"The Evolution and Cause of Conflict in the Relationship of Multicultural Couples in Ireland and the Value of Mediation on the Resolution of Disputes"

by

KARLA DE ALCANTARA MAÇANA

A dissertation presented to the

FACULTY OF LAW
INDEPENDENT COLLEGE DUBLIN

MA in Dispute Resolution

November/2020

Dissertation Submission

Independent Colleges
learn *to* succeed

LEARNER NUMBER	51682257
NAME	Karla de Alcantara Maçana
COURSE	MA in Dispute Resolution
DISSERTATION TOPIC	"The Evolution and Cause of Conflict in the Relationship of Multicultural Couples in Ireland and the Value of Mediation on the Resolution of Disputes"
SUPERVISOR	Nadia Bhatti
WORD COUNT	21.600
DUE DATE	02/11/2020

I **certify that:**

- This dissertation is all my own work, and no part of this dissertation has been copied from another source: Yes X   No ☐
- I consent to having my dissertation be retained in the library for the purpose of future research.   Yes X   No ☐

[Note that if no check boxes are selected, this dissertation will be regarded as NOT properly submitted, and may be subject to a late submission penalty]

Signature: _____   Date: 02/11/2020

Notes:

Declaration

I **Karla Maçana,** herby affirm that:

- <u>This thesis is a result of my original work and has never been submitted to any University or Institution of higher learning for the award of academic qualification.</u>

- All sources have been described and recognised.

- This dissertation has not been submitted entirely or in parts for any other degree or qualification

Signed

Karla de Alcantara Maçana

_____

2nd of November 2020

Table of contents

Dedication

This thesis report is dedicated to my father, Mr Carlos Alberto de Alcantara Maçana (*in memorial*), mother Mrs Maria José de Alcantara Maçana and brother Marcio de Alcantara Maçana, for their support. Their positiveness and sincere efforts helped me to go through all the difficulties bringing me so far to reach out my goals of completing a Master's Degree in a different language and another country. The pain of not having them close to me, gave me the strength to keep moving on and make my dreams come true. May the Almighty God bless you all more abundantly. Amen.

Acknowledgement

My sincere gratitude goes to all lecturers in Independent Colleges for their incredible efforts, encouragement and support throughout the time I studied in the institution. In a special note, I would like to extend my acknowledgement to my supervisor Nadia Bhatti, who guided me through the development and finalisation of the thesis report. I also acknowledge the support of the brilliant lectures Anastasia Ward, John Dunne and Sharon Morrissey, who also helped me through all my difficulties while doing my Master's Degree. I also recognise the support provided by my family, partner and friends, who played an essential role in this process as a source of inspiration and guidance towards success. Thank you very much!

Abstract

This paper aims to explore the evolution of conflict in the relationship of multicultural couples in Ireland and value of mediation on the resolution of disputes originated within multicultural couples, and also the cause of these conflicts. Furthermore, it will be reported which approaches can be applied to the management of these conflicts.

Therefore this study will be important because it will help these couples to deal with their differences and not damage the relationship.

Through the use and application of a quantitative methodology, it will be analysed existing information with the number of immigrants in Ireland, which will help to understand the cultural diversity existent in the country. Moreover, it will be sent a survey to foreigners living in the country, in order to assist the researcher in understanding the cause of conflicts in their relationship.

This research will also discuss the value of mediation as an alternative to court to resolve arisen disputes originated by a relationship breakdown within these couples.

To sum up, after analysing all the data and the literature review, it will be disclosed the results of this research reporting the leading cause of conflicts in a relationship of a multicultural couple and if they consider using mediation in order to resolve disputes in case of a breakdown in their relationship.

List of Tables and Figures

Acronyms

ADR   **Alternative Dispute Resolution**

CSO   **Centre Statistics Office**

CARIS   **Conflict Analysis and Resolution Information Services**

EU   **European Union**

UK   **United Kingdom**

Introduction

This research aims to explore the cause and evolution of conflicts between multicultural couples in Ireland and the value of mediation on the resolution of a dispute. Moreover, these conflicts between these couples may be triggered by distinct factors, such as language barrier, culture, different values, political position, race and religion. (University of Wisconsin-Madison n.d.) This research will be based on interpersonal conflicts and will also explore the tools that can be used on conflict management and which mediation approach is the best one on the dissolution of the issue.

The CSO reports that the number of immigrants in Ireland has increased during the last few years. Furthermore, until 2016 it was reported that 535.475 non-Irish nationals were living in Ireland, coming from 200 different countries, such as Poland, the largest group, followed by the United Kingdom and Lithuania. These two nations are included in the group that has more than 10.000 residents, such as America, Brazil, France, India, Germany, Romania, Latvia and Spain. (Centre Statistics Office 2017)

Therefore, the possibility of these people to interact with each other and consequently, start a relationship with another person, who has an entirely different background is significant, hence changing the shape of relationships in Ireland. (Renalds 2011) For that reason, these couples need to understand and respect the differences to keep a balanced relationship.

Wherefore, the research will help these partners to manage conflict in other to prevent the de-escalation of it and also, to take on it openly and compromise themselves to reach a resolution which satisfies both parties.

Conflict is a common fact that occurs in everyday life (Folberg and Taylor 1984) helping us to resolve differences, and they can be seen as a simple discussion, a disagreement of ideas, the difference of perception, distinct behaviours and different interests between individuals or groups. They are inevitable, natural, ordinary and necessary. On the whole, the problem is not the existence of conflict,

but how to deal with it (Mayer 2010) and how to create a constructive way to face them.

Nevertheless, to cope with eventual disputes generated by this conflict, there is mediation, that it has been used since the beginning of civilisation, which means that this practice it has been carried since ancient times. (Miranda 2007)

However, mediation is one of the ADR methods that can be used on the resolution of conflicts without taking them to be dissolved in court. As any other ADR approach, mediation is confidential, cheaper, and the cases are resolved in a fast timely manner. (Goldberg et al. 2012) Also, the parts can agree on the venue where the mediation will happen, and it's more relaxed, once it helps the parties to communicate better and so reducing the stress during the process. (Macmillan, n.d.)

Additionally, the mediation is going to be conducted by a third party; the process is more flexible than the litigation and voluntary, (Clarke and Davies 1991) which means that the parties have the choice to engage in the process or not. Mediation is an important method to the resolution of conflicts, giving the parties the power to decide the outcome for themselves and benefiting both sides. (Goldberg et al. 2012)

Notwithstanding, the mediation process can be applied to several cases, such as personal, economic, and social problems such as divorce, custody visits, neighbourhood differences, educational and cultural conflicts, minority and racial tensions, environmental concerns, business and labour disputes, and health care issues. (Folberg and Taylor 1984)

The objective of this work is to start a discussion into the Alternative Dispute Resolution Area in Ireland, to help the main actors of this research, to find a better way to resolve their issues without going to court or even reaching a violent stage of a conflict. This paper will also help mediators to deal with the situation in an appropriate manner filling them with skills to deal with this specific situation.

There are several types of researches about interpersonal conflict resolution, but none of them is related to resolve a dispute between multicultural couples.

The mediator needs to understand the behaviours and values of the parties and not upstanding, the language to act appropriately on the dissolution of the dispute avoiding the misunderstandings. Accordingly, the mediator who is familiar with the culture of the disputants is more likely to assist them in reaching the agreement quicker. (Sagartz 1998, p. 675) This investigation will also open a field for mediators from different countries to work in these kinds of issues, as an example, a Brazilian mediator, who lives in Ireland, could have the advantage to resolve a problem, in which the parties have a Latin based culture. (Bowling and Hoffman, 2003)

1- Background of Dissertation.

As an immigrant in Ireland, it is essential to understand the culture and the everyday life of the nation you decide to live. Ever since I moved to Ireland, I have always wanted to understand more about its history, culture and values. Wherefore, it led me to explore the place and doing this; I could realise the diversity in Ireland, which made me wonder how their behaviour would be when having a relationship with people with different backgrounds.

My background as a journalist, who is passionate for investigating human's behaviour, found the studies in Alternative Dispute Resolution a way to explore the source of conflicts between people with different nationalities and best manners of resolving them. Therefore, the course of master's degree opened my mind to the importance on the analysis of individuals` actions to prevent conflicts in their relationships and also to identify that an extra-judicial alternative to resolve an arisen dispute exist.

On the whole, the topic of this investigation study is based on the concerns reported above. To explore the evolution of conflicts in the relationships of multicultural couples in Ireland it is to understand the partners' attitudes while in conflict. Furthermore, when related to the value of mediation in the resolution of disputes, the interest it is to raise the awareness of the process amongst foreigners living in the country.

2 - Aims and Objectives

The dissertation aims to study the evolution of conflicts within multicultural couples who are married, including civil partnership and cohabiting, that live in Ireland and explore the value of mediation on the resolution of disputes. This research will try answering the questions: What are the main causes of conflict in multicultural relationships in Ireland? What is the awareness of mediation as an alternative to resolving disputes amongst multicultural people? If a dispute arises, would these people consider using the method as a way to resolve an issue instead of addressing it to the Court?

Additionally, this study has the intention to start a discussion within the alternative dispute resolution area and grabs its attention to the topic.

Furthermore, this research is to bring consciousness to multicultural people of their rights, while in a conjugal relationship, and present different approaches to dissolve any arisen problems, satisfying both parties.

Also, knowing that the nature of conflicts can be tricky and the consequences can be dramatic if not handled properly, the objectives of this paper will analyse the process of mediation and how it can influence on the resolution of a dispute within the following purposes:

- Approaching the central literature related to conflicts and its types and also;

- Critically analyse the conflict management tools to de-escalate conflicts;

- Forthcoming the main articles about mediation and its approaches;

- Identify the possible cause of conflicts between multicultural couples;

- Investigate the use of mediation in other countries and if there is any incentive of its use on the resolution of disputes;

- Evaluate the awareness of mediation and the use of it as an alternative to Court;

3 - The Scope and Limitation of the Research

The scope of this research is to explore the evolution of conflicts in the relationship of multicultural couples in Ireland and the value of mediation on the resolution of disputes.

Therefore, to figure it out, this dissertation covers topics such as the nature of the conflict, including the possible sources of conflicts, types of conflicts, conflicts in relationships, conflict behaviours and management of conflicts.

Also, it is studied the basics of mediation, mediation approaches on the resolution of disputes and

mediation and family mediation in Ireland. Likewise, it is investigated the awareness of mediation in the country and also a critique analysis of other countries that use the method as an alternative to court. Moreover, it is reported the legal aspects of marital relationships and their possible ways used on their dissolution in Ireland.

Although it was possible to find numerous information about the nature of the conflict, conflict m and mediation, the main limitation of this study it was to discover literature related to the evolution of conflicts between multicultural couples in Ireland and also statistics associated to the resolution of disputes amongst the group.

Contribution

This research is the proof that the evolution of conflicts within couples of different nationalities exist, even though they are may be generated by the same triggers alike in any other kind of relationship between two or more people. Additionally, it also confirms that mediation is an essential and effective method on the resolution of disputes in case of a relationship breakdown.

Dissertation Road Map

This project has been divided into seven parts for better understanding and access to the information in this dissertation.

Introduction

In this topic, there is a subjective opening to the investigation topic, the Background of the dissertation, Aims and Objectives, the Scope and the Limitation of this research, the Dissertation Road Map. To sum up, the leading topics of information to permit the reflections of the context and purpose of this study.

Chapter 1 - Literature Review

The first chapter aims to introduce the most relevant literature related to the subject of this research, addressing information and aspects that the theme comprises, and tends to provide a comprehensive outline of the subject.

Chapter 2 - Research Methodology and Methods

This chapter contains an explanation of on what philosophy, approach and design strategy were used to compose this thesis. Also, it includes the ethical considerations on what this project was grounded for it to be created.

Chapter 3 - Presentation of the Data

Chapter three intends to demonstrate in a graphical and quantitative manner; the results acquired to support this research.

Chapter 4 - Analysis of data / Findings

In the fourth chapter, the quantitative results are analysed in a descriptive fashion, offering meaningful information for a better understanding of the data obtained from the research.

Chapter 5 – Discussions

The fifth chapter provides the reader with a link between the theory and findings in a comprehensive and descriptive manner based on the concepts that were presented previously.

Conclusions

After complete research, this topic comprises the conclusions that this studied the investigation achieved based on the proceedings carried out during the development of this work.

Reflections

In this topic, the researcher will report the challenges in the course of the investigations, the obstacles and what it was learned. Also, the research will suggest a debate in the ADR sector on regards to the awareness of mediation among foreigners in Ireland.

Chapter 1 - Literature Review

1.1 - Introduction

The primary definition of conflict comes from the Latin root words "com", which means "together" and "fligere", meaning "to strike", so respectively creating the expression "to strike together". (Ting-Toomey 1994) The author still points out that conflict is a state of difference and collision between parties.

Conflicts and disputes are unavoidable and universal aspects that happen in everyday life, and they have an essential role in individual and social development. (Folberg and Taylor 1984) Wherefore, to understand conflicts and resolve them, it is crucial to understand its nature. (Mayer 2010) Accordingly, Folger et al. (2013) highlight that conflicts are defined as the interaction of independent people who perceive incompatibility between themselves, as well as the possibility of interference of others as a result of this dichotomy. However, conflict may not be considered as harmful and destructive, (Kriesberg and Dayton 2016) when the impact of its actions improves the society and when individual goals are achieved. (Jeong 2008)

According to Jeong (2010), conflicts can escalate and become more complex involving multiple sources of issues, such as the differences of identity and needs. Therefore, to understand the complexities of conflicts, Mayer (2010) divides them into three-dimensional perspectives, as cognitive (perception), emotional (feelings) and behavioural (actions).

However, Mitchell (1981 cited at Jacoby 2008) created a general model to classify conflicts, dividing them into situation, behaviour and attitudes, showing that they can influence each other. (Jacoby 2008, p.19)

1.2 - The Nature of Conflicts

1.2.1 - Conflict as Perception

Conflict is defined as a disagreement between parties, due to a possible threat to their needs, interests, concerns or goals. One key element of this definition is the idea that each party may have a different perception of any given situation (University of Wisconsin-Madison n.d.). People tend to respond to a conflicting situation based on their perceptions through their values, culture, beliefs, information experience, gender and other variables. (Jones Sr 2010)

Moreover, cognitive conflicts can be related to several aspects which create "perceptual filters" or "cultural frames", influencing the response of every individual to a specific scenario, (University of Wisconsin-Madison n.d.) as follows:

a) Culture, race and ethnicity: The variety of cultural backgrounds influence people to hold themselves in their beliefs about the social structure of the world and so the role of conflict in this experience. (University of Wisconsin-Madison n.d., para. 2) Wherefore, intercultural disputes start with miscommunication, which leads to misinterpretations and pseudo conflicts. (Ting-Toomey 1994)

The researcher states that if the lack of communication is not clarified or appropriately managed, it can become an actual interpersonal conflict. (Ting-Toomey 1994) Furthermore, according to Triandis (2010), conflicts can be caused by simple facts, such as gestures, tone of voice, beliefs, social influences and roles.

b) Gender and sexuality: It is already known that men and women perceive conflicts in different ways based on their experience of the world, which relates to "power and privilege, as do race and ethnicity". (University of Wisconsin-Madison n.d., para. 3) The institution even reports that men and women will also approach conflictive situations in different ways. Gender as a cause of conflicts is usually linked to

other conflict drivers, such as social, economic, ethnic, religious differences and political motivation. (Birchall 2019)

The meaning of gender is directly linked to the social and cultural designed roles of men and women in society. (Dietrich and Quain 2014) The academics even explore that the real cause of gender conflict is the inequality between man and women. (p.1)

c) Knowledge: Starting from the prerogative that conflict is defined as a difference of opinion on regards of ideas, interests, wishes and desires, (Stern 2018) people with different backgrounds perceive conflicts in another way. Usually, the parties tend to respond to conflicts based on the knowledge they have about the problem. (University of Wisconsin-Madison n.d., para. 4)

In other words, experience helps to manage conflicting situations, because it facilitates to understand the issues in the scenario. (Stepanova et al. 2019) Also, the authors report that the integration of different kinds of knowledge is an advantage on the management of complex issues, including conflict resolution with multiple actors. (p.264)

d) Impressions of the messenger: According to the University of Wisconsin-Madison (n.d.), if one party, who is sharing the message, is perceived as a threat, the response to the conflicting situation can be different than the one when a party is a calm person. The institution continues saying that the reaction can also vary if people know the "messenger" previously; because this reply would be based on the sense of credibility. (University of Wisconsin-Madison n.d., para.5)

Accordingly, Jones Sr (2010) states that if the person sharing the message is perceived as a threat, this may impact on our responses to the situation being experienced and also, people tend to listen more carefully to someone who is perceived as credible, than someone who is not.

e) Previous experiences – Some people have significant life experiences, and these experiences can influence conflicts perception. (University of Wisconsin-Madison n.d., para. 6) For Jones Sr. (2010) shows, these experiences can make people being reluctant to take risks and also the contrary when persons become confident to face challenges.

d) Power - When related to the exercise of power, conflicts have two views, the first one points that power is an inherent trait, being a characteristic of an individual, and the second one describes power as an element of the relationship among people. (Folger et al. 1997)

Therefore, power can be viewed as a currency, when the parties use it to exchange it for needed goods or services; hence it permits individuals to get connected with others and also to influence them. Thus, power is a complex and multidimensional component in a conflict. (Variables on the Study of Conflict n.d.)

Additionally, there are two main categories of conflict in human relations, which are: Interpersonal and Intrapersonal conflicts. (Buttler 2018) The author explains that in the interpersonal conflict, the party is in disagreement with another counterpart, and it can happen between friends, spouses, roommates and neighbours. Thereupon, interpersonal conflict is the main form of dispute that people have in mind, when in disagreement with another person. (Lewicki et al. 2016)

As a group of perceptions, conflicts can be characterised as *"objective"* or *"subjective"* elements to this cognitive dimension. (Mayer 2010) For instance, the objective variables can be easier to identify as known or unknown in a conflict because they provide communal procedures of confirmation that can be observed by the parties in conflict. (Kandell 2016) Comparatively, the academic asserts that subjective features do not give themselves to verification, once they are based on perceptions and assumptions, which leads conflicts much further.

Additionally, to explain the objective element in a conflict, Mayer (2010) exemplifies this variable using a simple fact of life: "if a person wants to develop a tract of land into a shopping centre, and the other wants to preserve it as open space, then there is an objective incomparability in our interests". (p.3) Along with this example, Kandell (2016) expresses that the presence of a legal document or the amount of salary can be identified as an objective element in a conflict because they are facts and not an assumption. On the other hand, the subjective variable has two features that can intervene in the resolution of conflict; they are intentions and assumptions. (Kandell 2016)

Whereas, Mayer (2010) points out that a conflicting situation happens when at least one of the parties believes that the conflict exists. Besides, the party just needs to be sure that the counterpart has incompatibilities to his or her ideas. Then the match already exists, even though this other party has a different perception. (Mayer 2010, p. 3)

1.2.2 - Conflict as feeling

It is known that conflict is part of life, and it can be destructive or productive in a relationship; consequently, conflicts can happen from minimal unimportant differences to brutal fights. (Nadig n.d.)

Emotions or feelings are an essential factor when related to conflicts because they are the reaction to a situation or interaction that presents a divergence of some kind. (Mayer 2010) Based on that, emotions "play a role in how the parties make sense of their relationships, degree of power and social status". (Maiese 2005) Mayer (2010) assures that the party just needs to be angry, afraid, and sad or helplessness to be in conflict with another person (p.3)

Besides, Maiese (2005, para. 3) points out that some people believe that political and economical are the primary causes of conflicts, whilst emotional and relational are secondary. Whereas, the author continues, to report that people have personal needs, such as the desire for love, status, recognition and belonging, and goals.

As well as perception, it is crucial to remind that emotional conflicts can be one of the leading causes of an arisen dispute in a relationship. (Maiese 2005, para. 4) Furthermore, the author also expresses that positive and negative feelings can be involved in this conflict, when there are positive emotions, the likelihood for the couple to reach their goals increases. On the contrary, the negative feelings may impact on the resolution of disputes and in the achievement of an agreement. (Maiese 2005, para. 5) Moreover, Stern (2018) states that some misunderstandings are caused by the lack of communication, negative emotions or disagreements on behaviour.

To sum up, it is vital to acknowledge the intense emotions in the conflict and understand their source. (Fisher et al. 1991) Moreover, conflicts often happen when one person feels in conflict with another person. Even though the behaviour is minimal, the conflict can be real to at least one of the parties which is experiencing the feelings. (Mayer 2010)

1.2.3 - Conflict as Action

According to Mayer (2010), the conflict can also involve the actions that we have when expressing feelings, articulate our perceptions and match needs amongst people. The academic continues saying that this type of conflict can be destructive or constructive, and the behaviour may include the attempt to make something happen at someone else`s expense. "It may be an exercise of power. It may be violent. It may be destructive". (Mayer 2010, p.3)

To sum up, Mayer (2010) says that in a constructive conflict, even though there is a disagreement between the parties, it can be resolved confidently, leading to positive outcomes, strengthening relationships, generating a win-win situation where both parties are benefited.

Again, conflict is not necessarily bad or wrong or intolerable. The society, in general, tends to see conflict in a negative way because, in a row, there is a feeling of a "win-lose" situation. Nevertheless, disagreements can work in positive ways. (Folberg and Taylor 1984)

The academics point out that this type of conflict can reduce tension between parties by making issues evident, illustrating goals and improving situations (p.19). As an example, Jandt (1973) states that when conflicts can be creative on the recovery of problems in a relationship.

1.2.4 - Interpersonal Conflict

Firstly, conflict is a common factor that happens in everyday life, and it is natural to social relations. (Folberg and Taylor 1984). Moreover, in relationships, conflicts can be interpersonal and intrapersonal. (Butler 2018). Therefore, as this research has as one of its motivations to discover the sources of conflicts between individuals in a multicultural relationship; this topic will focus only on interpersonal conflict.

Thus, interpersonal conflicts happen in relations where there are real or perceived incompatible goals, scarce resources or contrasting perspectives. (Jones 2016) Accordingly, interpersonal conflict can be simply described as a simple clash between two individuals who are not willing or not able to fulfil the expectations of each other. (Kellermann 1996) Furthermore, Butler (2018) points out that in the interpersonal conflict, the party is in disagreement with another counterpart, and it can happen between friends, spouses, roommates and neighbours.

Thereupon, when people think that they have differences with another person, this is the form of conflict that they generally have in mind. (Lewicki et al. 2016)

Also, Jones (2016) points out that interpersonal conflict may be expressed verbally and nonverbally. (p. 288) Nonetheless, this type of struggle looks more like a threat than an element to growth. (Donohue and Colt 1992) However "interpersonal conflict is a common and inevitable element of personal relationships". (Kim-Jo et al. 2010, p.264)

Whereas in interpersonal conflicts, people are independent, and the divergence of aims between the parties may influence the life of a couple negatively. Thus, to avoid a breakdown in the relationship,

25

the conflict must be resolved as soon as possible. (Cahn and Abigail 2007)

Furthermore, Markman et al. (1993 quoted at Jones, 2016), stress that there are several studies which report that the number of conflicts in a relationship is not as significant as the way these conflicts are handled. (p.289) Thus, since conflicts are present in the peoples` personal lives, it is essential to develop skills in how to deal with these disputes (Jones, 2016). The author emphasises that the ability to manage conflicts and negotiate desirable outcomes may help people to be more successful in their personal lives (p.289)

Furthermore, Hamilton (2015) highlights that in conflict; people tend to act according to their stress responses when they feel threatened. It is a chemical reaction in which the brain liberates stress hormones preparing individuals for fight or flight. Likewise, Goleman (1995), called this behaviour as "*Emotional Intelligence*", which is to have self-control, zeal and persistence, and the ability to motivate oneself. (p. 12)

Secondly, among numerous theories for conflict management, this research will utilise the Thomas-Kilmann Conflict Mode Instrument to explain how people behave when coping with conflicts. (Thomas and Kilmann 2008) The authors point out that these behaviours can be divided into two dimensions, assertiveness and cooperativeness. Additionally, these two dimensions are divided into five different approaches for responding to conflict situations, which are competing, collaborating, compromising, avoiding and accommodating (Thomas and Kilmann 2008)

1.2.4.1- Conflict management

Conflicts may be defined as a struggle between two people with opposing ideas, needs, values, beliefs or goals (Thakore, 2013). Thus, the author states that there is a wide range of conflict management intervention that can be utilised to deal with conflict at various levels. (p.15).

