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Is Mediation a Scientific Discipline? Theoretical and Practical Perspectives

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ABSTRACT

The main objective of this study is to determine whether mediation is regarded as an autonomous discipline from both academic and professional standpoints. To achieve this, the study initially conducted a review of the most recent literature on the subject, followed by gathering opinions from experts, professionals, and trainers across eight different countries through in-depth interviews and discussion groups. Among the primary findings of the research, it becomes apparent that while mediation remains a relatively underexplored topic, existing literature suggests that it possesses elements to assert its status as a scientific discipline, evidenced by its own axioms, paradigms, models, and methodologies. However, the professionals and experts consulted contend that it falls short of being classified as such. They cite several challenges, including the scarcity of real cases for investigation, the disconnect between theory and professional application, and the need for enhanced quality in scientific research to surmount the stagnation it has encountered for years.

1 | Introduction: Mediation as a Discipline Under Debate

One of the current open debates is whether mediation can be considered a discipline. Recent literature tries to give an answer to this question (Nadal Sánchez 2016; Romero Navarro 2011; Munuera Gómez, and Costa e Silva 2020; Blanco Carrasco, Corchado Castillo, and Ferreira 2020), arguing that mediation is not a mere ordered practice or a technical knowledge but an autonomous discipline, as it has a sense in itself, autonomy and specificity within the forms of conflict resolution (Nadal Sánchez 2016, 227).

From a conventional perspective of science, scientific knowledge is distinguished from common knowledge by the existence of a method (Rogel Vide 2010, 17). The object of study is not what distinguishes the sciences from each other, “the peculiarity of science must consist in the way it operates to achieve a certain objective, that is, the scientific method and in the purpose for which this method is applied-objective

knowledge of the world” (Bunge 1972, 48). It is the form (the procedure) and the objective at the time of approaching the object of study that grants an identity. When a discipline lacks its own identifiable method it can be understood, following Rogel Vide (p. 19), as a technical knowledge (a specialized, but non-scientific knowledge, usually identified with professional skills or the arts), a proto-science or embryonic science (characterized by careful work, but without a theoretical body, observation or experimentation) or a pseudoscience (a body of beliefs or practices that those who perform them want, naively or maliciously, to show as science, although it possesses neither the theoretical body, nor the approaches or techniques proper to the sciences).

Many activities, professions, or disciplines that today are indisputably understood as scientific knowledge were considered as an art or a technique. For years, social sciences did not attain the status of science because they tried, unsuccessfully, to apply the methods and models of natural sciences. This was the case, for example, with law, which for a long time was considered an art or a technique, since it was understood at the time that science was

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the discovery and formulation of laws found in nature. It began to be considered a scientific knowledge with Montesquieu when he affirmed in his *L'esprit des lois* that laws derive from the nature of things. From then on, a whole debate began about the classification of law as a science (Rogel Vide 2010). Also in social work, which cannot follow these natural sciences processes because "social reality is affected in its content by the contexts so that analogies can be given, but not identifications" (Barahona Gomariz 2016, 9, 10).

Addressing mediation as a scientific discipline is necessary and timely given the proliferation of training courses at all levels and the overwhelming scientific production on the subject despite the lack of demand for mediation services (De Palo et al. 2014; García Villaluenga and Vázquez de Castro 2015). It is argued in the literature that considering mediation as a scientific discipline could enhance its value compared to other professions and disciplines. The scientific literature states that aligning academia and professional practice is crucial, and recognizing mediation as a scientific discipline could bridge this gap and elevate the status and efficacy of mediation in various contexts (Romero Navarro 2011; Munuera Gómez, and Costa e Silva 2020).

Taking into account the evolution suffered in related disciplines and the difficulties encountered along the way, the main objective of this article is to know whether, in the opinion of experts and professionals, mediation has sufficient magnitude to be understood as a scientific and autonomous discipline compared to others. To this end this study has been divided into four parts. The first part reviews the existing literature regarding the status of mediation as a discipline, identifying its main characteristics and elements. The second part analyzes the opinions of experts and professionals from various fields and countries regarding whether mediation has sufficient magnitude to be understood as a scientific and autonomous discipline compared to other disciplines. Thirdly, in the discussion section, the results obtained will be reviewed in light of existing literature and previous studies, and finally, the main conclusions of this study will be presented.

2 | Mediation or Alternative Dispute Resolution Systems?

If we question why we focus on mediation, which is just one of many possible Alternative Dispute Resolution (ADR) methods, instead of addressing the issue concerning the entirety of systems, we may find reasons that support both positions. Mota, Braga, and Cabral (2023), in their recent analysis of existing scientific literature in the field of ADR from 1981 to 2022, highlight the interdisciplinary nature of ADR research, its adaptability to different sectors, and the importance of cross-cultural research associations.

