Mediation Is Interaction: A Tool for Assessing Mediators' Soft Skills as a Common Source in Training and Practice

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Abstract

To date, the mediator profession is characterized by a plurality of theoretical approaches and models of intervention. This state of things risks increasingly fragmenting the role identity and practice of the mediator profession instead of orienting it toward common elements. Its implications undermine the identity of the

mediator's role as theoretical-methodological differences become elements of dispute among those involved in dispute management, thereby reducing the internal cohesion of the profession and delegitimizing mediation as a tool that the community can resort to as an alternative to law. From these assumptions, the aim of this paper is to propose a tool that, by identifying six soft skills, cross-cutting to the intervention models, supports the training and professional practice, with a value of cohesion between the various models, and linking the national and institutional specificities of the European states. Therefore, an instrument that also has the prospect of contributing to the process of standardization of education in the terms of a common European model.

Keywords

mediator skills, dialogical interaction, M.A.D.I.T., social cohesion, dispute resolution

Introduction

Among those involved in restorative justice, in general, and mediation, in particular, some open questions remain, that are still lacking shared, clear, and rigorous answers (Alexander, 2008; Berger, 2018; Kressel et al., 2012; Turchi & Romanelli, 2019). The most relevant is related to the plurality of theories, approaches and models that guide mediation intervention and characterize the identity of the mediator's role (Bush & Folger, 2004; Della Noce, 2009; Morineau, 1998; Winslade & Monk, 2000). This issue threatens to increase the risk of fragmentation at a professional level: the diversity of theoretical-methodological references could become a disvalue and (paradoxically) an element of dispute among practitioners in the field. Furthermore, in that respect, mediation is likely to delegitimize itself in front of the community as an alternative to, or a complement of, the law in managing disputes and interactions.

To address this critical issue, we defined a question that can trigger a knowledge process capable of both establishing and legitimizing mediation as an operational tool, useful and supportive to the community: how to maintain reference points that can preserve the theoretical-methodological specificities of the intervention models adopted by mediators, though superordinate and common to mediation?

Answering this question calls for defining cross-cutting elements for mediation, a common ground to which every mediator can belong and within which they can develop and maintain the practice of their professional role and activity. In this way, the strategic value that arises considers the possibility of identifying, monitoring and developing with common criteria the contribution that each mediator offers in his or her intervention, in the variety of theoretical-methodological references (Fritz & Fritz, 2014).

The aim of this article is to propose a tool that, by defining common elements, will provide support for training programs for the professional mediator, which serves as a link between the various models of intervention, fields, and, in general, between the national and institutional specificities of the various European (and other) states.

Therefore, a tool that also could contribute to the process of standardization of education according to a common European model. The common elements mentioned above are six soft skills designed to support the training and practice of the mediator role, considering the requirements of the role: 1. ensure effectiveness and efficiency in the management of mediation interventions; 2. constantly monitor how the role of the mediator is practiced, so as to detect aspects that should be addressed with training and updating; 3. have criteria that can detect the training specifics of the role, allowing focused targeting of investments by each professional and mediation organizations. Hence, the focus is on both the training of the role and the exercise of the role.

What Are the Cross-Cutting Elements of Mediation Interventions?

The six soft skills that will be described, which are the cornerstone of the proposed tool, were defined through the theoretical background of dialogics and of Methodology for the Analysis of Computerized Text Data – M.A.D.I.T.; (Orrù et al., 2022; Turchi et al., 2021; Turchi et al., 2023), which allowed the study of the interactive frameworks that characterise transformative interventions. The theoretical reference of the tool that is proposed for measuring soft skills is dialogics (Turchi et al., 2021), a science that finds its origins and developments from symbolic interactionism (Blumer, 1969; Goffman, 1959), sociology of knowledge (Berger & Luckmann, 1966), discursive, and narrative psychology (Bruner, 1990; Harré & Gillet, 1994) and from Wittgenstein's (1933) remarks dedicated to the relationship between language and the world, the ordinary language as lifeform (Wittgenstein, 1953) and the certainty of discursive realities (Wittgenstein, 1969). Within this interactionist paradigmatic framework, attention is given to how natural language's use concurs to generate configurations of a sense of reality through interaction (Turchi et al., 2014a).

What Happens in Mediation?

Within the interactive framework that characterizes mediation, there are two or more parties in dispute over an issue (example given, social, criminal, family) and a role that is an extra party to the sides, which interposes itself between them to promote concerted modes of interaction in managing the dispute generated between them.

What is Generated by an Effective Mediation?

