In fact, there are cases of reformulations that do not involve shifts in levels of abstraction: for example, in case 9 (Landlord-Tenant conflict), one of the parties states (turn 35, my emphasis): "*I was gonna need the rent paid up* I didn't hear anything so I had to start the (.) 14 days notice", and the mediator reformulates this as follows: "what you said the reason you're is that *you're looking for the payment* which impacts your ability to pay the mortgage […] (turn 38, my emphasis).

It is important to stress that also in cases of reformulations that do not involve a *reframing* the mediator can still maneuver strategically, for example in terms of presentational

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[60] Although it cannot be understood from reading only this excerpt, one issue around which they discuss at length during the mediation is the fact that Robert told Ingrid that he was bringing a woman on holidays with him and his son *only two days before the departure*.

devices by stating something in a less negatively connotated way (see "go beyond someone's back" versus "do something that a person didn't know about").

7.3 Targets of reframing: parties' preceding *frames*

Since, conceptually, *reframing* has been defined as necessarily causing a shift in frames, instances of *reframing* always *target* a preceding frame/s of the party/ies. To understand that a *shift* indeed occurs, it is therefore necessarily to identify both the "old" *frames* held by the parties' and the new ones introduced by *reframing*.

On the surface (i.e. linguistic) level, *frames* can be identified relying on Fillmore's notion of "frame activating words" (see chapter 3, section 3.2). Ona more general level, they can be categorized according to the adaptation of Shmueli's categories (also described in chapter 3, section 3.2), namely identity frames, characterization frames, issue frames and conflict resolution frames. In the following sections, I will illustrate examples of how *frames* can be identified and how shifts in *frames* occur, looking at examples of each type of *reframing* illustrated above (i.e. *reframing* as change of issue – both supported and not supported by arguments; *reframing* as counterargument; *reframing* as reformulation).

7.3.1 Identifying *frames* in the cases of *reframing* as changes of discussion issues (both supported and not supported by arguments)

If we consider Fillmore's interpretation of *frames,* introduced in chapter 3, it becomes clear that *frames* are inevitably linked to argumentative issues, and therefore, if the issue changes, *frames* will also change. Let's consider again example 3 analysed in section 7.2.1.2 above:

38	P	oui parce-que depuis effectivement depuis que ça c'est passé on (.) c'est presque un
		yes because after in fact after what happened we (.) we almost
		peu on évite de d'arriver au même moment on on s'évite (.) cordialement on va dire
		avoided arriving at the same moment we avoid each other (.) potelitely let's say
39	M	vous ressentez aussi ça vous↑
		do you also feel that ↑
40	L	^{0}oui oui^0 je sens aussi cette ( ) un peu de la gêne
		^{0}yes yes^0 I also feel this ( ) a little discomfort
41	M	de la gêne donc c'est quelque chose d'inconfortable pour vous ces ces jours-ci

		annoyance so it's something that is unconfortable for you these days
42	L	ah oui ^{0}la manière dont ça c'est passé^0 oui
		yes the way in which that happened yes
43	M	et et en acceptant de venir vous n'aviez pas pensé que peut-être l'idée que votre votre
		and accepting to come didn't you think that maybe the idea that your your
		compagnon vienne aussi aujourd'hui c'était quelque chose qui était imaginable pour
		boyfrined could come too today is it something that was imaginable for
		vous /
		you /
44	L	(*elle hésite à répondre*) bon à l'occurrence il étant donné qu'il est en séjour à
		(*she hesitates to answer*) *well now since he's staying*
		l'étranger pour pour son voyage la question c'est pas trop posé
		abroad for for his trip I didn't ask myself the question
45	**M**	**parce-que en vous entendant j'ai l'impression qu'on parle beaucoup vous parler**
		because listening to you I have the impression that you speak a lot you speak
		beaucoup de lui et que ce qui est un peu dommage c'est qu'il soit absent donc
		a lot about him and it is a little bit a shame that he's absent so
		qu'est-ce que vous pourriez imaginer est-ce que ce serait quelque chose
		what could you imagine is it something that would be
		d'envisageable pour vous et pour vous linda et pour vous èatricia que le
		possible for you and for you linda and for you patricia that
		compagnon de de (.) de linda soit présent la prochaine séance↑
		linda's boyfriend would come to our next session↑

If one focuses on reading the part of the excerpt that precedes the turns involving the *reframing* (until turn 42), both parties' are expressing how they have been feeling after the altercation between them happened. The issue here could be phrased as:

Do you [Patricia and Linda respectively] feel good about what happened?

In terms of *frames,* two predominant ones seem to emerge: the *frame* of "avoidance" from Patricia's words (turn 38) and the *frame* of "discomfort" from Linda's words (turns 40 and 42). After the *reframing* that introduces the issue:

Should Linda's boyfriend be present at the next mediation session?

frames change, as one can see reading at the excerpt that follows:

46	P	je pense que ça serait important oui (.) qu'il vienne parce que effectivement eh (.) bon
		I think it would be important yes (.) that he comes because actually eh (.) well
		maintenant il est il est aussi un petit peu mon voisin depuis peu quelque part puis eh

oui on
now he's a little bit my neighbour too since not so long then eh yes we
s'est pris de bec on s'est plus que pris de bec par rapport à ce qui c'était passé et
had a fight about what happened and
puis si pendant un temps il y a des changements à faire finalement ça le (.) bah c'est lui qui qui
if for some time there are things that need to change actually (.) well it will be him that that
en fera le plus les frais quelque parte parce-que (.) moi ce que je pensais c'était que carrément
will be more touched by them because (.) what I was thinking is that
toi tu mets ta voiture bien contre le mur puis que lui il soit derrière toi mais plus dans l'allée
you park your car well close to the wall then he can park behind you but not in the way anymore
 parce que c'est c'était compliqué c'est compliqué il faut il faut que je puisse ouvrir les portes
because it's it's complicated it's complicated I need I need to be able to open the doors
en fait
actually

| 47 | L | oui |
| | | *yes* |

The first *frame* that emerges at turn 46, when Patricia states "he is sort of my neighbour too", could be labelled "neighbourliness". In the more general categorization of *frames* employed in this work, this is arguably a *characterization frame* (as Patricia chooses to describe him as her neighbour), and so do the *frames* that emerged before the mediator's *reframing* (i.e. "avoidance" and "discomfort"). However, there is a clear shift from characterizing their current situation as negative – one that provokes discomfort and forces them to avoid each other – to characterize Linda's boyfriend as a "neighbour".

7.3.2 Identifying *frames* in the cases of *reframing* as counterarguments

In the cases of *reframing* as counterarguments attacking parties' explicit standpoints, one can identify the target of the reframing by looking at a party's standpoint on the issue expressed shortly before the *reframing* to understand his or her *frame* of reference. This is the case of example 12, taken from a mediation between a primary school teacher and the mother of one of her pupils (for a detailed description of the case see chapter 5, section 5.1.2, case number 2). Early on in the mediation, it emerges the fact that the mother talked

with the school's principal about the issues his son was having with her teacher, instead of talking directly with her – as the teacher would have found more appropriate (turn 49).

49	C	you know (.) he's not, he's not telling mum this (.) so mum should be talking to me FIRST (.) never mind going to the principal and saying why does he have this↑ (.) I have tried on (.) a lot of occasions to take/=
50	M	=and now (.) claire (.) if I may interrupt we do have a chance to do that (.) don't we↑ (.) because (.) we are HERE (.) and we have a chance for you two to talk directly (.) and get some clarity (.) so that you could both be supportive of each other (.) and each others' goals (.) in the hope therefore (.) that kevin will do the BEST that he's able to do (.) this year (.) because third grade I think (.) is a very critical (.) critical grade for kids (.) and often sets how they feel about school over the long haul
51	L	I (.) I have a real concern about (.) claire's eh (.) eh (.) eh (.) way of describing how we've communicated we haven't communicated VERY MUCH (.) a:nd (.) part of the reason (.) is that: (.) eh (.) I am CONCERNED that if I communicate with claire I'm going to get an angry teacher↓
52	M	ok
53	L	and because kevin tells me how claire (.) handles the situation and treats kevin↓ (.) and so I don't really want to approach claire (.) who seems like a very irate and unsympathetic teacher (.) so that's why I went straight [to the principal↓
54	M	[So (.) okay (.) so this afternoon is really an opportunity (.) to overcome some of these (.) prejudices that we have about each other (.) to have a (.) FRANK DISCUSSION about (.) what's best for kevin (.) and how can we cooperate in (.) doing what's best (.) for him ya↑ in that way (.) okay (.) so=

At turn 53 Lisa, the mother, clearly expresses why she does not want to discuss with Claire:

1 I don't really want to approach Claire (the teacher)

1.1 (Because) she seems like a very irate and unsympathetic teacher

Her reasoning can be reconstructed as follows with the AMT:
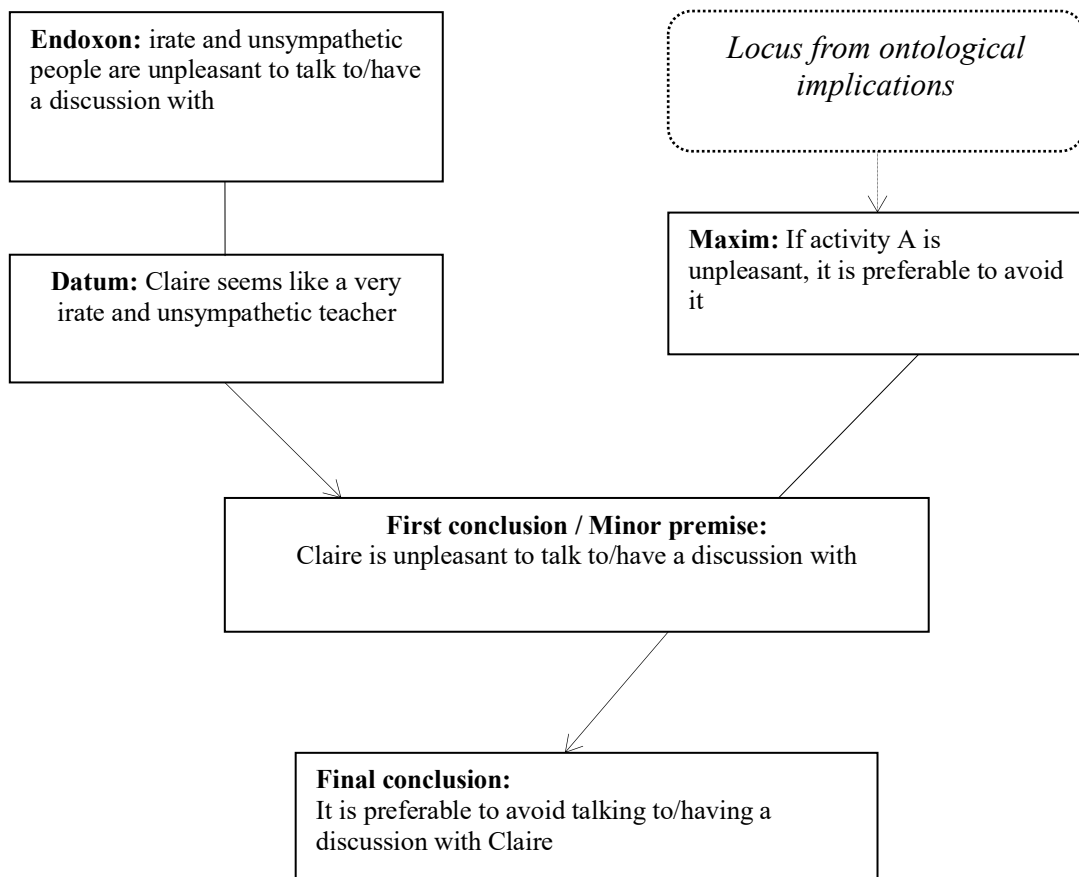
Figure 10: AMT reconstruction of argument 1.1

In Shmueli's terms, in Lisa's speech here there preponderant *frame* is a *characterization frame* that concerns Claire, the teacher, described as "irate" and "unsympathetic".