Both ADR and mediation have been extensively addressed by scientific literature, with a vast body of research on topics that could support their consideration as a scientific discipline. Among the elements that can support the consideration of both as autonomous disciplines are the following:

- a. ADR and mediation are both based on a variety of fundamental theories and principles, including negotiation theory (Fisher, Ury, and Patton 2011), effective communication (Barsky 2016), and problem-solving (Lipsky and Seeber 2006),

providing a solid conceptual framework for understanding (Folberg, Milne, and Salem 2004; McCorkle and Reese 2019).

- b. Extensive empirical research examines the effectiveness of different methods, identifying factors contributing to the success or failure of dispute resolution processes (Susskind and Ali 2004), and exploring the experiences (Rosenberg and Folberg 1994) and perceptions of the parties involved (Charkoudian, Eisenberg, and Walter 2019). Similarly, empirical mediation research has been developed (Moore 2003; Golann 2002).
- c. A normative and ethical framework exists to guide the conduct of professionals, offering practice standards and ethical principles for ADR (Storskrubb 2016; Todorović and Harges 2021; Wing et al. 2021) and mediation (Whitehouse 2017; Crowe 2017).
- d. Academic programs dedicated to the study of ADR and mediation exist, including undergraduate and graduate programs at universities worldwide (Dorado Barbé et al. 2015; Rosales Alamo and García Villaluenga 2020). Additionally, there is a growing community of scholars dedicated to research in this field (Sander 1984).
- e. Both ADR and mediation are used in a wide range of contexts, including consumer (San Cristobal Reales 2012; Blanco Carrasco 2020), labor (Brubaker et al. 2014), community (González, Hernández, and Prats 2020), or family disputes (Tamayo Haya 2009).

This paper focuses on mediation rather than Alternative Dispute Resolution (ADR) methods for several reasons. Firstly, among the numerous alternative systems available, mediation has undoubtedly gained significant prominence in recent years. There exists a vast scientific literature addressing its study from various aspects. Many scholars advocate for its authority, independence, and autonomy compared to other ADR methods, establishing it as a fundamental body of knowledge in the field (Lauroba Lacasa 2018). Mediation serves as a distinct model in collaborative conflict management, often serving as a foundation for other ADR methods, such as parenting coordination or collaborative advocacy (Barsky 2011; Soletto Muñoz 2017). Secondly, scientific literature addressing the integration of mediation as a scientific discipline approaches this issue from an epistemological, holistic, and interdisciplinary perspective. It aims to understand the requirements, contributions, and impact of considering mediation as a scientific discipline in the academic and research world.

However, the results of this study do not completely rule out the possibility of considering mediation as part of a larger whole, sharing elements initially sufficient to be understood as a disciplinary set. On the contrary, this study, integrating existing literature and the opinions of professionals consulted, should be taken into account by future studies analyzing this issue at a macro level, integrating all ADR methods.

3 | Mediation as a Discipline: Characteristics, Opportunity, and Impact

Another important consideration is whether it is truly significant for mediation to be perceived as a separate discipline from

others, and what benefits such recognition would bring to the field of mediation.

From an academic viewpoint, a positive response would mean acknowledging mediation possesses the epistemological elements typical of any science, including methodology, laws, and theories (Romero Navarro 2011). Conversely, a negative response would view it as a “subject of knowledge” shaped by contributions from related disciplines like law, psychology, or sociology. Professionally, affirming mediation as a discipline could enhance visibility, legitimacy, and social recognition, addressing the main obstacle to its professional advancement (Blanco Carrasco 2022; Costa e Silva 2015). It would also entail a dedication to research, ongoing education, and professional growth, fostering knowledge advancement and interdisciplinary integration for more comprehensive and effective solutions.

This ongoing debate has significant implications, such as the proposals from the Limediat project (Costa e Silva 2022), advocating for a European mediation degree to establish mediation as an independent discipline, following the views of authors like Romero Navarro (2011) and Parkinson (2005).

In Nadal's opinion mediation is not a mere ordered practice or a technical knowledge but an autonomous discipline since “its theoretical approaches are based on structural truths or axioms that organize the particular way of understanding the reality of the conflict and its intervention is developed on methodologies-theoretical approaches and subapproaches- that assume a conception of the real and express it through the series of practical elements that will guide the praxis during the process” (Nadal Sánchez 2016, 227).

