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"A Philosophical Approach of Ethics and Common Good: Is it applicable in Conflict Mediation?"

By

Cleiton Soares Abrantes

A dissertation presented to the

FACULTY OF LAW

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I sincerely wish that every individual will be able to have faith in themselves and, when necessary, will be able to seek solace and support from whatever force you choose to refer to as "transcendent," "absolute," "energy," greater spirituality," "God," or by any other name you choose to give to the force that continues to rule the entire universe.

ABSTRACT

The current study examines many theoretical-philosophical systems that deal with the subject of "ethics." Ethics is a field that employs a philosophical approach to the examination of the many assumptions and attitudes that underlie an individual's social actions. This collection of values, principles, norms, prohibitions, and permissions that have been socially produced and internalised by the subject and which influence their behaviour is referred to as "morals" - the supreme goal of ethical inquiry. The primary objectives of this research are to elucidate the concepts of ethics and common good, as well as their respective and appropriate applications in the field of conflict mediation ; to summarise the major moral philosophies forged by great exponents of philosophy's history; to emphasise the concept of the common good and its limitations ; to demonstrate the importance of a deepest concept of ethics in the various scenarios of mediation ; the importance of the great authors of philosophy and their theoretical legacies regarding the influence that resonates under the behaviour of individuals in their daily lives and in their decision-making in the face of the demands of deliberation and action.

To accomplish the aforementioned aims, a bibliographic review was conducted on the issue, which included reading and evaluating primary and secondary sources, while constantly attempting to connect the numerous ideas, judgements, and reasoning explored. Several questions were written and sent to professional mediators, students of mediation, and professors. The responses to these questions were thoroughly evaluated and interpreted in accordance with the work's theoretical framework. The author was motivated to complete this work by a desire to systematise the major philosophical doctrines that studied ethics, with the ultimate goal of clarifying the historical-philosophical paths that this subject has taken up to the present day, as well as how to relate the philosophical approach to ethics and the common good to conflict mediation. Following its completion, the author developed an appreciation for the breadth of this illustrious field, the diversity of its ideas and judgements, and its effect on human behaviour throughout the conflict mediation process. Human behaviour (practise) is never divorced from deliberation (theory), and it is only through an understanding of these judgements about the optimal course of action in the many scenarios that confront the person that their conduct can be rigorously understood. Thus, in every field of conflict mediation, ethics and the general good must be paramount, so that impartiality and neutrality prevail above any individual or collective perspective.

Key words: Philosophy; Ethic; Moral; Concept; Common Good; Mediation; Conflicts.

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INTRODUCTION

Each person has internalised ideas, beliefs, and standards that guide their behaviour in a variety of settings. We refer to morality as the collection of internalised attitudes that underpin an individual's actions. Ethics is a field that applies the philosophical process of critical and reflective analysis to the study of morality.

It is critical to underline that morality does not remain consistent across all topics, and that all civilisations, conventions, and values evolve across geographical boundaries. Thus, what is "right" for one culture may not be "correct" for another, as is true of all other essential ideas in ethical inquiry: "good and evil," "fair and unfair." Above all, morality is a social construction that regulates people' behaviour via principles, norms, values, prohibitions, and permissions. It is a compilation of theoretical concepts that precedes action (practise) (PIVA, 2013).

While individuals internalise the values, principles, and conventions of the cultures to which they belong, morality is also subjective, even within the same society. Thus, two people reared in the same society may have fundamentally different values and behaviours.

Finally, Donzelli (2016) clarifies a critical conceptual difference between "ethics" and "morals." Morality is agnostic, imposing strict, universal, inflexible, and insurmountable norms of behaviour to people without regard for the context or circumstances requiring the subject's behaviour. Ethics, on the other hand, examines circumstances on an individual basis, not universalising rules and values, but directing critical thinking toward the optimal course of action in the face of each choice forced on the subject. Lawrence Kohlberg, a contemporary psychologist (Chau, 2012), cites instances of "Dilemmas" that cause us to rethink moral assumptions. Taking seems to be illegal and passionately revolting in our society, however stealing a medication from a pharmacy to save your child's life may strike us as admirable and acceptable. Thus, although theft is morally unacceptable in every setting, as proven, unique circumstances might affect this prescription.