If the intervention is effective, the parties reclaim the elements that created and maintained the interactive framework of dispute, then become familiar with it and able to manage it independently (including in future situations). As a result, the parties change their ways of interaction, replace modes of clash with modes of cooperation, use common reasoning, and make proposals instead of claims. The shift is from two different interactive realities, conceived as exclusive from each other, to a reality in which the other party is contemplated in the management, legitimizing him/her as a role that can contribute and respond. In an effective process of mediation, it

generates a change in the way the parties describe themselves, the other party and the situation that is the subject of the dispute.

What is the Role of the Mediator in the Interaction Process Leading to Change?

The mediator's task is to join the interactive framework generated by the parties, transforming the way parties interact on the object of the dispute. The mediator does this by (a) calling the parties to share their narratives and helping them to take the other party's narrative into consideration; (b) asking the parties questions and giving them a different reading of the dispute; (c) promoting the expression of the contribution they can offer. Within the mediation intervention, the mediator becomes an interactor, that is, an element that interferes in the dispute between the parties, by promoting a change in the interactive framework.

Does the Intervention Model of the Individual Mediator Affect This Role?

Each intervention model refers to knowledge through which the mediator observes the dispute and organizes and delivers the intervention. The mediator is called to apply these tools while fitting in the interaction between the disputing parties, with a view to promoting change. The mediator set his/her own knowledge and applies his/her own operational tools within the interactive framework between the parties, and these bridge the specifics of the intervention model practiced by the mediator as it relates to how he/she sets up and fosters the conditions that then allow him/her to apply the model.

Regardless of the Intervention Model, What Then Is to Be Generated in the Interaction With the Parties?

One or more elements superordinate to the parties (example given, goals and objectives), generated in a shared way among them with input from the Mediator, can be used as a carrier of cohesion within an interactive framework of fragmentation among the parties. Concomitantly with this, it promotes that the parties make explicit strategies and actions that enable change in the interactive framework: in this way, rules are shared and agreed upon, to allow each party to play a role in dispute management. The mediator enables himself/herself to monitor what he/she can promote, guiding the parties in this process.

What Tools Are Used by the Mediator?

The tool used by every mediator is the natural language: the language allows the mediator to be an interactive part between sides, in order to promote the evolution and change of the interactive framework and the resolution of the dispute. Therefore, particular attention should be paid to how the mediator puts the questions he/she asks the parties and gives a reading of the situation. The focus is then on the degree

to which the mediator masters the use of language as an operational tool to: (a) generate a common and shared reality between the parties, not just to gather information; (b) trigger and guide interaction between the parties; (c) enhance the generative potential for change that each party can express through common references.

The Five Transversal Principles of Mediation

Considering the questions and answers given so far, to make explicit a theoretical reference is necessary, that allows to: (a) order and unify the peculiar assumptions of mediation; (b) give a basis to the definition of soft skills for the role of mediator. That is, refer to five transversal principles (Turchi & Romanelli, 2019):

1. every arrangement of dispute originates in the interaction between members of the human species;

2. interaction is generated in the use of natural language, so in the light of the dialogic process;

3. mediation fits in as an operational tool to support the management of interactions that are generated among members of the human species;

4. any intervention for the management of interactions assumes the use of natural language (the same through which dispute frameworks are generated);

5. observation of the rules and modes of use of natural language that generate the narrative architecture of the dispute allows the interaction to be placed on a continuum that oscillates between fragmentation (that is, the opposition between own and exclusive realities) and cohesion (that is, realities in which both parties contribute to the management of the dispute through common references).

M.A.D.I.T. Methodology for Defining and Measuring Soft Skills

Deriving from the paradigm of dialogics, the M.A.D.I.T. methodology allows for the analysis, description, and measurement of how configurations of sense of reality are generated by peculiar modes and rules of language's use: 24 clusters called Discursive Repertories (DRs; Turchi et al, 2014b; Turchi et al, 2021). Each DR describes peculiar ways of using and linking the text that shapes the narratives, attributing a specific numerical value to the discursive data, which represents the extent to which each DR contributes to the maintenance or modification of the detected interactive reality.

In this theoretical-methodological framework, the construct of "soft skill" is conceived as a mode of interaction using the language of a technical-operational nature, developed through specific training strategies, which enables the professional role to manage (also in anticipation) possible interactive scenarios across contexts and situations in which they may occur. Within M.A.D.I.T., these interactional modes refer to the peculiar ways in which a role uses language, turned into actions implemented

in interaction with other roles. In the context of Mediation, the different narrative architectures used by the Mediator correspond to as many modes through which it fits into the management of the interaction between the parties.