Then, the mediator enacts a *reframing* (figures 11 and 12) that contradicts Lisa's standpoint (her unwillingness to discuss directly with the teacher):

"This afternoon (= you and Claire discussing directly to each other) is an opportunity to overcome some of this prejudices that we have about each other" (turn 54)

Arguably, he wants them to understand that talking directly to each other is a positive thing, and therefore they should do it. Firstly, he chooses to use the word "prejudice" (turn 54), which attacks Lisa's standpoint (Claire being irate and unsympathetic is considered

by Lisa as a *datum*, whereas for the mediator it is a *prejudice*). The AMT reconstruction is as follows:
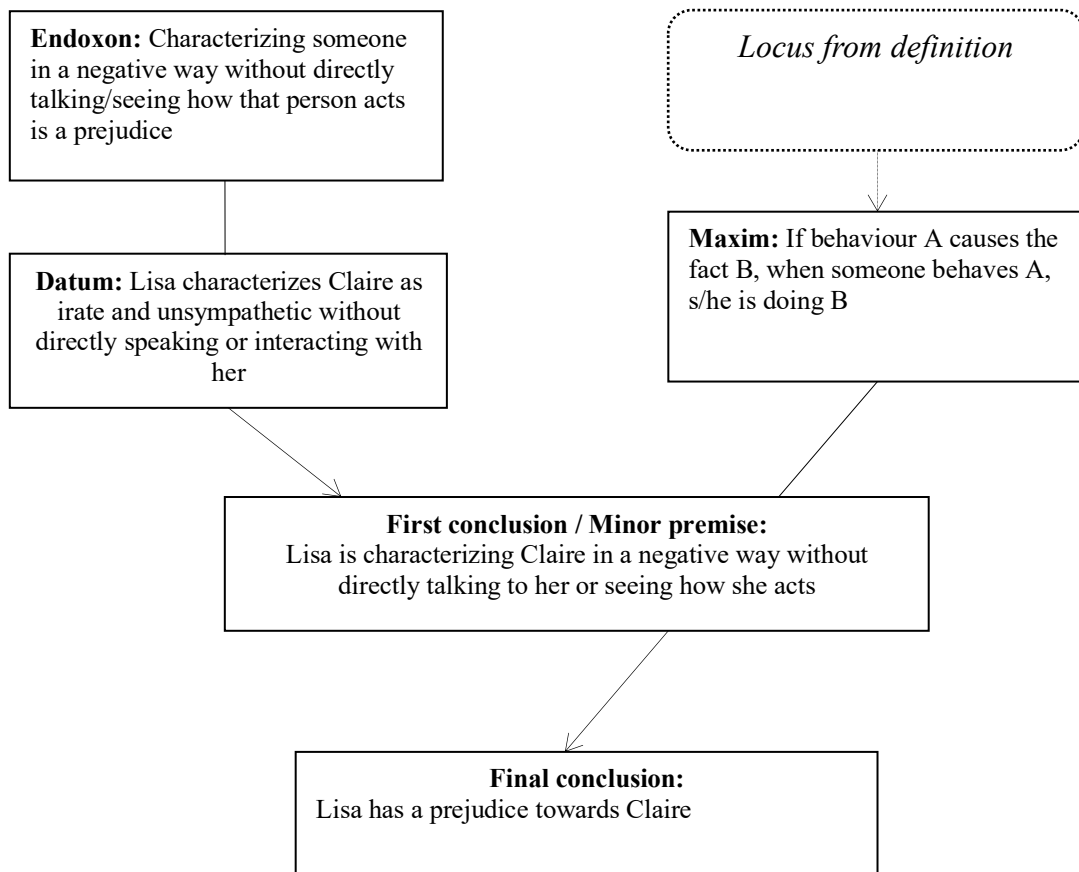
Figure 11: AMT reconstruction of the *reframing*'s first part

Using the word "prejudices" is a risky move that the mediator makes. In fact, Lisa might disagree with the *endoxon* reported above, since the opinion she has of Claire is based on Kevin's account and, since she trusts his son, for her a different *endoxon* might apply (an endoxon like "if someone you trust tells you negative things about a person, your opinion about that person will also be negative"). However, in this case, it seems to work. Secondly, the mediator frames what for Lisa is a negative activity (talking with Claire) as a positive one (an opportunity to overcome prejudices) and therefore implicitly tells them that they should do it (turn 54).