It is not my intention to examine all the moral standards that have infiltrated diverse communities and human civilisations throughout history in this work, but rather to highlight certain key notions and guiding judgements of select writers who have devoted their lives to this subject.

Some of the aforementioned ways may and should add to the problems of gaining a fuller knowledge of the mediator's role. Once, neutrality was the foundation of this function. Laurence Boulle (2011) In the framework of the facilitation model of practise, neutrality

gave theoretical guarantee of participants' autonomy, if not in fact. The old concept was based on three connected elements. According to the traditional concept of facilitation, mediation is separated into method, content, and result. It was accepted that the mediator was impartial regarding the substance and conclusion of the mediation, but in charge of the process. Control of the procedure by the mediator provided procedural fairness for the parties. Self-determination was achieved through the parties' control over the mediation's content and outcome. Control over content and result by the parties secured substantive justice. Vulnerabilities in the logic of these interrelated principles became evident with the growing awareness that mediators were not neutral in an absolute sense, Ellen Waldman (2011) that there were other ways of looking at the dynamics of mediation, demonstrated by other models, and that justice substantive would not be ensured when one party suffered a disadvantage in relation to the other party that could not be remedied through procedural or procedural interventions.Tania Sourdin (2012) A deeper and deeper research of the history of philosophy in relation to the concepts of ethics and morality might benefit the mediator in comprehending the context in which he is functioning and the nature of the dispute.

Given the opportunity for challenging the mediator's impartiality and his knowledge of ethics, morality, and the common good, a reevaluation of what defines the nature and extent of the mediator's position is essential. A redesigned conceptualisation must include the core of this function for all mediators, regardless of the varied models and practise situations. Various ethical models have been proposed by scholars and organisations to articulate this essence. The author of this dissertation intends to bring exactly this conversation between the ethical models proposed by the "Codes of Ethics for Mediators" (in different organisations and institutions) and the conceptions of ethics tackled by philosophy throughout history to the forefront. These principles might clarify and support the mediator in his present ethical and moral issues.

The following discussion adds to this effort by advocating the adoption of the mediator-party trust relationship as a foundation for ethical practise in mediation. The author is aware of and describes the theoretical knowledge, skills, and ethical understandings required for the practise of conflict mediation; hence, the suggestion of a philosophical approach. A foundation of this debate is that trust relationships offer an ethical framework for the employment of mediators of all dimensions in practice, or for any and all practical choices and actions they undertake.

1. Main concepts of Ethics in Philosophy History

1.1. Greek Mythology and the Pre Socratics

According to the Greek mythological ethical conception, there is always a "place for man in the Universe," and thus the individual does not have the freedom to deliberate on his actions or create his destiny, but must be adequate in his "Cosmos" – an organised universal totality that is coherent and harmonious. This manner, the subject will be more at ease in his native habitat. Each creature, including humans, would have a unique purpose that contributed to the continued proper functioning of the entire.

There was no established ethical theory among the Pre-Socratics, since there was still no in-depth anthropological investigation. Because their research focused on nature (physis) and the cosmos, they are referred to as "physicists," "cosmologists," or "naturalists." Philosophy derives its anthropological aspect from citizens' active praxis in Athenian democracy, as well as from the sophists' educational action in the teachings of "political arts" such as rhetoric, oratory, and dialectics. Socrates' life and work establish Man and his manifestations as the primary object of investigation. Grayling, A. C. (2019)

1.2. Philosophy of Antiquity

Socrates

Socrates considered himself a "midwife of ideas". Just as a midwife has the function of giving birth to a child, but she herself has no children, Socrates also abdicated the construction of a doctrine or system of ideas about any topic - including Ethics - encouraging, through his method dialogic, the interlocutors to form their own concepts, judgments and reasonings (Plato, 2007). The investigation of good and evil, just and unjust, good and bad, along with the main virtues and the most evil vices, was at the heart of Socratic philosophy. As the main virtues, Socrates chose wisdom, courage, temperance and justice. The vices would be in their opposites – ignorance, cowardice, immodesty and injustice. Socrates identified knowledge with virtue and ignorance with vice, so that if the individual acts badly, he acts that way for lack of knowledge of the Good.