Mediation, like other disciplines such as social work or psychology, draws on the concepts, approaches or ways of approaching reality provided by other areas. The disciplines involved in a complex object require a multi-referential approach in which a plural reading of the object is proposed from different angles (De Robertis, 1988, 68–69). This means that, although a discipline has its own object of study, it often occurs that in order to approach it, an analysis prior to the intervention, a multidisciplinary praxis, based on knowledge or techniques that come from other disciplines, which De Robertis calls, contributory disciplines, is necessary. If we ask ourselves about the disciplines that could be considered as contributing to mediation, we could point out the following (De Robertis, 1988, 77): philosophy (especially the philosophy of action and ethics); the fundamental disciplines of the social sciences (sociology, anthropology, psychology, social psychology, economics, demography); the sciences of action (education and information sciences); and the fields of social reality (law and social policies).

However, this plural approach may jeopardize its own identity, since, in order to be a discipline that is different or autonomous from other existing disciplines, it must have a contribution of its own, that is, it must have a genuine contribution to scientific knowledge. Determining this element, which gives identity to the new way of understanding the world or of intervening in it, is not always easy. De Robertis has already pointed out that the social worker sometimes feels a certain uneasiness at the sensation

of being “preyed upon” by other human theories. The multiplication of models complicates social intervention and also one's own identity as a professional or as an area of knowledge.

If we try to define the elements that are characteristic of mediation as a discipline, Nadal indicates, in the first place, that it is an applied discipline, whose objective is to study conflict in order to understand and transform it. However, the fact that this is a discipline that is transmitted on practical parameters does not mean that these constitute its essence, but rather, the continuous reference to its application masks the magnitude of its theoretical foundations, of the tradition that it drags behind it and of the tireless research that is developed within it (Nadal Sánchez 2016, 95, 96).

Secondly, it would fit within what is known as sociotechnical science, whose purpose, according to Bunge (1972), is not only to study the social but also to control or reform it. Organizations are designed or redesigned with the consequent norms, policies, or plans. Since design is the core of technique, whoever makes social design based on the social sciences is a socio-technician, and whoever conducts or repairs a system or a social process is a social craftsman (Bunge 2002, 112, 113). Mediation, in Nadal's opinion, should be included in this category, as are law, pedagogy, or social assistance, since, in addition to understanding the social, it aims to transform it through its intervention (2016, 228) whose objective is the solution of the conflict through the construction of a new order through dialogue and negotiation, modifying norms, policies or plans.

Finally, interdisciplinarity does not consist in the juxtaposition or cumulative sum of knowledge from different disciplines but in a novel approach that integrates them in a harmonious way (Romero Navarro 2011).

4 | Levels of Analysis of Mediation as a Scientific Discipline

The epistemology of sciences tries to analyze the nature, origin, and validity of the knowledge of its discipline. In addressing the epistemological basis of mediation we are asking what the foundation of this science and its methods of scientific knowledge are. To determine the contribution of mediation to society compared to other disciplines Nadal Sánchez (2016) analyzes three levels: the logical level, the theoretical level, and the factual level (see Table 1).

4.1 | Logical Level: Axioms or Approach to Conflict

Nadal proposes a conceptual framework for mediation based on her understanding of conflict, distinguishing between its material and formal causes. In the material cause, individuals and the conflict itself are identified, emphasizing individuals' roles as both contributors to and potential solvers of the conflict. Structured around four axioms, the formal cause guides the mediator's approach to intervention, shaping their tools, techniques, and strategies. These axioms include the orientational axiom, which determines the focus of conflict

TABLE 1 | Scientific knowledge in mediation.

Object	Logical level	Theoretical level	Factual level	Styles
The conflict (material cause)	Confrontation	Agreement paradigm	Harvard model	Facilitative Evaluative Inductive Estrategic
The agreement (formal cause)	Orientative Estimative Regulatory Teleological	Communicative Paradigm	Transformative model Circular model	Transformative Narrative-circular

Source: Prepared by the authors based on Chapters III and IV Nadal Sánchez 2016, 115–195.

resolution efforts, such as individualistic, communitarian (Giménez Romero 2016), or dialogue-oriented approaches (Lewis and Umbreit 2015). The estimative axiom evaluates whether conflict is viewed as an opportunity for change, with differing perspectives between approaches like Harvard (Demicheli 2000), transformative (Bush and Folger 1994), and narrative (Cobb 1993; Winslade and Monk 2000), regarding conflict as natural or conducive to personal and social growth. The regulative axiom underscores the parties' autonomy and decision-making capacity in resolving their conflicts, directing the mediator's role differently across approaches (Wall, Stark, and Standifer 2001). For instance, the Harvard mediator treats parties as individuals engaging in exchanges, while transformative and narrative mediators recognize their communal ties and historical conflict backgrounds. The teleological axiom defines the intervention's goal, where success may be defined by reaching agreements, according to the Harvard approach, (Fisher, Ury, and Patton 2011) or fostering environments for relationship transformation and personal evolution, according to the transformative and narrative approach (Suárez Heriquez 2017). These axioms form the logical foundation of each mediation school, followed by the theoretical level, encompassing philosophical and methodological underpinnings, and the empirical level, comprising specific mediator techniques, strategies, and tools.