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┌─────────────────────────────┐              ┌ ─ ─ ─ ─ ─ ─ ─ ─ ─ ─ ─ ─ ┐
│ Endoxon: talking directly   │              ┊ Locus from termination   ┊
│ with people allows one to   │              ┊ and setting up           ┊
│ overcome prejudices towards │              └ ─ ─ ─ ─ ─ ─ ─ ─ ─ ─ ─ ─ ┘
│ them and this is a positive │                           │
│ thing                       │                           ▼
└─────────────────────────────┘              ┌─────────────────────────────┐
                │                             │ Maxim: if action A is       │
                ▼                             │ positive/good, then action  │
┌─────────────────────────────┐              │ A should be carried out     │
│ Datum: Lisa (and Claire)    │              └─────────────────────────────┘
│ have prejudices towards     │                           │
│ each other                  │                           │
└─────────────────────────────┘                           │
                │                                          │
                └──────────────┐          ┌───────────────┘
                               ▼          ▼
                    ┌─────────────────────────────────┐
                    │ First conclusion / Minor         │
                    │ premise: Talking directly to    │
                    │ each other is a positive thing  │
                    │ for Lisa and Claire             │
                    └─────────────────────────────────┘
                               │
                               ▼
                    ┌─────────────────────────────────┐
                    │ Final conclusion: Lisa and      │
                    │ Claire should have a            │
                    │ discussion/talk directly to     │
                    │ each other                      │
                    └─────────────────────────────────┘
```

Figure 12: AMT reconstruction of the mediator standpoint and argument

Thus, in terms of Shmueli (2008), this *reframing* enacts a shift from discussing about a *characterization frame* that could be labelled "Claire's negative personality traits" to a *conflict resolution frame* that could be named "honest dialogue".

There are also cases of *reframing* as counterarguments in which the final conclusion of the *reframing* does not attack some explicit standpoint formulated by one of the parties, but an implicit standpoint that can be reconstructed through "hints" present throughout large portions of the co-text (not necessarily the turns preceding the *reframing*). This is the case in example 13 below.

Notably, the implicitness of argumentation is not an uncommon phenomenon. In fact, in the pragma-dialectical model it is discussed how to deal with it when analysing implicit

argumentation: Van Eemeren and Grootendorst (2004) point out how in the reconstruction of a critical discussion (see chapter 4, section 4.1) "implicit elements that are relevant (for the argumentation) are made explicit" (Van Eemeren and Grootendorst, 2004, p. 96). They also stress the fact that "a discourse or text may also be argumentative because it contains implicit or indirect argumentation that is not always immediately and unambiguously recognizable as argumentation" (Van Eemeren and Grootendorst, 2004, p. 97). In an analytical reconstruction implicit argumentation can be "reconstructed" through a "transformation aptly called *addition*" (van Eemeren and Grootendorst, 2004, p. 103) or through ""*substitution*", namely "the replacement of formulations that are confusingly ambiguous or unnecessarily vague by clear ones" (Van Eemeren and Grootendorst, 2004, p. 103). Even in cases where "the argumentative reality offers insufficient indications for a reconstruction" (Van Eemeren and Grootendorst, 2004, p. 114), the pragma-dialectical model allows to "provide a justification for carrying out a transformation in the interest of reasonableness" (Van Eemeren and Grootendorst, 2004, p. 114). In fact, the authors state that "a certain part of a discourse or text is to be reconstructed as a contribution to a critical discussion if it can have a meaningful function in this way and if its function would otherwise remain unclear" (Van Eemeren and Grootendorst, 2004, p. 114).

In order to identify frames when they are not expressed by means of an explicit standpoint Fillmore's approach has also proven useful, as I show in the analysis of example 13. This example is taken from the mediation case between an NGO's leader and a major benefactor already discussed about in the present work. In this mediation session, the parties are in conflict mainly because they respective roles were not clearly established at the beginning of their collaboration and both of them are persuaded to be the one who gets to utter the last word when important decisions are to be taken. Therefore, both parties' hold the implicit standpoint:

(1 [the other person] is to blame for this conflict)
Because [of a number of different reasons, "unreasonable weekly report" discussed in section 7.2.2 above being one of them]

In the following excerpt, the mediator makes a *reframing* (turn 302, indicated in bold) involving a shift from individual to species:

282	M	ehm in order (.) I'm just gonna play a hunch here but (.) alec you said you've been fortunate you hadn't gone to college but this this money that you have is money you've made yourself is that correct↑
283	A	oh yes every (.) every cent
284	M	so you've been you you never worked for anybody else or you probably have but /
285	A	ehm for a very very short short period early on in my life I ( )
286	M	and what about you Jember↑
287	J	well I came from a family that was pretty well off in ethiopia ehm my family lot lost its money so I I've been both very well off and extremely poor and I've ( ) with the people
288	M	you (.) what's your your how did you get into this work↑ this development work
289	J	well I got into this development work eh I started I went to school and ehm I met a woman one of my advisor who suggested that I look into some type of work where I would be able to help and make a difference
290	M	mmh
291	J	and that's what I started doing I started ehm a nursing project when I was in prison I started a nursing project and by the time I've been released we had a whole nursing facility and that's ( ) snow ball into that I started fund raising and I started doing a lot of community development work
292	M	you were imprisoned↑
293	J	yeah I was imprisoned
294	M	political prisoner↑
295	J	I was a political prisoner
296	M	for how long↑
297	J	for five years
298	M	in ethiopia↑
299	J	yes
300	M	mmh (.) so it sounds like you started quite a few things
301	J	I started quite a few things including my life over several times (M laughs a little)
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 confortable 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↑
303	J	yes
304	A	mmh

In fact, Fillmore (1976) observes how "particular words or speech formulas, or particular grammatical choices, are associated in memory with particular frames, in such a way that exposure to the linguistic form in an appropriate context activates in the perceiver's mind the particular frame […]" (Fillmore, 1976, p. 25). Therefore, as an analyst, a good starting

point for identifying parties' frames of references is to pay close attention to their words choice. Greco Morasso and Bigi (2012) acknowledge that "the approach known as frame semantics [Fillmore's approach] has shown the *frame activating power* of words" (Bigi and Greco Morasso, 2012, p. 1140, my emphasis). I will briefly show how this kind of reconstruction can be performed, looking at example 3:

JEMBER

"as of late ehm **he's been very critical** as how we're proceeding and the success of the project **than I think that he's off base**" (turn 68)
"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 […]" (turn 74)
"I think that **he doesn't understand** what's involved in a COMMUNITY development project […]" (turn 263)

From these excerpts, it can be understood that she focuses on Alec's "negative" behaviour towards her, in particular on his lack of trust in her abilities (*he is off base, he does not have enough confidence in our abilities, he is doubting my competence, he doesn't understand*). All these words evoke a frame that we could label "trust", or even better lack thereof. Previously in the mediation session Jember has explained at length her experience in the field and her deep knowledge of Ethiopia – her native country. This is why Alec's "doubts" and "lack of confidence" in her abilities comes across as offensive. We can therefore identify, in terms of Shmueli's approach, a *characterization frame* that makes us understand that for Jember the main cause of this conflict is Alec's attitude towards her and the project. If we look at Alec's speech, however, we see that for him the main problem is situated at another level:

ALEC

| "I would be happy to donate eh some of my time to to getting involved I think **it's important that eh eh (.) I bring a certain orientation a**s I've discussed I've been in a more business oriented |

> approach to this and I would I would like to get out and see if I could make make some difference in the field yes" (turn 180)
>
> "Well I I I shouldn't say that I don't have confidence in them but I think in any time that I was involved in a start up situation in the past **I want to have eh a good discipline** ehm because I think (.) people are =" (turn 255)

Alec's word choices seem to imply that he thinks he is the leader of this project (*"It's important that I bring a certain orientation"* / *"I want to have a good discipline"*). If he viewed himself as Jember's subordinate, he would not feel in the position to be responsible for the orientation of the project or to expect that what he **"wants"** (my emphasis) will be taken as something that is due to him. Therefore, the frame he activates in the discourse – differently from the "trust" one established by Jember – is the frame of "leadership". In Shmueli's (2008) terms this would be an *identity* frame.

The mediator's questions at turns 282; 284; 286 and 288 provide him the answers that confirms his intuition that both Jember and Alec are used – and like – to be in charge. He understands that for this reason there is confusion as to who is in charge in this case and he frames the conflict as a problem of jurisdiction: they need to establish clearly their respective roles – keeping in mind that in spite of being used to be in charge, they cannot be both in charge of all aspects of the project (turn 302). This is what he tries to convey with the *reframing*[61] (at turn 302), figure 13:

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[61] This reframing has been analysed in Greco and Jermini-Martinez Soria (2021) from a perspective of argumentative style. I will refer to this paper for the inferential analysis, which is then further developed in this dissertation.
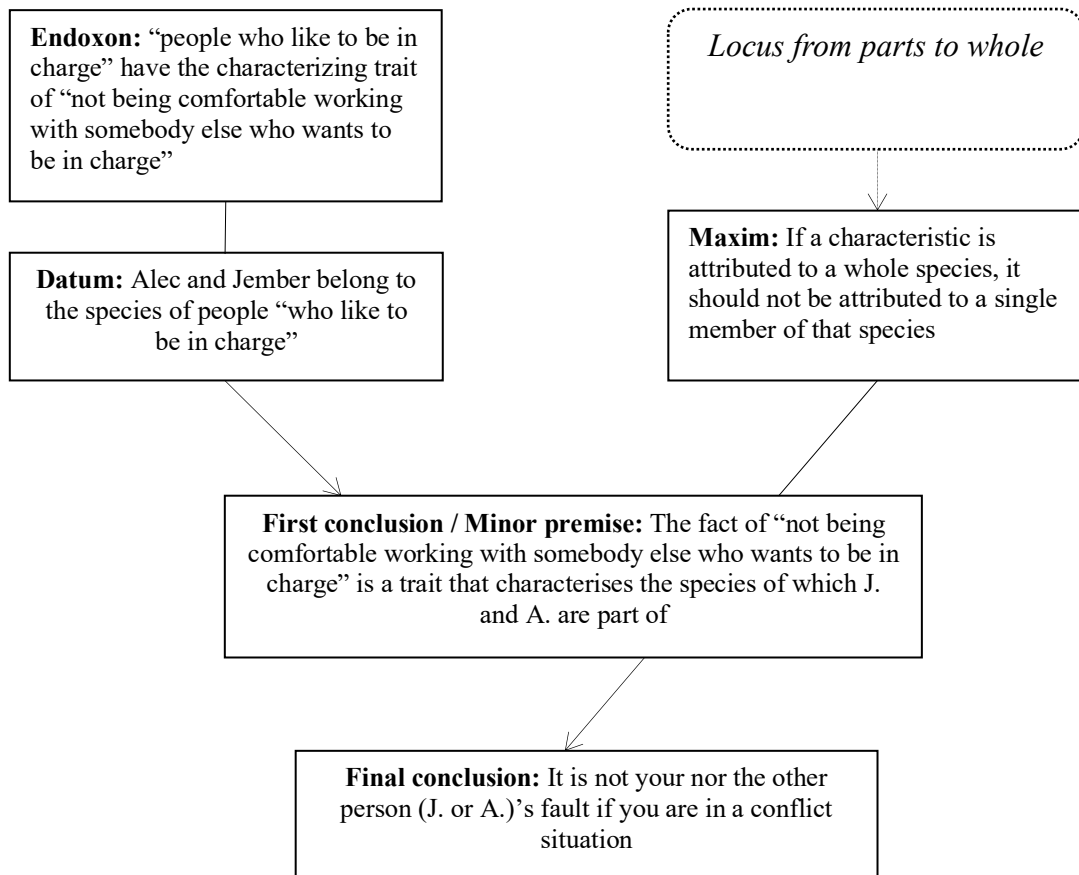
Figure 13: AMT reconstruction of the mediator's standpoint and argument

The mediator's reasoning involves a *locus from parts to whole,* however

> "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" (Greco and Jermini-
> Martinez Soria, 2021, p. 89)

Reframing of this kind perform the very important function of removing the blame from the parties (see also Greco and Jermini-Martinez Soria, 2021), which is a fundamental prerequisite for successful conflict resolution. In fact, as long as each party is still persuaded that they have no responsibility for the coming into being of the conflict, it is very difficult to have them cooperate with each other for exploring possible mutually satisfactory solutions.

7.3.3 Identifying *frames* in the cases of *reframing* as reformulations

As far as *reframing* as reformulations is concerned, p it is less easy to spot changes in *frames* because of what a *reformulation* is, i.e. a different way of saying something that was stated previously. It seems that what a *reformulation* does is, instead of making a change in *frames* happen, making that same *frame* explicit.[62] For instance, we consider example 8 (analysed in section 7.2.3 above) where a *reframing* as reformulation takes place at turn 305 (indicated in bold):

302	P	ehm (.) I just wish he'd said it to me it would have been no big deal
303	M	if if Joe had said this to you (.) ehm /
304	P	well I would have just read the things myself and (.) you know signed it or whatever put it off for a week till I came back or ( ) he wasn't telling me and then (.) I thought it was something else I thought he was too ( ) over you know said the wrong thing or something I I mean I hadn't a clue
305	M	so **you've been making many assumptions** about Joe (.) in the last while↑ Eh that may not actually be (.) valid↑
306	P	probably yeah
307	M	what does it mean for you now (.) to hear (.) ehm what Joe has just told you↑
308	P	well I mean it's (.) you know it makes a bit more sense (.) ehm:: yeah I think generally it makes a bit more sense as to why he (2) kind of would act strange around certain things I mean there're other things (.) I didn't talk about but