However, to comprehend these individuals' actions in conflicts, Thomas and Kilmann (2018) created a

conflict management tool which describes these behaviours in two dimensions, which are assertiveness, as being the level in which one people satisfy their own concerns, and cooperativeness, which is considered to be the degree when people are concerned to satisfy others individuals apprehensions. (Kuby, 2018)

Furthermore, Thomas and Kilmann (2018) also point out that these dimensions are divided into five approaches which are competing, collaborating, compromising, avoiding and accommodation, as follows:

Figure 1
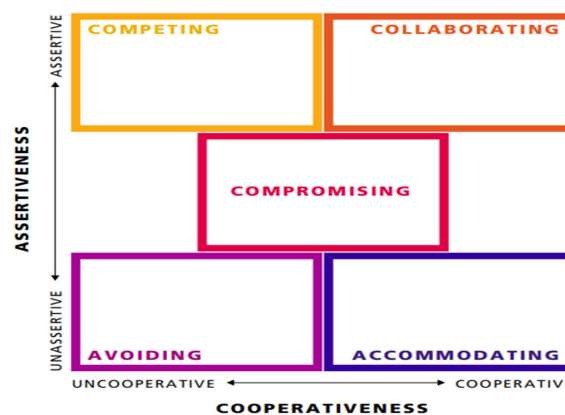
*This two-dimensional model of conflict-handling behavior is adapted from "Conflict and Conflict Management" by Kenneth Thomas in *The Handbook of Industrial and Organizational Psychology*, edited by Marvin Dunnette (Chicago: Rand McNally, 1976). Another valuable contribution in this field is the work by Robert Blake and Jane Mouton in *The Managerial Grid* (Houston: Gulf Publishing, 1964, 1994).

(Thomas and Kilmann 2008)

a) Competing: This conflict-handling mode is high assertiveness and low cooperativeness. (Kuby 2018) The author highlights that in this approach, people are focused on winning the argument, standing their grounds. Likewise, this is a power-oriented mode. (Thomas and Kilmann 2018) The scholars state that when competing, individuals pursue their concerns at their counterparts' expense, using whatever power seems appropriate to win their position to defend a point they believe is correct. (p.3)

As an example, this method is used mostly when people need to take decisive action in a vital situation or when individuals need to protect themselves from others who take advantage of non-competitive behaviour (Thomas & Kilmann 2018, p.08)

b) Collaborating: More so, Kuby (2018) points out that the collaborating mode is high in assertiveness and cooperativeness. Accordingly, Thomas and Kimann (2018) stress that in this mode, individuals attempt to work with others involved in the conflict, in order to find a resolution which fully satisfies the concerns of both parties. (p.3) In this approach, people tend to explore their differences to learn from each other's insights (Thomas and Kilmann 2018, p.3)

For instance, this approach is used when people need to find an integrative solution for conflicts, and also when people want to combine perceptions from other people with different perspectives on a problem. (Thomas and Kilmann 2018, p.6)

c) Compromising: In this approach, there is moderate assertiveness and cooperativeness. (Kuby, 2018) Accordingly, when compromising, the goal is to find a timely resolution which will be equally suitable for both parties. (Thomas and Kilmann, 2018) The researchers express that compromising in between the competing and accommodating modes, giving up more than competing, but less accommodating. (p. 03)

As a result, people who have a compromising behaviour, they address an issue more directly than avoiding it, because they do not dig it in as much as in the collaborative approach. (Thomas and Kilmann 2018, p.03)

Additionally, Thomas and Kilmann (2018), exemplify that individuals tend to have compromising behaviour as a backup approach when the collaboration and competing modes fail, and when peoples' goals are reasonably significant, but not worth the energy in using more assertive modes. (p.11)

d) Avoiding: In this method, the level of assertiveness and cooperativeness is low. (Kuby 2018). Subsequently, when avoiding, people do not pursue their own concerns or those of others. (Thomas and Kilmann, 2008) The academics assert that people tend not to address the conflict in this model; they also tend to use this approach as a way of sidestepping an issue. Consequently, adjourning the matter until a better time or just withdrawing from the conflict. (p. 3)

Also, Thomas and Kilmann (2008) demonstrate that people are supposed to have this type of behaviour when a specific problem is not important or when other issues are more urgent to be resolved (p.10) More so, this attitude may occur when people believe that the potential costs of confronting a conflict outweigh the benefit of its resolution (Thomas and Kilmann 2008, p.10)

e) Accommodating: In this method, Kuby (2018) reports that there are low assertiveness and high cooperativeness. Therefore, "accommodating is the opposite of competing" (Thomas and Kilmann, 2018, p.03) Besides, the authors elucidate that in this type of behaviour, parties tend to neglect their own interests to satisfy their counterparts' ones, which can be considered as an element of self-sacrifice. (p.3) In Accommodating, individuals yield to other peoples' wills and points of view. (Thomas and Kilmann, 2018, p.03)

For example, individuals tend to use this method when they realise they are wrong. Thus, they behave in this way to allow other people to provide a better solution for an issue and also to learn from them. (Thomas and Kilmann 2008) The writers also point out that people have this attitude when they want to build up social credits for later issues that are important for them. (p. 9)

In order words, in the accommodating approach, the individuals have the purpose of surrendering their positions, and they aim to meet the needs of others. (University of Florida 2011) The institution also reports that in accommodating, people believe that keeping the peace is more valuable than winning the

conflict.

To conclude, the ability to engage in conflict resolution is a valuable skill. (Jones 2016) However, McClelland and Mansell (2019) state that a mediator would be essential for the resolution of interpersonal conflicts. Also, a mediator is the third party who, among other duties, helps the parties in exploring ways to resolve their dispute by agreement, being impartial and treating the parties fairly. (Mediation Act 2017a)

Besides, Jones (2016) highlights that being able to manage conflicting situations is better than let conflict to stagnate or escalates, once the adverse effects of a poorly handled conflict in a relationship could lead to divorce. (p.290) On the contrary, Canary et al. (1995 cited at Jones 2016) state when conflicts are well managed there is a large probability of leading the individuals to a more gratifying and satisfactory relationship.

1.3 - The Structure of Conflict

First of all, general models also tend to contain elements that are apparent before the manifestation of conflictive behaviour. (Jacoby, 2008) Additionally, treating conflict as a process, it can be better to understand its origin, escalation, de-escalation and identify the best resolution for these conflicts or their transformation. (CARIS 2020)

Additionally, CARIS (2020) reports that the conflict starts in a low intensity; it becomes more intense as it escalates. If there is no de-escalation at this stage, the conflict can become more intense. Based on that, Mitchell (1981 mentioned at Jacoby 2008), points out that the stages of conflicts can be isolation/cooperation incipient, latent, manifest or suppressed, as follows:

Figure 2

Existence of goal incompatibility · Recognition of goal incompatibility · Conflict behaviour aimed at achieving goals

No contact or complementary goals

Isolation or cooperation · Incipient conflict · Latent conflict · Manifest conflict

Suppressed conflict

Figure 2.2 Conflict processes. Source: Adapted from Mitchell (1981a: 51).
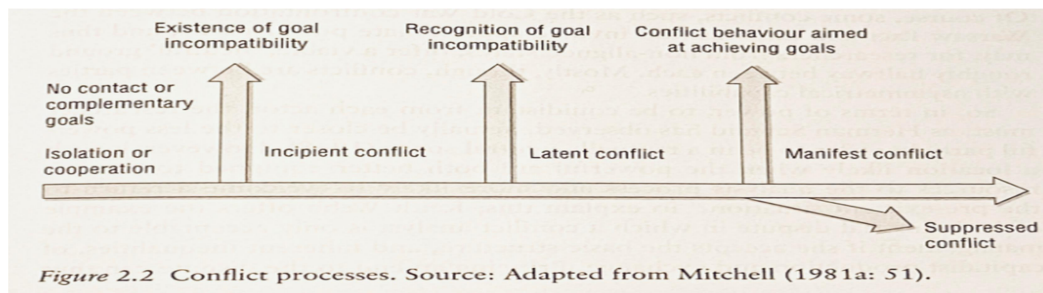
(Jacoby 2008, p. 23)

a) Isolation or cooperation – At this stage, the parties have no contact or complementary goals (Jacoby 2018). Likewise, it is when the parties have no conflicts effectively. (CARIS 2020)

b) Incipient Conflict – The incipient conflict arises when there is the existence of goals or incompatibility, but one of the parties does not recognise them. (Jacoby 2018) At this stage, no observable behaviour occurs to enable an outside observer to identify parties and issues with ease. (Mitchell 1981)

c) Latent Conflict – In this phase, the parties already have recognition of goals and incompatibility. (Jaboby 2018) As well as, according to Mitchell (1981 quoted at Jacob 2018) incipient conflicts, do not allow a third-party to identify the conflict itself or who are involved in it. Besides that, this is a type of conflict that can exist between individuals, groups, organisations or nations, when the differences between then disturb each other. Still, these divergences are not significant enough to act in changing the situation. (Brahm 2003)

d) Manifest Conflict –. In this stage, the actors not only believe that are in conflict, but also want to manifest it in order to make it noticeable and understood by others, and also showing them the existence of a conflicting situation. (Jacoby 2018) The manifest conflict is caused by several conflicting behaviours between the parties. (Pondy 1967) The author also shows that the manifest conflict, by definition, is the set of varieties of conflicting behaviour and that the most obvious of these varieties is nominated as open aggression. (Pondy 1967)

Furthermore, based in a relationship breakdown perspective, Folberg and Taylor (1984, p.21) considered as a conflict structure inherently insofar as both persons are headed in opposite directions toward individual goals. Moreover, Rummel (1976 mentioned at Folberg and Taylor 1984) states that divorce may or may not become a conflicting situation where the conflict is activated. (p.21)

For instance, Rummel (1976 quoted at Folberg and Taylor, e1984) highlights that when conflict is triggered by threats to refuse custody of children or when one of the partners withdraws all the money from their joint account, it could escalate from latent to manifest conflict.

On the whole, these four stages of conflict can help to understand and look at conflicts differently. (Pondy 1967) Furthermore, the researcher highlights that conflicts are more than just a behaviour which is linked to perceptions of a determined situation; it is the condition that leads to its occurrence.

Moreover, if the conflict is addressed appropriately, it can be de-escalated, avoiding the use of violence. (CARIS 2020)

1.4- Causes of Conflict

1.4.1 - Introduction

Starting the prerogative that conflicts can be a struggle or a contest between people with opposing needs, ideas, beliefs, values or goals, (Pia and Diez 2007) conflicts can be defined as the articulation of incompatibility of positions. (Diez et al. 2006) Therefore, Shah (2017) points out that according to Freud and some other physiologists state, the leading cause of conflicts is the inborn instinct of aggression in humans. However, Augsburger (1992) considers conflict as a crisis that forces people to recognise that there are different realities, and that is necessary to negotiate a common one. The author also reports that conflict is, at essence, the construction of another kind of reality. (p.17)

Based on that, the construction of conflicts scenarios can be determined by the causes of these fights, which can be individual differences, cultural differences and clash of interests. (Shah 2018)

1.4.2 - Individual differences

According to Shah (2018), no human being is equal in their nature, attitudes and interests. Wherefore, when the differences are apparent, and the disagreement occurs, the likelihood of a conflict is real. In a relationship, for example, individual differences are a crucial factor to demand/withdraw communication. (Caughlin and Vangelisti 2000) The scholars explain that demand/withdraw is a pattern in which one of the parties complains, while the other avoids the conflict. (p.523) Therefore, individual differences make conflicts unavoidable (Matters 2014). As the author reports, when two or more people interact with each other, it is natural and inevitable that numerous divergences will come through as individual differences emerge.

1.4.3 - Cultural Differences

Culture is rooted in every conflict because conflicts are generated in human relationships. (LeBaron 2003) Culture is defined as the customs and beliefs, art, way of life and social organisation of a particular country or group.[1] Subsequently, the culture and values of one group can differ from the culture of another group, hence, causing tension and leading to conflicts. (Shah 2018) Therefore, culture is always a factor in conflict. (Lebaron 2003) As an example, the authors state that a conflict between partners is influenced by gender and culture.

To conclude, cultural conflicts is a dislike, hostility or a struggle between two or more parties who have different philosophies and ways of living, occasioning contradictory behaviours. (Banaszkiewicz and Buczkowska 2016)

1.4.4 - Clash of Interests

Clashes of interest occur when there are differences over perceived or due to conflicting desires and needs. (Vilendrer Law PC n.d.) Likewise, it is when there are contrasts between the interests between the parties. (Shah 2017) Following this, Longstaff (1995) asserts that clashes of interest may be generated when both parties are seeking either:

- "the same indivisible good or benefit, or
- part of a divisible good or benefit in an amount or in such a manner that it is insufficient in reserve to satisfy the needs and wishes of the other party or parties or

---

[1] Oxford Dictionaries (n.d.) *culture*, available:
https://www.oxfordlearnersdictionaries.com/definition/english/culture_1?q=culture [accessed 16 September 2020, 1:54]

- where the goods or benefits that each party seeks are of such nature that they cannot be held by those parties without giving rise to some detriment to one party or the other." (Longstaff 1995, para. 3)

To Sum up, the clash of interest leads to conflicts which, in time, are capable of destroying the individuals, unless a minimum of mutual adaptation characterises the behaviour of the parties involved in this conflict. (Gillin and Gillin 1948)

1.5- Types of conflict

1.5.1 - Introduction

Conflict is considered to be an action that causes or changes, interests, groups, unifications and organisations. (Simmel 1955) However, the author also states that conflicts can be a form of association and designed to dissolve differences. Thus conflict is also considered as a way of interaction, but still a struggle between individuals. (Park and Burgess 1921) Consequently, conflict is a fundamental characteristic of human society, once it is a present aspect of social life. (Mondal 2020)

For instance, the academic reports that there are numerous forms of conflicts, such as personal and group or organisations conflicts. Mondal (2020) still emphasises that countless reasons generate personal conflict, and the main ones are hostility, envy and betrayal of trust.

Based on that, Simmel (1955 mentioned at Wani 2017) distinguished four types of conflicts, and they are war, feud or frictional strife, litigation and conflict of impersonal ideals. The academic reports that as well as Simmel (1955), other two authors, Gillin and Gillin (1948), split conflicts into five categories, which are personal conflict, racial conflict, class conflict, political conflict and international conflict. (Wani 2017, p. 446)

Therefore, this paper aims to clarify the evolution and source of conflicts in multicultural relationships of those who are married and cohabit. For that reason, this topic will emphasise and explain the types of conflicts that are related to these kinds of relationships, which are litigation and personal conflicts. (Simmel 1995; Gillin and Gillin 1948)

1.5.2- Litigation

The word litigate was originated in the early 17th century, from the Latin word *"litigat"*, which means "disputed in a lawsuit"[2]. Therefore, litigation means the act of carrying a conflict or dispute on a legal contest by judicial process. (Phillips n.d.) Moreover, Phillips (n.d) points out that litigation is a lawsuit that is brought before a court of law aiming a solution of a dispute. Also, Shah (2017) expresses that litigation is a judicial form of conflict when the parties assert their claims to individual rights based on objective factors, leaving the subject ones aside.

Therefore, in case of a breakdown in a relationship, Carbonneau (1986) perceives dispute resolution from the perspective of conflicts management, proponents substitute process generally see the histrionics of litigation and lawyering as an impediment to the effective brokering of disputes. (p. 1119)

Additionally, Folberg and Taylor (1984) stress that even though litigation has been used successfully within the years; it is not the best alternative for conflict resolution, because it is going to be decided by a judge, who not often have the skill to evaluate the situation, which is a factor that may contribute to future conflicts and disputes. (p. 28)

Furthermore, Lieberman (1981, cited at Carbonneau 1986), emphasises that litigation is subject to regular abuse and also, that it is an unpredictable process, due to the fallibility of memory on the system. Besides, there is no certainty on the outcome of a litigation process. (p. 1121) Additionally, litigation is the most rigid and often the least satisfactory methods of conflict resolution for the parties involved in a dispute. (Folberg and Taylor, 1984)

Accordingly, the litigation process can be challenging on the parties, once they treat each other like adversaries. (Carbonneau 1986) The academic also points out that litigation can be a lengthy and costly

---

[2] Oxford Learners Dictionaries (n.d.) *Litigate*, available:
https://www.oxfordlearnersdictionaries.com/definition/english/litigate?q=litigate [accessed 19 September 2020, 08:45]

process and even psychologically harmful and hurt the self-esteem of the participants. (p. 1121)

Wherefore, in cases of family law, the primary alternatives to court on the resolution of disputes are arbitration, conciliation, negotiation and mediation. (Carbonneau 1986)

Again, Lieberman (1981 quoted at Carbonneau 1986), elucidates that litigation, according to popular and specialists opinions, makes the process of divorce, painful, expensive and complicated. Furthermore, the number of methods in court, along with the attention paid to awkward procedural difficulties, often provides delays hence increasing the length of the process. (Carbonneau 1986, p.1122)

Moreover, Alberti and Emmons (1970 mentioned at Carbonneau 1986) state that the adversarial posture in litigation aggravates more than reduces conflicts between partners. (p.1123) Notwithstanding, the trial verdict is final in the process of divorce litigation. (Carbonneau 1986, p. 1124) What is more, in order to decrease the damages caused by the legal process of divorce, some alternatives could be implemented. (Wilner 1984)

Accordingly, Carbonneau (1986) believes that the use of different approaches to litigation may bring social-psychological benefits to a couple in a dispute if these remedies were offered as an option, and its use was incentivised. However, the theorist continues to stress that these alternate methods may help the parties to face their emotional and practical issues directly, hence providing them with the responsibility for deciding the termination of their marital relationship. (p. 1125)

As an example of an alternative to litigation, Folberg and Taylor (1984) quote that the Association of Family and Conciliation Courts, in the United States, started to promote the use of family mediation as an alternative to family court litigation. (p.5)

On the whole, the legal system is not able to deal with the fragility and complexity of interpersonal relationships between family members and other kinds of relationships that may continue after the dispute is resolved. (Folberg and Taylor, 1984) The authors emphasise that, once lawyers and judges

are the ones into the process of decision making, the parties have fewer probabilities of having control over the outcome of their dispute.

On the other hand, the use of mediation allows the parties to participate on the result of the process, which will make the agreement achieved to become more acceptable and durable than the one delivered by the court. (Folberg and Taylor 1984, p. 35)

1.5.3 – Personal Conflict

This type of conflict occurs between two parties within the same group or society. (Shah 2018) In a relationship, it will be considered an interpersonal conflict, which occurs in interactions where there are visible or tangible incompatible goals. (Jones, 2016) Therefore, Interpersonal conflict will be explained before in this research, in the topic of Interpersonal conflicts.

To summarise, the nature of conflicts is considered as a competitive singularity that involves two or more conflicting ideas, goals and interests, (Rawashdeh and Majali 2017) and it is a fact of everyday life. (Folberg and Taylor 1984). There are several causes and types of conflicts, where some of the sources are individual differences, cultural differences and clash of interests. In addition, Shah (2018) states that, even though conflicts may arise from different reasons, it is predominantly generated from clashes of interests. With all being said, Freud states that the central aspect of the conflict is the hereditary instinct of aggression in humans. (Shagh 2018)

1.5.4 - Conflict in Relationships

According to what it has been said about the nature and causes of conflict, and also that conflict is a natural fact in everyday life (Folgberg and Taylor1984), the sources of conflicts in relationships are not different. A conflict in a relationship may be characterised as any divergence between parties that could be, partners, siblings or co-workers. (Scott 2020)

First of all, conflicts in relationships may be generated from contradictory personalities, experience, taste, beliefs, divergences of opinion and even conflict styles (Shonk 2020) Moreover, when the conflict is on-going in a relationship, it may create stress, which will affect the health and well-being of the parties negatively. (American Psychological Association 2013) Also, these conflicts usually affect some aspects of the relationship, such as communication, which is what differentiates a dispute from a superficial divergence of perspective. (Scott 2020)

Wherefore, conflicts are an unavoidable part of any close relationship, and it can cause some pressure in the bonds between the parties. (Jones 2016) The author states that even though they may be rough, conflicts are not always considered as a bad thing. (p.267) Scott (2020) emphasises when the conflict in the relationship is healthy and productive, it does not only present the parties an opportunity to learn about how each other perceive the world, but also develop creative solutions to issues and help the parties grow.

On the other hand, when conflicts are not productive or healthy, it can damage the relationship, and if it is not resolved or handled appropriately, it can cause tension and even a breakdown in the relationship (Scott 2020) In case of divorce, Folberg and Taylor (1984) stress that there are alternative ways to resolve the dispute without leading to the court, and these ADR methods are negotiation, counselling, mediation and arbitration.

Moreover, the use of different approaches to litigation may bring benefits to a couple in dispute, once they are offered as a choice and were incentivised to use them. (Jones 2016) As an example, mediation is being considered by judges as an alternative to the divorce resolution. (Folberg and Taylor 1984) Nevertheless, mediation as an alternative method may assist the parties to face their emotional and practical issues and also provides them with the opportunity to decide the outcome of the process. (Jones 2016)

1.5.5 - Conflicts in Multicultural Relationships

Most people who have been in an intimate relationship would probably agree that conflicts are included in it. (Tallman and Hsiao 2004) Therefore it is possible to say that when two people decide to start a life together, they bring different experiences, different personalities and different cultures into the relationship. (Renalds 2011)

Therefore, Renalds (2011) mentions that nowadays, it is probable to see that the shape of relationships is changing and profound connections among people from different cultures are becoming more common. As an example, in Ireland, the number of immigrants has grown during the last few years. (Centre Statistics Office 2017)

The CSO states that until 2016 it was reported that 535.475 non-Irish nationals were living in Ireland, coming from 200 different countries, such as Poland, the largest group, followed by the United Kingdom and Lithuania. These three nations are included in the group that has more than 10.000 residents, such as America, Brazil, France, India, Germany, Romania, Latvia and Spain. (Centre Statistics Office 2017) Moreover, Chinese, Filipino and Nigerian citizens also arrived at the country in large groups. (Fanning 2018)

Figure 3
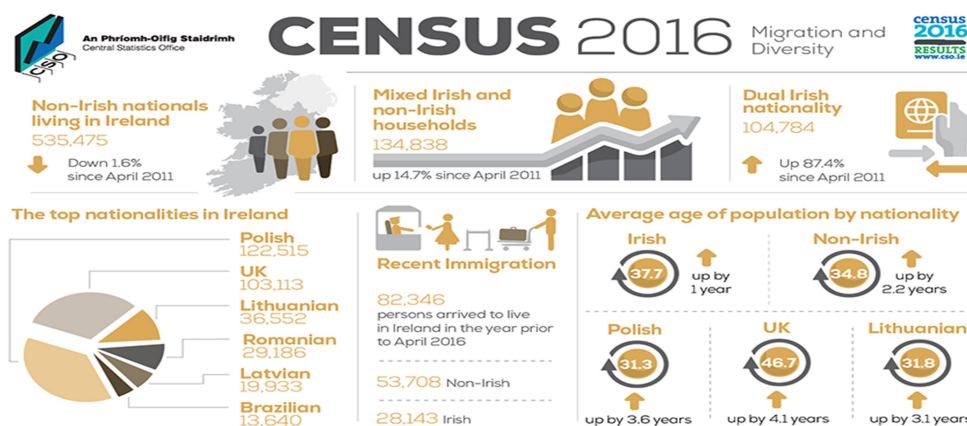
(Centre Statistics Office 2017)

Consequently, it is crucial to stress that these conflicts may arise due to different values and norms and behaviours. (Williams 1994) Likewise, intercultural conflicts occur because people hold different values and ideals. They may also use conflict and communication styles in different ways. (Oetzel et al. 2007)

Likewise, the variety of cultural backgrounds influence people to hold themselves in their beliefs, in social structures of the world and so the role of conflict in this experience. (University of Wisconsin-Madison n.d) Wherefore, intercultural conflicts start with miscommunication, which leads to misinterpretations and pseudo conflicts. (Ting-Toomey, 1994) The researcher points out that if the lack of communication is not clarified or appropriately managed, it can become an actual interpersonal conflict.