Furthermore, Socrates also saw the need to establish true virtues (universal and unconventional) and distinguish them from apparent virtues (conventional and particular),

since virtues exist as ideals or pure, true, essential, universal and immutable forms (Piva, 2013).

Plato

Plato distinguished two separate worlds in his "Theory of Ideas or Forms": the "Sensible World" and the "Intelligible World." The Sensitive World was envisioned as the physical world, composed of matter and delicate, flawed, changing, and finite data. In another sense, the Intelligible World was the ideal cosmos, composed of intelligible and supersensible thoughts and forms that were flawless, essential, unchangeable, and everlasting in their original state. The fundamental qualities would be situated in the Intelligible World, accessible via complete application of Reason and the dialectical process.

In his magnum opus, "The Republic" (2008), Plato mentally constructs the Ideal State in order to address the question, "What is Justice?" According to Plato, the right state would be composed of three hierarchical power strata: 1) Class of Magistrates or Rulers, with knowledge as their primary virtue; 2) Class of Warriors or Guardians, with bravery as their primary virtue; 3) Working class (craftsmen, farmers, merchants, shoemakers, etc.), with moderation as their primary virtue. The just state would be one in which, with each citizen fulfilling a role consistent with his nature, the magistrate class would govern over the lower class workers with the assistance of warriors. The unfairness would be in the reversal or distortion of this hierarchy, or in the individual's failure to perform his or her assigned duty within the social division of labour that corresponds to his or her intrinsic abilities. In similarity to the ideal state, the human soul would be split into three portions with the following hierarchical order of dominance: 1) Rational Soul - similar to the State's Class of Magistrates, it is responsible for the human soul's intellect, governance, and deliberation. Similarly to the Magistrates Class, their primary virtue is knowledge; 2) Irascible Soul – similar to the Warrior Class, it is responsible for the protection of the human soul. As like the State's troops, she has bravery in her spirit; 3) Concupiscent Soul - corresponds to the Working Class in the Ideal State and is the wellspring of all human wants. As was the case with labourers, its primary virtue is temperance/moderation. Similarly to how a just state is defined by its ability to maintain the hierarchy of domination between classes and an unjust state by its corruption, a just man should have maintained the hierarchical relationship of the described parts of his soul, possessing each of the virtues assigned to each of these parts.

Happiness is the ultimate goal of Platonic ethics. At its heart lies the "Idea of Good" or "Summest Good," that is, the ideal, essential, everlasting, and unchangeable form of the Good that should be attained in the World of Ideals by the application of reason and dialectics. (Plato , 2008)

Aristotle

Aristotle is opposed to Plato's Idealism or "World of Ideas." According to the stagirite, everything in nature has a purpose that contributes to the Cosmos's functioning, and Man likewise serves a purpose within nature, which legitimises authority, dominance, and functional inequality. Aristotle, like Plato, views pleasure as the ultimate goal of human behaviour. The subject's whole trajectory will culminate in attaining absolute satisfaction (Eudaimonia). In Aristotle's Ethics, the concept of "Good" is synonymous with pleasure. Thus, we might see finalism and eudaimonism as the two essential tenets of Aristotelian ethics (Aristotle , 2014).