The words uttered by the mediator, "making assumptions", describe very well Pat's predominant *frame* of reference in the preceding turn (he repeats twice "I thought it was something else" and even describes some of the assumptions he has made: "I thought we

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[62] This finding obviously poses an issue as it shows that in this case there is an incongruity between the definition of *reframing* as *shifts in frames* and the definition of *reframing* as *shifts in levels of abstraction* – because, even in these cases, there is a change in levels of abstraction from concrete to abstract. However, the fact that *reformulations* may perform the function of making *frames* explicit might be an interesting area for more research in the future.

was too ( ) over you know said the wrong thing or something"). By giving an affirmative answer to the mediator question at turn 306, Pat indeed recognizes that he was making assumptions – which arguably corresponds to admit that he played an active role[63] in the misunderstanding and is therefore partially responsible for it too.

If the consider again example 10 (analysed in section 7.2.3 above), we can understand better why it was rejected by one of the parties:

192	M	(2) and you did this favor for your good friend (2) what would you want from (.) polly↑
193	T	what do you mean by (.) you did this **favor** for your good friend↑
194	P	[**it was a FAVOR**
195	M	[you helped there your good friend (.) you are the:: ah (.) ah (.) caterer (2) if you were caterer instead of (.) polly (.) and she was the banker↑ ()
196	P	you don't think that was A FAVOR (.) from me↑
197	T	(3) I think ah:: (1) I GAVE you the POSSIBILITY (.) to eh:: (.) to do a good job (.) that you you would get eh:: (.) a good payment for it **that's not exactly what I call a favor** [no
198	M	[ya (.) so (.) then (.) I may have misused (.) the word↑

There is a change of *frames* in the reformulation that one of the parties does not view as acceptable: the mediator *frames* what Polly has done for Tim (providing exquisite foods from all over the world for his bank's event) as a "favour" she did to him and Tim immediately rejects this *reframing* as for him, as he explains at turn 197 that what Polly did for him is not to be *framed* as a favour: for Tim, it is more part of a *frame* that we could label as "business transaction" (the fact that someone gets fairly paid to provide his/her services to someone that requires them).

7.4 Parties' acceptance of *reframing*

In the past sections, we have defined four main types of reframing and their respective targets in the parties' preceding frames. Now, a crucial issue that concerns all kinds of

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[63] In fact, *framing* a situation as "someone making assumptions about someone else" is different that framing that same situation as "someone leading someone else to believe X" for example. The degree of responsibility of each person involved changes depending on the *framing* of the situation.

reframing is the following: how can it be established whether a reframing has been successful and therefore can, according to the definition that I chose to adopt (see chapter 3, in particular section 3.1.1), be indeed called a *reframing* (instead of what could be labelled as an attempted-reframing). In fact, a *reframing* necessarily brings about a positive transformation of the conflict (see Jermini-Martinez Soria and Greco, 2019). It is also important to point out that all types of *reframing* in order to be successful need to be accepted by the parties (the mediator has to succeed in persuading them). Even though some types of *reframing* might seem more likely to encounter a refusal than others (such as for example counterarguments versus reformulations), as a matter of fact all of them might potentially be refused by the parties and in our corpora we found indeed cases of *reframing* belonging to all categories that were actually rejected.

From a methodological perspective, in order to verify whether a *reframing* has been accepted, it is crucial to look at the turns immediately after it, in which the parties' reactions are expressed. In this regard, it is possible to see when one or all the parties directly refuse an attempted- reframing. This is what happens for example in the following excerpt (example 14)[64], taken from mediation case between an employee that claims to have been unfairly fired and his employer (For a more detailed description of the case, see chapter 5, section 5.1.2, case number 8). In the excerpt below the employer, Robert, is expressing his need to get an apology from the opposing party, since from his point of view Pat has "unnecessarily provoked levels of hostility" (turn 78) during their former legal battle. At turn 79 the mediator the mediator attempts a *reframing* involving a shift from individual to system (indicated in bold):

76	R	I would insist that if that's the case then there should be some reciprocity in the form of an apology
77	M	mmh
78	R	because he has put the company through (.) a torture (.) by bringing this lawsuit and by pursuing in the way in which he did and it is acrimonious and it's largely acrimonious because of what tactics that he and his lawyer have adopted during the course of the litigation (.) that I think has unnecessarily provoked levels of hostility

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[64] This reframing has been analysed in Greco and Jermini-Martinez Soria (2021) from a perspective of argumentative style.

79	M	**how much of that do you think is actually (.) mr. T himself and how much of that you think is just the normal course of a litigation that has been somehow protracted as I gathered /**
80	R	I don't know how to attribute fault here but (.) eh:: in the way in which I have dealt with lawyers for years and years and eh:: I think lawyers eh eh are trained to reflect the attitudes of their client
81	M	mmh
82	R	and I think mr. T was well aware of the kind of (.) aggressive eh adversarial style that his lawyer adopted and (.) and I'm very offended by it frankly eh /

The mediator's goal here is to remove the blame from Pat (the fired employee) underlining that "the hostility" Robert talks about came into being because they found themselves in a lawsuit context. It is a *reframing* involving a change of issue functional to support a counterargument (see section 7.2.2 above).

The discussion issue at turn 76 is:

> Should Pat apologize to Robert?

On which Robert expresses his standpoint supported by an argument:

1. Yes, Pat should apologize to Robert (turn 76)
1.2 Because he has put the company through a torture (turn 78)

At this point, Robert's standpoint meets with doubts from the mediator's part, as she utters the *reframing*. Her reasoning involves two parts, the first one around the issue:

> Was it normal for Pat to use hostile tactics against Robert?

On which she implicitly holds the following standpoint supported by one argument:

(1 It was normal for Pat (and Robert) to use hostile tactics against each other)

1.1 Because they were involved in a lawsuit context, in which it is normal to behave in this way[65]

The reasoning behind it is shown in the following AMT reconstruction:

Endoxon:
To use hostile tactics against the opposing party is a normal behaviour for people involved in a lawsuit context

Locus from efficient cause

Datum: Mr. T. and Robert are in a lawsuit context

Maxim: If A is the normal behaviour in situation B, everyone in situation B will behave A

First conclusion / Minor premise:
Mr. T. and Robert are in a context in which it is normal to use hostile tactics

Final conclusion:
It is normal for Mr. T. (and Robert) to use hostile tactics
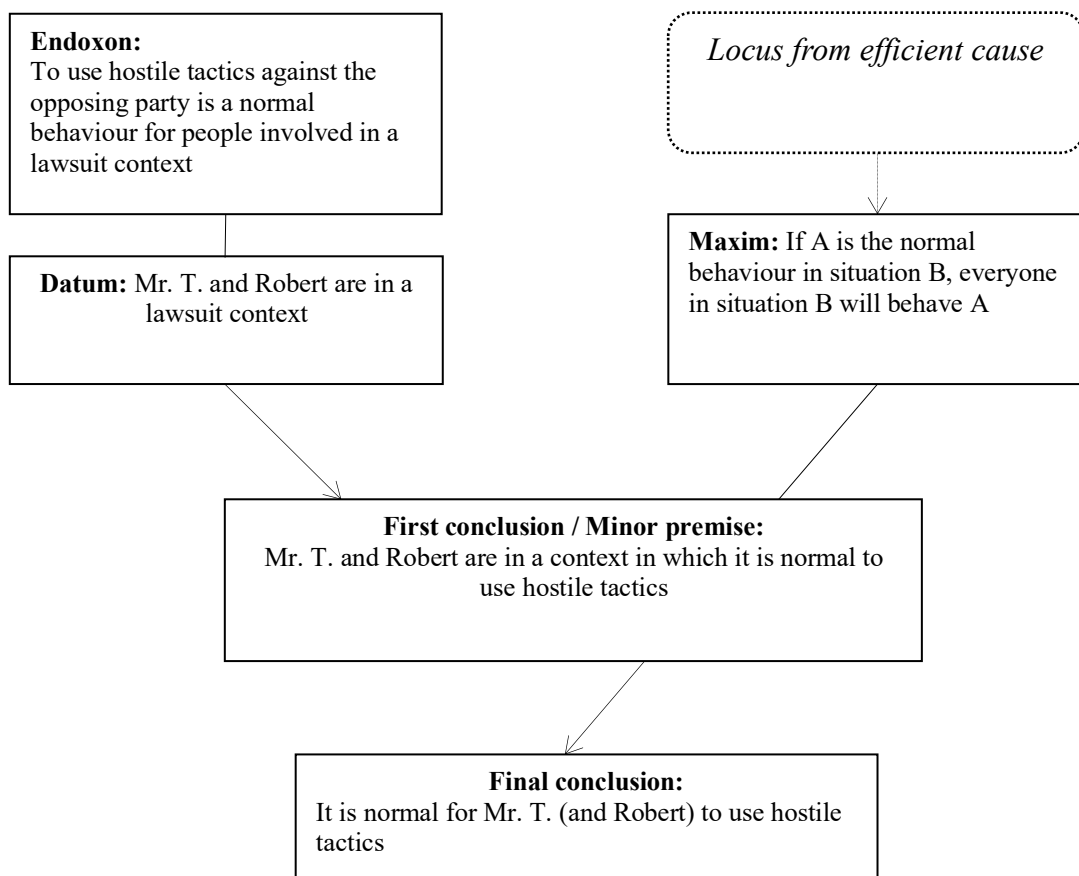
Figure 14: AMT reconstruction of argument 1.1

As far as *strategic maneuvering* is concerned, the most prominent aspect in this case is *presentational devices*. In fact, the *reframing* is framed as a question that prefers a specific

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[65] Here "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" (Greco and Jermini-Martinez Soria, 2021, p. 84).

answer – "is just the normal course of a litigation"; this can be argued taking into account the mediator's role and tendency to remove blame from the parties. Moreover, the extended model of pragma-dialectics warns us that "certain arguments are in rhetorical questions" (Van Eemeren and Grootendorst, 2004, p. 98). Here the mediator gives an argument disguised as a rhetorical question whose expected answer corresponds to the *endoxon* in the AMT reconstruction above, but Robert does not recognize her question as rhetorical and gives a different answer (at turn 80).

The function of this *attempted-reframing* is to remove the blame (see chapter 3, section 3.3) from Pat and therefore to persuade Robert that Pat should not necessarily apologize to him, through the following implicit standpoint supported by one argument:

1   Pat should not apologize to Robert

1.1 Because to use hostile tactics is normal in a lawsuit context
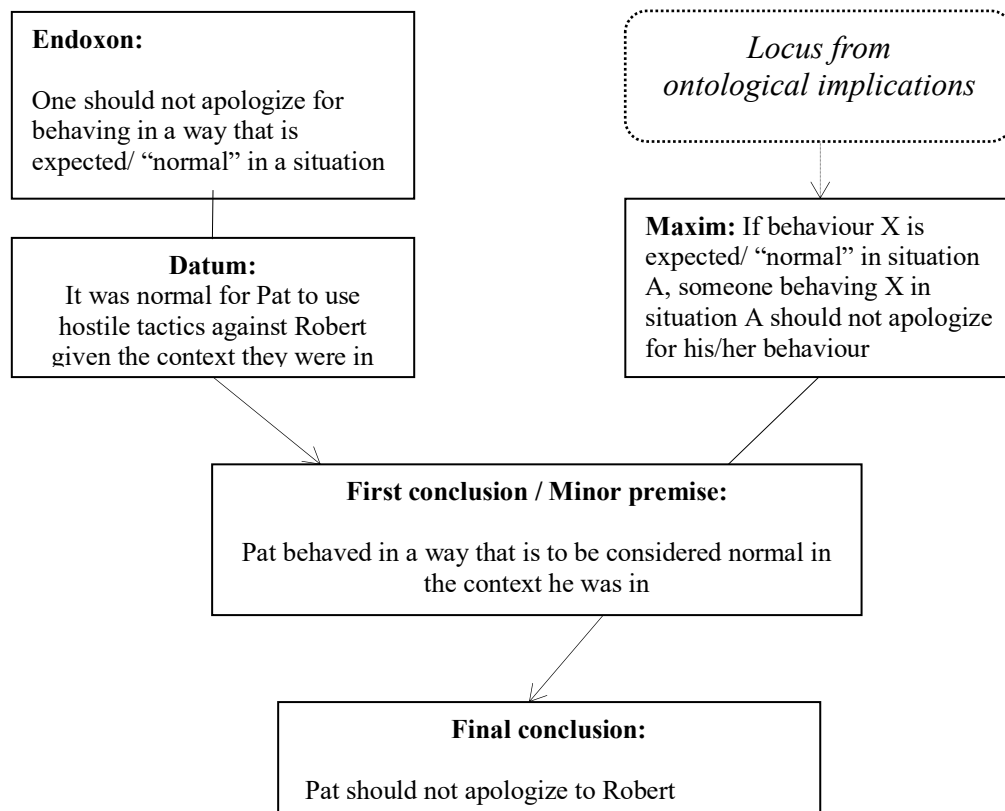

Figure 15: AMT reconstruction of the mediator's *reframing*

However, the party to whom this reframing is addressed, Robert, does not accept it, as it can be seen at turns 80 at 82. In fact, after acknowledging that he does not know "how to attribute fault", he explains why in his view it is indeed Pat's fault. This is a rhetorical move, a *concessio*. Robert might choose to employ it "as a device for mitigating the face-threatening nature of confrontational, argumentative discourse in conversation (Cwerwionka, 2012; Holtgraves 1997; Obeng, 1997; Rees-Miller, 2000: Sifianou, 2012)" (Uzelgun et al., 2015, p. 469). As a consequence of Robert's refusal of this *reframing*, the mediator will need to find other ways to bring the parties closer to conflict resolution. It is important to point out that mediators, in spite of having received appropriate training – in which techniques that have in some cases proven successful are taught – and having acquired professional experience, often find themselves in challenging situations where they are forced to *try* to figure out what the best move in the specific situation might be in the here and now of the conversation, and this is not always successful.

Up to now, we have seen a case in which the *reframing* has not been accepted. In other cases, parties (or one of them) directly express agreement with a *reframing*. This is the case for example[66] in the cases summarized in table 5:

Conflict at school turns 100-101	M °I mean° (.) children are often very different people in different [settings	[Yes (.) sure because I don't recognize the Kevin she's describing
Parking spot neighbours' conflict turns 62-63	M[67] (…) est-ce que pour vous Linda mais aussi pour vous Patricia le fait que vous puissiez parler maintenant est-ce que ça on peut dire que ça équivaut aussi à une forme d'excuse de votre parte (.) par rapport à votre comportement de de =	P = Oui alors =

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[66] In total, in our corpora, 26 *reframing* instances were coded as "explicitly accepted". The selected examples in table x were have an illustrative function.

[67] M: so for you Linda but also for you Patricia the fact that now you are able to talk to each other can we say that this corresponds to a sort of apology from you (.) about your behaviour when when = (my translation) / P: = Yes well = (my translation)

Loud music neighbours' conflict turns 195-197	M[68] Mmh (.) donc ehm peut-être il y a quelque chose à faire vous deux (.) ensemble (.) une démarche à faire (.) par rapport à l'isolation (dans un premier temps) ( ) si chacun peut avoir un peu plus de liberté (.) chez soi si votre appartement était correctement isolé (.) qu'est-ce que vous pensez de ça ?	C Oui L Moi je suis d'accord pour faire la démarche
Loud music neighbours' conflict turns 271-272	M[69] Vous avez des valeurs différentes	L Oui je pense
Business partnership Ireland turns 380-381	M So you've been making many assumptions about Joe (.) in the last while↑ Eh that may not actually be (.) valid↑	P Probably yeah
Business conflict 56-58[70]	M You want to keep the good social relationship as well as keep a good business [relationship/	D Yes! R Well certainly (.) yes (.) we recognize that (.) that's why (.) we've come to see somebody like yourself=

Table 5: examples of cases in which parties express agreement with a *reframing*

As shown in table 1, in these cases parties verbally express agreement with the *reframing* - in more or less strong ways (from an exclamatory "yes!" to "probably" or "oui je pense[71]"). Their positive answers allow the mediator to further develop the discussion taking for granted that the parties agree at least on what has been stated in the *reframing*. This does not automatically translate in conflict resolution, as an issue addressed by a *reframing* might be only one of the issues that created the conflict, and the agreement reached through *reframing* can therefore be partial. However, the technique of *reframing* remains important for conflict resolution as it leads parties – when it is successful – to make small steps towards reaching an agreement.