According to Triandis (2010), multicultural conflicts can be caused by simple facts, such as gestures, tone of voice, attitudes, beliefs, social influences and roles. Again, the author also expresses that some people weight official attributes of people, such as ethnicity, race, and religion.

As a result, conflicts between multicultural couples are considered interpersonal, which is a conflict that happens between two parties due to the divergence of perspectives. (Lewicki et al. 2016) Moreover, although individuals have different responses, it is still possible to identify how people's behaviour can affect the resolution of conflict. (Thomas and Kilmann 2008)

To summarise, through this research, is it possible to assert that the sources of conflicts in multicultural relationships are the same as in any other marital relationship. As a reminder, the cause of these conflicts is predominantly due to individual differences of clash of interests, which includes, among other sources, ethnicity, culture, values and religion. (Shah 2018) Moreover, these conflicts can be latent or manifest. (Folberg and Taylor 1984)

Thus, to prevent the failure of this relationship, it is crucial to resolve the conflict as soon as possible. (Cahn and Abigail 2007) Thereupon, McClelland and Mansell (2019) emphasise that in order to

resolve this kind of conflict, a mediator will be the third-party with enough skills to resolve the dispute in case of a breakdown in the relationship. (p. 3)

1.6 - Basics of Mediation

1.6.1 - Introduction

Mediation is an alternative of conflict resolution in which a third party help the disputants to resolve their conflicts, helping the disputants to find a resolution for their issues. (Folberg and Taylor 1984) Likewise, Goldberg et al. (2012, p.121) affirm that mediation is a negotiation carried out with the assistance of a third party. "Mediation as an alternative to self-help or formal legal procedures is not entirely new". (Folberg and Taylor 1984, p. 1)

As an example, Miranda (2014) states that historians assume that the earliest cases of mediation go back to the Phoenicians and also to Babylon. Besides, the author also points out that cases referring to mediation have been found in ancient Greece, where the "non,-marital" mediator was known as *proxeneta,* and also in Roman society. (p. 9) As well as in ancient China, mediation was the principal means of resolving disputes. (Brown 1982) In addition, in China, the resolution of the conflict was accomplished by moral persuasion and agreement rather than liberated intimidation. (Folberg and Taylor 1984)

Additionally, Miranda (2014) elucidates that after the development of the market economy and the modernisation of the legal system, the use of mediation had been reduced in ancient societies, even though the tradition was categorically strong.

Therefore, Mediation is an alternative to violence, self-help, or litigation, which differs from the process of counselling, negotiation and arbitration. (Folberg and Taylor 1984) The authors emphasise that mediation is defined as a procedure where participants, together with a neutral third party, methodically isolate disputed issues in order to develop options, consider alternatives, and reach a consensual outcome that will satisfy the needs of the parties. Thus, this approach gives the parties the responsibility of finding a resolution to the dispute, which will affect their lives; once mediation is a self-empowering process. (pp. 7-8)

Additionally, the mediation process is involuntary, impartial, private and confidential, and the third party, the mediator, is not a decision-maker. (Clark and Davis 1991). However, the authors state that the agreements are not binding unless the parties choose to enforce the treaty. (p. 82)

Nonetheless, Gould and Elliott (2016) mention that mediation has a few benefits in over litigation, once it is cheaper, faster on the resolution of cases, provide a more satisfactory outcome to the parties minimise further disputes, open channels for communication, preserve or enhance relationships and empower the parties. However, the same benefits of mediation may become its drawbacks. (Clarke and Davies 1991) Also, the mediation has three stages, which are pre-mediation, the mediation and the post mediation. (Gould and Elliott 2016)

Correspondingly, mediation is one of the alternatives of dispute resolution, among negotiation, conciliation, arbitration and problem-solving. (Folberg and Taylor, 1984) More so, there are some strategies which can be used in mediation, such as evaluative, facilitative, transformative and narrative. (Linden 2001)

To conclude, besides the basics of mediation, with its approaches, application and effects, advantages and disadvantages, this chapter will point out the use of mediation in Ireland, provide a glimpse of some countries in Europe which use mediation as an alternative to court and it will also be reported the awareness of mediation among foreigners in Ireland.

1.6.2 – Advantages and Disadvantages of the Mediation Process

According to Miranda (2017), mediation is used by those who have very delicate issues which require an extreme conciliatory effort and expertise to resolve the conflict, because of the importance of the interests involved in the dispute. The author even exemplifies that one of the matters could be referred in particular, to personal relations, such as between spouses or parent-child (p. 23)

Therefore, the specialists Clarke and Davies (1991) highlight the advantages of mediation on the

resolution of disputes, such as follows:

a) Voluntary: The process is voluntary for all the parties and they may also opt out the mediation process at any time. (Clarke & Davies, 1991, pp. 82 - 85) Likewise, the mediator can withdraw from the process if he thinks that mediation cannot continue under the current circumstances. (Law Reform Commission, 2010) Therefore, it means that the parties' participation in the process comes from their own free will. (Gould & Elliott, 2016) Moreover, this consent can be a pre-existing contract or an agreement to mediate reached after the dispute has arisen. (Lifely, 2017)

b) Cheaper and Faster: According to Clarke and Davies (1991), some disputants are discouraged from engaging in a litigation process because of its expenses and length to resolve a dispute. However, Pearson and Thoenes (1982, quoted by Knuppel 1991) point out that mediation provides less litigation, thus, less subsequent costs. Accordingly, Gould and Elliot (2016) emphasise that mediation is a process in which there is a reduction in the costs of resolving disputes and also decreasing in the time frame to resolve the issues. However, professor Stulberg (1998) stresses that it is necessary to be cautious when related to these advantages, because instead of being just benefits, they may become goals, which would compromise the fairness of the mediation process.

c) Flexible and informal – In mediation does not limit its focus to the discreet legal claims asserted by the parties, once they may discuss relative merits of their positions free from rigid court rules. (Clarke and Davies, 1991) The authors also point out that informality is a considerable advantage to the parties, who may not know legal jargon or legal rules, factors which may cause threat the disputants. (p. 86) As well as Radford (2001) points out that the flexibility of mediation allows the parties to reach an outcome, they consider it is fair. For Stulberg (1998), through mediation, the parties can divide the assets and obligations related to the parenthood to reach a fairer outcome for both parties.

d) Private and confidential: These are benefits in the process of mediation because they contribute to the parties to disclose sensitive information, such as emotions and feelings, which help them to reach a satisfactory agreement. (Clarke and Davies, 1991) The academics stress that confidentiality is a determinant factor for the preservation of the parties' goodwill (p.86)

Besides, for cases where there is a dispute involving guardianship matters, privacy is an advantage, once this type of disputes includes family secrets issues that are embarrassing to the parties. (Radford 2001) The author also states that confidentiality in the mediation process may encourage families to speak openly and allow the real reasons for a dispute to occur. (p. 2)

Nonetheless, in Section 10, of the Mediation Act 2017, stresses that the breach of the confidentiality clause may happen in case the parties offer risk to harm each other, the mediator or themselves when there is the commission or concealment of a crime or threat to a party. (Mediation Act 2017, p. 12)

This Act also points out that the confidentiality clause might be breached when "is sought or offered to prove or disprove a civil claim concerning the negligence or misconduct of the mediator, occurring during the mediation or a complaint to a professional body concerning such negligence or misconduct". (Mediation Act 2017b, p. 12)

e) Self-empowering process: Mediation is an empowering process. (Clarke and Davies, 1991; Gould and Eliott, 2016) Moreover, Clarke and Davies (1991) explain that this empowerment encourages the parties to find the outcome for their dispute, negotiating the issues involved, discussing the agreement and the form of applying it. (p. 86)

f) Satisfaction with the result: The parties have the opportunity to participate in all the stages of the mediation process, providing a resolution to their dispute, instead of having the decision delivered by a third party. (Clarke and Davies 1991) Consequently, it provides a more satisfactory outcome to the

dispute (Gould and Elliot 2016)

g) Preservation of relationships: This is a tremendous advantage in mediation because, in some circumstances, such as in family law, when there is a long term relationship between the parties. The mediation process may enhance the relationship between individuals in the future. (Clarke and Davies 1991) Furthermore, Gould and Elliot (2016) state that the mediation process also opens the channel for communications between the disputants hence reduce the probability of further conflicts.

h) Impartiality: Whatever type of mediation, mediators are supposed to be nom biased, not showing favouritism to either party. (McClelland and Mansel 2019) As an example, the authors state that neutrality is what varies mediation from arbitration, once an arbitrator needs to deliver the outcome to one side or the other. On the other hand, mediators provide the parties autonomy to achieve the resolution on the dispute, which could be acceptable for both. (pp. 3-4)

However, Clarke and Davies (1991) also mention that the benefits of mediation can also be considered its downsides. When related to privacy, the mediation process lacks the specific check and balances on cases, which are the main benefits of litigation. (Clarke and Davies 1991) The author highlight that some groups believe that in cases where there is the imbalance of power, the lack of public scrutiny is considered disadvantageous. (p.88)

Furthermore, correlated to the fairness of the process, Clarke and Davies (1991) believe that the proceedings may be considered a second class, once only people that are not able to afford the costs of litigation would use it. (p.89) Moreover, related to the confidentiality of the process, if the agreement is not reached, it may be sent to court, where a mediator may be called as a witness, and all the confidential information may be disclosed, which discourage the use of the process as an alternative to

court. (Clarke and Davies 1991, p. 90) What is more, the agreement does not provide certainty and protection on a settlement of the dispute, which means that it is not binding. It will be compulsory only if the parties mutually agree with it. (Clarke and Davies 1991)

1.6.3 - Stages of the mediation process

The mediation process is composed by seven stages, which are the introduction, fact-finding and isolation of issues, creation of options and alternatives, negotiation and decision making, clarification and writing a plan and finally, implementation, review and revision. (Folberg and Taylor 1984, pp. 38-72) However, the specialists Gould and Elliot (2016) split these phases into three groups, which are pre-mediation, the mediation and post mediation.

a) Pre-mediation: In this stage, there is the introduction, which is an essential factor in establishing trust in the relationship facilitating the rest of the mediation process. (Folberg and Taylor 1984) The authors state that in this phase, the mediator gathers information about the reason the participants decided to use mediation, the background of events that generated the conflict, the style of communication the individuals use, the emotional state of the participants, and the presentation of the problem. (p. 39)

Accordingly, Gould and Elliot (2016), report that in this phase, there is the establishment of the agreement to mediate, the ground rules, and also the establishment of fees, confidentiality the time table and the length of the process.

b) The mediation: This process occurs, usually, in a neutral space on the attempt to avoid the power imbalance between the parties. (Gould and Elliot 2016) The specialists emphasize that in this phase, the mediator present the ground rules and invite the parties to make their opening statement. Moreover, if

the mediator needs to discuss any of the issues presented, he or she may suggest talking to each one of the parties in a private meeting, which is called "caucus". (Gould and Elliott 2016, para.21)

The authors state that these meetings are efficient to build a relationship between the parties and the mediator, specify the main problems, detect the individual interests and needs, allow the parties to express their emotions, to expose hidden agendas and identify possible options for setting the agreement.

c) Post-mediation: In this stage, the parties are trying to implement the terms of the mediated agreement they have produced. (Folberg and Taylor 1984, p. 65) The academics highlight that it takes place outside the limitations of the mediation setting and does not demand the involvement of a mediator. (p. 65)

Additionally, the post mediation also includes the continuation towards a trial or an arbitration hearing. (Gould and Elliot 2016) Nonetheless, the experts also stress if an agreement is not achieved; it does not mean that the process was not successful.

1.6.4 - Mediation Styles

Initially, mediation can be used for almost all types of conflicts, such as in divorce cases, when the Court mandates the parties to attend mediation. (Foster 2003) Nevertheless, the author states that even within the approach of mediation, several styles can be used according to each situation. Therefore, this topic will report about the four types of methods commonly used in mediation nowadays, which are, facilitative, evaluative, transformative and narrative. (Linden 2001)

a) Facilitative Style: According to Linden (2001, para. 3), the facilitative style is the most used of all the approaches used nowadays. Moreover, this approach provides an outline of what is going to be

done along, with the parties, to reach an agreement benefitting the spouses hence finishing the conflict. In this method, the mediator identifies the needs of the disputants, discussions and caucuses determining their position in the conflict. The theorist states that the facilitative method is the most planned of the other four approaches, once it supports the whole mediation process using six steps as follows:

- Open the session/Introduction

- Gether information

- Focus on Common Ground

- Create options

- Write the agreement and Close the session (Linden 2001, para. 4)

b) Evaluative Style: In this method, the mediator uses his or her ability to assist the parties to evaluate their position and consider whether they are practical. In this method, the mediator must be careful in not imposing his or her opinion, but will also assist the parties and challenge their positions in the conflict and help them to decide which one is predominant with regards to perceptions and facts. (Linden 2001, para. 6)

Whereas, the author points out that in the evaluative style, the mediator will often analyse the probability of the disputants to get successful in case the dispute goes to Court. Additionally, using this method can be convenient when the mediation process is presenting primarily legal positions. (Linden 2001, para. 7) Nonetheless, Linden (2001) stresses that in the evaluative approach; attorneys may severely influence the mediation process by providing his opinions on the case.

c) Transformative Style: According to Linden (2001, para. 8-9), this approach is focused on the interactions and the communication between the parties in a dispute. The author emphasises that the body language and the attitude of the parties are a core fact in the transformative style.

d) Narrative Style: This approach is based on the idea that the position each individual carries to mediation is originated by their experiences in life. (Linden 2001, para, 8) The author states that the narrative style uses conversations and discussions through "storytelling" in order to make the disputants disclose the true nature of their conflict.

1.6.5 - Countries where Mediation is used as an Alternative to Court.

Over the past few decades, mediation has developed, and it has been acknowledged by the international community as a universal supra-juridical alternative for dispute resolution, in which, there is the search of satisfaction of personal interests and needs. (European Parliament 2011)

However, when people speak about mediation, they discover that countries with a long history of international trade, business and contract law have just recently discovered mediation and adapted it to their legal system. (Guner 2019) The specialist highlights that nowadays, more than 100 countries worldwide use mediations as an alternative to the resolution of disputes, such as the US, the UK and the member states of the European Union.

Therefore, this topic aims to present the countries that use mediation as an alternative to court. Also, it will report when the approach began to be utilised in these nations and if they were successful after implementing mediation into the legal system, as follows:

a) United States: In 1960, the interest in alternative methods of resolving disputes started to grow, and

now it is an integral part of the American legal system. Additionally, it is used in order to resolve numerous types of legal claims in the country. (Folberg 2015) Likewise, the author states that mediation started decades ago as an experiment carried on by the courts to decrease caseloads and also by community-based programs in order to provide cheaper alternatives for people that could not afford a lawyer, or better methods on the resolution of relationship sensitive cases, such as divorce. (pp. 35-36)

As an example, Folberg (2015) mentions the Judicial Council of California, which points out that between the years of 1998 and 2007, the number of civil filings in all state trial courts has decreased and the same phenomenon happened with the number of civil cases in all federal courts within 1962 - 2002. (p. 38) Furthermore, the author states that it is unclear if the number of cases in courts has been reduced due to the use of ADR methods. However, for some, it has occurred due to the use of mediation as an alternative to court. (Folberg 2015)

b) United Kingdom: In the UK, there were numerous initiatives on the use of mediation as early as the 1970s. (Liebmann 2000) The writer highlights that in the primary steps of mediation in the United Kingdom, the first in use the method developed links across their different areas to avoid segregation. Therefore, improvements have gone ahead faster in some sectors than others. (p. 19)

Afterwards, Liebmann (2000) stresses that due to small changes in funding, government policy, the law and public opinion, mediation was rapidly expanded to different sectors, for example, the family law area. (pp. 19-32)

In 1998, a test case conducted by the Law Society and the ADR Group, the Legal Aid Board decided that the act of mediating a dispute falls within the existing legal aid scheme, a fact which removed an obstacle to the use of mediation in the United Kingdom. (Lieberman 2000, p.33) The specialist also reports that it has also been accomplished for cases of divorce, by the Family Law Act 1996.

To summarise, the use of mediation was impacted positively due to changes in the civil justice system in England and Wales. (Liebmann 2000) Thus, the author emphasises that these modifications, which were created by the Civil Procedure Rules, came into force in 1999, decreeing mandatory that the High Court and the county courts encourage the use of ADR in appropriate cases. (p. 33)

c) European Union: The European Union is an economic and political union of 27 countries in which operates a single market which allows free movement of goods, capital, services and people between the member states. (Gov.uk 2020) Therefore, Pera (2014) mentions that mediation in the EU member, is governed by the Directive 2008/52/EC of the European Parliament and the Council of 21 May 2008. (p. 108)

In addition, mediation has begun to be spread amongst the EU within the end of the 1970s and the first half of the 1980s. However, the Directive could not alternate the status quo of the member states. (Pera 2014) As a result; the Directive had to deal with these modifications and adjust the rules to the tradition of each country. (Pera 2014, p. 109) Accordingly, Pera (2014) elucidates that the European Parliament, intentions was for creating this Order to provide freedom, security and justice in the European Union. However, Pera (2014) highlights that alternative extra-judicial procedures could also be created by their own member states. As an example, in Ireland, there is the Mediation Act 2017[3], which was commenced with effect from 1 January of 2018, in order to control the mediation process in the country. (Mediation Act 2017c)

To conclude, the Directive proposed the inclusion of mandatory rules into the legislation of each

---

[3] An Act to facilitate the settlement of disputes by mediation, to specify the principles applicable to mediation, to specify arrangements for mediation as an alternative to the institution of civil proceedings or to the continuation of civil proceedings that have been instituted; to provide for codes of practice to which mediators may subscribe; to provide for the recognition of a body as the Mediation Council of Ireland for the purposes of this Act and to require that Council to make reports to the Minister for Justice and Equality as regards mediation in the State; to provide, by means of a scheme, an opportunity for parties to family law proceedings or proceedings under section 67A(3) or 117 of the Succession Act 1965 to attend mediation information sessions; to amend the Guardianship of Infants Act 1964 , the Judicial Separation and Family Law Reform Act 1989 and the Family Law (Divorce) Act 1996 ; and to provide for related matters. (Mediation Act 2017)

country of the EU. As an example, the articles related to the enforceability of agreements and confidentiality respectively, and as a wish, the articles which refer to the quality of mediation and to the relationship between court procedures and mediation. (Pera 2014) Nevertheless, D. J. A. Cairns (quoted at Pera 2014), stresses that mediation amongst the EU member states had been spread on the basis of the US Model.

To sum up, these countries were prosperous in the implementation of mediation as an alternative to the courts. In the United States, Folberg (2015) mentions that the experiment of using mediation was positive; hence the model was replicated and refined in other jurisdictions. (p.37) For example, in the UK, the success of mediation in the commercial sector has contributed to the recent reforms of civil justice (Liebmann 2000, p.29). Also, in the EU, Pera (2014) states that the effectiveness of the extra-judicial mode is due to the impartiality and transparency on the procedure.

.

1.7 - Mediation and Family Mediation in Ireland

1.7.1 - Introduction

Firstly, mediation is described as a process by which the participants, together with the assistance of a third party, isolates the issues in order to develop options and consider alternatives and reach a consensual settlement that will satisfy both disputants. (Folberg and Taylor 1984) Therefore, mediation can also be examined in the context of the civil justice system as a whole (Conneely 2002 p. 2) Whereas, Conneelly (2002) states that Judges may consider that a successful mediation would avoid challenges to their authority.

In Ireland, the mediation practice has been placed in the context of the Irish Value System, in particular, the teachings and practices of the Roman Catholic Church. (Conneely 2002, p.3) Nonetheless, the author stresses that it may suggest that the mediation process needs to be conceptualised as a natural and necessary development of what it has happened in ancient times. (p. 3) Furthermore, Conneely (2002) also mentions that it also may propose the need to defend the empathetic position which mediation holds in cases of divorce.

Nonetheless, Folger and Milne (quoted at Haase et al. 2013) mention that mediation has a long history in various cultures and social contexts. The use of mediation by couples highly increased during the latter half of the last century, due to the growing incidents of divorce in the Western world. (Haase et al. 2013)

Likewise, mediation is progressively used in many other countries to assist parties in court to prevent further cost, time and risk of the litigation proceedings. (Sturrock 2015) As an example, the specialist points out that mediation is also used in the resolution of conflicts in personal relationships.

1.7.2- Mediation in Ireland

Ireland has become the most litigious jurisdictions outside the United States, for that reason, the Irish courts needed to explore alternative methods, once this system is no longer able to provide the essential services to the Irish population. (Haffernan 2011)

Wherefore, according to Fox (2011), the order 56A into the Rules of Superior Courts an also the new Order 99 1B were introduced. The author highlights that the rules facilitate the referral by the Superior Courts of proceedings, or issues in proceedings, to alternative dispute resolution "ADR" and provide that the refusal or failure without good reason of a party to engage in ADR may be taken into account by the court when awarding costs. (p. 22)

As an example, Fox (2011), reports that the court may invite or refer the parties to attend a mediation session in order to resolve the dispute. However, if one of the parties refuse or fail on engaging in the process, cost sanctions may be applied by the Supreme Court or High Court. (p. 22)

Moreover, Haffernan (2011) highlights that mediation has become the preferred method of Alternative Dispute Resolution in Ireland due to its advantages, which are impartiality of the third party, voluntary, cost and time-wise significant, confidential.

More so, the also author suggests in her paper, that mediation should become the first option on the resolution of disputes before being led to court, which it would ensure that the Court cost, time and other resources could be used in other cases efficiently. (Hafferman 2011)

However, the Law Society Gazette Ireland (2020), mentions that some clients may not wish to take ownership of finding mediated solutions and will always prefer for a judge to decide on a case.