4.2 | Theoretical Level: Paradigms and Objectives of the Intervention

Mediation approaches its subject matter as a complex phenomenon requiring a multidisciplinary analysis before intervention, drawing from fields such as philosophy, social sciences, education, communication, law, social work, and more. Romero Navarro (2011, 23–28) identifies philosophical assumptions that underpin mediation's scientific status, including conflict, diversity, change, continuity, and alternative thinking. Nadal categorizes these assumptions into two paradigms: the paradigm of agreement, focusing on conflict resolution through reaching agreements, and the communicational paradigm, which emphasizes effective communication between parties beyond mere agreement-seeking. This evolution of mediation balances conflict resolution with consideration of psychological and cultural elements, allowing for the review, renegotiation, and

reconsideration of conflict elements, including new impressions and needs.

4.3 | Factual Level: Practice Supported by a Method

What distinguishes scientific knowledge from vulgar knowledge is the existence of a method. The method is the path (ódós) that is previously established for the attainment of an end and makes it possible to affirm that the result is not the fruit of chance or luck. Methodology is the part of science that studies the methods to which it resorts, the ways of acting, whether in law, social work or mediation, according to the order and principles that are proper to them. Methodology is a way of doing, but “it defines neither the objectives to be achieved nor the values to which one refers” (De Robertis, 1988, 65). This explains why similar techniques can be used by different professionals with different objectives, principles, and values. The methodology is explained only within an intervention model. The model tries to answer the how, when, where, for what, and why of the intervention (Viscarret Garro 2007, 301) so they carry implicit, not only theoretical or analytical elements, but also methodological (techniques), philosophical, and ideological elements (Amaro 2018).

There are numerous mediation models according to the scientific literature. We are going to distinguish the following ones according to Nadal Sánchez (2016) understanding that any other model is a variant of those that will be mentioned and can be categorized depending on the paradigm they are based.

Within the agreement paradigm, Harvard University around the 1980s developed alternative dispute resolution and negotiation systems as opposed to the traditional system, the trial or jurisdiction (Fisher, Ury, and Patton 2011). Various models can be distinguished, such as that of Christopher W. Moore (Harvard approach) or that of Jacob Bercovich (inductive approach). According to Nadal Sánchez (2016), this allows us to state that within a theoretical approach we find different styles or models of mediation, specifically four: facilitative, evaluative, strategic or inductive mediation.

The communicational paradigm has allowed the emergence of several schools of mediation, among which the transformative

and narrative circular approaches stand out. The transformative approach (Bush and Folger 1994) attributes to mediation a transformative potential that goes beyond the individualism of the settlement paradigm, impacting and transforming the “social areas” or areas of interaction. This theoretical approach was expanded and revised by the narrative approach (Winslade and Monk 2000) (Cobb 1993) (Suares 1996) which considers the objective that the mediation process ends with the resolution of the conflict, although it is not a sine qua non requirement, as the importance of communication and the transforming and maturing capacity of the conflict.

As we have been able to observe, the literature begins to address the situation of mediation as a discipline, trying to identify its contributions to scientific knowledge, from its origins, disciplines to which it is especially linked as contributors to its knowledge, identity elements, such as axioms, models, methodologies, and intervention techniques. We now ask ourselves what the experts and professionals consulted in this study think about all these questions.

5 | Method

In order to achieve the aforementioned objectives, research was carried out through interviews and discussion groups. The ATLAS.ti version 9 software was used for the discourse analysis, using a total of 9 codes previously elaborated and grouped into three categories, which yielded a total of 313 quotations (see Table 2). Taking into account the scientific literature, three categories have been utilized: discipline, profession, and relationship with other professions. The primary focus has been on the four codes within the category of “discipline” (discipline y/n, elements, origins, and research). However, all categories and their codes have been reviewed to incorporate information that could be of interest and to consider a more holistic perspective of the situation of mediation in relation to other professions and disciplines. These categories guided both the development of the interviews and focus groups as well as the subsequent analysis of the obtained discourses.

The sample is composed of teachers and mediation professionals from eight countries, Belgium, Spain, Portugal, United Kingdom, Italy, Sweden, Norway, and Finland. Seventeen participants were interviewed (E1–E17) and three focus groups were conducted with 22 participants (P1–P22), for a total of 39 participants.