The Six Soft Skills, Cross-Cutting the Intervention Models for Exercising the Mediator Role

Considering the description of interactive framework which generate during mediation, the assumptions of the general theory of mediation, the dialogics references and M.A.D.I.T., we propose the following six soft skills, cross-cutting the intervention models for exercising the role of the mediator (Table 1).

Table 1
The six soft skills, cross-cutting the intervention models for exercising the role of the mediator.

Skill	Definition
Description of the parties' need	How successful the mediator is in remaining third/impartial about the expressed positions of the parties (that is, the ways in which they interact) and the needs based on which the issues of dispute are generated.
Shared design of an aim, superordinate to the parties	How much the mediator promotes that the parties participate in the mediation process by representing it as an opportunity in which each party can manage the situation in terms of shared responsibility, thanks to the contribution of the other, and thus move toward a superordinate reference to be used within the mediation process.
Shared design of strategies for pursuing the superordinate aim	How much the mediator promotes that each of the parties propose ways of interacting with the other party, aimed at facilitating the change of the dispute and the maintenance of the new interactive framework.
Anticipation of future scenarios	How much the mediator promotes that the parties consider the possible future implications on the other party and the situation of engaging in conduct.
Use of available resources	How much the mediator promotes that the parties also consider the resources available (e.g., social network, material goods, knowledge of services) for changing the dispute setting.
Monitoring	How well the mediator can identify the elements used by the parties to generate change in the dispute setting, and consolidate them as available assets, both during and at the end of the mediation process.

The Tool for Measuring the Skills Profile

In this section, we proceed with the description of the tool by measuring the skills exercised by the mediator. The measurement is divided into (a) collection of the interactive modes for each of the soft skills, conducted through a questionnaire of multiple-choice questions (based on the DRs); (b) processing the responses to the questionnaire and producing the output.

The Structure of the Questionnaire

The questionnaire consists of six questions, each one with four response options. The time for completing the questionnaire is approximately 15 minutes. Each question explores a specific skill, and each answer reflects a peculiar scenario of skill exercise, detected through the DRs used. Indeed, each answer incorporates specific discursive modes (DRs) and has a particular numerical value, coherent with the DRs' values used in the answer. This will enable the respondent to select the answer based both on the meaning of the words and, more importantly, on the discursive mode that the answer conveys. Four response options are offered for each question, respectively conveying a language use corresponding to four levels of skill, exercised by the mediator (low, medium-low, medium-high, high). Answers with a high degree highlight a language use that can observe and clarify the process of managing interactions, thus they account for a higher potential for ruling interactive set-ups.

The questions cover the entire operational spectrum of the six soft skills; practical situations requiring or recalling the use of all six skills are reproduced, placing the respondent in the management of specific situations, designed to relate to the specific skill. In this way, the questionnaire tracks how the respondent uses language in the exercise of each one of the six soft skills. So, the measurement of the single skill is of the discursive way the mediator uses to configure that skill.

In addition, the measurement can be done on a one-time basis, to certify the current skill's level, or at different times, in cases where it is required to corroborate a gap in the level of skill's practice (e.g., before and after training). In such cases, a first administration of the questionnaire will be carried out before the training begins, and will report the configuration of skills related to the time prior to the training (T0 time); a second administration will be carried out at the end of the training path, so as to verify whether and to what extent the training has interfered with the configuration of skills, and thus on their level of exercise in the time following it (T1 time). Given that the mediator's skills are intended to be applied in professional activity, a further survey could follow some time after the end of the training phase during which the mediator will have put his/her skills into practice in real cases (T2 time). This further survey would be able to certify whether and to what extent the mediator is able to maintain the configuration of skills detected at T1 over time, and so whether the use of skills, enhanced through training, is actually used and implemented by the mediator. At T2, the skill level might even be increased compared to T1: this could be an indicator that the training has increased the mediator's mastery of his/her skills in managing interactions, such that each application reinforces the observation and management of the interaction process.

The following is an example of how the questions and answers in the questionnaire are tailored (Table 2). The first question aims to measure the skill of describing needs, which detects how much the Mediator keeps him/herself third/impartial to the expressed positions of the parties (i.e., the ways through which they interact) and the needs on which the issues of the dispute are based. The following table shows the question and the four answering options (ordered from low to high degree of

exercise of skill). The question asks the respondent to choose the options that best reflect how he/she can describe the situation being mediated. The answering options convey both ways of shaping reality regarding which the use of language respectively generates its own and exclusive realities (low level of skill) and ways that offer descriptive elements of the interactive framework, and so that used language that can expand the cognitive and sharing potential of reality (high level of skill).