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[68] M: Mmh (.) so eh maybe there is something you two could do (.) together (.) a process to do (.) about the building's isolation in the next future ( ) so each one can have a little bit more of freedom (.) in her own apartment if your apartments are correctly isolated (.) what do you think about that? (my translation) / C: Yes / L: I agree to do that (my translation).

[69] M: you have different values (my translation) / L: Yes I think (my translation)

[70] For an analysis of this mediation case from a different perspective cfr. (*Argumentation in dispute mediation*, S. Greco Morasso, pp. 210 and following) and *Framing and reframing in dispute mediation* (Greco, 2016).

[71] "Yes yes I think" (my translation).

There are also cases in which *reframing* is neither directly attacked nor explicitly accepted. In such cases, would it be fair to conclude that reframing is accepted simply because they are not rejected? From my perspective, this can indeed be the case for *reframing* as changes of discussion issue (both supported by arguments and not).

In these cases, if no one stands up to claim "actually I don't believe that discussing about this is important", this *reframing* can be considered as accepted, as one can verify that the discussion will be *de facto* redirected on the new issue. In fact, in virtue of the mediator's explicitly declared role, it can be expected that parties are willing to follow mediators' instructions regarding how the discussion should unfold. Nonetheless, mediators can sometimes encounter resistance even in these cases, when parties are unconformable with the mediation process or unwilling to cooperate. This happens for example in the mediation case *Father and daughter in business*[72], a conflict between a father and daughter who are also working together in the family business, as the father does not understand the usefulness of the mediator's questions and accuses him of worsening the conflictual situation (example 15):

188	M	okay but let (.) let me just make sure I (.) I know that therese has finished (.) because (.) and I want you to speak just about yourself therese not about other employees not about other people (.) but I want you to describe your father (1.5) what (.) you (.) need (.) of (.) him
189	T	(3) ah::
190	M	is it something new for you to (.) listen to this something different / (.) or you've heard this before
191	P	mmh well no there were no problems and then no now I think (.) you are occurring also those [problems
192	M	[no (.) Is it [something new
193	P	[the the firing of this james (.) [is
194	M	[is her describing to you your daughter describing to dad (2) something that she needs between father and daughter (.) is it something new to you/ (.) to hear this/ or have you heard this (.) before/
195	P	eh well eh:: we had the normal quarrels between father and daughter and and there's nothing wrong with that and (.) of course I listen to her (.) I love her so I do I listen to [her
196	M	[Yes (.) as a father

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[72] For a more detailed analysis of this mediation case, cfr. S. Greco Morasso (2011, pp. 112 and following and pp. 222 and following).

197	P	yes
198	M	as she describes what she needs from you as your daughter (.) would you have heard this before (.) or is it something new to you↑
199	P	(2) well ye- yes so far it's new that eh:: (.) I don't know that anything was wrong to that point
200	M	yes
201	P	(*to therese*) is it something wrong↑
202	M	ya (.) So let me make sure I understand this (.) it's something new for the both of you/ (.) would that be fair enough to say this↑ (.) or would it not↑
203	T	(3) eh:: (.) well (.) this is the first time I told you (.) I think
204	M	mmh
205	P	ya=
206	M	=so this is a new experience for the both of you (3) would that be:: / (4)
207	P	but that's becoming ( ) problem
208	M	hold on I need to know (.) how you've done this before (.) it sounds to me (.) like this is a new (.) experience (.) for both of you (.) am I on the right track↑
209	T	ya
210	M	dad↑
211	P	I guess so yes
212	M	ya (.) and if it is a new experience for the both of you (.) then (.) we're in UNCHARTED waters (.) we don't really know where we go
213	P	I don't understand this because (.) we are talking about the firing (.) of james
214	M	and if we are in uncharted waters (.) then (.) maybe we should (.) try to make sure we understand (.) where we're going
215	P	mmh
216	M	yes↑
217	P	yes↓ I wonder
218	M	so why don't we find out where your daughter is going with this ↑ (.) and just listen to what she has to say
219	P	(1.5) okay speak up
220	M	because it is something new
221	P	we are here now (.) it's paid for so (.) speak up
222	T	3) well ah:: (2.5) look at- let's eh james has been working for you for seven years (.) and he's done a lot of good things (.) and he messes up ONCE and you fire him and=
223	P	=it's a very important matter as you know
224	T	I mean couldn't you give him a second chance or talk to him or::
225	M	so (.) If I might help you let's talk about james in a minute (.) I need to know what YOU want (.) from your father (.) when you talk to your father because (.) he's here trying to understand what you need (.) yes↑
226	P	yes but there's not relation here I (.) [°suppose°
227	M	[ABSOLUTELY (.) but I need to know what's in her mind because (.) I don't know (.) and I think you're waiting to hear this
228	P	2.5) well if (.) if you think it's necessary let do so but (.) I can't:: (.) get it at the moment
229	M	that's fine
230	P	[okay

At turn 191, Paul denies the existence of previous problems and blames the mediator's questions of worsening the situation. At turn 193 he tries to impose the discussion topic that according to him should be discussed (the firing of an employee) and he reiterates that

it should be the topic to discuss about at turn 210. Eventually, at turn 228, he accepts to proceed in the mediator's way in spite of not understanding its usefulness – and clearly stating, sarcastically, that he is accepting this just because the mediation has been already paid for. Because of his behaviour, as Greco Morasso observes

> "the passage to options [for conflict resolution] takes longer and is complicated by continuous returns to the conflict. The salient moves are all centred on Therese's *wishe*s for her father's behaviour in the future. The mediator tries to shift the discussion to consider this issue, which allows taking the parties' future co-operation for granted and elaborates on the possible facets of such co-operation" (Greco Morasso, 2011, p. 219).

However, as pointed out above, there are cases *reframing* as changes in discussion issues that are not challenged by the parties', who implicitly agree to discuss on the new issue introduced by the mediator.

Moving now to consider cases of *reframing* as counterarguments (or changes of issues supporting a counterargument), in order to verify whether a reframing is accepted or rejected by the parties it is necessary to look at indirect textual clues. For example, in the *Harassment complaint* case (for a more detailed description of the case see chapter 5, section 5.1.2, case number 5) what can be considered a turning point in the resolution of the conflict (see excerpt below, turns 268-277) is only possible because Philip has apparently accepted the previous *reframing* (example 7) at turn 162:

| 162 | M | in life (.) each of us ha:s (.) different boundaries about (.) what's comfortable and what's uncomfortable right↑ (2.5) a:nd (.) some people have a boundary here/ (1.5) some people have a boundary here (.) and one of the tasks that always seems necessary for the person in the power position (.) is to understand that the boundaries are set by the others (2) it's sometimes hard for us and as you know I taught for (.) many years at a university (.) sometimes it's hard for us in a power position on faculty (.) to: (.) recognize tha:t (.) the boundaries eh: should be set always by the most conservative person (3) hh and I'm sensing here that one of the things that's gone wrong (.) is that (.) hh ann you have one set of boundaries and philip you have another set (.) and |

they've been crossed (.) and in crossing those those two boundaries ann you've become very uncomfortable (.) and that discomfort is interfering with your (.) academic goals (.)

In fact, the fact that Philip has indeed accepted this *reframing* can be inferred from his positive answer to the mediator's question asked at turn 268:

268	M	(3) do you think given those facts if that if those arguments are correct about the boundaries et cetera (.) tha:t (.) it would be appropriate to apologize for inadvertently crossing those boundaries/
269	P	(4) well (.) apologies I should eh (.) hh I could ( ) I guess if she's got boundaries that (.) are valid (.) and she feels they've been crossed I: (.) can accept that that I not only regret it but (.) I've offended her unintentionally (.) I (.) probably can deal with something of that nature
270	M	hh would it be possible for you to say that directly to ann rather than to me↑
271	P	(4) I suppose so ann if (.) if you've got boundaries that I don't know about and I've crossed them I I I guess I have a sense of regret that (.) hhhh that you feel that way but ah=
272	M	= no buts no no conditions hold it philip right there (.) ann (3) if (.) in the future (.) there is no physical contact no (.) lunches (.) or dinners et cetera (.) and that if there's a need for academic consultations (.) that (.) ano:ther (.) student would be participating in those consultations (.) you could benefit academically from that (.) that third mind in the room hhh (3) and given philip's regret for having what has happened (.) how comfortable are you now about being able to move on (.) with your (.) academic career↑
273	A	eh: that's (.) much more comfortable and (.) (*crying*) that means a lot to ME (.) to have him say (.) that (.) he WAS responsible to take some responsibility in some way (.) and so that (.) I don't feel like (.) I'm just the nut (.) and (.) know that (.) eh: (.) at some level he respects ME as a PERSON and my RIGHT (.) to move you know to move just in the world (.) my world (.) as best I can↓
274	M	mmh=
275	A	=a nd that I do respect him as an academic a great deal and ah (2) and I don't want to lose what I have (.) but eh (.) it means A LOT to hear that
276	M	°okay°
277	A	he I guess in his way he is sorry I don't know (.) that's what I choose to hear↓

In fact, as Philipp acknowledges that Ann might have "boundaries that I don't know about", we infer that he has agreed with the idea that "each of us has different boundaries", i.e. the mediator's *reframing*. Otherwise, he would not react in this way. This is indeed a turning point in the mediation because Ann for the first time is persuaded that Philipp actually did not have evil intentions and she expresses how important solving this conflict is to her and how much his apology means to her (turn 273).

Finally, as far as *reframing* as reformulations are concerned, similarly to *reframing* as changes of issue, they can be considered as accepted if they are not explicitly rejected.[73] In fact, it is very usual in the mediation process that mediators make summaries of what parties' have expressed to check that they have understood correctly what was said and also to make parties' feel listened to; *reformulations* are parts of these summaries and oftentimes go unnoticed.

Lastly, there are also cases that do not enter any of the scenarios described above. Cases in which it's not clear whether the *reframing* is accepted or rejected, for example when there is a change of topic in the conversation, as it happens for example in the excerpt below (example 16). It is taken from a mediation case about a workplace conflict between a doctor, Harriet, and her colleagues, represented in mediation by one of them, Frederica. They are in conflict because Harriet has reduced her workload due to health issues, and her colleagues find it unfair that they have to carry an extra workload – in particular by covering her night and weekend shifts – without her making the financial concessions (reduction in pay) that they wish for (for a more detailed description of the case, see chapter 5, section 5.1.2, case number 16). In the following excerpt the mediator tries to *reframe* (turn 283) the way in which Frederica views her colleague Harriet. She considers her as having caused problems to all her colleagues, and the mediator wishes to portray her as the first one suffering in this situation, but he does not wait for Frederica to react to this, as he asks her another question at turn 287.

| 281	F	[it was all unclear
282	H	it was very unclear and I would have made wanted to make that clear
283	M	yeah so (.) it must have been difficult for you (.) having seen patients now being one
284	H	yeah that's right
285	M	that's kind your / =
286	H	= and you feel kind of lost
287	M	mmh mmh (.) ok (.) frederica (.) would you have done anything different if YOU (.) were (.) sick↑ (*long pause from F*) and you approached H ↑ would you've wanted /
288	F	speaking for myself you mean↑ if I would have been the one that went on sick leave↑
289	M	yeah would you have wanted anything different or the same or /

---

[73] And this sometimes happens, see example 10 in section 7.2.3.