To summarise, for it to change, Judge Rosemary Horgan[4] (cited at Law Society Gazette Ireland 2020), stated that maladaptive patterns of response to the conflict need to be re-learned by mediators. Also, Dr

---

[4] She was formerly a partner at Ronan Daly Jermyn solicitors, where she practised for many years in all areas of family law. She lectured on family law issues and was a consultant to the Law Society of Ireland on family law. She was a member of the Law Society's Family Law and Civil Legal Aid Committee and Law Reform Committee. (Maynooth University 2020)

Róisin O'Shea [5] (mentioned at the Law Society Gazette Ireland) stated that mediation is still not a trend in Ireland; however, under the law, the option to mediate must be explained to all parties in a dispute.

1.7.3 - Family Mediation in Ireland

First of all, family mediation is not a marriage counselling, but a voluntary process in which couples make efforts to resolve the issues involving separation or divorce, by working along with an impartial third party. (Zaher 1998) Thus, the family mediation services in Ireland help couples who have decided to separate or divorce, who have already separated, or who have never lived together but have a child together to negotiate their own terms of the agreement, taking into account the needs and interests of all involved. (Legal Aid Board 2019, p.44) Additionally, family mediation has a tradition of working directly with the parties, for instance, face to face with the involved. (Liebmann 2000)

Moreover, family mediation was originated as a critique on the court system and also on the increasing levels of disappointment within government, judiciary and amongst the general public. (Conneely 2002)

Secondly, in Ireland, mediation has been part of the legal agenda governing issues related to divorce and separation since 1989. (Conneely 2002, p.1) However, the author emphasises that the use of family mediation in Ireland is still to be improved in comparison to the number of applicants to the Family Court. Therefore, in 2019, the total number of couples, who attended to family mediation in the country, was 2.611, in which 37% were related to the dissolution of relationships. (Legal Aid Board

---

[5] She is a director of The Mediators Institute of Ireland since October 2015; is an approved Skillnet trainer, delivering Conflict Resolution programmes to HR and Managers along with her colleague Shane Dempsey, through Waterford Chamber of Commerce; is a Group Mentor for the Chambers Regional Leaders Programme 2020-2021, and also delivers Mediation training and CPD training for mediators, accredited by the Mediators Institute of Ireland. She is a member of the Child Maintenance Review Group 2020-2021 by Ministerial appointment. O'Shea, R. (2020) *Dr Roisin O'Shea - Mediator, Legal Academic, Trainer, Artist*, 15 Oct 01:35, available: https://ie.linkedin.com/in/dr-roisin-o-shea-b7858b2a [accessed 15 October 2020].

2019, p. 23) See the table below:

Figure 4

Table 14 – Total Cases, Sessions and Agreements 2019

	2017			2018			2019		
	All Issues (couples)	Court Based	Total	All Issues (couples)	Court Based	Total	All Issues (couples)	Court Based	Total
New Cases*	2,149	623	**2,772**	1,807	475	**2,282**	2,057	554	**2,611**
Total Joint Mediation Sessions	6,788	1,129	**7,917**	6,888	1,233	**8,121**	7,700	1,534	**9,234**
Total Information Sessions	634	1,645	**2,279**	284	1,792	**2,076**	466	1,617	**2,083**
Total Agreements	836	362	**1,198**	870	348	**1,218**	849	363	**1,212**

*A new case is defined as two clients (a couple) agreeing to mediate. This does not include information sessions that may have taken place.

(Legal Aid Board 2019, p. 45)

Furthermore, the Courts Service (2019) shows the record of a total of 5.405 people who applied to the Family Court in order to dissolve their relationships, which includes divorce, dissolution of civil partnership and judicial separation. These numbers exclude cases of domestic violence, child care supervision, adoption, among others. (pp. 58 - 61) See the following figures:

Figure 5

DIVORCE						
	INCOMING		RESOLVED			
	2019	2018	2019		2018	
			By court	Out of court	By court	Out of court
High Court	23	24	39	0	27	0
Circuit Court	4,050	3,864	3,534	0	3,225	0
Total	**4,073**	**3,888**	**3,573**	**0**	**3,252**	**0**

(Courts Service 2019, p. 58)

Figure 6

JUDICIAL SEPARATION						
	INCOMING		RESOLVED			
	2019	2018	2019		2018	
			By court	Out of court	By court	Out of court
High Court	23	31	34	2	47	0
Circuit Court	1,206	1,238	706	0	827	0
Total	1,229	1,269	740	2	874	0

(Courts Service 2019, p. 59)

Figure 7

DISSOLUTION OF PARTNERSHIP						
	INCOMING		RESOLVED			
	2019	2018	2019		2018	
			By court	Out of court	By court	Out of court
High Court	0	0	0	0	0	0
Circuit Court	66	99	38	0	22	0
Total	66	99	38	0	22	0

(Courts Service 2019, p. 60)

Figure 8

COHABITATION: HIGH COURT					
Incoming		Resolved			
2019	2018	2019		2018	
		By court	Out of court	By court	Out of court
8	11	5	0	3	0

(Courts Service 2019, p. 60)

Furthermore, the Legal Aid Board provides family mediation services free, or most of the financial cost is carried by the State (Law Reform Commission 2008, p. 3) Also, the Legal Aid Board (2019) points out that that the number of applicants to family mediation in Ireland, increased in comparison to 2018

when the total was 2.282. (p. 45). *See figure 4*

Therefore, according to Frank Clarke[6], where the Courts Services provided information on family mediation in courthouses, there should be an increase in the use of mediation and agreement. (Courts Service 2019, p.10)

On the whole, the voluntary mediation has thrived in the family dispute resolution, and it aims to assist the spouses in their independent negotiations and gives them the control and opportunity to reach an agreement. (Conneely 2002) Moreover, in Ireland, the mediation process is still timid in comparison to courts. (McGowan, 2018)

1.7.4 The Awareness of Mediation among Foreigners in Ireland

This topic has the purpose of reporting the awareness of mediation among foreigners in Ireland as well as, to demonstrate the consciousness on the use of the alternative model in the country and also, what it has been done in other to raise the perception about mediation.

First of all, the Houses of the Oireachtas (2012) mentions the report on the Mediation Bill, provided by the Joint Committee on Justice, Defence and Quality, which stresses that building the awareness of the mediation process is fundamental and it must be differentiated from other dispute resolution approaches, such as arbitration. The same committee highlights that raising awareness of mediation is also necessary for legislation to be effective. (Houses of the Oireachtas 2012) Nonetheless, this was an announcement made in 2012, and since then it is possible to see the improvements which the mediation process has achieved in Ireland. (Courts Service, 2019; Legal Aid Board, 2019)

Therefore, in order to work on the growth of the mediation process in the country, The Mediation Awareness Week was launched in 2015. (Walsh 2015) The author states that the event was created by

---

[6] Chief Justice Chair of the Board of the Courts Service (Court Service 2019)

Austin Kenny[7] , and this seminar intended to spread the recognition of mediation and de-mystifying the process.

On the other hand, with such limited statistics, it is challenging to present any conclusions regarding the awareness of mediation among immigrants in Ireland. Therefore, this study will discuss this fact further in chapters four and five.

1.8 - Legal aspects of Marital Unions in Ireland.

1.8.1 Introduction

This topic has the intention to report the legal aspects of matrimonial and cohabiting unions in Ireland. It will also stress the measurements to be taken in order to legally confirm these relationships, the Acts which regulates them and also the measurements to be taken in case of their relationships dissolutions. There are three forms of recognized civil ways to set a relationship in Ireland, which are marriage, civil partnership and cohabiting. (Citizen Information 2020a) However, the same website reports that in case of a breakdown in the relationship, there are also three legal ways to dissolve the union, which are separation agreement, judicial separation and divorce. (Courts Service 2019, pp.58-61)

1.8.2 Marriage

 Marriage is the legally accepted relationship between two individuals in which they live together or abiding and official ceremony that results in this type of relationship.[8] However, there are some legal aspects and measures that must be followed in order to marry in Ireland. (Citizen Information, 2020b) Moreover, the Citizen Information (2020c) stresses that there are several rules governing marriage and

---

[7] Kenny, A. (n.d.) *Mediation | Conflict Management*, available: http://www.austinkenny.ie/ [accessed 5 October 2020].

[8] Cambridge Dictionary (n.d) *Marriage*, available: https://dictionary.cambridge.org/dictionary/english/marriage [accessed 20 October 2020]

the first group of procedures specifies who may and may not marry each other and in what conditions. Nonetheless, these rules are not valid if the couple decides to marry through a religious or secular ceremony, even though they are recognized in Ireland. (Citizen Information 2020c)

According to the Citizen Information (2020b), for a marriage to be legal in Ireland, the parties must comply with the following rules stated in the topic "Capacity to marry, such as:

- "The individual must be 18 years of age

- The parties must have the capacity to marry (freely consent to marry and understand what a marriage is)

- Observe the necessary formalities

- The parties need to send a notification of marriage to the Registrar 3 month before the wedding. Therefore, if the couple had a civil partnership before getting married they do not need to give the three months' notice)

- The parties need to be single, divorced, widowed or have any civil annulment of the latest marriage or civil partnership

- Not be related by blood or marriage to the degree that prohibits the individuals in law from marrying each other." (Citizen Information 2020b)

Wherefore, if the parties do not have any impediments, they can marry in a civil ceremony, which is a legally binding secular marriage ceremony and performed by a registrar, who works for the state. (Citizen Information 2020c) The institution highlights that these types of services may only take place within the office working hours of the registrar.

Nevertheless, there are other ways to get married in Ireland, besides civil marriage, they are the religious ceremony and secular ceremony. (Citizen Information 2020c) The website stresses whether the parties decide to marry on a religious or secular ceremony, firstly, the solemnisers must be registered and the parties must also require a Marriage Registration Form by giving three months` notice of intention to marry to the registrar at a civil registration service. (Citizen Information 2020b)

Nowadays, parties with the same gender are able to marry, and this right was granted in 2015. (Citizen Information 2020b) Additionally, in order to amend the Civil Registration Act 2004 and remove the article in which was stipulated the impediment to the marriage of the same-sex couples, it was created the Marriage Act 2015[9] (Marriage Act 2015)

Moreover, on regards of the changes in the legal status after marriage, the Citizen Information (2020d), points out that in Ireland, matrimonies change the legal position of the parties and also modify the individuals' entitlements and obligations, such as "social welfare, tax, guardianships status of fathers, the presumption of paternity, life insurance and pensions, inheritance, maintenance and safety orders, protection orders and barring orders in Ireland". (Citizen Information 2020d)

In case of the marriage is held abroad, its validity is ruled by the laws of the country where the individuals got married. (Citizen Information 2020b) Therefore, the organisation states that the General Register Office has no purpose in advising or recognises marriages with Irish citizens that happened outside the State, once they are not registered in the country.

Besides, in case of a relationship breakdown while in a marriage, there are two options for its dissolution, which are divorce and judicial separation (Courts Service, 2019). The Annual report

---

[9] An Act to amend the Civil Registration Act 2004 to remove the impediment to marriage of the parties being of the same sex; to repeal certain provisions of Part 7A of that Act relating to registration of civil partnerships; to make provision in relation to religious bodies; to provide for the recognition of marriages under the law of a place other than the State; to amend the Succession Act 1965 , the Civil Partnership and Certain Rights and Obligations of Cohabitants Act 2010 and the Gender Recognition Act 2015 ; to amend other enactments and to provide for matters connected therewith. (Marriage Act 2015)

highlights that decree of divorce finishes the marriage and allow both parties to re-marry. Court Service 2019)

In addition, for the Court to grant the divorce, it is essential that the parties s must have been married and living apart for a period amounting to four out of the previous five years. (Courts Service 2019, p.58)

Accordingly, in a judicial separation, it eliminates the duty on spouses to cohabit. Generally, the common ground is when partners do not have a normal marital relationship for at least one year before the application for the decree. (Courts Service 2019)

1.8.3 - Civil Partnership

According to the Citizen information (2020e), the civil partnership it was governed by the Civil Partnership and Certain Rights and Obligations of Cohabitants Act 2010, in which the rights and obligations that civil partners have towards each other are set. Nowadays, this act was replaced by the Marriage Act 2015. (Marriage Act 2015)

Therefore, individuals in a conjugal relationship through civil partnership, have the same rights of a married couple on the regards on the social welfare and tax codes. (Citizen Information 2020e) However, the Citizen Information (2020e) reports that the Act does not change the law on matters related to children, such as guardianship, adoption, custody access or maintenance.

Also, couples that are living as spouses through the civil partnership, they may remain on the same status or marry. Nonetheless, once they get married, the civil partnership will be immediately terminated. (Citizen Information 2020e)

Furthermore, according to the Marriage Act 2015, the impediments to a civil partnership are:

1. "the civil partnership would be void by virtue of the Third Schedule,

2. one of the parties to the intended civil partnership is, or both are, already party to a subsisting civil partnership,

3. one or both of the parties to the intended civil partnership will be under the age of 18 years on the date of the intended civil partnership registration,

4. one or both of the parties to the intended civil partnership does not give free and informed consent,

5. the parties are not of the same sex, or

6. one of the parties to the intended civil partnership is, or both are, married." (Citizen Information 2020e)

What is more, the civil partnership registration arrangement for same-gender couples was introduced in 2011, but after the commencement of the Marriage Act 2015, no civil partnership can be registered in Ireland, once the marriage between partners of the same sex was granted by law in 2015 (Citizen Information 2020)

Besides that, thejournal.ie (2020) mentions that the Department of Justice stated that there are no plans to change the decree in order to provide the option of civil partnerships to partners of the opposite sex. However, there is the "*De Facto Partnership Immigration Permission*", which is an immigration status that permits the individual to remain with the long-term partner in Ireland and it ends automatically, once the relationship is over. (Department of Justice and Equality, 2017)

Wherefore, when there is a breakdown in the relationship, the partners may count on the dissolution of the partnership. (Court Service, 2019) The same department highlights that this dissolution is granted in a similar way as to divorce, once it allows the parties to marry. (p. 60)

1.8.4 - Cohabiting

According to the Civil Partnership and Certain Rights and Obligations of Cohabitants Act 2010, partners in a cohabiting relationship are the ones who are not married to each other, not registered in a civil partnership, not related within the prohibited degrees of relationship, but both live in together in an intimate and committed in a relationship. (Citizen Information 2020f)

After the introduction of Civil Partnerships and Certain Rights and Obligations of Cohabitants Act 2010 in Ireland, cohabitant same-sex couples started to be treated as regular partners under the eyes of the law. (Doherty Solicitors and Mediators, 2016)

For instance, the company states that Cohabitants may seek for maintenance and also, of the child from the relationship.

Therefore, for a cohabitant partner to avail any rights under the act, there are specific criteria that must be met, such as:

1. "They were in an intimate and committed relationship

2. They were qualified cohabitants

3. There is a financial dependence on one part of the cohabitant, and it arises from this relationship or the ending of the same

4. It would be just and equitable for the court to make an order for redress in all circumstances" (Doherty Solicitors and Mediators 2016)

Moreover, the law firm states that for a person to be qualified as a qualified cohabitant before the law, the person must be in a relationship for at least five years or, if the individual is in a relationship for two years, in case he or she had a child. (Doherty Solicitors and Mediators 2016)

However, the Citizen Information (2020f) states that, differently of the couples in a relationship by marriage or civil partnership, the cohabitants are not granted the same rights, which severely impact the

lives of cohabitants when issues arise.

Chapter 2 - Research Methodology and Methods

2.1 - Introduction

Firstly, before starting the investigation, t is essential to differentiate methodology from methods. (Saunders et al. 2019) Therefore, the methodology is crucial to the research process, because it offers much more than research strategies, but also the legitimisation for knowledge production. The methodology is considered as a macro-level tool on the designing of the data collection. (O'Leary 2017, p 36) On the other hand, methods are the procedures and processes used to obtain and evaluate research data. (Saunders et al. 2019, p 808) Moreover, they are the "micro-level" techniques used to collect and analyse data, and they can include interviews, surveying, observation and unobtrusive (O'Leary 2017, p 37)

Likewise, Kaplan (1964 quoted at Jackson et al. 2010, p. 22) states that method refers to how data is collected, and methodology refers to the identification and utilisation of the best approach for addressing a theoretical or practical problem. Additionally, the method is about ''how to'' and methodology is about ''why to'' collect data a certain way. (Jackson et al. 2010)

Therefore, this research will be based on quantitative data, which will help to provide more accuracy on regards to the outcome of this thesis subject and legitimate the conclusion. (Denscombe 2017)

2.2 - Research Philosophy

Firstly, to explain the research philosophy, Saunders et al. (2007) state that how the researcher sees the world is essential when choosing a research philosophy. Consequently, the philosophy which will be used an influenced by practical procedures, whilst the assumptions, which will be adopted by the researcher, will determine the methods to be utilised in order to support the research strategy. (Saunders et al. 2007, p. 101)

Moreover, Bajpai (2011 mentioned at Dudovskiy n.d.) stresses that the research methodology deals with the source, nature and development of knowledge. Therefore it is a belief about the forms in which data about a phenomenon should be analysed collected and used. (Dudovskiy n.d.a) The author points out that addressing research philosophy in a dissertation involves being aware and formulate beliefs and assumptions. Thus, Saunders et al. (2007), highlight that there are four philosophies in a research process, which are pragmatism, positivism, realism and interpretivism. See figure below:

Figure 9
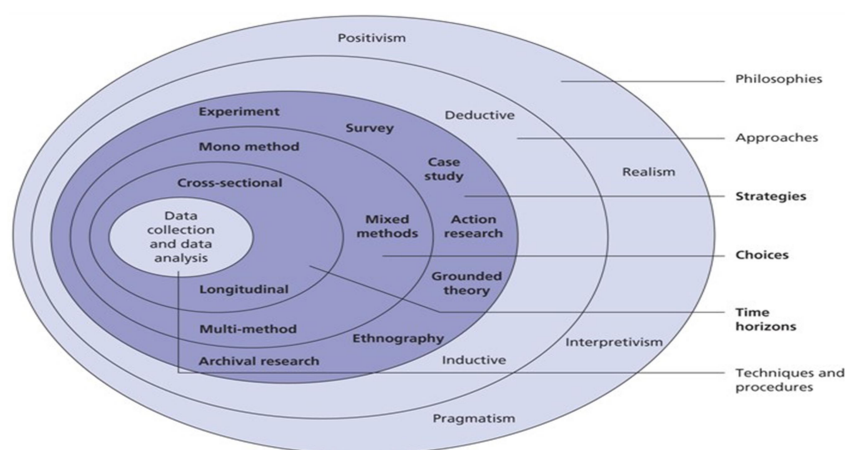
(Dudoviski n.d.a)

As a result, this paper will use the pragmatism research philosophy, once it discusses the most critical factor in research, which is the research questions. (Saunders et al. 2007) Therefore, Tashakkori and Teddlie (1998) state that the pragmatism philosophy prevents the researcher from engaging in a weak argument between theories, such as truth and reality.

For that reason, researchers must study what is exciting and valuable for them, study in different ways in which they consider appropriate and use the results in ways that can bring about positive consequences within your value system (Tashakkori and Teddlie 1998, p. 30)

In other words, the pragmatism philosophy can be applied in all the research approaches, which are

Deductive and Inductive and in both ontologies, such as objective and subjective. (Dudovskyi, n.d.b) The author reports that the pragmatism as a research philosophy may be value-free and biased and also be used for qualitative and quantitative research methods. Overall, the pragmatism research philosophy can integrate the use of multiple research approaches, strategies and methods.

Figure 10

	Pragmatism	Positivism	Realism	Interpretivism
Popular data collection method	Mixed or multiple method designs, quantitative and qualitative	Highly structured, large samples, measurement, quantitative, but can use qualitative	Methods chosen must fit the subject matter, quantitative or qualitative	Small samples, in-depth investigations, qualitative

(Dudovskyi, n.d.b)

2.3 - Research Approach

This dissertation has a deductive approach, or deductive reasoning (Dudovskyi, n.d.b), once it involves the development of a theory that is subjected to a rigorous test, which means that in this style a hypothesis is created and a strategy is used to test it (Saunders et al. 2007)

Thereupon, Babbie (2010, p. 52) expresses that deduction begins with an expected pattern that is tested against observations.

Besides that, Robson (2002, cited at Saunders et al. 2007) outlines and introduces the five phases in which the deductive research process follows:

Figure 11

Theory → Hypothesis → Observation/Test → Confirmation/Rejection

(Dudoviskyi, n.d.b)

1. " deducing a hypothesis (a testable proposition about the relationship between two or more concepts or variables) from the theory;

2. expressing the hypothesis in operational terms (that is, indicating exactly how the concepts or variables are to be measured), which propose a relationship between two specific concepts or variables;

3. testing this operational hypothesis;

4. examining the specific outcome of the inquiry (it will either tend to confirm the theory or indicate the need for its modification);

5. if necessary, modifying the theory in the light of the findings." (Saunders et al. 2007. p. 52)

To summarize, Collins and Hussey (2003 quoted at Saunders et al. 2007) state that the deductive approach is the primary method in the natural science, where laws present the basis of an explanation, permit the anticipation of singularities, forecast their incidence and allow them to be controlled. Therefore this research is based on a hypothetical-deductive approach because it draws conclusions through the presentation of a set of principles or prepositions, coming from the observation of a phenomenon and therefore, which will use strategies to test it.

2.4 - Qualitative, Quantitative and Mix Methods Research Design

Firstly, Jackson et al. (2010) point out that qualitative research has its roots in hermeneutics, the Verstehen Tradition and phenomenology. (p.23) Thus, qualitative research is considered to be all kinds of enquiries that are non-numerical data-based, all types of textual analysis, conversations and speech and narrative analysis. (Jackson et al. 2010) As well as, Bhandari (2020) highlights that this type of research is commonly used in the field of humanities and social science, such as sociology,

anthropology, education, among others.

Therefore, Denzin and Lincoln (2000 mentioned ad Jackson et al. 2010) report that qualitative research aims to comprehend the significance of human action by describing the inborn or essential characteristics of social matters or human experience.

Secondly, quantitative research is considered mainly as a synonym of any data collection system or data analysis procedure that produces or uses numerical data. (Saunders et al., 2007) Similarly, Aliaga and Gunderson (2002 quoted at Jackson et al. 2010), describe quantitative research method as the explaining of an issue or phenomenon through gathering data in numerical form and analysing them with the aid of mathematical methods, in particular statistics. (p.41)

To conclude, the quantitative method was the chosen approach to compose this paper, once it designs the conclusion, hence, providing useful data to test the hypothesis. This information will be collected through a survey, which is an example of a quantitative method. (Saunders et al. 2007)

2.5 - Research Strategy

As mentioned above, this dissertation will use the survey as a source of data to compose the research. The survey may be used for descriptive, explanatory, and illustrative purposes. (Babbie 2010) Moreover, the author states that surveys research is the best method available to a social researcher who is interested in collecting original data for describing a population too large to observe directly. (p. 255)

As well as Kerlinger (1973 quoted at Apuke 2017) considers the surveys as social scientific research that focus on people, the vital facts about people, and their beliefs, opinions, attitudes, motivations and behaviours. (p. 44). Also, Saunders et al. (2007), highlight that surveys are a non-expensive method which provides a significant amount of data.

In addition, this dissertation is conducted with a correlational design, which is also a quantitative

method used to determine, whether and to what degree, a relationship exists between variables within a population or sample. (Apuke 2017)

What is more, Cresswell (2008, p.358 cited at Apuke 2017) describes that there are two types or correlational designs in researches, which are the explanatory design and the prediction design. Therefore, this thesis will utilise the prediction design as the purpose of the researcher is to forecast specific outcomes in one variable from another variable that serves as a predictor. (Apuke 2017)

2.6 - Ethical Considerations:

This project contains sensitive information from those who participated indirectly in this research (survey). Thereupon, the ethical considerations in this dissertation are concerned with the protection of the privacy of the matters contributing to the research and to the access of any data that they provide.