Table 2
Exemplification of question and answering scenarios.

Question 1: Which of the options listed below would you use to describe the situation for which you engage in the mediation process? (Choose one)

Answering option:

1. I would describe the most harmful actions and mistakes that were made, so that through mediation the same situation will not be repeated and that we will learn from mistakes.

2. I would describe the behaviours of one side that affected the other, to highlight what the relationship was that led to starting the mediation process.

3. I would describe what each part's mistakes and responsibilities were, and why they failed to handle the situation directly and why the mediation process was started.

4. I would describe the parties' talk about the situation, the attempts to handle it, and what is expected from the mediation process.

In response no. 1, the mention of "the most harmful actions" and "the mistakes that have been made" closes the reality of the situation in judgments (repertory of Judgment), crystallizes the need for mediation on the fact that there have been "mistakes" (repertory of Certify Reality), and encloses the configuration of the dispute through the use of causal links, as if the situation were determined by the mistakes made (repertory of Cause). If the mediator chooses this option, he/she shapes the reality of his/her intervention as aimed at evaluating reality (judgment), identifying errors (establishing reality), and looking for causes and causal links. In this way, he/she uses language that reduces the observational potential of reality and underlines a lower degree of skill in the dispute observation. It also highlights a potential for overwriting (interpreting) the reality of the dispute, into the observation of which he/she offers his/her own personal positions and personal values that can undermine his impartiality and the intervention design.

Otherwise, in response no. 4, the language used shapes the reality of the situation to be managed referring to descriptive elements ("the parties' talk about the situation"), as if to open a window to the situation and enable to observe what is happening, without evaluation or overwriting, and without the use of predetermined patterns or personal theories. The choice of this answer is not obvious, as the description it conveys widens the margin of uncertainty in the observation of reality, that is, it frees the observational process from patterns or preconceptions and lets the interactive scenario be gathered in its uniqueness and indeterminacy. This configuration

accounts for the fact that the Mediator stands in a direct relationship with the interactive reality to be managed and collects its elements as they are emerging. The Mediator exercises his/her role from what the parties offer, and this allows for an impartial observation of the situation, against which it will be possible to define the most appropriate and relevant operational strategy for the management. Therefore, the use of this way of shaping reality opens a more efficient and effectively management of the next steps in the mediation process, making operational strategies fitted to the actual situation. The choice of this answer, so the way of configuration conveyed, highlights a higher level of skill of the Mediator regarding the observation of the situation to be handled.

The Processing of Answering the Questionnaire and the Output

Questionnaire's answers are processed by translating the relationships between them into a specific equation: $S1*\{[S2*(S3+S5)+S4*(S3+S5)]/2+S6\}$. Each skill ($S_x$) comprises the numerical value detected with the Mediator's choice of a particular answer. As the equation shows, the skills have different relationships among them, described in the following table (Table No. 3).

Skill	Relations
S1. Description of the parties' needs	It expresses greater relevance than the others as it acts as propaedeutic to the others, enhancing or depowering their overall contribution.
S2. Shared design of an aim, superordinate to the parties	It balances skills three and five to the extent that whether or not the sharing of a superordinate aim or reference promotes or hinders the proposal of strategies (S3) and reference to specific resources (S5) by altering their potential contribution to dispute management.
S3. Shared design of strategies for pursuing the superordinate aim	Skill three is complemented by skill five (use of resources) since they are two distinct elements that can contribute to the pursuit of the goal; they are thus linked by a sum. We consider the possibility of using the "sum" since the skill three does not necessarily involve the use of resources (skill five)[1].
S4. Anticipation of future scenarios	It interacts with the "sum" of skills three and five as it considers the anticipation of possible scenarios where particular shared strategies (S3) are applied and peculiar resources are referred to (S5).
S5. Use of available resources	See skill three.
S6. Monitoring	Autonomous skill but not independent of the others (so to be added), given that the monitoring skill can be exercised since all the others have been exercised, and to be able to exercise the other skills again (where further action is considered).

Table 3
Relations between the six skills.

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1 Since skills S3 and S5 are needed twice, the mathematical operator "/2" is inserted so that their contribution is not doubled.

Through the application of the formula, a discursive numerical datum specific to each skill and an overall interactive value between them is obtained[2.]