Seventy-four percent of the total participants in this study were women (29) compared to 25.6% men (10). The mean age of the participants is 51.2 years, with a standard deviation of 8.3, which is explained by the selection criterion of persons of recognized prestige and extensive professional or teaching experience. The mean number of years of experience of the participants in the study is 16.7 with a standard deviation of 7.1. The main objective of this study is to offer an interdisciplinary vision, which is why we have worked with professionals from different disciplines. However, 41% of the participants were social workers, which may have influenced the results as this discipline was more represented than others.

More than half of the participants, 58.9%, have or have had experience as mediators, of whom 38.4% are professionally engaged

TABLE 2 | Analysis categories.

Categories	N	Code	Quotations
Discipline	4	Discipline yes/no	16
		Research	7
		Origins of mediation	6
		Mediation models	14
Profession	3	Training	46
		Professional identity	53
		Profession yes/no	33
Relationship with others	2	Confusion with other professions	77
		Mere techniques versus profession	61
Total	9		313

in mediation, while 28.2% are trained teachers who carry out some form of mediation sporadically. The area of intervention or specialization of almost half of those interviewed is family (48.7%), followed by interdisciplinary and community (30.7% and 10.2%, respectively).

The 17 interviews were conducted with six professors from higher education institutions and 11 professionals from Spain, Portugal, the United Kingdom, and Belgium. Snowball sampling was used for the interviews, as participants offered their own contacts to increase the sample.

The first focus group (FG1) was formed by 11 participants (P1–P11), teachers and professionals trained in mediation, and members of the Complutense Institute of Mediation. The second (FG2) with five participants (P12–P16) was formed by mediation professionals and experts from social work, law, and social sciences disciplines. The third (FG3) with six participants (P17–P22) consisted of professors and professionals from various fields who were not mediators, with the aim of gathering the opinions of professionals and experts who do not work professionally in mediation.

6 | Results

6.1 | Mediation as a Discipline

All professionals and trainers expressed the difficulty of answering this question: is mediation a discipline? None of the participants in the study, neither as interviewees nor as participants in the discussion group, defend mediation as an autonomous discipline, either scientific or academic. A total of 79.4% do not answer the question, while 20.5% of those who do so indicate that, in their opinion, it cannot be considered as such today, although they do not rule out the possibility that it could become so in the future.

As a somehow scientific or academic discipline it does not have enough magnitude. It is a tool. The most

important, perfect, whatever we want or however we want, but within conflict management, which is something much broader

(P2 in FG1).

In the future I think it could be a discipline, in the future (...). I think that there could be a sufficiently well-developed theoretical load based precisely on these other disciplines and from there generate a totally new profession

(E10).

Only two participants, both social workers, classify the debate in the field of epistemology and the contribution of mediation not so much as a form of intervention but as an area of knowledge.

For me it is a tool; we cannot talk about a model of intervention, models and frameworks of intervention, we can discuss this. I don't think we can talk about mediation theory because we must go to classical theories, social theory, systemic theory, ecological theory, etc.

(P12 in FG2).

I believe that acquiring competencies has to do with knowing, with knowing how to do and with being, right? Knowing how to do has to do with techniques, knowing how to be has to do with personal skills, with how I relate to myself on a personal level and how I think in relation to myself, and then of course it has to do with an approach to epistemology, with theoretical knowledge

(E15).

6.2 | Levels of Analysis: Axioms, Theories and Models

Throughout the interviews, the mediation models are not analyzed in depth, but some essential elements are referred to. Mediation is a transforming process that stands as the main instrument to achieve collaborative conflict management. Mediation makes it possible to maintain the personal relationships of the parties in conflict, which is especially important in some areas, such as family mediation (E1, E17). But perhaps most important is the need to improve communication, dialogue, between the parties. Mediators must help citizens to negotiate rather than litigate, to dialogue, to discuss, to communicate in crisis situations.

Because we do not know how to negotiate, because we do not know how to understand things, because..., because we do not know how to discuss. People who say: "I don't want to come here to discuss". No, you have come precisely to discuss. Another thing is that

you don't know how to discuss, but you have come to discuss

(E13).

It is affirmed that what mediation offers fundamentally is a space for dialogue and facilitation (E1, E3), through collaboration and empowerment (E15) and from respect and listening to others (E9) it helps to put oneself "in their shoes" (E3, E5). But above all, emphasis is placed on the exercise of free will, which implies not only the freedom to make one's own decisions but fundamentally the need to commit oneself and take responsibility for the agreements reached (E13, E3).

You cannot tell a person who knows nothing about your life, who will not take into account your feelings, your emotions, your desires, or your wishes, to make a decision for you. It is better that you make it

(E14).