Chapter 3 – Presentation of Data

It is understood that the data presentation and analysis of data composes a primordial part of all academic researches. (Fanelli 2009) The data analysis in this dissertation will help in the interpretation of data and support on the decision making and also on answering the dissertation questions. Whereas the data presentation is the illustrative representation of these statistics using graphics. (Planning Tank n.d)

This paper will provide data from primary and secondary sources, where the primary source is considered as a unique source of information for the study. (Wisker 2019) The secondary source is recognised as narrative analysis, which is the most commonly used in researches, as it evaluates data from a variety of sources like, field notes, surveys, interviews and other written forms. (Perez 2019) The primarily used sources of information that composed this study were collected from previous researches, and official bodies and agencies.

Also, Fricker and Schonlau (2002) elucidate that internet-based surveys can be conducted easier than led via the conventional modes because it is more effective, cheaper and faster.

Thirdly, as it has been previously mentioned, the documents that were analysed in this research came from reliable sources, such as government, agencies and acts. Although they are considered as a good source of data, according to Denscombe (2017), it should be analysed cautiously because a researcher cannot take for granted the information provided by such bodies for granted.

Additionally, according to chapter two, the research will be based on the deductive approach, to test an existent theory. Moreover, the research methodology will be the quantitative style based on a web survey with a sample of one hundred and two people in order to test the hypothesis (Saunders et al. 2007)

For instance, this dissertation it was used the Google Forms to conduct a web survey. The complete questionnaire will be presented in Appendix A.

Therefore, for not having direct contact with the participants, once the survey was posted on Facebook and also sent through Whatsapp, the investigator aims to comply with ethical considerations preparing a cover letter in order to explain the purpose of the research and this form can be found in Appendix B. Moreover, there is a consent form in Appendix C, in case the participants chose another way to receive the survey. Also, it was attached the survey disclaim on Appendix D.

The researcher target was based on people who have or had a marital relationship with a person from different nationality and who live in Ireland. The research aims to receive data related to the cause of conflicts in this relationship, what kind of behaviour the parties would have when facing conflicts, the awareness of mediation and also, in case of a relationship breakdown if these individuals would seek mediation as an alternative to court.

Furthermore, in this research, ethical considerations were oriented to the protection of the confidentiality of the participants and to the access of any data which they provided.

The web survey is composed of twenty questions, from these, the questions four, five, ten, thirteen, sixteen and nineteen, are accompanied by a sub-space so the participant could provide further information. All queries were marked as requested, which means that the answer is mandatory; otherwise, the survey could not be submitted, as well as the sub-spaces which aims to offer more substantial data to the researcher.

Also, the other purpose of this paper is to know which would be the best way that mediation could be advertised, which would be the best way the Government would use for encouraging and promoting the use of mediation as an alternative to court.

Therefore, this survey counted the total of one hundred and two participants, including couples of opposite and same-sex, with different ages and all are residents in Ireland.

First of all, when related to question number one, it was asked to the participants their actual marital status; in order to identify which relationship status is the majority within the group. As presented in the chart below:

Marital Status
102 respostas

- ● Married
- ● Civil Partnership
- ● Cohabiting
- ● Single
- ● Separated/Divorced

20,6%
37,3%
30,4%
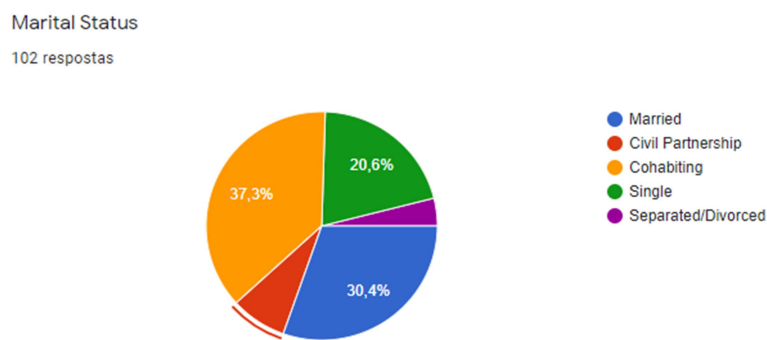
What is more, the survey also asked in question number two, the gender of the interviewee to verify which gender had the most engagement in this research. The results will be in Chapter 4. See the illustration below:

Gender
102 respostas

- ● Male
- ● Female
- ● Prefer not to say

80,4%
19,6%
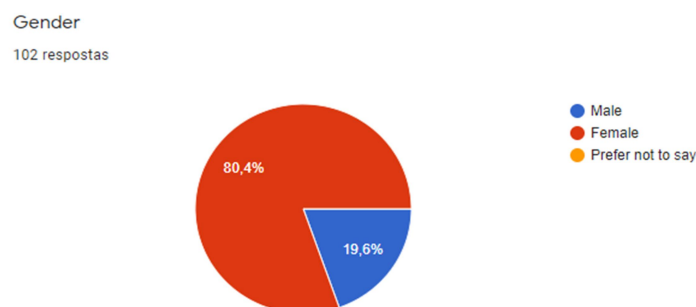
In the question number three, the researcher asked about the age range of the participants and it was verified that the vast majority of the interviewees are in-between 25 and 35 years of age, and they compose 60.8% of the total number of all the responses as illustrated on the next figure:

Figure 14

Age range

102 respostas

- ● < 18
- ● 18-24
- ● 25-35
- ● > 35

34,3%

60,8%
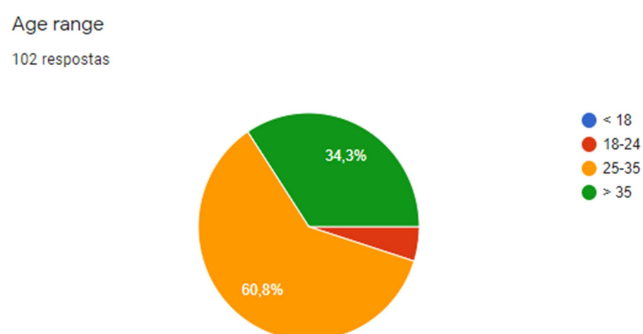
Besides, in questions number four and five, it was asked the nationality of each participant and their native language. Moreover, the answers are to analyse the diversity existent in Ireland.

Figure 15

What country are you national of?

Country	Percentage
Venezuela	1%
United States of America	2%
South Africa	1%
Portugal	2%
Poland	1%
Mexico	6.90%
Ivory Coast	2%
Italy	2%
Ireland	8%
Coratia	1%
Canada	1%
Brazil	70.60%
Argentina	2%

Figure 16

What is you native language?

Language	Percentage
Afrikaans	1%
Croatian	1%
English	9.80%
French	2%
Irish	2%
Italian	2%
Polish	1%
Spanish	9.80%
Portuguese	71.60%
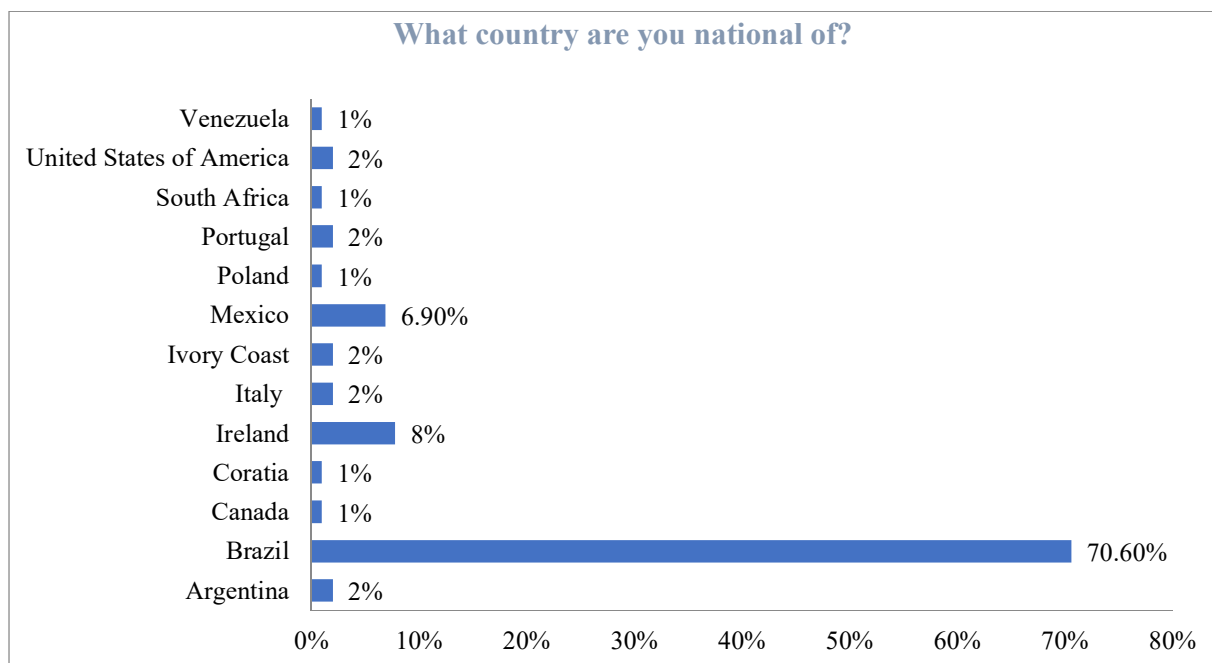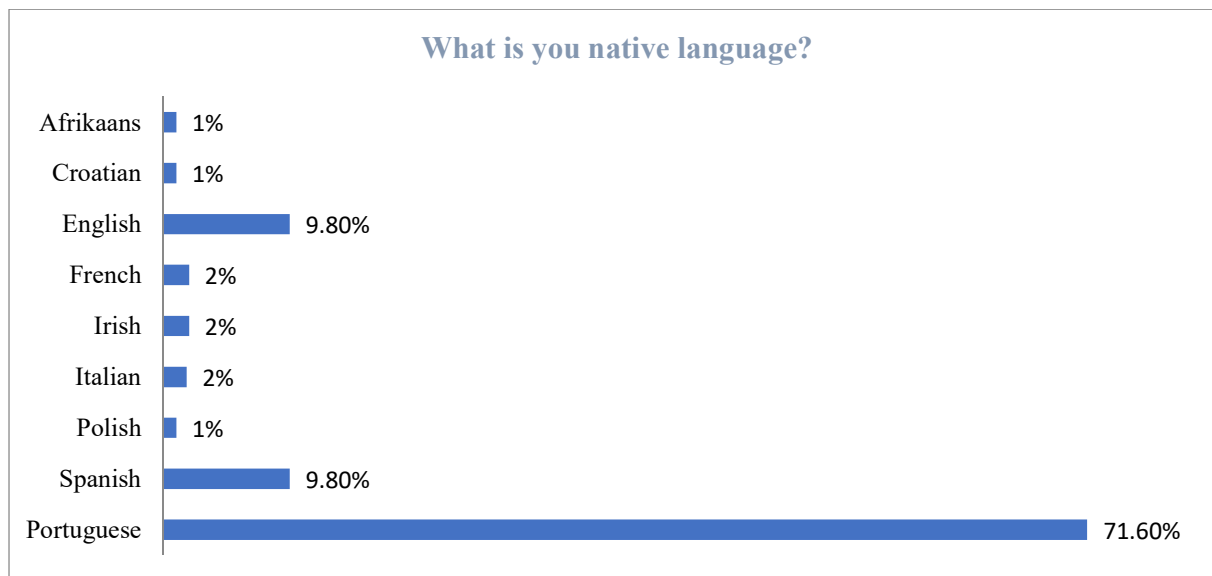
What is more, in question six, people were asked how long they are living in Ireland. This question was asked in order to know if the participants are already integrated to the Irish society and if they are aware of their culture, being able to distinguish and respect the differences in order to avoid conflicts. As the chart shows:

Figure 17

Time living in Ireland
102 respostas

- < 1 year
- 1 – 5 years
- > 5 years

36,3%
60,8%
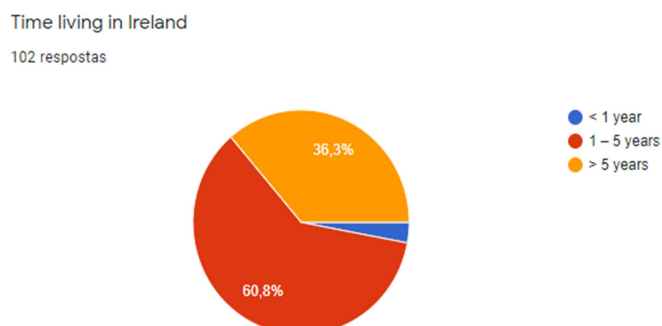
Moreover, in questions seven and eight, the interviewees were asked, for how long they have been in this intercultural relationship and if they had children, respectively. See the charts below:

Figure 18

For how long have you been together with your partner?
102 respostas

- < 1 year
- 1 – 5 years
- > 5 years

29,4%
53,9%
16,7%

Figure 19

Do you have children?
102 respostas

- Yes
- No

77,5%
22,5%
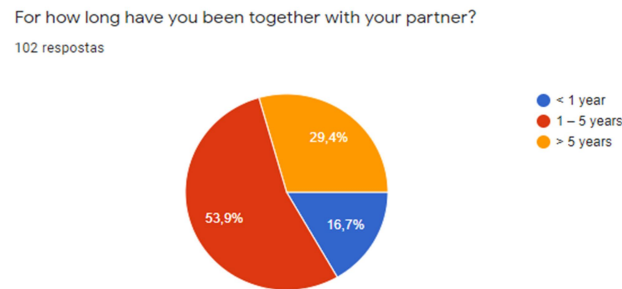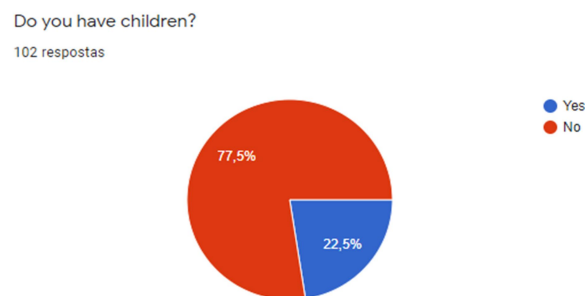
The last twelve questions are related to the objectives of this dissertation, which are to find an answer of leading causes of conflicts in a multicultural relationship, the way these individuals behave when facing conflicts, the awareness of mediation in order to resolve the issue and in case if a dispute arises if these individuals would use mediation as an alternative to court.

Therefore, on the ninth and tenth questions, the researcher went deeper into the individuals' relationships and asked them if they have experienced any conflict in the relationship and if they had, which was the principal cause of this conflict. As follows:

Figure 20

Have you experienced any kind of disagreement with your partner?

102 respostas

Figure 21

What would you consider as the main cause of disagreement in your relationship?
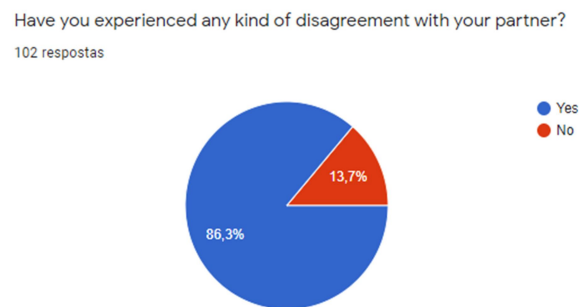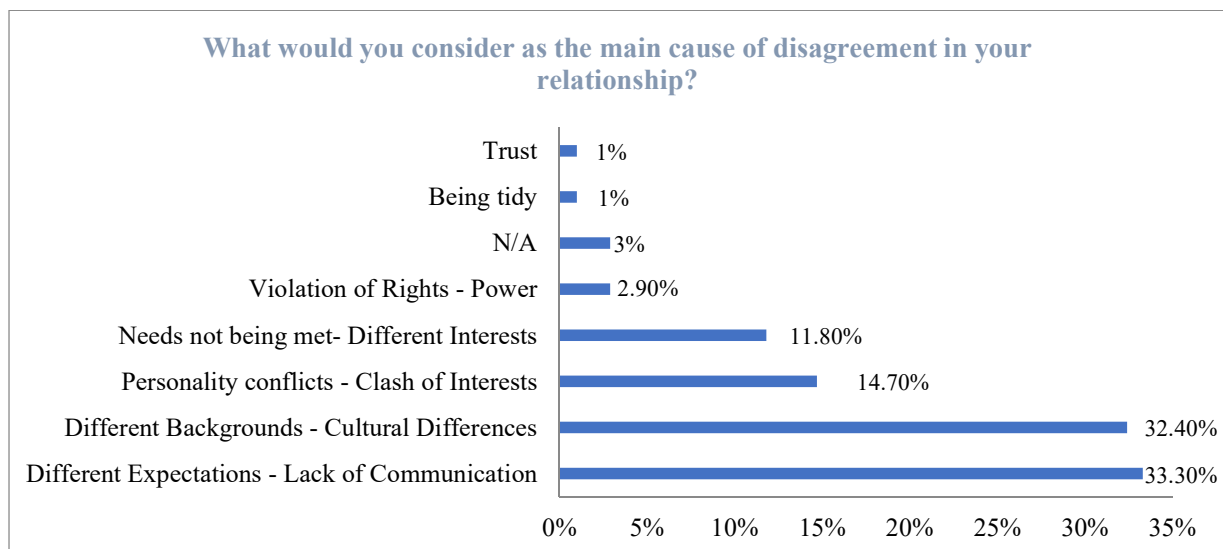
Moreover, in the eleventh question, it was asked the behaviour of the respondents when they face a conflicting situation in their relationship. Thus, the most significant amount of people answered that they have a compromising way of dealing with conflicts by negotiating and making concessions. As the illustration shows:

Figure 22

What is your primary attitude when dealing with conflict arisen in your relationship?

102 respostas

- Competing - (Arguing, asserting you opinions and feelings, stating your pos...
- Avoiding - (Ability to withdraw, Ability to sidestep issues, leave things unresolv...
- Accommodating - (Forgetting your desires, Selflessness, Ability to yield,...
- Compromising - (Negotiating, making concessions, assessing values and Fi...
- Collaborating - (Active listening, Nonthreating confrontation, Identifying...

In the twelfth question, it was asked if the participant had ever heard about mediation as an alternative to court on the resolution of disputes. The answers obtained in this question will allow the researcher to know about the awareness of mediation among this multicultural group.

Figure 23

Have you ever heard about "mediation" as an alternative to court on the resolution of disputes?

102 respostas

- Yes
- No
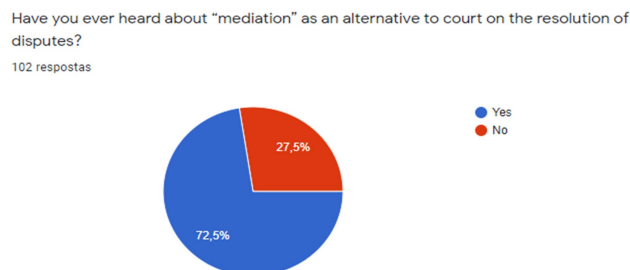
Whereas in questions thirteen and fourteen, it was asked to the participants, which was the media where they received or looked for the information about mediation and also if this message was in their language.

On regards to the thirteenth query, the vast majority informed they became knowledgeable about mediation through the internet.

Along with, in the fourteenth question, by a slight difference, most of the participants answered that the

information was not in their language.

Figure 24

What was your source of information regarding mediation?

Source	Percentage
Work	1%
Police	1%
Never heard about it	17.60%
Media (TV, radio, newspaper or magazines)	15.70%
Internet	30.40%
Friends	4%
Family ounsellors	1%
College	25.50%
Citizen Information	3.90%

Figure 25

Was the information available in your language?

102 respostas

- Yes 49%
- No 51%
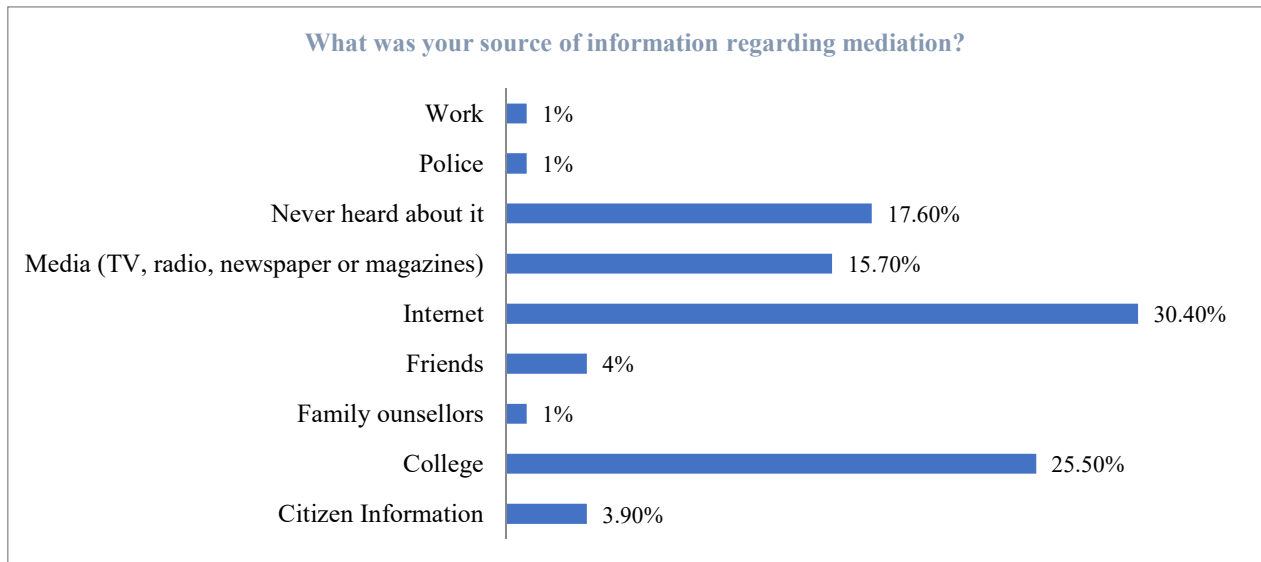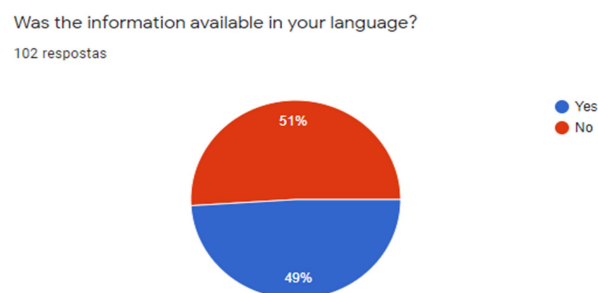
In question number fifteen, the participants were asked about the clarity of the information they obtained about the mediation process. The leading group, with declared they remained neutral, which is according to the number of people that do not know about the process as a whole. See the following chart:

Figure 26

How did you find the quality and clarity of this information?