Conclusions

In conclusion, the proposal in this paper invites mediators and mediation trainers to think about what the common and cross-cutting elements of mediator activity are, beyond the different theoretical and methodological models. Indeed, this proposal offers an opportunity to share a common lens for observing what happens in any mediation, which can be summarised as follows: *mediation is interaction*. Any mediation model is called upon to base and generate effective interaction between the mediator and the sides; by deploying his/her knowledge and the skills on which he/she has been trained, any mediator is urged to generate a shift in the ways of interaction implemented by the parties from situations of fragmentation to situations of cohesion.

The value of using this observational lens can be found in considering that it offers a description of the mediation process that is also valid for the parties to the mediation. Indeed, the parties to a mediation do not share the mediator's theoretical and methodological knowledge: for them, mediation is "what happens in the time and space of mediation"3 (Bouchard, 2021; Folger & Jones, 1994; Palermo, 2022).

For the parties, mediation is interaction too: if mediation is effective, it is an opportunity for them to interact in a new way, different than the way they used at the beginning of the process.

Mediation as interaction, in fact, allows mediators and trainers, albeit trained with different theoretical and methodological models, to recognize the need for effectiveness and efficiency, as well as to conceive the quality of the service and the satisfaction of the parties and/or the client, in a shared way: any mediation process, regardless of the knowledge used, will need to generate a gap in the way the parties interact toward cohesion, and, above all, to demonstrate this impact.

This impact requires to be mastered, first of all, by the mediator, who has to shape and exercise his/her role in a way that affects the interactions of the parties. Thereby, the mediator will primarily benefit from the skills measurement tool: it allows one to observe the extent of his/her skill set and address the choice of training courses considering the aspects on which there is a greater need to increase his/her potential to generate cohesion.

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2 Data generated by this tool can be used in relation with other data, and for the measurement of additional constructs (besides "skill"). Particularly in response to the question: *what social impact does the mediator generate when exercising his or her role*? Defining social impact as the increase in management skills that the delivery of a service (in this case, mediation) triggers in its users, "social impact" in mediation means promoting interactions that are generative of social cohesion, empowering the recipients of the intervention to contribute to the community by becoming carrier of shared responsibility.

3 The mediation process, for instance in criminal matters, can be conceived as "a space and a time to favour the recovery of roles in the conflict, giving the victim a central and recognized position and favouring the rapprochement of the offender with socially shared values" (Palermo, 2022, p. 30).

Through the measurement of skills, the mediation organizations could generate a convergence between the choices regarding the training modules to be offered to their mediators, and their specific skill set. This could also manage the choice of course content in a more cohesive way, and it could anticipate oppositions; meaning, mediators and mediation organizations will have a common datum to consider as criteria for identifying and defining the training needs to be filled.

As a result, training centres may also consider using this tool, for example, to obtain criteria for evaluating their own training courses and their effectiveness, as well as to identify the training need of each trainee in a more precise and targeted way.

In turn, the clients of projects involving the application of mediation will be able to use the data offered by the tool as criteria for selecting practitioners to be employed in the projects, thus, relying on a level of expertise appropriate to expectations of effectiveness and efficiency.

To conclude, echoing the point that "mediation as interaction" is the lens for describing mediation for the parties as well, it adds that the skills measured through the methodology proposed here are also "transversal", in the sense that they are exercised by any interactor, that is, any human being, not just mediators. After all, the tool proposed here, which is designed for practical situations, precisely attests to the configuration of the management process of the interactive frameworks, and can therefore operate with any human being as an entity in dialogic interaction. It follows that the measurement tool may be applied where it is useful to monitor the use of the six soft skills. The first example is precisely one of the parties of the mediation intervention: the tool could help monitor the degree parties to the mediation exercise the six skills, before the intervention and after it. The generated difference could certify whether and to what extent the mediation intervention had an impact on the parties and the way they shape interaction. After all, parties also use interaction skills and convey them in view of the way they configure the observation and management of interactive frameworks.

Moreover, the possibility of scientifically observing a variation in the configuration and the use of interactive skills by the parties to mediation does not only attest to the effectiveness of the intervention of the single and specific dispute that was taking place between the parties to that mediation. The increase of skill, in fact, is a process that expands far beyond the specific situation in which it was triggered: meaning that, once the mediation, or any other "training" occasion, has helped to regenerate the configuration of an interactive skill, it can be spent and exercised in every interactive context and in every later interaction. This is what we can call the "impact" of mediation on the promotion of social cohesion. In other words, more competent parties, as well as more competent mediators, in observing and managing the interactive process become more competent citizens. As such, they exercise their role as community members and potential advocates of social cohesion.

With this further consideration, we would have come full circle about the link between language use, interactions and community, and the need for tools that are able to monitor the impact of mediation as an operational tool that works on interactions in order to generate social cohesion is even more strongly highlighted.

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