It seems that here the mediator's goal is to make Frederica understand that Harriet is also suffering from this situation. Up until that point in the mediation session, the discussion turned around the fact that Harriet has caused difficulties to her colleagues (as she is working less because she had an health problem, and they have to cover her shifts). The mediator wants to change the *framing* that Frederica is giving to the situation, from: "Harriet caused us problems, because of her we are working too much" to "Harriet is the first victim in this situation, she's dealing with the negative consequences of this too".

In conclusion, the findings of this work reveal that there are different possible types of responses to a mediator's *reframing*:

1. Cases in which *reframing* is explicitly rejected by one or both parties
2. Cases in which *reframing* is explicitly accepted by one or both parties
3. Cases in which it is not clear whether *reframing* is accepted or not, but it is possible to find out looking at textual clues in the following turns
4. Cases in which it is not clear whether *reframing* is accepted or not as there is a change of topic in the discussion

Looking at the numbers, in our corpora out of 58 reframing instances, 26 are explicitly accepted; 5 are accepted; in 14 cases it is unclear whether the reframing is accepted or rejected; 7 are rejected and 6 are explicitly rejected, as the manual annotation of the corpora with UAM Corpus Tool allows us to see.
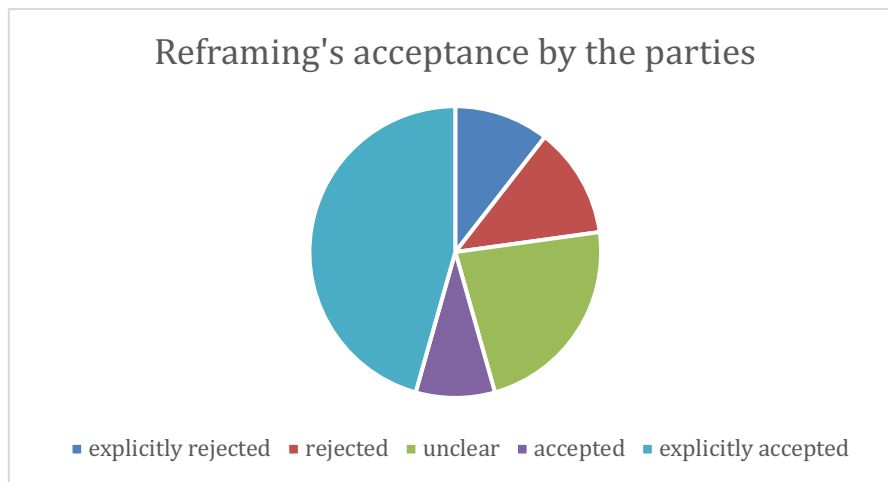
Figure 16: *reframing*'s acceptance by the parties

Therefore, the majority of *reframing* proposed by mediators in the corpora are explicitly accepted by the parties and, if we consider also cases coded as simply *accepted* and those *unclear whether accepted or rejected*, we can see that the cases that are *rejected* and *explicitly* rejected are clearly a minority.

An important role in the likelihood of a reframing to be accepted could be played by the *adaptation to audience demand*: in fact, as van Eemeren argues, "in order to reach an audience successfully, the argumentative moves that are made need to be adjusted to the attitudes and the frames of reference of those who are to be convinced" (van Eemeren, 2018, p. 112). Keeping this in mind, I would like here to briefly discuss reframing instances that appear as *explicitly rejected* by one or both parties to point out what they have in common that might have played a role in their refusal by the parties. The first problematic case is taken from a mediation session between two business partners (for a more detailed description of the case, see chapter 5, section 5.1.2, case number 11.) In the excerpt below (example 17), they are discussing about the main incident that brought them to mediation: Pat had decided to consult a solicitor to get out of the business partnership because he had found out by an acquaintance that his business partner Joe had tried to close a business deal involving the acquisition of a cafe without consulting him. Joe, on the other hand, was shocked to find out that Pat went to the solicitor and claims that he was not trying to close a deal without his consent, but he was just exploring possibilities

before presenting him a concrete proposal. At turn 33, the mediator attempts a *reframing* involving a shift from individual to species[74]:

22.	P	well I I went I went I decided to go to the solicitor myself to (.) you know get out of this partnership and find out how to do it
23.	M	ok (.) ok (.) and for you (.) joe your response to pat having gone to the solicitor↑ (.) how did that impact on you↑
24.	J	how do you think it would impact on me↑
25.	M	ok tell me
26.	J	tell you it was like (.) a crash I cannot believe (.) yeah I know he was ( ) things I regret it's just it's WRONG that something can go from being relatively fine to being absolutely =
27.	P	= well when you go behind my back what you expect↑
28.	J	behind your back what↑
29.	P	yeah well you were trying to cut the deal with the place in (name) with tom mcconnor and I didn't even hear a word about it (.) I hear it from my wife who meets tom mcconnor's wife and tells me that [( ) you buy this place
30.	J	[( )
31.	M	ok so so for for BOTH of you =
32.	P	= you think I'm an idiot or /
33.	**M**	can I just ask to hold a moment pat↑ **so for BOTH of you you've been in positions whereby each of you were doing something that the other person didn't know about have I got that (.) correct↑**
34.	J	yeah but the reason why I went look (.) pat's ( ) all ideas in the head at the moment very early stage ok and I tried to put something together ( ) before different cafe

The mediator try to emphasize the similarities in the parties' behaviours towards each other and this immediately backfires as Joe answers by explaining that he acted the way in which he did (i.e. "doing something that the other person didn't know about") because this business deal project was at a "very early stage" and we "tried to put something together ( ) before different café"). Perhaps another reason why this attempted *reframing* is not successful is the fact that this move is carried out early in the first mediation session (turn 33 of 444), when the tension is still high between the conflicting parties. These *reframing* are indeed problematic in terms of adaptation to audience demand: the parties' are not ready to be compared in their behaviours to their opponents at this stage of the mediation sessions.

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[74] It could also be interpreted as a shift from concrete to abstract. As we have explained, shifts can co-occur.

Another case of a *reframing* that is explicitly rejected is one in which the move the mediator carries out is one that is frequently employed also in reframing instances that end being accepted by the parties, which we could label as "blaming the context" (it often coincides with either shifts from individual to system or from individual to species) instead of the person. It is the "lawsuit context" case discussed in section 7.2.2.3 (example 14), in which the mediator tries to persuade one of the parties' that the other behaved in a certain way towards him because they found themselves in a lawsuit context. There are indeed more than one case in our corpora in which this move is not rejected by the parties. For example, in a mediation case between a landlord and a tenant that is not paying her rent (for a more detailed description of the case see chapter 5, section 5.1.2, case number 9), the mediator tries to remove the blame from the parties by stating "the economy is impacting both of you" (example 18); or, in a mediation case between a project leader and the one that was hired to work with him and eventually take his role when he retires (for a more detailed description of the case see chapter 5, section 5.1.2, case number 14), the mediator intervenes when the new employee is accusing the project leader of not letting her do the job she was supposedly hired for with a *reframing* involving a shift from individual to system (example 19):

116	M1	in our experience when jobs' descriptions are written down ehm that don't necessarily translate into (.) what's on the paper (.) what perhaps you (E) intended and what perhaps you (V) believed so the other thought that occurs to me is it might be useful at some point just to return to this whole thing of (.) either the job's description […]

The mediator here wants to point out that their problem is a common one because it is caused by the way in which job descriptions are written. In this way, he wants the parties to understand that there is a misunderstanding between them, and that no one is having evil intentions against the other. Similarly, in a mediation case between an adopting couple and the biological mother of a child (for a more detailed description of the case see chapter 5, section 5.1.2, case number 1), the mediator tries to remove the blame from the parties' for not having discussed previously about a crucial aspect of the adoption by pointing out (example 20):

| 46 | M | that's generally my experience what happens is that (2) couples who want to adopt (.) are excited (.) and (.) moms who (.) are: (.) going to (.) consider (.) eh (.) giving up (.) their child (.) to a family have a lot going on in their MIND at once (.) so (.) it might appear that it would be easy for eh something like this to slip by (.) […] |

However, the explanation as why in the particular case of the "lawsuit context" it is not successful, is because for Robert the very fact that he and the other party ended up being in a lawsuit context is also the other party's fault. The contexts "blamed" in successful cases are indeed different, as one can see looking at the examples above.

Another case yet is rejected because the mediator frames something as a "favor" (example 10) and one of the parties immediately opposes this view (for more details on the analysis of this *reframing* see section 7.2.3). The last two explicitly rejected cases are taken from a family mediation session in which a mother is strongly opposed to the idea that her son's father comes back into their lives. In one case, the *reframing* gets rejected because the mediator did not previously have a relevant factual information about what happened in the party's past; in the other case, it gets *rejected* because the mother does not consider in the best interest of her child to get him to know his father better.

There is no specific *locus* that is preponderant in rejected reframing, nor a specific type of shift in levels of abstraction.

7.5 The preponderance of the locus from ontological implications and of the locus from termination and setting up

When analyzing *reframing*[75] from the point of view of argumentation with the AMT

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[75] Here, we are taking into consideration only *reframing* taking places in the empirical counterpart of the argumentation stage of the critical discussion, namely *reframing* as changes of discussion issue supported by arguments, and *reframing* as counterarguments. In fact, the AMT is used as a complementary tool to reconstruct reasoning behind standpoints, and in the case of *reframing* as changes of issue (taking place in the empirical counterpart of the confrontation stage) and *reframing* as reformulation there are no standpoints to analyse.

model, it is interesting to look at *what kind of reasoning* these *reframing* involve in terms of loci (see section 4.2). This might tell us something about the strategic maneuvering of mediators: in fact, employing reasoning involving one type of locus might be more effective in terms of topical potential or/and adaptation to audience demand (i.e. might be more likely to be accepted by the parties). I was interested in finding out whether there was a preponderance of one type of locus or some types of loci in the corpora, and this is indeed the case. In fact, the annotation of the corpora with UAM Corpus Tool allowed me to see that among the 36 *reframing* instances taking place in the empirical counterpart of the argumentation stage the most reoccurring locus[76] are the locus from ontological implications (11 cases) and the locus from termination and setting up (also 11 cases). Definitional loci consist of three different loci, ontological implications being one of them. The locus from definition refers to "definition *stricto* sensu, as we reserve the label 'definition' for the Aristotelian concept of genus and specific difference that, taken together, indicate the 'essence' of a thing" (Rigotti and Greco, 2019, p. 252). In our corpora, for example, we have the case of the definition of the word "prejudice". Whereas the locus from description is employed to define something when

> "the identification of an entity can be done in many ways and does not necessarily require a definition in the strict Aristotelian sense. We can, for instance, identify one and the same person by saying that she is the "Dean of the Faculty of Informatics" in a given university and also "Mya's mother" when we present her in another context, such as when she goes to the nursery and picks up her daughter. Different descriptions are useful in different domains and can be alternatively used depending on the context. In Aristotelian terms, description can be based on accidents or on properties […]. In this sense, the locus from description might certainly be considered, in a broader sense, as part of the

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[76] For a more complete analysis of the corpora (that can be used also for future research), we have also annotated the *loci* involved in the parties' reasoning that the *reframing* attacks – in the case of *reframing* as counterarguments. However, in this section we focus only on the loci employed by mediators in *reframing* instances.

definitional loci" (Rigotti and Greco, 2019, p. 254).

In our corpora, we have for example a case in which the mediator refers to one of the parties' as an apartment "owner" (see section 7.1.1) because this is useful in that moment to stress to the other party the fact that the position of the other – willing to get rent money – is not illegitimate because of her quality of "owner".