102 respostas

- Very satisfied
- Satisfied
- Neutral
- Unsatisfied
- Very unsatisfied
- Unclear

47,1% 11,8% 10,8% 29,4%
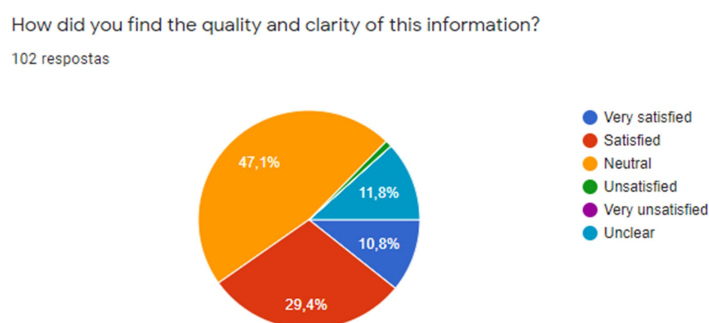
Following that, in the sixteenth question, it was asked what the interviewees would consider as the best source of information regarding the awareness of mediation. As a result, more than half of them considered the Internet as the best way to spread the information,

Figure 27

What would you consider to be a good source of information for you to be aware of mediation?

102 respostas

- TV
- Radio
- Intrnet
- Government offices/agencies
- City Council
- Embassy
- N/A

16,7% 9,8% 8,8% 55,9%
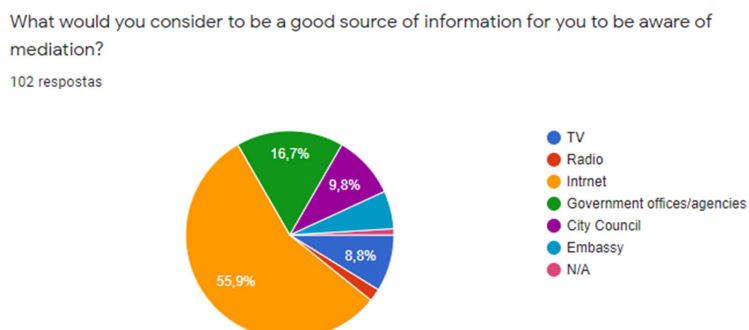
When related to the incentive in the practice of mediation, in question number seventeen, the participants were asked if the government should incentivise the use of mediation in family law, by subsiding the costs of the process. Wherefore, the overwhelming majority agreed that the State could bear the costs of the proceedings.

Figure 28

Do you think the government should incentivise the use of mediation by subsiding the cost of mediation as an alternative to the Court process in cases of family disputes (such as marital breakdown/breakdown of civil partnership/disputes regarding rights of cohabitees/custody disputes?

102 respostas

● Yes
● No

10,8%

89,2%
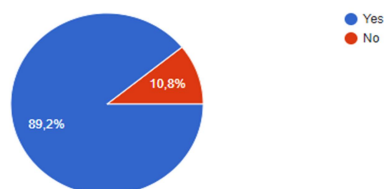
In question eighteen, the interviewees were asked if they consider using mediation as a means of resolving the differences in case of a relationship breakdown. Thus, 90.2% answered positively to the use of mediation, and 9.8% refuted it. See the following chart:

Figure 29

If a dispute arises between you and your partner which led to the breakdown of the relationship, would you consider using mediation as a means of resolving differences in relation to financial/property entitlements and/or custody disputes if children were involved?

102 respostas

● Yes
● No

9,8%

90,2%
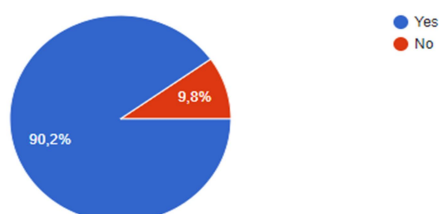
In the nineteenth question, it was asked to the group who did not answer to question eighteen, the reason why they would not consider using the mediation process as an alternative to court in Ireland. The majority answered of those who refused to answer the eighteenth question stated not being conscious of the process or do not understand the mediation proceedings. As the illustration shows:

Figure 30

If you answered no to the question above, why would you not consider mediation as an alternative to the Court process in Ireland?

Category	Percentage
Happy	4.30%
I answered yes	4.30%
Resolving myself	4.30%
N/A	4.30%
I would prefer to have a judge providing the resolution to my dispute	17.40%
I am not aware of/do not understand the process	60.90%
I do not trust the process	4.30%
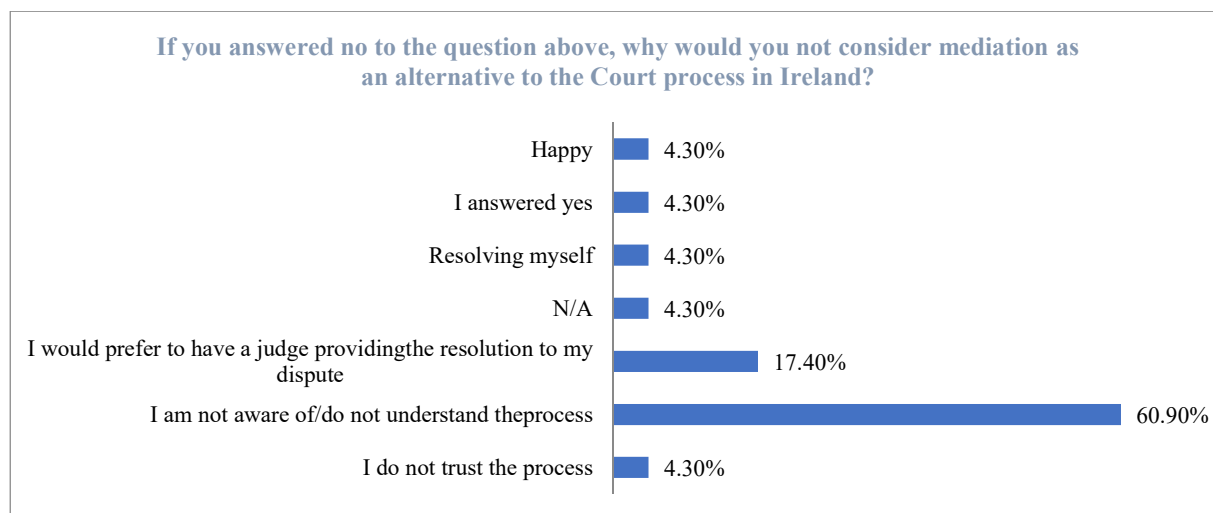
Finally, in the twentieth question, it was asked to the participants, once they were aware of the mediation process if there are benefits in attempting using this approach as an alternative to court. As a result, the majority agreed in utilising it, but also a good part of the interviewees is unsure about trying it as follows:

Figure 31

If you are aware of mediation as an alternative to the Court process, are there benefits of attempting to mediate a dispute before initiating litigation in the Courts?

102 respostas

- Yes 67,6%
- No
- Maybe 28,4%
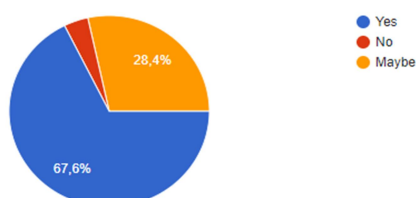
To summarise, Google Forms is an extremely user-friendly platform and it was very efficient on the construction of this survey. Nonetheless, it was necessary to carry a few tests and receive approvals to send the final survey to the participants.

This survey was composed of a sample of one hundred and two people from different cultures, residents in Ireland and with no age or gender distinction, who met the characteristics of the target population, which were people in a marital relationship with a person from a different nationality. Moreover, the answers and results obtained through this survey will be discussed and explained in four, Data Analysis and Findings and in chapter five, Discussions, where this information will respond to the research questions and also suggest a debate on the ADR sector in Ireland.

Chapter 4 - Data Analysis and Findings.

This dissertation was designed according to the pragmatism methodology because it creates a discussion based on the research questions of this paper (Saunders et al., 2007). This methodology prevents the researcher from engaging in a weak argument between theories. (Tashakkori and Teddlie 1998)

Therefore, this is research will be conducted with the quantitative method and correlational design, because it will use statistical data in order to explain the relationship between two variables. (Vanderstoep and Johnston 2009, p. 77) Furthermore, the quantitative method chosen for this thesis was the survey, once it is non-expensive and provides the researcher with a significant amount of data. (Saunders et al. 2007)

Accordingly, the survey is descriptive, illustrative and explanatory to the researcher who was interested in collecting original data for describing a sample of the population. (Babbie 2010)

4.1 – Identifying the participants

Initially, from questions, one to six were asked questions in order to identify the target of this research. In the first question was asked the marital status of each participant and the majority responded that they were cohabiting with their partners, totalising 37.3%. Additionally, with 30.4%, was the group of people who are married, which was followed by the participants who are single at the moment, with 20.6%, in a civil partnership or De Facto partnership, with 7.8% and 3.9% were divorced.

Moreover, in the second and third questions were asked the gender and the age of the interviewees. As a result, it was possible to confirm that the vast majority of the answers were provided by women, counting 80.4%, and 19.6% of the respondents were men.

What is more, in question number three it was asked the age of the participants, and it was found that 60.4% was represented by the group who is in-between 25 and 35 years of age, being followed by 34%, which corresponds to the set of people who are more than 35 years old, and 4.9% the interviewees who were between 18 and 24 years of age.

In the fourth and fifth questions, the researcher inquired the participants' nationality and native language, respectively. In addition, for both questions were given five options and open space to allow the respondent to specify their responses.

As a result, the majority of the respondents were Brazilians, calculating 70.6% of the replies, followed by Irish citizens, who computed 8% and Mexicans with 6.9%. Moreover, with 2% by group, were people from Argentina, Italy, Ivory Coast, Portugal and the United States. Also, with the total of 1% each, were Canadians, Croatians, Polish, Portuguese, South Africans and Venezuelans.

This survey was also composed by people who speak different languages such as, 71.6% of the respondents speak Portuguese, followed by 9.8% who speak Spanish and English, 2% is related to the interviewees who speak French, Italian and Irish, and with 1 %, to the ones who speak Croatian and Polish.

In the sixth query, it was asked how long the participants live in Ireland, and the majority responded that are residents in-between one and five years, totalising 60.8% of the replies, with 36.3%, people that live in Ireland for more than five years and with 2.9%, who has less than one year in the country.

4.2 - Causes of conflicts in multicultural relationships

After the participants have been identified, the researcher verifies the causes of conflicts in these multicultural relationships. Therefore, from questions seven to eleven, it was asked specific inquiries in order to answer the first and the second questions of this dissertation, which are the causes of conflicts in a multicultural relationship and also the behaviour these people have when facing conflicts.

First of all, in questions number seven and eight, it was asked to the group how long they have been in the relationship with a partner from different nationality and if they had children. As a result, 53.9% responded that they are or were in a relationship between one and five years. Additionally, followed by 29.4%, is the group who is more than five years together and with 16.7%, are those who are together for less than one year. Accordingly, 77.5 % of the respondents do not have children, going against 22.5% related to the ones who do not have them.

In the ninth question, the respondents were to respond if they have experienced any kind of conflict in their relationship and an overwhelming majority responded that they had had disagreements in their relationship, totalising 86.3% of the responses. However, 13.7% answered that they had not had any experience in conflicts in the relationship.

In question number ten, the researcher asked the interviewees, what was the leading cause of conflicts in the relationship. In this question were given six options; leaving them a space to specify any additional sources of conflicts.

Wherefore, the most part responded that the leading cause of conflicts in their relationship was related to the lack of communication, totalising 33.3% and followed by a slight difference, with 32.4%, the source of conflicts is due to cultural differences. In addition, with 14.7% is linked to the conflict of personalities, with 11.8%, is the conflict caused by different interests, and with 2.9% the issue is associated with the imbalance of power. Also, the respondents pointed out other forms of conflicts in their relationship, which were the lack of trust and the lack of tidiness, both representing 1% each. However, 3% of people responded that they did not have any conflicts.

When related to the eleventh question, the participants were asked what would be their behaviour when facing conflicts arisen in their relationship. As a result, 30.4% responded that they would have a compromising behaviour, in which they were able to negotiate the issues with their partners.

Following that, 25.5% have collaborating behaviour, and 22.5% tend to compete with their partners,

arguing with them asserting their opinions and positions. Nonetheless, 15.70% of the respondents chosen to avoid the conflict, and 5.9% opted for having an accommodating reaction to conflicts.

4.3 - The Awareness of Mediation among Foreigners

In this topic, the researcher aims to answer the third research question of this dissertation, which is related to the awareness of the mediation process as an alternative to court on the resolution of disputes. These answers will be obtained by questions twelve to sixteen. Additionally, the author wants to know what was the source of information regarding the mediation proceedings, if the message was available in their language and if it was of clear understanding. In case they were not knowledgeable about the process, it was asked what would be the best form of spreading the information.

In the twelfth question, it was asked to the participants if they were aware of the mediation process as an alternative to court on the resolution of disputes. Unexpectedly, 72.5% answered that they have already heard about mediation, against 21.5% of people that were not aware of the approach.

Besides, when related to question thirteen, it was asked the source of information regarding mediation, and it was offered five options and left an open space so the participant would be able to specify other forms they received the message, hence, providing more information to compose this dissertation.

Wherefore, 30.4% answered that they found the information on the internet, followed by 25.5% of the respondents who informed they obtained the message in college. Moreover, 15.7% of the answers were related to people that acquired data through conventional media, such as TV, radio, newspapers and magazines.

Also, 4% received the information from friends, followed by the ones who attained it at the Citizen Information Offices, totalising 3.9% and with 1% each; the respondents who received the information from work, police/Garda and family counsellor. Nevertheless, 17.6% claimed they never heard about mediation.

Whereas, when related to the fourteenth query, almost half of the participants stated that the message was not in their languages, counting 51%. Nonetheless, 49% declared that the information was in their mother tongue. In the question fifteen, where it was asked about the quality and clarity of the information, the majority (47.1%) replied that they were neutral about it, 29.4% represented the group which is satisfied with the message, and 10.8% are very satisfied. However, 11.8% reported that the information was unclear, and 1% stated that it was unsatisfactory.

At last, in question sixteen, the researcher asked the participants what would they considered as a good source of information for them to be aware of mediation. The results show that the internet would be the best way to spread the awareness of mediation, computing 55.9% of the responses. Following that, 16.7% answered that the government would be the best mean to feast the information.

Additionally, 9.8% of the interviewees consider that the information must come from the City Council, with 8.8%, the participants stress that the mediation should be advertised on TV, followed by 5.9% of people who stated that the information should be disclosed by the embassies and 2% chosen the radio as the best option. Nonetheless, 1% of the respondents stress that none of the options was applicable.

4.4 - The Use of the Mediation Process as an Alternative to Court

Moreover, this topic aims to answer the last research question, which is related to the use of the mediation process in case of a breakdown in their relationship.

Also, the other purpose of this part of the dissertation is to discover what can be done to encourage the use of mediation seeking to reduce the number of family cases in court. Additionally, it is also to show that mediation could be effective on the resolution of these types of disputes. So, these answers will be obtained from the questions seventeen to twenty.

Wherefore, in the question seventeen, it was asked if the government should incentivise the use of mediation by subsiding the cost of mediation as an alternative in cases of family disputes, such as

marital breakdown, civil partnership breakdown, disputes regarding the rights of cohabitee and custody disputes. As a result, 89.2% of the participants agreed that the government should encourage the use of mediation in family cases. However, 10.8% did not agree with this incentive.

Besides, in the eighteenth question, the participants were questioned if a dispute arises between them and their partners leading to a breakdown in the relationship if they would consider using mediation as a means of resolving differences on the concerns to financial, property entitlements or custody, in case children were involved. Wherefore, 90.2% agreed in using mediation in order to dissolve issues and 9.8% would not use the method.

Nonetheless, for those who answered negatively to the question eighteen, on the nineteenth question, the researcher enquired the interviewees what would be the reason in which they would not consider utilising mediation as an alternative to resolving family cases disputes. This question provided four options and also an open space in case the respondents have any other suggestion on how to deal with the situation. Thus, 60.9% of the respondents said that they would not use the mediation process because they are not aware of it or do not understand how the process works. On the other hand, 17.4% prefer a judge to provide the decision on this type of cases, and 4.3% stated that they do not believe in the process.

Furthermore, 4.3% responded that none of the options was applicable; as well as the group which responded that they would deal with the problem by themselves, totalising the same percentage.

Besides, some respondents answered the question even though they have responded to the previous one and in total, they summed up 8.6%.

To finish this topic, in question number twenty, it was queried for those participants that were aware of mediation as an alternative to courts, if there is benefit in using mediation in order to resolve a dispute before leading to litigation in court. As a result, 67.6% replied supporting the use of mediation before litigation, 28.4% are not sure about it, and 3.9% would still go to court to resolve family disputes.

Chapter 5 - Discussions

This dissertation aims to investigate the evolution of conflict in the relationship of multicultural couples in Ireland and the value of mediation on the resolution of disputes. Therefore, this study was developed due to the increasing number of immigrants in Ireland and also to know if they would use mediation as an alternative to court in case of a relationship breakdown. Moreover, it would help the researchers to understand their behaviour when facing conflicts, while in a relationship with a person of a different nationality. Also, this study aims to raise the awareness of mediation amongst foreigners and to create a debate among the ADR sector on regards this subject, which has been neglected according to what the research shows.

The number of immigrants in Ireland has increased during the last few years. Until 2016 it was reported that 535.475 non-Irish nationals were living in Ireland, coming from 200 different countries, such as Poland, being the largest group, followed by the United Kingdom and Lithuania. These two nations are included in the group that has more than 10.000 residents, such as America, Brazil, France, India, Germany, Romania, Latvia and Spain. (Central Statistics Office 2017)

Therefore, there is the likelihood of these immigrants, not only to get integrated into Irish society but also to interact with each other. In addition, due to the growth in the number of foreigners living in Ireland (Centre Statistics Office 2017) it is possible to confirm that the form of relationships is changing in the country. Accordingly, Ranalds (2011) mentions that nowadays, it is possible to see that the shape of relationships is modifying and profound connections among people from different cultures are becoming more common.

Moreover, these differences between people from different nationalities and culture may be the source of conflicts when these people decide to start a relationship with a person from different backgrounds. Therefore, as the conflict is a present factor in everyday life (Folberg and Taylor 1984) and the nature

of conflicts in these types of relationship is characterised as interpersonal conflict, which is a clash between two individuals who are not willing or not able to fulfil each other expectations (Kellermann 1996)

Also, an interpersonal conflict occurs in the life of a couple due to incompatible goals, interests, and confronting perspectives; therefore, this kind of clash is an inevitable element of personal relationships (Jo et al. 2010, p.264)

Therefore, when related to conflicts between partners in a multicultural relationship, through the review of literature, it was perceived that the source of disputes is the same as in any other relationship, once there is no existent literature in the field of Alternative Dispute Resolution which specifies it differently.

Moreover, through this research, it was possible to perceive that the vast majority of people have experienced conflicting situations in their relationships, once it is not possible to be in an intimate relationship and not having conflicts included in it. (Tallman and Hsiao 2004) Thus, it was identified through this investigation that the leading sources of conflicts in multicultural relationships were caused by the lack of communication and different backgrounds.

When related to lack of communication, it goes according to what the review of the literature specifies, once intercultural conflicts may arise from miscommunication, leading to misinterpretation, hence, generating conflicts in a life of a couple. (Ting-Toomey 1994)

More so, according to cultural divergence, when people decided to start a life together with their partners, they take their different backgrounds, such as beliefs, values, culture, and religion, into the new relationship. For that reason, it is possible to confirm that these factors are crucial to the advent of conflicts. (Ranalds, 2011).

Consequently, when these differences are not understood by the parties, it may lead to an interpersonal conflict, where the parties are independent, and the divergence of interests between them may affect the

life of the couple negatively. (Cahn and Abigail 2007)

Wherefore, it is also essential to identify the way these people behave when facing conflicts. According to Thomas and Kilmann (2008), there are five ways that people react to conflicts. Firstly, the authors identify two dimensions in which people tend to behave, which are assertiveness or cooperativeness. (p. 2) Secondly, Thomas and Kilmann (2008) also state that these two dimensions are divided into five approaches to conflicts, which are competing, avoiding, accommodating, compromising and collaborating. (p. 2)

As a result, the research demonstrates that people in multicultural relationships tend to act in a compromising way, negotiating the issues, making concessions, imposing their values and finding a middle ground between them. Moreover, considering the parties` attitudes in a relationship, it may help them to deal with the situation and resolving it as soon as possible, preventing a breakdown in their relationship (Cahn and Abigail, 2007)

Nonetheless, since conflicts are present in all individuals` lives, it is crucial to improve the ability in how to cope with them in order to avoid divorce or separation. Likewise, Jones (2016, p. 289) states that the ability to manage conflicts and negotiate desirable outcomes may help these individuals to become more successful in their personal lives, therefore, also in their relationships.

For instance, in case a dispute arises between the partners leading to a breakdown in their relationships, they may need a third party to intervene in order to resolve these issues. Based on that, McClelland and Mansell (2019, p.3) state that a mediator would be the one with the necessary skills to assist the parties and drive them towards the resolution of their problems, therefore, achieving a satisfactory outcome for both sides.

However, these partners have some other ways of resolving their disputes, but this research will remain on its subject, which is mediation and compare it to litigation.

In litigation, the dispute will be addressed to the court, where a judge will provide the decision for the

disagreement, not allowing the parties to participate in the decision. (Carbonneau, 1986) The litigation process in cases of divorce can damage even more the relationship between the parties, affecting their feelings and not delivering a satisfactory decision for both parties.

On the other hand, mediation is a cost-effective process and the third party is the mediator, who must be impartial and do not provide the decision to the case. The mediator will assist the parties to reach a more desirable outcome, which will benefit both sides (Folberg and Taylor 1984)

Based on the research, when related to the awareness of mediation, it was possible to confirm that the most of the people were knowledgeable about the process, but there are other few who are not conscious of it. However, the vast majority of individuals who declared to be familiar with the process; they learned it through the internet or in college.

Yet, through the review of literature, it was not possible to find information related to the awareness of mediation amongst foreigners in Ireland. Consequently, it occurred due to the lack of data and literature on regards the subject. Nonetheless, through the review, it was only possible to find information which provides the explanation related to the subject in Ireland as a whole. What is more, it was also probable to collect records on regards of the use of family mediation in the country, in order to resolve disputes related to divorce, judicial separation, civil partnership dissolution and also when related to the rights of cohabitants.

Based on that, Haffernan (2011) states that mediation has become the preferred method of ADR in Ireland due to its advantages, which includes the impartiality of the third party (mediator), cost and time-wise effective, voluntary and confidential. Nevertheless, the use of the process is still to be improved. (Conneely 2002)

Therefore, this study points out that, even though people may have heard of mediation as an alternative to court, they remained neutral when related to the clarity of the message, which means that the communication was not satisfactory in order to explain how the process works. Thus, this research also

98

reports that people consider the internet as the best tool to spread the use and explanation of the mediation process.

Also, this thesis validates that the government must incentivise the use of mediation subsiding the cost of the method as an alternative to court in cases related to family disputes, such as marital breakdown, civil partnerships dissolution and also regarding disputes on the rights of cohabitees and custody.

Besides, Ireland provides this service free of cost. Furthermore, this facility is offered by the Legal Aid Board (Court Service 2020), which is an institution which assists the parties in case they decide to divorce or separate and also, helps the parties who are already separated in case they need to deal with issues arisen due to the breakdown in their relationships, such as custody, property and maintenance problem. (Legal Aid Board, 2019)

This essay stresses that the vast majority of people would consider using mediation in order to resolve family disputes instead of addressing the issue to court, which according to Folberg and Taylor (1984), may not be the best alternative for conflict resolution. The authors highlight that the issue would be decided by a judge who is not qualified to analyse the situation, factor which may contribute to further conflicts and disputes. (p.28)

In comparison to the group which would use mediation as an alternative to court, this dissertation displays that the reason why they would not use the method on the resolution of disputes is that they are not aware of the process or they do not discern how it works. Therefore, some people would still prefer to resolve their disputes in court.