In all countries, very different mediation objectives are identified, depending on the field in which the intervention takes place. In the United Kingdom, community mediation works predominantly with individual interviews, on the understanding that this is the most effective way for users to better express their feelings. The priority objective is to generate enough space for the user to say what he/she really wants without the pressure of meeting the other person (E3, E4, E7). However, they are aware that the British model, based on individual interviews, is not usually followed in other European countries or the USA (E7).

In the UK, you always see people separately first. The reason is because if I ask them to tell me what the situation is, they will tell me something. They will never tell me in a room with other people

(E1).

I know that's not the way Dutch mediators would work, but that's the way I'm going to work. I combined a commercial model with the British model of continuity, one person at a time, and put in a number of different structures to work with and it worked very well. But my Dutch friend, who is a long-time mediator, said, "No, we would never do that." I replied, "but then when can they clearly express how they feel about the situation?" They answered me that they would do it in the mediation office, but I thought... "they will never do that"

(E1).

In the field of family conflicts, however, it is precisely this, the possibility of talking directly with another person in the same physical space, that many professionals value in mediation.

This is not just talking, it is not just one hour, it is a process that can take a long time and it is also

important to say that it is a linguistic issue, it is introducing people to talk to each other, dialogue, it is learning again to talk to each other, very basically sometimes, which is the most basic thing

(P16 in FG2).

What the participants do agree on is the need to promote a model that not only takes into account the need to reach agreements but also, and fundamentally, to improve communication and maintain relations in the future.

There are times when agreements are not reached, but simply going through a mediation and conflict resolution process is a learning experience, and sometimes you can't get the results you want, but I think it can establish a way of talking and a new perspective

(E15).

One of the biggest things we give people is time to talk. That's huge. Listening to them and not trying to respond in a way that is fixing the problem. Not trying to respond with suggestions, not trying to direct them somewhere else

(E3).

6.3 | Mediation and Its Relationship With Other Disciplines and Professions

Mediation as a discipline is directly linked, according to the participants in this study, to the mediator's profession. The main difficulty pointed out by the participants is the confusion that reigns among users, and even among mediators themselves, regarding the role of a mediator in comparison with the negotiation that can be carried out by other professionals, especially lawyers, psychologists, and social workers.

For some participants, mediation is a set of skills or an intervention model that is applied within the framework of the intervention of their profession of origin (E7, E17, FG2). This has been highlighted mainly by social workers, who understand mediation as part of their intervention as a social worker themselves.

For me mediation is a social work tool, not a profession because I believe that it cannot be a profession because it does not have elements for the construction of a profession that is built on a specialization of professional intervention

(FG2).

Others consider that it is a specialization of certain professionals, who develop an intervention different from that of their profession of origin, but without having the category of a profession in itself (E2, E9, E10, E17).

What I defend is that mediation is a specific methodology, an intervention methodology that has

models, principles, tools, well, a whole set of situations that make it different from other equally important and relevant intervention methodologies

(E16).

The participants in the study pinpoint some of the elements that should help to identify a mediation model as opposed to a model from another discipline.

First of all, the mediator's intervention is very specific, since he/she intervenes only when there is a conflict and with the fundamental objective of reaching an agreement (E1, E5, E8). This distinguishes him/her from other professionals who may use the same techniques, but their intervention is broader. Thus, for example, psychologists, who do not seek an agreement, or at least not necessarily, but rather an intervention that improves the well-being of their patient or patients, likewise emphasize that psychological intervention is more prolonged in time since it has broader objectives (E10, E11). The same occurs with respect to social work intervention, where a possible negotiation is framed in the context of a broader one, since there may be previous or subsequent interventions, with different objectives and context. It is fundamentally a work of accompaniment and support in a difficult situation (E15). This is what some participants identify with the "look" or "position" from social work.

The question is where the social worker is, the position, when he/she is mediating and the other difference is where he/she is, how the mediator positions him/herself when mediating between two people or parties. The social worker is always on the side of the weaker, of the one who suffers, with whom they intervene

(P17 in FG3).

Secondly, the mediator is not an authority figure or an expert, but a facilitator (E3, E6, E14). The importance of the principles that should guide the mediator in his role is emphasized, fundamentally neutrality and impartiality in his/her work, which help to distinguish the mediator's intervention from that of other professionals. The distinction with professions such as psychology or law in this aspect is clear, since these professions adopt a more directive or expert role, where neutrality and impartiality either do not apply or are understood differently.

Therapy is directive in the sense that your objective would be to modify the system of beliefs and behaviors of these people, but it will be based on your recommendations, your guidelines, your prescriptions... It would have nothing to do with the mediation process, which would be more about facilitating things, guiding, wouldn't it? Not saying exactly what you have to do, that would be the fundamental difference

(E11).