The third definitional locus, the locus from ontological implications, "is active in reasoning processes such as the following: 'we must thank him, because he has done a good job'. The implication of being grateful, int this case, depends on the "ontological" relation between doing something good and being grateful" (Rigotti and Greco, 2019, p. 254). In our corpora we have for example the case of "people who like to be in charge don't feel comfortable working with other people who like to be in charge" (for a detailed analysis of this *reframing* see section 7.3.2): in this case, belonging to the category of people who like to be in charge causes one to feel uncomfortable when they are not able to be in charge.

Most of the *reframing* cases involving a locus from ontological implications (5 out of 9) coincides with either shifts from individual to system or from individual to species, however this is a very common type of shift in our corpora, therefore more research would be needed in order to see whether there is a clear correlation between reasoning involving the locus from ontological implication and a reasoning that also includes these types of shifts in levels of abstraction. However, it might be hypothesized that it is the case because, as we have seen (chapter 3, section 3.3; chapter 7, section 7.1.1) shifts from individual to species and from individual to system often performs the function of removing the blame from the parties – and attributing the blame to an external context or to party's personality traits that are not intrinsically bad (like liking to be in charge). Since ontological implications works on ontological relations between two states of affairs or events, they might be used in reasoning involving these shifts in levels of abstraction because they are reasoning in which the ontological relation between a state of affairs (other than what could be considered parties' faults) and the fact that there is a conflict must be elicited in

order to remove the blame from the parties.

Another locus that is not unusual in the corpora is the locus from termination and setting up. A locus that "always includes the comparison of two different worlds. In particular, when one uses the locus from termination and setting up, he or she is comparing the current situation with a future possible world. Following this comparison is an evaluation about the opportunity to set up (start or being) an activity or to cease ("terminate") an existing state of affair. For example, if Tom says that "Judith should give up smoking because smoking is bad", he is relying on the locus from termination and setting up" (Rigotti and Greco, 2019, p. 263).

This locus is involved in all argumentations about the importance of proceeding with the mediation process in order. For example, it is employed in the conflict at school already discussed in this work when the mediator *frames* the mediation as an opportunity to overcome prejudices (example 12), employing the maxim "if action A is positive/good, then action A should be carried out". It is also frequently employed when mediators wish to persuade parties to take other courses of action that might be beneficial to conflict resolution (such as for example consulting with specialists of a specific domain, or accepting to do something for the good of the parties 'child).

To conclude, ass introduced in chapter 3, section 3.2, I have put all the different *frames* identified using Fillmore's approach into four broader categories (adapted from Shmueli's works), namely: *issue frames, identity frames, characterization frames* and *conflict management frames*. Not surprisingly, reframing of *issues* is very present in the corpora, since a type of *reframing* indeed consist of changes of issues.

Identity frames and *characterization frames* are less present in mediators' *reframing* perhaps because it is more risky to attribute personality traits or other identity elements to people in a conflictual context, it could easily backfire. In some cases it is indeed successful, like in the "people who like to be in charge" example, but it might not always be the case. Alec might as well have reacted in a different way, stating for example that

whether he likes to be in charge or not is not relevant, that the issue for him is that the project is not progress as fast as he would like to.

Conflict management frames are more frequently used and this is also not surprising, as mediators are required to shift the way in which the conflict is deal with. They often coincide with meta-pragmatic shifts, as they also usually are related with the way in which the conflict is dealt with (the importance of discussing about an issue instead of another, and so on).

7.6 The preponderance of 4 types of shifts in levels of abstraction

As far as types of shifts in levels of abstraction are concerned, in the two corpora analysed there is a clear majority of four types of shifts in levels of abstraction, namely:

- 13 occurrences of *meta-pragmatic shifts*
- 13 occurrences of *shifts from individual to species*
- 11 occurrences of *shifts from concrete to abstract*
- 9 occurrences of *shifts from individual to system*

As far as shifts from individual to species and shifts from individual to system are concerned, it has already been stated in this work that they perform the very important function of removing the blame of the conflict from the parties. However, this is not the only function that they can perform. In some cases, for example, they can warn parties' against making mistakes other people have made in the past in a similar situation, or they might help parties take the best decision.

The meta-pragmatic shift's primary role seems to be to reinforce the idea that dialogue as it takes place in mediation is the right way to make progress towards conflict resolution, as mediators phrase what parties' consider a quarrel as something positive (see example12, where s/he points out that coming to mediation parties' have the possibility prejudices towards each other). This kind of shift can also point out what is not working in the way parties are dialoguing and therefore help them change it in order to have a more productive

conversation (see example 2, in which the mediator asks parties to establish a first topic to address because they are introducing too many issues at once in their discussion). It can also make parties' aware that they might look at their positions from a different perspective. For example, in one case (in "Business conflict" in corpus I), the mediator points out: "The part you're describing to me is not that Robert is not working enough, but that you're working to much" (turn 302).

The shift from concrete to abstract, in a majority of occurrences (7 out of 11) corresponds to what has been labelled in this work as *reframing as reformulations*. This is not surprising, as very often mediators reformulate what parties' have expressed in concrete terms (i.e. for example what one did or said) in more abstract terms (such as "making a favor", or "making assumptions" about someone, or having different values) in an attempt to make parties' progress towards conflict resolution by acknowledging for example that they are not completely right and the opposing party is completely wrong.

CHAPTER 8: CONCLUSIONS

8.1 Main findings

The assumption at the basis of the RefraMe project, namely that *reframing* has an argumentative dimension, has been confirmed by this study. In fact, many *reframing* instances, i.e. *reframing* as changes of issues justified by arguments and *reframing* as counterarguments, have indeed an argumentative nature. The fourth category (reframing as reformulations) is less directly argumentative; however, if one considers the argumentative interpretations of reformulations given in van Eemeren et al. (1993), also this fourth category might have an argumentative relevance, albeit less prominent.

Firstly, starting from Putnam's definition of *reframing* as "shifts in levels of abstraction" (Putnam, 2004), the analysis of the corpora made emerge four new types of shifts that (to our knowledge) were not mentioned before (see section 7.1): namely, the *shift from individual to species*; *from the content of the discussion to the appreciation of its value (meta-pragmatic shift); from hypothesis to temporal frame; from intrinsic quality to external condition.*

As far as *reframing* as changes of discussion issues is concerned, this study shows that it can be either supported by arguments or not supported by arguments (see sections 7.2.1.1 and 7.2.1.2).

In the case of *reframing* as counterarguments, a particular kind of this types of *reframing* was identified in the analysis, namely *reframing* as counterarguments in the form of explorative questions about the future (see section 7.2.2.1) – a type of question typically employed in mediation (see for example Greco, 2020, pp. 89 and following).

Two other contributions of this work regard the way in which parties' *frames* of reference preceding a *reframing* can be identified relying mainly on Fillmore's approach to *frames* (see section 7.3), and how parties' show their acceptance (or not acceptance) of a *reframing* (see section 7.4). It was possible to establish which are the loci that are more

frequently involved in *reframing* instances in the corpora (see section 7.5), namely the *locus from ontological implications* and the *locus from termination and setting up;* and it was also possible to see which types of shifts in levels of abstraction occur more frequently (see section 7.6): the *meta-pragmatic shifts; the shift from individual to species; from concrete to abstract* and *from individual to system.*

Moreover, as it emerged during conversations with professional mediators before starting the RefraMe project, *reframing* is a technique that is frequently mentioned in mediation training but mediators do not get a theoretical and detailed explanation of exactly what it is and how it works, they are taught via illustrative examples. Although this practice might indeed be useful for mediators during the training, I believe it would also be beneficial if, ideally, they got a complementary explanation of the phenomenon of *reframing.* For example, reflecting upon the fact that some *reframing* are indeed counterarguments might lead them to be more cautious as to when and how to employ them (as we have seen, not all *reframing* are accepted by the parties). Or, gaining further knowledge on the fact that in some cases it is worth supporting a proposed change of issue with arguments[77] may be beneficial for improving mediation practice. Also being more attentive and trained to spot parties' *frames* of reference in the way done in this study could potentially help mediators understand underlying issues. In a hypothetical mediation training session in which I should present the results of this work, I would present participants with some clear examples of different kinds of *reframing* (like the examples analysed in chapter 7), and I would ask them firstly to point out what all these interventions have in common. I would not start by explaining the theoretical definition of *reframing* I adopted starting from the different types of shifts in levels of abstraction: I would discuss examples with the participants and ask them what commonalities they see in all these mediators' interventions, and only afterwards I would describe *reframing* from a theoretical point of view. I would also present participants with unsuccessful cases, so to make them aware of mistakes that could perhaps easily be avoided.

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[77] Like it is the case of the "uncharted waters" metaphor employed with a mediator to persuade a party to answer his questions although he perceives them as irrelevant (example 15).

The RefraMe project was also the opportunity to collect the first corpus (to our knowledge) of mediation sessions (even if role-played) in Switzerland. This corpus remains available[78] for advancing research on mediation practice in Switzerland.

As far as the present study's contribution to argumentation studies, I believe it is a further demonstration of how the pragma-dialectical approach and the AMT can successfully be employed as complementary tools for the analysis of argumentation. This study also testifies the importance of tools that allow to analyse implicit argumentation, since in the case of *reframing* there is often much that remains implicit. However, thanks to the pragma-dialectical model of a critical discussion, it is still possible to reconstruct standpoints and their supporting arguments.

Last but not least, this study provides a new definition of the concept of *reframing* that can potentially be used to analyse this phenomenon as it takes places in other types of texts and interactions (for example, in journalism, different titles may *frame* the same event very differently, and people might also *frame* very differently important social issues and conflicts). I think that to study the way in which *reframing* takes place for example in the context of public controversies, looking at the way in which a public figure (such as a politician) or journalists might *reframe* previous descriptions of an event, might be very useful in order to understand how people's perception of reality change depending on the sources of information they use.