It is already understood that mediation recognised as an alternative to court not only in Ireland but in other countries such as the United States, (Folberg 2015), the United Kingdom (Liebmann 2000) and in the member states of the European Union (Pera 2014. However, in Ireland, the government needs to encourage the use of the process, showing that mediation is an advantageous method as an alternative to litigation.

Therefore, it is known that mediation is considered a process that has numeral benefits over litigation. Mediation is recognised as a voluntary process, where both parties need to agree in order to engage in the process. Also, it is faster, cheaper, flexible, informal, private, confidential and impartial, once the mediator cannot be biased or provide the resolution on cases. (Clarke and Davies1991, pp. 82 - 85) Based on that, this dissertation could confirm that, when individuals are knowledgeable of the mediation process and its rewards, they are more attempted in using the method before addressing the dispute to court.

Conclusions

This thesis aimed to answer three questions: What are the leading causes of conflict in multicultural relationships in Ireland? What is the awareness of mediation as an alternative to resolving disputes amongst foreigners in Ireland? If a dispute arises due to a breakdown in the relationship, would people consider using the mediation process as a means to resolve a dispute instead of addressing it litigation?

Firstly, it is possible to confirm that the sources of conflicts in multicultural relationships are the same causes of disagreements in any other relationship between two individuals. Notwithstanding, there were not enough literature or researches in the ADR area, which could provide different perspectives related to the subject of this question. Therefore, with the aid of the components analysed in this investigation, it was possible to establish that conflicts and disputes in these multicultural relationships are triggered by the lack of communication and cultural differences, which are factors that can lead to a breakdown in their relationship.

Secondly, through this research, it was found that the vast majority of foreigners in Ireland are aware of the mediation process. However, there is a significant number of those who are not knowledgeable of the approach, or how it works as an alternative to court in case of resolving family disputes. Again, the lack of data related to this question it could be considered a red-flag on the concerns of how the government and its official bodies, such as the Court Services and the Legal Aid Board would encourage and spread the use of mediation. Moreover, this research demonstrated that an essential tool for the dispersion of the awareness of mediation amongst this group is the internet.

At last, this dissertation demonstrates that the multicultural group in this research confirmed that, the more people know of mediation and its benefits, the more would agree to use the method in case of a breakdown in their relationship. Wherefore the message must be clear and disclosed simply, once some of them were not able to find the information in their native language and were not familiar with the English language.

Additionally, there is nothing different in being in a relationship with a person of a different nationality in Ireland. As conflicts between individuals, whether with the same culture or in different countries, will always be present in any close personal connection. Moreover, to avoid the breakdown in relationships, it is crucial to understand these differences and know how to handle them. However, if these disagreements were poorly managed, it may also lead to divorce or separation. Therefore, the best way of resolving these types of dispute it is using the mediation process instead of addressing it to court.

On the whole, in this review of literature, it was reported the nature of conflicts, its structure and also stressed the conflict management tools and the main types and causes of conflicts in relationships. However, through this research, it was possible to provide specific evidence which confirms that the sources of conflicts in multicultural relationships are, naturally, the same as in any other relationship. Wherefore there researcher could not proof if different causes of conflicts trigger conflicts between multicultural couples. Moreover, this section reported the basics of mediation and how does mediation and family mediation work in Ireland.

Also, it was reported how the mediation process could be used to resolve disputes in case of a relationship breakdown. Additionally, it was pointed out some countries that use mediation as an alternative to court. However, when related to the awareness of mediation amongst immigrants in Ireland, there is no data to support or provide further information related to the subject.

Reflections

First of all, after leaving a consolidated career back in Brazil, to come to Ireland and start a dream seeking further knowledge, it was a big step. Therefore beginning a Master's Degree in a different language was a plan I have always had. However, it was not an easy process. It was challenging due to the obstacles I needed to overcome in order to make this dream come true. Additionally, as an international student, assembling a dissertation in the English language, it was also one of the obstacles and I may admit that I struggled in many situations. Still, I also believe I have overcome it.

Reflecting on the conclusion of my dissertation, I would like to believe that I overcame the challenge and produced an excellent work. Therefore, this investigation produced base for other discussions in the ADR area, once one of my goals in construction this paper was to raise the awareness of the number of immigrants that do not have knowledge of law procedures in Ireland. Also, it was to open possibilities for mediators of different nationalities to work in Ireland to help this group to feel supported by them, once they would be able to understand their culture.

Moreover, I understood the complexity of the theme I have chosen to investigate. However, I feel delighted to have had the opportunity to learn more about the subject. With that, I would be able to have further information to help others who are seeking for assistance on the regards to resolving disputes arisen from conflicts in their relationship; especially those who are away from friends and family.

I confirm that deal with peoples' personal lives information is really complicated and they are sensitive data that must be handled correctly. Still, it was a fantastic journey dealing with people who were able to help me to develop this work and find the answers I needed for the completion of this investigation. Also, I shall say that I could learn much more about behaviour in dealing with conflicts and also I have already applied these concepts in my personal life, and such improvement has been noticed.

Overall, I may confirm that writing this dissertation it may be considered as a journey of self-

knowledge, composed of several obstacles, but also an immeasurable learn and personal and professional growth.

Bibliography

American Psychological Association, (2013) *How stress affects your health*, available: https://www.apa.org/topics/stress-health [accessed 22 September 2020].

Apuke, O.D. (2017) 'Quantitative Research Methods a Synopsis Approach', *Arabian Journal of Business and Management Review (Kuwait Chapter)*, 6(10), 40-47, available: https://www.researchgate.net/publication/320346875_Quantitative_Research_Methods_A_Synopsis_Approach [accessed 20 October 2020].

Augsburger, D.W.A (1992) *Conflict Mediation Across Cultures*. Louisville: Westminster/John Knox Press.

Babbie, E. (2010) *The Practice of Social Research,* 12th ed., United States of America: Wadsworth, Cengage Learning, available: http://ccftp.scu.edu.cn/Download/e6e50387-38f2-4309-af84-f4ceeefa5baa.pdf [accessed 19 October 2020].

Ballantine, H.W. (1917) 'Evolution of Legal Remedies as a Substitute for Violence and Strikes'. *The Annals of the American Academy of Political and Social Science*, 69, 140-149, available: https://www.jstor.org/stable/1013225?Search=yes&resultItemClick=true&searchText=feud+as+a+means+of+control&searchUri=%2Faction%2FdoBasicSearch%3FQuery%3Dfeud%2Bas%2Ba%2Bmeans%2Bof%2Bcontrol&ab_segments=0%2Fbasic_search_SYC-5455%2Fcontrol&refreqid=fastly-default%3A992266315098fd19aa5adfb91ed7442f&seq=1#metadata_info_tab_contents [accessed 19 September 2020].

Banaszkiewicz M. and Buczkowska, K. (2016) *Cultural conflict, tourism*, available: https://www.researchgate.net/publication/293588252_Cultural_conflict_tourism [accessed 16

September 2020].

Bhandari, P. (2020) *An introduction to qualitative research*, available: https://www.scribbr.com/methodology/qualitative-research/ [accessed 19 October 2020].

Birchall, J. (2019) 'Gender as a causal factor in conflict', *KD4- Knowledge, evidence and learning for development*, available: https://opendocs.ids.ac.uk/opendocs/bitstream/handle/20.500.12413/14393/549_Gender_as_A_Causal_Factor_in_Conflict.pdf?sequence=1&isAllowed=y [Accessed 15 September 2020]

Bowling, D.B., and Hoffman, D.H., (2013) *Bringing Peace Into the Room: How the Personal Qualities of the Mediator Impact the Process of Conflict Resolution*. San Francisco: Jossey-Bass

Brahm, E. (2003) *Latent Conflict Stage*, available: https://www.beyondintractability.org/essay/latent_conflict#:~:text=When%20the%20%22stages%20of%20conflict,one%20side%20to%20act%20to [Accessed 13 September 2020].

Brown, D. (1982) 'Divorce and Family Mediation: History, Review, Future Directions'. *Family Court Review – An Interdisciplinary Journal*. 20(2), 1-44, available: https://doi.org/10.1111/j.174-1617.1982.tb00086.x [Accessed 10 October 2020]

Butler, A. (2018) *Interpersonal & Itrapersonal Conflict*, available: https://oureverydaylife.com/interpersonal-intrapersonal-conflict-5050156.html [accessed 12 September 2020].

Cahn, D., and Abigail, R. (2007) *Managing Conflict Through Communication*, Boston: Pearson.

Cambridge Dictionary (n.d) *Marriage*, available: https://dictionary.cambridge.org/dictionary/english/marriage [accessed 20 October 2020]

Carbonneau, T. E. (1986) *A Consideration of Alternatives to Divorce Litigation*, available: https://elibrary.law.psu.edu/cgi/viewcontent.cgi?article=1299&context=fac_works [accessed 12 October 2020]

CARIS - Conflict Analysis and Resolution Information Services (n.d) *Theoretical Approaches II-Conflict as a Process,* available: https://turnerconflict.com/theoretical-approaches-ii-conflict-as-a-process/#:~:text=Christopher%20R%20Mitchell%20outlines%20the,a%20stronger%20opponent%20and%20is [accessed 13 September 2020].

Caughlin, J.P. and Vangelisti, A.L. (2000) 'An Individual Difference Explanation of Why Married Couples Engage in the Demand/Withdraw Pattern of Conflict', *Journal of Social and Personal Relationships,* 17(4-5), 523-551, available:

https://www.researchgate.net/publication/238115543_An_Individual_Difference_Explanation_of_Why_Married_Couples_Engage_in_the_DemandWithdraw_Pattern_of_Conflict [accessed 16 September 2020

Centre Statistics Office (2017) *Press Statement Census 2016 Results Profile 7 - Migration and Diversity,* available:

https://www.cso.ie/en/csolatestnews/pressreleases/2017pressreleases/pressstatementcensus2016resultsprofile7-migrationanddiversity/ [accessed 19 August 2020].

Citizen Information (2020a) *Family and Relationships,* available: https://www.citizensinformation.ie/en/birth_family_relationships// [accessed 13 October 2020].

Citizen Information (2020b*) Getting married,* available: https://www.citizensinformation.ie/en/birth_family_relationships/getting_married/legal_prerequisites_f

or_marriage.html [accessed 17 October 2020].

Citizen Information (2020c) *Different types of marriage ceremony in Ireland,* available: https://www.citizensinformation.ie/en/birth_family_relationships/getting_married/different_legal_ways_of_getting_married.html [accessed 17 October 2020].

Citizen Information (2020d) *How marriage changes your legal status*, available: https://www.citizensinformation.ie/en/birth_family_relationships/married_couples/how_marriage_changes_your_legal_status.html [accessed 17 October 2020].

Citizen Information (2020e) *Civil partnerships*, available: https://www.citizensinformation.ie/en/birth_family_relationships/civil_partnerships/civil_partnership_and_same_sex_couples.html#l59674 [accessed 17 October 2020]

Citizen Information. (2020f) *Rights of cohabiting couples*, available: https://www.citizensinformation.ie/en/birth_family_relationships/cohabiting_couples/rights_of_unmarried_couples.html [accessed 18 October 2020].

Clarke, G.R and Davies, I.T. (1991) 'ADR - Argument for and Against the use of Mediation Process Particularly in Family and Neighbourhood disputes', *Queensland University of Technology Law Journal*, 7, 81-96, available: https://doi.org/10.5204/qutlr.v7i0.343 [accessed 3 October 2020].

Conneely, S (2002). *Family Mediation in Ireland*, United States of America: Dartmouth Publishing Company and Ashgate Publishing., available: https://books.google.ie/books?hl=pt-BR&lr=&id=Ye1HDwAAQBAJ&oi=fnd&pg=PT8&dq=family+mediation+in+ireland&ots=-FlDnaDuYF&sig=8RzlstDLGnmrtGm3_i8GJvxdPPQ&redir_esc=y#v=onepage&q=family%20mediation%20in%20ireland&f=false [Accessed 13 October 2020]

Courts Service (2019) *Courts Service Annual Report 2019,* available: https://www.courts.ie/annual-report [accessed 15 October 2020].

Courts Service (n.d.) *Mediation*, available: https://www.courts.ie/mediation [accessed 13 October 2020].

Denscombe, M. (2017) *The Good Research Guide*, 6th ed., London: Open University Press - McGraw-Hill Education.

Department of Justice and Equality. (2017) *De Facto Partnership Immigration Permission in Ireland*, available: http://www.inis.gov.ie/en/INIS/Pages/De%20Facto%20Relationships [accessed 18 October 2020].

Dietrich, C. and Quain C. (2014) *Gender in Conflicts*, available: https://www.iss.europa.eu/sites/default/files/EUISSFiles/Brief_33_Gender_in_conflict.pdf [Accessed 5 September 2020].

Diez, T., Statter, S. and Albert, M. (2006) 'The European Union and Border Conflicts: The Transformative Power of Integration', *The MIT Press* 60(3), 563-593, available: http://citeseerx.ist.psu.edu/viewdoc/download?doi=10.1.1.470.1813&rep=rep1&type=pdf [Accessed 14 September 2020].

Doherty Solicitors & Mediators (2016) *Cohabiting Rights in Ireland*, available: https://www.dohertysolicitors.ie/cohabiting-and-your-rights-in-ireland/ [accessed 19 October 2020].

Donohue, W. A. and Kolt, R. (1992) *Managing Interpersonal Conflict*, United States of America: Sage Publications Inc.

Dudovskyi, J. (n.d.a) *Research Philosophy*, available: https://research-methodology.net/research-philosophy/#_ftnref1 [accessed 19 October 2020].

Dudovskyi, J. (n.d.b) *Deductive Approach (Deductive Reasoning)*, available: https://research-methodology.net/research-methodology/research-approach/deductive-approach-2/ [accessed 19 October 2020

European Parliament (2011) *Mediation in the neighbouring countries: the case of Russia*, available, https://www.europarl.europa.eu/document/activities/cont/201105/20110518ATT19578/20110518ATT19578EN.pdf [accessed 14 October 2020].

Fanelli, D. (2009) 'How many scientists fabricate and falsify research?', *PLoS ONE*, 4(5), e 5738., available:

https://www.epigeum.com/downloads/ri_accessible/uk/05_arts/html/course_files/ar_3_60.html

[accessed 25 October 2020].

Fisher. R., Ury, W. and Patton, R. (1991) Getting to Yes - Negotiating Agreement Without Giving In, 2nd ed., United States: Random House Business Books, available: https://www.fd.unl.pt/docentes_docs/ma/AGON_MA_25849.pdf [accessed 16 September 2020]

Folberg, J. (2015) *Development of Mediation Practice in the United States*, available: https://www.researchgate.net/publication/321894850_Desarrollo_de_la_practica_de_la_mediacion_en_los_Estados_Unidos/fulltext/5a386d56a6fdccdd41fdf270/Desarrollo-de-la-practica-de-la-mediacion-en-los-Estados-Unidos.pdf [accessed 14 October 2020]

Folberg, J.F. and Taylor, A.T. (1984) *Mediation - A Comprehensive Guide to Resolving Conflicts Without Litigation*. San Francisco: Jossey-Bass Inc, Publishers.

Folger, J.P.F., Poole, M.S.P. and Stutman, R.K.S. (1997) *Working Through Conflict- Strategies For Relationships, Groups and* Organizations, 8th ed., New York: Routledge.

Foster, K. (2003) *A Study in Mediation Styles: A comparative Analysis of Evaluative and Transformative Styles*, available: https://www.mediate.com/articles/fosterk1.cfm [Accessed 11 October 2020]

Fox, J (2011) '*22 Order 56A and the Cost implications of refusal to engage in ADR'. *The Bar Review*. 16(2), pp. 22-25.

Fricker, R.D. and Schonlau, M.S. (2002) 'Advantages and Disadvantages of Internet Research Surveys: Evidence from the Literature', *Sage Journals*, 14(4), 347-367, available: https://doi.org/10.1177/152582202237725 [accessed, 25 October 2020]

Gillin, J. L & Gillin, J. P (1948), *Cultural Sociology: A revision of an introduction to sociology*, New York: The Macmillan Company, available:

http://scholar.google.com/scholar_url?url=https://dspace.gipe.ac.in/xmlui/bitstream/handle/10973/26040/GIPE-094607.pdf%3Fsequence%3D3&hl=pt-BR&sa=X&ei=myhmX430LsTCmAH7yJyQAQ&scisig=AAGBfm1UUO-jaduJkdpoVzP029oIVxQhMg&nossl=1&oi=scholarr [Accessed 19 September 2020].

Goldberg S. B., Sander F. E. A., Rogers, A. H. and Cole S. R, (2012*) Dispute Resolution: Negotiation, Mediation, Arbitration and Other Processes*, 6th ed., New York: Wolters Kluwer Law & Business.

Goleman, D. (1996) *Emotional Intelligence - Why It Can Matter More Than IQ.* London: Bloomsbury Publishing.   Available:

https://discuss.forumias.com/uploads/FileUpload/7f/488838859f186d8ea5e1ef8cf6a89f.pdf   [Accessed 22 September 2020]

Gould,   N. and   Elliot,   F.   (2016) *Mediation   guide   -   the   basics*,   available: https://www.fenwickelliott.com/research-insight/articles-papers/alternative-dispute-resolution/mediation-guide-basics [Accessed 3 October 2020].

Gov.uk. (n.d.) *Countries   in   the   EU   and   EEA,*   available: https://www.gov.uk/eu-eea#:~:text=The%20European%20Union%20(%20EU%20)%20is,and%20people%20between%20member%20states. [accessed 14 October 2020].

Guner,   D.   K. (2019) *Mediation   was   not   always   an   alternative*,   available: https://imimediation.org/2019/06/05/mediation-was-not-always-an-alternative/ [accessed   14   October 2020].

Haase, T, Pratschke, J and Engling, F. (2013) *Family Mediation in Ireland - An Analysis of the Family Mediation Service (2003-2010)*, available: http://trutzhaase.eu/wp/wp-content/uploads/R-2013-Family-Mediation-in-Ireland-FMS-2003-to-2010.pdf [Accessed 13 October 2020].

Haffernan, C. (2011*) Mediation in Ireland: Current Trends, Future Opportunities: Part 1*, available: https://www.mediate.com/articles/HeffernanC1.cfm#bio [Accessed 13 October 2020]

Hamilton, D. M. (2015) *Managing Yourself - Calming Your Brain During Conflict*, available: https://hbr.org/2015/12/calming-your-brain-during-conflict [Accessed 10 October 2020].

Jackson, R., Drummond, D. K. and Camara, S. (2007) 'What Is Qualitative Research?', *Qualitative*

Research Reports in Communication, 8(1), 21-26, available: https://www.researchgate.net/publication/233325570_What_Is_Qualitative_Research [accessed 19 October 2020].

Jacoby, T. (2008) *Understanding Conflict and Violence - Theoretical and interdisciplinary approaches*, United States of America and Canada: Routledge.

Jandt, F.E. (1973) *Conflict Resolution Through Communication*. United States of America: Harper & Row.

Jeong, H.W. (2010) *Conflict Management and Resolution: An Introduction*, United States and Canada: Routledge

Jeong, H.W.J. (2008) *Understanding Conflicts and Conflicts Analysis*, United States: Sage Publications Ltd.

Jones Sr, M.L. (2010) *Conflict En Route to Destiny*, available: https://books.google.ie/books?id=2Avlf_cvGrYC&pg=PA8&lpg=PA8&dq=impressions+of+messenger+in+conflict&source=bl&ots=722id1gdLq&sig=ACfU3U0Em4BHS7XQ_HqqI2fhPWounzvugw&hl=pt-BR&sa=X&ved=2ahUKEwi50KSIvNTrAhUnUhUIHe_lA-QQ6AEwCXoECAoQAQ#v=onepage&q=impressions%20of%20messenger%20in%20conflict&f=false [accessed 6 September 2020]

Jones, R.G (2016) *Communication in the Real World: An Introduction to Communication Studies*, Minnesota: University of Minnesota Libraries Publishing, available: https://dinus.ac.id/repository/docs/ajar/Communication-in-the-Real-World-An-Introduction-to-Communication-Studies.pdf [accessed 22 September 2020].

Kandell, E. (2016) *Turning Conflict into Consensus - Objectivity, Subjectivity, and the Known Unknowns: Intentions Vs Assumptions in Conflict Resolution*, available: https://www.alternativeresolutions.net/2016/06/03/intentions-vs-assumptions/#:~:text=In%20conflict%2C%20there%20are%20important,to%20be%20as%20they%20are. [accessed 7 September 2020].

Kellermann, N. (1996) *Interpersonal Conflict Management in Group Psychotherapy: An Integrative Perspective.* Available: https://www.researchgate.net/publication/247735531_Interpersonal_Conflict_Management_in_Group_Psychotherapy_An_Integrative_Perspective [accessed 13 September 2020]

Kenny, A. (n.d.) *Mediation | Conflict Management*, available: http://www.austinkenny.ie/ [accessesd 5 October 2020].

Kim-Jo, T., Benet, V. and Ozer. D (2010) 'Culture and Interpersonal Conflict Resolution Styles: Role of Acculturation', *Journal of Cross-Cultural Psychology*, 41(2), 264-269, available: https://www.researchgate.net/publication/247723980_Culture_and_Interpersonal_Conflict_Resolution_Styles_Role_of_Acculturation

Knuppel, S. T. (1991) 'Promise and Problems in Divorce Mediation', *Journal of Dispute Resolution*, 1991(1), 1-10, available: https://scholarship.law.missouri.edu/cgi/viewcontent.cgi?article=1214&context=jdr [20 October 2020]

Kriesberg, L.K. and Dayton, B.W.D. (2017) *Constructive Conflicts: From Escalation to Resolution*, 5th ed., Maryland: Rowman & Littlefield.

Kuby, C.H. (2018*) 5 Ways to Leverage Assertiveness and Cooperativeness in Conflict Situations Using*

TKI, available: https://coachfederation.org/blog/conflict-situations [accessed 2 October 2020].

Law Reform Commission (2008) *Consultation Paper- Alternative Dispute Resolution*, available: https://www.lawreform.ie/_fileupload/consultation%20papers/cpADR.pdf [accessed 15 October 2020]

Law Reform Commission (2010) *Alternative Dispute Resolution: Mediation and Conciliation*, available: https://www.lawreform.ie/_fileupload/reports/r98adr.pdf [accessed 12 October 2020].

Law Society Gazette Ireland (2020*) Mediation standards in Ireland fall short of best practice, seminar hears*, available: https://www.lawsociety.ie/gazette/top-stories/mediation-standards-in-ireland-fall-short-of-best-practice-seminar-hears/ [Accessed 15 October 2020

LeBaron, M. (2003) *Culture and Conflict*, available: https://www.beyondintractability.org/essay/culture_conflict [Accessed 20 September 2020]

Legal Aid Board (2019) *Legal Aid Board Annual Report 2019*, available: https://www.legalaidboard.ie/en/about-the-board/press-publications/annual-reports/legal-aid-board-annual-report-2019-pdf-version.pdf [accessed 15 October 2020]

Lewicki, R., Barry, B., Saunders, D. (2016) *Essentials of Negotiation,* 6th ed., United States of America: McGraw Hill Education.

Liebmann, M (2000) *Mediation in Context*, United Kingdom: Jessica Kingsley Publishers, available: https://books.google.ie/books?hl=en&lr=&id=FyMQBQAAQBAJ&oi=fnd&pg=PA3&dq=the+use+of+mediation+in+the+UK&ots=5DzYFt7_NT&sig=MSfS3S6Q5XTmjSMwBpqDyaHYyi0&redir_esc=y#v=onepage&q=the%20use%20of%20mediation%20in%20the%20UK&f=false [accessed 14 October 2020].