Lastly, the participants emphasized the importance of the process, the work methodology that makes the difference between

different professions, even if they share the same techniques. Many professionals use active listening, paraphrasing, rephrasing, etc., as part of their intervention, such as psychologists, social workers, or, less so, lawyers. What distinguishes one intervention from the other is not the techniques, but the model in which they are applied, the principles of the professional's intervention and the objective to be achieved.

Social workers are social workers. They have mediation tools and they can use them to perform small mediations, in the sense of helping people to listen to each other... whatever you want. But when people need mediation, they have to be referred to others. However, sometimes, that same social worker is the one who puts on the mediator's suit, and there is no referral, but it should have another context, another procedure, other objectives...

(E14).

The participants in this study consider that precisely the method, which is what makes mediation a mediation, is sometimes blurred, making it difficult to see the differences between the intervention of a mediator and that of a social worker or a lawyer. This generates confusion, not only among users, but also among the mediators themselves, who do not fully understand the difference between their role as mediator and their role as lawyer, social worker, or psychologist.

There are many lawyers and many psychologists and many social workers who cannot be mediators because they are not able to change that role and then they end up doing exactly the same, that is, let's say that the training they have in mediation is a kind of whitening, right (...). I have seen this in lawyers, but I have also seen it in psychologists, who say, "well, I just don't see the difference", so that's when I say: "Well, maybe you shouldn't be a mediator because it is true that it is different, and I think there are professionals who don't see it"

(E10).

Let's see, within the code of ethics of lawyers, right, you have to try to reach a consensual solution with the other party, but that is a negotiation, it is bargaining, but it is not a mediation

(E9).

6.4 | Training and Research

All the interviewees, except four who did not speak out, understand that research in the field of mediation must improve if it is to achieve a higher status compared to other disciplines (E17, E16), incorporating less theoretical and more empirical research, of a qualitative or quantitative type. Only research will allow us to reflect on practice and thus grow as a discipline. This was especially highlighted in the first focus group by all participants.

We, mediators, have not put enough pressure on our institutions to say "the type of intervention I carry out does not meet the needs of the family". I need time to investigate, to go deeper and to implement (...) I have not done it, I recognize that I have entered my routine, of which I then complain and feel burned out, but I have entered my routine of attending to families, and I have not said "I am going to sit down with my director and my group of colleagues to say, it is over, this does not work, we have to change, tell me what possibilities we have" (...) I do not think I am doing enough

(P6 in FG1).

To this must be added the need to increase the demand for mediation, which will allow the studies to deal with a volume of cases that will make it possible to arrive at meaningful findings, rather than biased or testimonial ones.

If you ask, what has forty years of mediation history, produced? You may think that there is very little scientific literature on mediation, but you see the publications that were made 40 years ago and the things that were written about 40 years ago, and they are still being written and they are still talking about the same thing, it is repeated. There is no research, there is some, but in the end it comes down to whether a mediation has been successful or not. There have been advances in research on the type of interventions but very little compared to what could be expected in 40 years of history (...) We are still talking about the three or four basic models and when someone raises another model you see that it is hooked to other models that already existed

(P1 in FG1).

If science is not produced in a profession or in an activity, it is true that it is more difficult to make progress and to be taken seriously, etc. In order for science to be produced in medicine, for example, and there is a lot of science in medicine, the number of people in the health area who stay in the faculty doing research or stay in an institution to do research is about 10%. The other 90% is attendance. So, of course, in mediation there is no science, but because we still do not have the necessary volume of attendance, and as long as we do not have it we cannot do science (...). When we have a mass of attendance from which to obtain data from which to do research (...) then science will be created

(P8 in FG1).

7 | Discussion

The main contribution of the study lies in its integration of academic literature review and professional insights, providing

distinctive advancements in knowledge by engaging diverse professionals from various countries and expertise areas. The participants of this study believe that mediation is not a scientific discipline, while the limited literature focusing on the subject argues for its status as such (Nadal Sánchez 2016; Romero Navarro 2011). Professionals struggled to define mediation as a scientific discipline, not due to lack of knowledge but because it is a challenging question, even for academics. One could argue that professionals may consider it the responsibility of academia to address this issue, or that this matter is irrelevant to them in their professional practice, as pointed out by Costa e Silva (2015).

During the interviews and focus groups, participants made few explicit references to mediation paradigms, axioms, models, or schools. However, these concepts were implicitly present in their discourse. For instance, they discussed conflict causes (orientational axiom), mediation as a catalyst for change (estimative axiom), and the empowerment of conflicting parties (regulative axiom). Interestingly, participants emphasized communication restoration over agreement achievement, reflecting a broader life philosophy guiding their intervention, which may also be a result of the place, field, and area of training received to become a mediator. While their approach aligns with transformative or narrative circular models, no participant strictly adhered to any single model, highlighting a diverse and adaptable approach to mediation.