The definition provided in this study also sheds some light on the reasons why the functioning of *reframing* has never been fully captured before: it demonstrates that it is a very complex reality as it includes very different phenomena. It is a definition that takes into account both the conceptual understanding of frames and its dialogical aspect (see

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[78] Obviously only under specific conditions, such as signing a confidentiality agreement (as specified in the informed consent signed by participants to the role-plays: see Appendix).

chapter 7, section 7.2), as it shows how it is possible to change frames in the discourse and it builds upon the previous frames of the parties (a mediator does a reframing because he senses it is need as the parties are holding incompatible frames or frames that are not useful for conflict resolution).

8.2 Limitations of the study

Having discussed the main findings of this work, it is now time to concentrate on some limitations relative to the design of this research project. As already mentioned before, the corpora employed in this study provided data for a qualitative analysis of *reframing*. It would therefore be desirable to be able to work on larger corpora in order to verify whether patterns that seemingly suggest interesting findings (such as for example the preponderance of the locus from ontological implications and the locus from termination and setting up in mediators' *reframing*) can be confirmed by more extended studies.

Also, even though it has been explained (chapter 5, section 5.1.2 and following) that the fact that the corpora analysed in this study are composed of *role-played* mediation session does not precludes us the possibility of correctly analysing the inferential functioning of *reframing* instances, it is clear that it can have some level of impact on other aspects, such as, for example, the number and type of "occasions" parties give to mediators to perform a *reframing* or the way parties' respond to *reframing*. In fact, section 7.4 on parties' acceptance of *reframing*, is meant to provide a methodology for identifying the way parties' respond in the texts, but it does not aim at claiming that in real mediation sessions in general *reframing* are mostly accepted. The numbers of accepted versus rejected cases mentioned in the study perform only an informative function but so far we have no element to generalize this finding and claim that *reframing* are usually more accepted than rejected. The fact that *reframing* remains a mediation technique that is part of mediators' training probably is a sign that it has proven to be useful in practice; this is a further aspect to be considered besides what emerges from a close analysis of our corpora.

8.3 Avenues for future research

As far as *reframing* as being part of mediators' *strategic maneuvering* is concerned, recent conversations with argumentation scholars made me think that it could be worth exploring the way in which *reframing* is carried out differently in terms of *presentational devices* in different languages. In particular, it has been brought to my attention[79] that in the cases in French (recorded in the French part of Switzerland) the phenomenon of *mitigation* might be more present than in the English cases, or at least this is what appears in the concerned corpora.

After a preliminary explorative reading, it seems that in the English cases mediators – in terms of *presentational devices* – introduce more often than mediators working in Switzerland elements that refer to their professional experience (such as: "generally in my experience what usually happens is"), perhaps to make the reframing more convincing to the parties. They also present more frequently elements as factual elements (or *data*) (such as: "in life each of us HAS different boundaries") instead of guesses or hypothesis.

The use of words indicating more hesitation such as "may", "might" or "maybe" is not completely absent, but at a preliminary glance they are less frequently used than their French versions in mediations taking place in Switzerland. Interestingly enough, most of these expressions are found in a single English mediation case ("In the shadow of the city"), hence they might be a salient trait of the mediator who mediated that case.

These are interesting aspects that might be the object of future research on the use of *reframing* in mediation in different languages and or countries. It would also be important to continue research on potential correlations between characteristics of *reframing* and other aspects of each mediation session such as the type of conflict, its use in caucuses versus joint sessions, the evolution in its use in the first mediation session versus successive meetings with the same parties and so on.

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[79] In particular, I would like to thank Sara Cigada for bringing this to my attention.

As we have seen in chapter 2, section 2.1.4, there is a subset of studies that deals specifically with cross-cultural mediation and this could potentially be another fruitful area for research on *reframing* in mediation, in particular because *endoxa* are part of the reasoning behind *reframing* and they can vary to a great degree among different cultures[80]. In the field of argumentation, it would be very interesting to continue to study *reframing* in correlation with the concept of "argumentative style" and, in particular, of "reconciliatory style" (van Eemeren 2019), as the RefraMe project members have recently started to work on this (Greco & Jermini-Martinez Soria, 2021).

In chapter 5, section 5.2.2 I have discussed about different mediation approaches – but also acknowledging that every single mediator has is own unique style, even if cultural aspects may play a role in the way mediators deal with conflicts. I was interesting in checking whether there were peculiar differences in the type of *reframing* used by different mediators (or its frequency of *use*) that could hint that a correlation between mediators' personal styles or mediators' geographical area of origin and use of *reframing* exist.

The analysis of the corpora on UAM Corpus Tool shows that there is no correlation between who the mediator is and a preponderant use of a *reframing* having a specific characteristic (such as a specific type of shift or a reasoning involving a specific locus). In some mediation cases I found more *reframing* instances than in other cases but this can be due to a number of reasons, such as parties' behaviour, the nature of the conflict, the approach of the mediator and so on. However, it would be very interesting to perform this kind of analysis on larger corpora in order to verify these preliminary findings.

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[80] For example, in the *Harassment complaint* case, one of the parties' explains that his behaviour is due to his cultural background (turn 83): "=I I I come from (.) you know a background where we're perhaps more expressive I grew up in Montreal (.) and we we use our hands a lot more and (.) sometimes I (.) touch a student like that (.)"

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APPENDIX

INFORMED CONSENT TEXT (Italian version and French version)

CONSENSO INFORMATO

Per la mia ricerca di dottorato all'Università della Svizzera Italiana (USI), collaboro al progetto di ricerca "The inferential dynamics of *reframing* within dispute mediators' argumentation" (2017-2020), finanziato dal Fondo Nazionale Svizzero per la Ricerca Scientifica. Il progetto si focalizza sul *reframing* come attività comunicativa del mediatore e si propone di indagarne la dinamica nel dialogo tra il mediatore e le parti, con un particolare accento alle funzioni argomentative.

Per costituire un corpus di dati empirici necessario per svolgere questa ricerca, ho organizzato alcune sessioni di mediazioni fondate su "giochi di ruolo", in cui sarà presente un mediatore o una mediatrice professionista e certificato/a, attivo/a sul territorio elvetico, e due o più volontari che svolgeranno il ruolo delle parti in conflitto.

Le sessioni saranno videoregistrate e in seguito trascritte. I dati personali del mediatore e delle parti saranno resi anonimi nelle trascrizioni. Le registrazioni video saranno conservate in modo totalmente confidenziale in una cartella protetta da password e saranno accessibili solamente all'équipe di ricerca, formata dalla dott.ssa Chiara Martinez Soria e dalla prof.ssa Sara Greco dell'USI. Il formato video è utile per arrivare a una trascrizione il più accurata possibile e per comprendere eventuali aspetti di comunicazione non verbale; tuttavia, le registrazioni video non saranno mai mostrate a terzi. Le trascrizioni saranno utilizzate unicamente a fini di ricerca: una volta rese completamente anonime, potranno essere analizzate e (parzialmente o totalmente) incluse in pubblicazioni scientifiche. Inoltre, i testi anonimizzati delle trascrizioni potranno essere resi disponibili ad altri colleghi ricercatori interessati a questa ricerca in futuro, sempre a condizione che questi si impegnino (firmando un apposito modulo) ad utilizzarli solamente come dati empirici volti a far avanzare la ricerca sugli aspetti comunicativi della mediazione di conflitti in Svizzera.

Ai partecipanti ai giochi di ruolo si riserva la possibilità di ritirarsi dalla ricerca anche *dopo* la registrazione. In tal caso, i dati non saranno utilizzati e verranno subito eliminati.

Per ulteriori informazioni sulla ricerca si prega di contattare Chiara Martinez Soria all'indirizzo: chiara.martinez.soria@usi.ch. Per chi fosse interessato ai risultati della ricerca, è possibile richiedere allo stesso indirizzo informazioni sulle pubblicazioni scientifiche relative al progetto.

Io [Nome / Cognome]: .... accetto che la sessione di mediazione fondata su un "gioco di ruolo" a cui parteciperò in data ....

venga videoregistrata e in seguito trascritta e anonimizzata, e che possa essere utilizzata per scopi di ricerca, secondo le condizioni dettagliate qui sopra.

Luogo e data: .... Firma: ....

Consentement informé

Pour mon doctorat à l'Université de Lugano (USI), je collabore au projet de recherche "The inferential dynamics of *reframing* within dispute mediators' argumentation" (2017-2020), financé par le Fond National Suisse de la Recherche Scientifique. Le projet se focalise sur le *reframing* comme activité communicative du médiateur et a pour but d'indaguer la dynamique du *reframing* dans le dialogue entre le médiateur et les parties, avec une attention particulière aux fonctionnes argumentatives.

Pour construire un corpus de données empiriques, nécessaire pour développer cette recherche, j'ai organisé des séances de médiations fondées sur des "jeux de rôles", dans lesquelles participeront un médiateur ou une médiatrice professionnel/le et certifié/ée, actif/ve sur le territoire helvétique, et deux ou plus volontaires qui joueront le rôle des parties en conflit.

Les séances seront enregistrées (enregistrement vidéo) et après elles seront transcrites. Les données personnelles du médiateur et des parties seront rendues anonymes dans les transcriptions. Les enregistrements vidéo seront conservés dans un fichier protégé par un mot de passe et seront accessibles seulement à l'équipe de recherche, composé par Chiara Martinez Soria et Professeur Sara Greco de l'USI. L'enregistrement vidéo est utile pour avoir une transcription la plus précise possible et pour comprendre des éventuels aspects de communication non verbale ; toutefois les enregistrements vidéo ne seront jamais montrés à d'autres personnes. Les transcriptions seront utilisées uniquement à des fins de recherche ; une fois rendues complétement anonymes, elles pourront être analysées et (partiellement ou en totalité) incluses dans des publications scientifiques. En outre, les textes des transcriptions rendues anonymes pourront être rendus disponibles pour d'autres collègues chercheurs intéressés à cette recherche dans le futur, à condition qu'ils s'engagent (en signant un document) à les utiliser seulement comme données empiriques utiles à l'avancement la recherche sur les aspects communicatifs de la médiation des conflits en Suisse.

Aux participants aux "jeux de rôles" est donnée la possibilité de se retirer de la recherche *après* les enregistrements. Dans ce cas-là, les données ne seront pas utilisées et ils seront élimineés.

Pour d'autres informations sur la recherche vous pouvez contacter Chiara Martinez Soria à l'adresse: chiara.martinez.soria@usi.ch. Si vous êtes intéressé/ée aux résultats de la recherche, vous pouvez demander au même adresse informations concernant les publications scientifiques à propos du projet.

Moi [Prénom/Nom] : ....,

J'accepte que la séance de médiation fondée sur un "jeu de rôle" à laquelle je participerai en date .... soit enregistrée (enregistrement vidéo) et après transcrite et rendue anonyme, et qu'elle puisse être utilisée pour des fins de recherche, selon les conditions expliquées ci-dessus.