Lifely, A. (2017) *10 Mediation FAQs*, available: https://www.osborneclarke.com/insights/10-mediation-faqs/ [Accessed 4 October 2020].

Linden, J. (2001) *Mediation Styles: The Purists vs The "Toolkit"*, available: https://www.mediate.com/articles/linden4.cfm#comments [Accessed 12 October 2020]

Longstaff, S. (1995) *Understanding the Nature of Conflicts of Interest*, available: https://ethics.org.au/understanding-the-nature-of-conflicts-of-interest/ [accessed 16 September 2020].

Macmillan, R. (n.d.) *A Practical Guide For Mediators*, available: http://www.macmillankeck.pro/media/pdf/A%20Practical%20Guide%20for%20Mediators.pdf [accessed 20 October 2020]

Maiese, M. (2005) *Emotions,* available:

https://www.beyondintractability.org/essay/emotion#:~:text=Emotions%20play%20a%20role%20in,of%20power%2C%20and%20social%20status.&text=Thus%2C%20emotion%20not%20only%20serves,understand%20and%20define%20their%20dispute. [Accessed 9 September 2020].

Marriage Act 2015, No.35/2015, Dublin: Irish Statute Book, available: http://www.irishstatutebook.ie/eli/2015/act/35/enacted/en/html?q=marriage [accessed 22 October 2020]

Matters, M. (2014) *What Causes Conflict?*, available: https://margimattersbrisbanepsychologist.com/2014/01/09/causes-conflict/ [accessed 16 September 2020].

Mayer, B.S. (2010) *The Dynamics of Conflict Resolution - A Practitioner's Guide.* United States: John

Wiley & Sons.

Maynooth University Department of Law (n. d.) *Judge Rosemary Horgan*, available: https://www.maynoothuniversity.ie/law/our-people/judge-rosemary-horgan#:~:text=Judge%20Rosemary%20Horgan%20was%20formerly%20a%20partner%20at,Civil%20Legal%20Aid%20Committee%20and%20Law%20Reform%20Commitee. [accessed 15 October 2020].

McClelland, K. and Mansell, W. (2019) 'Resolving Intrapersonal and Interpersonal Conflicts: A Comparison of the Practice of Mediation with Method-of-levels Psychotherapy'. *Journal of Integrated Social Sciences,* 9(1), 1-38, available: https://www.researchgate.net/publication/337772470_Resolving_Interpersonal_and_Intrapersonal_Conflict_A_Comparison_of_the_Practice_of_Mediation_with_Method-of-Levels_Psychotherapy [accessed 12 October 2020]

McGowan, D. (2018) 'Reframing the mediation debate in Irish all-issues divorce disputes: from mediation vs litigation to mediation and litigation'. *Journal of Social Welfare and Family Law*, 1-25, available: https://arrow.tudublin.ie/cgi/viewcontent.cgi?article=1038&context=aaschlawart [accessed 15 October 2020]

McUniversity of Florida, (2011) *Competing, Collaborating, Compromising, Avoiding and Accommodating Skills*, available: https://www.coursehero.com/file/p7f7v9c/Competing-Skills-q-The-ability-to-argue-or-debate-q-The-ability-to-use-rank-or/ [Accessed 2 October 2020].

Mediation Act 2017a, No.27/2017, s. 8, Ireland: Irish Statute Book, available: http://www.irishstatutebook.ie/eli/2017/act/27/section/8/enacted/en/index.html [accessed 10 October 2020].

Mediation Act 2017b, No.27/2017*, s.10*, Ireland: Irish Statute Book, available: http://www.irishstatutebook.ie/eli/2017/act/27/section/10/enacted/en/index.html [accessed 10 October 2020].

Mediation Act 2017c, No27/2017, s.1, Ireland: Irish Statute Book, available: http://www.irishstatutebook.ie/eli/2017/act/27/section/1/enacted/en/html#sec1 [accessed22 August 2020]

Miranda, A. M. (2007) *The Origins of Mediation and the ADR tools*, available: https://www.academia.edu/9611797/The_Origins_of_Mediation_and_the_A_D_R_tools [accessed 20 August 2020].

Miranda, A. M. (2014) *Mediation in Europe at the cross-road of different legal* cultures, available: https://docplayer.net/83883023-Mediation-in-europe-at-the-cross-road-of-different-legal-cultures.html [accessed 22 August 2020].

Mitchell, C. R. (1981) *The Structure of International Conflict*, Great Britain: Macmillan Press Ltd.

Mondal, P. (2020*) Conflict: Definition, Characteristics, Forms and Other Details about Conflict*, available: https://www.ukessays.com/referencing/harvard/generator/website.php [accessed 17 September 2020].

Nadig, L. A. (n. d) *Relationship Conflict: Healthy or Unhealthy*, available: http://www.drnadig.com/conflict.htm [Accessed 9 September 2020].

Oetzel, J., Dhar, S., and Kirschbaum, K. (2007) 'Intercultural conflict from a multilevel perspective: Trends, possibilities, and future directions.' *Journal of Intercultural Communication Research*, available: http://dx.doi.org/10.1080/17475750701737124 [Accessed 29 September 2020].

O'Leary, Z. (2017) *The Essential Guide to Doing Your Research Project*, 3rd ed., London: Sage

Publications Ltd.

O'Shea, R. (2020) *Dr Roisin O'Shea - Mediator, Legal Academic, Trainer, Artist*, 15 Oct 01:35, available: https://ie.linkedin.com/in/dr-roisin-o-shea-b7858b2a [accessed 15 October 2020].

Oxford Dictionaries (n.d.) *culture*, available: https://www.oxfordlearnersdictionaries.com/definition/english/culture_1?q=culture [accessed 16 September 2020, 1:54]

Oxford Learners Dictionaries (n.d.) l*itigate*, available: https://www.oxfordlearnersdictionaries.com/definition/english/litigate?q=litigate [accessed 19 September 2020, 08:45]

Park, R.E. and Burgess, E.W. (1921) *Introduction to the Science of Sociology*. Chicago: University of Chicago Press.

Pera, A (2014) *Mediation in Europe at the Crossroad of Different Legal Cultures*, available: https://www.academia.edu/21362370/Mediation_in_Europe_at_the_cross_road_of_different_legal_cultures?email_work_card=view-paper [accessed 14 October 2020]

Perez, E. (2019) *What is Data Analysis and Its Methods?*,available: https://www.utreee.com/what-is-data-analysis-and-its-methods%EF%BB%BF/#:~:text=Narrative%20Analysis%3A%20This%20one%20is,experiences%20and%20in%20different%20contexts. [accessed 1 September 2020].

Phillips, G. L. (n.d.) *Conflict Resolution: Litigation vs Arbitration vs Mediation*, available: https://phillipskaiser.com/conflict-resolution-litigation-vs-arbitration-vs-mediation/ [accessed 19 September 2020].

Pia, E. and Diez, T. (2007) *Conflict and Human Rights: A Theoretical Framework*, available: https://www.academia.edu/28224991/SHUR_Working_Paper_Series_Conflict_and_Human_Rights_A_Theoretical_Framework [Accessed 16 October 2020]

Planning Tank (2020) *Data Presentation and Analysis | Application, Meaning and Techniques*, available: https://planningtank.com/planning-techniques/data-presentation-and-analysis#:~:text=Data%20analysis%20helps%20in%20the,Data%20processing%20tools%20and%20Softwares.&text=Presenting%20the%20data%20includes%20the,charts%2C%20maps%20and%20other%20methods. [accessed 01 September 2020].

Pondy, L.R. (1967) 'Organizational Conflict: Concepts and Models', *Administrative Science Quarterly,* 12(2), 296-320, Available: http://www-personal.umich.edu/~lroot/ConflictMgtConceptMap/Pondy-Organizational-Conflict-1967.pdf [accessed 13 September 2020].

Radford, M. F. (2001) 'Advantages and Disadvantages of Mediation in Probate, Trust, and Guardianship Matters', *Pepperdine Dispute Resolution Law Journal*, 1(2), 241-254, available: https://digitalcommons.pepperdine.edu/cgi/viewcontent.cgi?article=1187&context=drlj [accessed 12 October 2020].

Rawashdeh, M.S.A and Majali, S.A.A. (2017) 'The Phenomenon of International Conflict in International Relations', *The International Journal of Social Sciences and Humanities Invention,* 4(5), 3488-3502, available: https://www.researchgate.net/publication/317107036_The_phenomenon_of_International_Conflict_in_International_Relations/link/59b68a1ba6fdcc7415bd7164/download [accessed 20 September 2020].

Renalds, T.G. (2011) *Communication in Intercultural Marriages: Managing Cultural Differences and Conflict for Marital Satisfaction*, available: https://digitalcommons.liberty.edu/cgi/viewcontent.cgi?referer=https://www.google.com/&httpsredir=1&article=1206&context=masters [accessed 20 October 2020].

Sagartz, A. (1998) 'Resolution of International Commercial Disputes: Surmounting Barriers of Culture Without Going to Court', *Ohio State Journal on Dispute Resolution*, 13(2), 675-709, available: https://kb.osu.edu/bitstream/handle/1811/79806/OSJDR_V13N2_0675.pdf?sequence=1&isAllowed=y [accessed 10 October 2020]

Saunders, M., Lewis, P. and Thornhill, A. (2007) *Research Methods for Business Students*, 4th ed., England: Pearson Education Limited.

Scott, E. (2020) *Effects of Conflict and stress in Relationships*, available: https://www.verywellmind.com/the-toll-of-conflict-in-relationships-3144952#:~:text=Relationship%20conflict%20can%20be%20a,both%20you%20and%20your%20partner. [accessed 22 September 2020].

Shah, S. (2018*) Conflict in Society: Definition, Causes, Types and other Details*, available: https://www.sociologydiscussion.com/society/conflict-in-society-definition-causes-types-and-other-details/2202 [accessed 14 September 2020].

Shonk, K. (2020) *3 Types of Conflict and How to Address Them Different types of conflict — including task conflict, relationship conflict, and value conflict—can benefit from different approaches to conflict resolution*, available:

https://web.archive.org/web/20200506031301/https://www.pon.harvard.edu/daily/conflict-resolution/types-conflict/ [accessed 22 September 2020].

Simmel, G. (1955). *Conflict - And the Web of Group Affiliations*, United States of America: The Free Press, available: https://books.google.ie/books?hl=pt-BR&lr=&id=M0SrCpZMRmEC&oi=fnd&pg=PT9&dq=georg+simmel+conflict+and+the+web+of+group+affiliations&ots=enRRJf0TVd&sig=L3ueisRTOadeveXJFDc2jAUdd08&redir_esc=y#v=onepage&q=georg%20simmel%20conflict%20and%20the%20web%20of%20group%20affiliations&f=false [accessed 17 September 2020].

Stepanova, O., Polk, M. and Saldert, H. (2019) 'Understanding mechanisms of conflict resolution beyond collaboration: an interdisciplinary typology of knowledge types and their integration in practice'. *Sustainability Science*, 15(5), 263-279, Available: https://link.springer.com/article/10.1007/s11625-019-00690-z

Stern, D.S. (2018) *7 Types of Conflict*, Available: https://oureverydaylife.com/7-types-of-conflict-5258238.html [Accessed 22 August 2020].

Stulberg, J. B. (1998) 'Fairness and Mediation', *Ohio State Journal on Dispute Resolution*, 13(3), 909-945, available:

https://kb.osu.edu/bitstream/handle/1811/79887/OSJDR_V13N3_0909.pdf?sequence=1&isAllowed=y
 [accessed 10 October 2020].

Sturrock, J. (2015) *Making Better Use of Mediation to Resolve Disputes and Manage Difficult Issues*, available: https://www.mediate.com/articles/SturrockJ35.cfm [Accessed 13 October 2020]

Tallman, I. and Hsiao, Y. L.(2004) 'Resources, cooperation, and problem-solving in early marriage' *Social Psychology Quarterly*, 67(2), 172-188, available: https://doi.org/10.1177/019027250406700204

[accessed 28 September 2020].

Tashakkori, A. and Teddlie, C. (1998). *Mixed Methodology: Combining Qualitative and Quantitative Approaches*, United States of America: Sage Publications Inc., available: https://books.google.ie/books?hl=pt-BR&lr=&id=qtW04-pRJZ0C&oi=fnd&pg=PR9&dq=mixed+methodology+combining+qualitative+and+quantitative+approaches+tashakkori&ots=6h6pnE9aoP&sig=IXiZ324vAisimAeyQFAY4eAl50Y&redir_esc=y#v=onepage&q=positive%20consequences&f=false [accessed 19 October 2020].

Thakore, D. (2013) 'Conflict and Conflict Management'*, IOSR Journal of Business and Management (IOSR-JBM)*, 8(6), 07-16, available: https://pdfs.semanticscholar.org/1040/9aef8424b8bb58d8ffd5e937fc29ab24ddfa.pdf

The Houses of the Oireachtas (2012) *Raising awareness of the mediation process is necessary for legislation to be effective - Justice Committee report*, available: https://www.oireachtas.ie/en/press-centre/press-releases/20120621-raising-awareness-of-the-mediation-process-is-necessary-for-legislation-to-be-effective-justice-committee-report/ [accessed 15 October 2020]

Thejournalie. 2020. *Ireland has no plans to follow the UK and introduce civil partnerships for opposite-sex couples*, available: https://www.thejournal.ie/civil-partnership-ireland-uk-marriage-4960396-Jan2020/#:~:text=Civil%20partnerships%20were%20introduced%20in,same%2Dsex%20and%20cohabiting%20couples.&text=While%20same%2Dsex%20civil%20partnerships,partnerships%20are%20dissolved%20upon%20marriage. [accessed 18 October 2020].

Thomas, K.W. and Kilmann, R. H. (2008) *Thomas-Kilmann Conflict MODE Instrument - Profile and Interpretative Report*, available: https://www.researchgate.net/publication/265565339_Thomas-Kilmann_conflict_MODE_instrument/link/558c15d908aee43bf6ae1917/download [accessed 22 August 2020].

Ting-Toomey, S. (1994) *Managing Intercultural Conflicts*, available:

https://www.talent.wisc.edu/home/Portals/0/ManagingInterculturalConflicts.pdf [accessed 5 September 2020].

Triandis, H. C. (2010) 'Conflict and Culture', *International Journal of Psychology*, 35(2), 142-152 available: https://onlinelibrary.wiley.com/doi/epdf/10.1080/002075900399448 [Accessed 5 September 2020]

University of Wisconsin-Madison (n.d.) *The Role of Perceptions in Conflict*, available: https://www.talent.wisc.edu/home/HideATab/FullyPreparedtoManage/ConflictResolution/AboutConflict/PerceptionsofConflict/tabid/230/Default.aspx [accessed 04 September 2020].

Variables on the Study of Conflict (n.d), available: http://www.cios.org/encyclopedia/conflict/Dvariables2_power.htm#Power%20as%20inherent%20trait%20or%20function%20of%20the%20relationship [accessed 10 September 2020]

Vilendrer Law PC, (n.d.) *The Five Main Causes of Conflict and How Mediation Can Resolve Them*, available: https://www.vilendrerlaw.com/five-main-causes-conflict-mediation-can-resolve/#:~:text=Interest%20conflicts%20are%20caused%20by,their%20opponent%20must%20be%20sacrificed. [accessed 16 September 2020].

Walsh, S. (2015*) '*Mediation Awareness Week In Ireland', Kluwer Mediation Blog. 9th Oct, available: http://mediationblog.kluwerarbitration.com/2015/10/09/6128/ [accessed 15 October 2020

Wani, I. A. (2017) *The Sociology: A Study of Society*, New Delhi: Educreation Publishing, available: https://books.google.ie/books?id=ZsMyDwAAQBAJ&pg=PA446&lpg=PA446&dq=what+is+meant+by+conflict+of+impersonal+ideals+give+example&source=bl&ots=XpPbBBfErr&sig=ACfU3U2ePsMmb2wZ6Mldm-9og7fltFAtzQ&hl=pt-BR&sa=X&ved=2ahUKEwiZqvbf6_XrAhXfWxUIHaEEBNQ4ChDoATAHegQICBAB#v=onepage&q=what%20is%20meant%20by%20conflict%20of%20impersonal%20ideals%20give%20example&f=false [accessed 19 September 2020].

Williams, A. (1994) *Resolving Conflict in a Multicultural Environment*, available: https://www.beyondintractability.org/artsum/williams-resolving [accessed 29 September 2020].

Wisker, G (2018) *The Undergraduate Research Handbook*, 2nd ed., United States of America: Red Globe Press, available: https://books.google.ie/books?redir_esc=y&id=k6cLf5-81VoC&q=unique+source#v=snippet&q=primary&f=false [accessed 25 October 2020)

Zaher, S. (1998) 'The Feminization Of Family Mediation', *Dispute Resolution Journal*, 53(2), 36-43, available: https://web.b.ebscohost.com/ehost/detail/detail?vid=3&sid=f435d36b-e57d-4cf0-ba8d-ff8615952941%40pdc-v-sessmgr06&bdata=JnNpdGU9ZWhvc3QtbGl2ZQ%3d%3d#db=buh&AN=738934 [accessed 13 October 2020]

Appendix A - The Survey Questionnaire

1. Marital Status

Married / Civil Partnership / Cohabiting / Single / Separated or Divorced

2. Gender

Male / Female / Prefer not to say

3. Age Range

<18 / 18 to 24 / 25 to 35 / > 35

4. What country are you national from?

Ireland / Brazil / Poland / Italy / Mexico / Other

5. What is your native language?

English / Portuguese / Polish / Italian / Spanish / Other

6. How long have you been living in Ireland?

< 1 year / 1 to 5 years / > 5 years

7. For how long you have been together with your partner?

< 1 year / 1 to 5 years / > 5 years

8. Do you have children?

Yes / No

9. Have you experienced any kind of disagreement with your partner?

Yes / No

10. What would you consider the main cause of disagreement in your relationship?

Needs not being met - (Different interests)

Different expectations - (Lack of communication)

Different backgrounds - (Cultural Differences)

Personality Conflicts - (Clash of interests)

Violation of Rights - (Power)

Other

11. What is your primary attitude when dealing with conflict arisen in your relationship?

Competing - (Arguing, asserting you opinions and feelings, stating your position clearly)

Avoiding - (Ability to withdraw, Ability to sidestep issues, leave things unresolved, sense of timing)

Accommodating - (Forgetting your desires, Selflessness, Ability to yield, obeying orders)

Compromising - (Negotiating, making concessions, assessing values and Finding a middle ground)

Collaborating - (Active listening, Nonthreating confrontation, Identifying concerns)

12. Have you ever heard about "mediation" as an alternative to court on the resolution of disputes?

Yes / No

13 - What was your source of information regarding mediation?

College / Citizen Information / Media (Radio, TV Newspaper, Magazines) / Internet / Never heard about mediation / Other

14. Was the information available in your language?

Yes / No

15. How did you find the quality and clarity of this information?

Very satisfied / Satisfied / Neutral / Unsatisfied / Very unsatisfied / Unclear

16. What would you consider to be a good source of information for you to be aware of mediation?

TV / Radio / Internet / Government offices and agencies / City Council / Embassy / Other

17. Do you think the government should incentivise the use of mediation by subsiding the cost of mediation as an alternative to the Court process in cases of family disputes (such as marital breakdown/breakdown of civil partnership/disputes regarding rights of cohabitees/custody disputes?

Yes / No

18. If a dispute arises between you and your partner which led to the breakdown of the relationship, would you consider using mediation as a means of resolving differences in relation to financial/property entitlements and/or custody disputes if children were involved?

Yes / No

19. If you answered no to the question above, why would you not consider mediation as an alternative to the Court process in Ireland?

I do not trust the process.

I am not aware of/do not understand the process.

I would prefer to have a judge providing the resolution to my dispute.

Other

20. If you are aware of mediation as an alternative to the Court process, are there benefits of attempting to mediate a dispute before initiating litigation in the Courts?

Yes / No / Maybe

Appendix B – Survey Cover Letter

Dear Participant,

This research is an important part of my Master's Degree in Dispute Resolution at Independent Colleges Dublin. Furthermore, this investigation aims to explore the evolution and causes of conflicts in the relationship of multicultural couples in Ireland. Also, this survey seeks to study the value of mediation on the resolution of disputes in case of a relationship breakdown.

If you are completing this survey, it means that you have agreed to participate voluntarily in this anonymous survey as part of this investigation.

The responses of this survey will be used for academics purposes only, and the information will be disclosed in the form of a dissertation, which will be sent for analysis and grading.

This data will be kept as long as it is necessary to complete this thesis and will be deleted when they were no longer necessary.

This Survey fully respects the Data Protection Act as well as any ethical considerations.

Thank you for participating in this Survey.

Best Regards,

Karla Maçana

email: karlamacana@gmail.com

Phone Number: +353 083 039 5142

Appendix C - The Consent Form

Dear Participant,

I am conducting this research for the purpose of data collection conducted by a survey. This survey is an essential part of my Master's Degree thesis in Alternative Dispute Resolution at Independent Colleges Dublin.

This paper aims to investigate the evolution and causes of conflicts between multicultural couples in Ireland, and whether to explore the value of mediation on the resolution of arisen disputes in their relationship. Also, this research seeks to obtain information about the awareness of the mediation process amongst foreigners in Ireland.

By participating in this in this survey, you are demonstrating that you:

- Have or had a conjugal relationship, such as married, civil partnership/De Factor partnership or cohabit, with a person from a different nationality;

- That you are resident in Ireland;

- That you are, at least, 18 years of age;

- Understand that your responses are anonymous

- Understand that the responses will be used for academic purposes only

- Understand that your participation is strictly voluntary

- You may withdraw at any time or refuse to answer the question without any penalties or consequences.

Data Protection:

- The Data Protection Act is respected by this survey as well as ethical considerations.

- This data is collected anonymously; thus, the participant will not be identified.

- The information will be kept as long as it is necessary to complete this dissertation.

- This information will be disclosed in the form of a dissertation to be presented for grading; thus, no identifying information will be disclosed in this paper.

- After the dissertation is completed, the information will be securely deleted as per the Data Protection Act and as Independent Colleges Dublin policy.

Therefore, if you agree with all the rules and information disclosed above, please mark the option "yes" or "no":

Yes ☐

No ☐

Thank you in advance for the availability to complete this Survey.

Researcher

Karla Maçana

Email: karlamacana@gmail.com

Phone number: +353 083 0395142

Appendix D- Survey Disclaimer

"The Evolution and causes of Conflict in the Relationship of Multicultural Couples in Ireland and the Value of Mediation on the Resolution of Disputes."

Dear Participant,

This research is an important part of my Master's Degree in Dispute Resolution at Independent Colleges Dublin. Furthermore, this investigation aims to explore the evolution and causes of conflicts in the relationship of multicultural couples in Ireland. Also, this survey seeks to study the value of mediation on the resolution of disputes in case of a relationship breakdown.

If you are completing this survey, it means that you have agreed to participate voluntarily in this anonymous survey as part of this investigation.

The responses of this survey will be used for academics purposes only, and the information will be disclosed in the form of a dissertation, which will be sent for gradings.

This data will be kept as long as it is necessary to complete this thesis and will be deleted when they were no longer necessary.

This Survey fully respects the Data Protection Act as well as any ethical considerations.

Thank you for participating in this Survey.

Best Regards,