The sample, characterized by its international and interdisciplinary nature, has allowed us to identify serious difficulties among some professionals in distinguishing mediation intervention from the intervention they would carry out as part of their original profession, something also noted in the scientific literature (Soletto Muñoz 2017; Consejo General de Trabajo Social 2014). It is possible that the interdisciplinarity of mediation is a factor against its supposed autonomy from other disciplines. Particularly striking has been the constant reference to “eclectic” intervention models, as noted by Wall and Kressel, (2012, 407) pointing out “mediator stylistic flexibility” and how there is a significant number of mediators who present themselves as having an eclectic style. However, in fields like mediation, where interdisciplinarity is inherent, mixing elements from various areas from the outset, it can lead professionals, and worse, users, to be unable to distinguish their intervention from that of other professionals, or conflict management from other disciplines. It is essential that, despite being eclectic styles or interdisciplinary subjects, a diverse object of study or intervention can be identified, different, and autonomous from other disciplines or professions, if scientific autonomy is to be achieved. This confusion is evident when professionals indicate that they carry out mediation using models not covered in the scientific literature or models more typical of their original disciplines, or without a model or intervention methodology based on scientific principles. In other professional domains, there's advocacy for academia and practice to complement each other (Amaro 2018), not just to validate methods and tools, but also for professionals to distinguish their intervention from others. This could prevent confusion or encroachments, as revealed by this study, though it may entail restricting the intervention's scope and setting boundaries that aren't always preferred (Blanco Carrasco 2022).

Finally, participants in the study identify the primary obstacle to mediation's advancement as a discipline: the lack of demand. This results in research being overly theoretical and limited to repetitive topics due to insufficient cases. Applied research often lacks user involvement and is approached from the mediator's perspective. To tackle this issue, a cultural shift is proposed, along with mandatory mediation sessions for citizens (Boqué Torremorell 2003; Herrera de las Heras 2017).

8 | Conclusions

The unanimous response to our initial inquiry in this study regarding whether mediation possesses enough significance to be deemed an independent discipline in relation to others has been negative, although some argue that it is “in the process” of attaining this status. This would imply placing mediation in the category of a proto-science or embryonic science, understanding that, besides lacking substantial empirical and experimental research and a sufficient body of cases to experiment upon, there is also a need to determine a subject of study distinct from other fields and to establish a professional identity different from other professions. It can be understood that these results suggest that it is not just mediation, but rather alternative dispute resolution systems in general, that can be regarded as a distinct discipline, although mediation holds a prominent position among these systems.

The findings highlight certain needs expressed by participants to grant mediation a degree of significance and autonomy vis-à-vis other disciplines. Firstly, there is a need for critical reflection on intervention, integrating it into requisite theoretical frameworks and equipping it with appropriate methodological tools. While techniques may overlap with those of other professions, it is the understanding of the why, how, and purpose of intervention that enables its differentiation. In applied sciences, the amalgamation of theoretical and practical knowledge is vital for an “epistemology of professional action” (Costa e Silva 2015, 34). Mere knowledge is insufficient; its application and reflection pave the way for theory to inform practice. Without this critical reflection, mediation risks remaining a mere specialization within other disciplines.

Secondly, although interdisciplinarity is integral to mediation as a scientific discipline, it presents a significant challenge in distinguishing itself from closely related disciplines or professions. Professionals must discern their role as mediators from the interventions typical of their original disciplines. While academic interventions are distinct with unique paradigms, models, methods, and styles compared to other professions, this study reveals notable methodological confusion that impacts users. While many professionals facilitate dialogue in conflicts, mediation must differentiate itself both theoretically and practically to attain autonomous disciplinary status.

Lastly, there is a pressing need to enhance research quality with empirical studies that address practical realities rather than ideal scenarios. These studies should involve service users rather than solely mediators and professionals. To achieve this, there must be a substantial increase in demand for mediation,

providing ample data to enrich this field of knowledge with scientific rigor.

In ultimate analysis, the true significance of determining whether a subject or occupation qualifies as a discipline lies in acknowledging that, paradoxically, its importance dwindles when it has yet to attain that status, whereas its value is magnified once it ultimately solidifies as an established academic discipline.

Author Contributions

All authors contributed in meaningful ways to the research and agreed to be authors. The authors are listed in order of authorship.

Ethics Statement

This research has been developed taking into account the current regulations on data protection, as well as the document on guidelines for researchers on data protection in scientific research activities of the ISCTE-Instituto Universitário de Lisboa.

Conflicts of Interest

The authors declare no conflicts of interest.

Data Availability Statement

The data that support the findings of this study are available from the corresponding author upon reasonable request.

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