According to Aristotle, virtue is always found between two extremes; it is the "middle ground" between deprivation and excess. Thus, the "fair-means" or "fair-measure" would exist between the extremes of two vices. Justice is the only virtue that is free of excesses and limitations and capable of being applied as efficiently as possible. Aristotle argues on this issue that for a society to be fair, it is essential to distribute "Sharable Goods" (what can be distributed, such as financial resources) "unequally to the unequal" in order to equalise resource distribution. Additionally, Aristotle identifies two sorts of justice: "distributive" and "commutative." The first refers to the distribution of commodities in accordance with proportionality principles. The second corrects the first's flaws, establishes legal standards, and punishes offenders . Grayling, A. C. (2019)

Aristotle felt that goods must vary according to creatures, that is, there must be a distinct good for each being. Aristotelian ethics prioritises rational experience, with a strong emphasis on study and reflection. For him, mind is the most divine aspect of Man, since God is supposed to be pure thought, which implies that living in a contemplative manner more closely resembles divine activity, but because this is not attainable for all persons, other factors must be addressed. something Man lacks, which varies according to his state of being.

Finally, Aristotle distinguishes between "ethical" and "dianoetic" qualities. Ethical qualities are learned; they are defined by proper activities that, when repeated, become habits in the person. Temperance, bravery, and justice are the three primary ethical qualities.

Dianoetic qualities, on the other hand, are natural and need a proper education to develop. Prudence and wisdom are the primary dianoetic qualities (Aristotle 2014).

Epicureanism

Epicureanism's ethical philosophy contains several fundamental principles for living a good life, including the following: 1) indifference to death; 2) lack of fear of the gods; 3) self-sufficiency; 4) internal resistance to withstand the whims of fate; 5) enjoyment of simple and moderate pleasures; and 6) freedom. Grayling, A. C. (2019)

This ethical concept is founded on the Epicureans' belief of "spontaneous mobility" of atoms. Epicurus and his pupils were partial adherents of Democritus and Leucippus's pre-Socratic atomism. In contrast to the doctrine's founders, who accepted the passive movement of atoms, the Epicureans identified three sorts of atomic movement: by the weight of atoms, by their collision, and by spontaneous departure. Just as atoms - the Universe's original constituents – may divert from their trajectories, human beings can alter their course and rewrite their fate. Grayling, A. C. (2019)

When it comes to the pursuit of reasonable and necessary pleasures, there are three categories: 1) required natural pleasures (eating, sleeping, drinking, and being in good company); 2) unnecessary natural pleasures (eating and sleeping excessively); and 3) needless unnatural pleasures (seeking glory, seeking titles, seeking status). Epicurean ethics sought to achieve human happiness and satisfaction by these basic and natural pleasures that man has.

1.3. Medieval Philosophy and Christianity

Christian morality emphasised the freedom to choose between good (God) and evil, seeing all humans as brothers (fraternity) and equals. Christ transformed the moral underpinnings of his day by consistently prioritising acts of compassion and generosity toward other humans. Christian teachings were founded on the premise of living to know, serve, and love God, whether personally or via his "brothers." Christian Ethics aspires to the goal of a spiritual life founded on brotherhood and love.

Christianity's imperatives and moral ideals elevate the ultimate purposes of human behaviour beyond the terrestrial realm, externalising them to a supernatural realm, as well

as externalising the ultimate good from Man and human phenomena and diverting it to God.

During the Medieval Period, under feudalism and the Catholic Church's ideological, cultural, and ethical domination, the explicit inequalities in an extremely stratified, hierarchical, and vertical society were resolved through ascetic ideals of spiritual equality in an idealised world (Paradise) and through faith in God's supreme justice, supreme governor of the entire Universe, omnipotent, omnipresent, and omniscient, reason, and sovereign goodness that would rule over all.

Saint Augustine of Hippo

Augustine's ethics might be seen of as the "Christianisation" of Platonic ethics, given the second's infamous effect on the first. Plato's ascension to the World of Ideas through dialectics becomes Augustine's ascent to the kingdom of God by faith. In Platonic philosophy, the Idea or Pure Form of the Good is associated with God; in Augustinian philosophy, God is identified as the Supreme and Ultimate Good. (Vasquez, 1990)

The "Problem of Evil," as posed in the "Confessions," is one of Augustinian philosophy's most renowned issues (Augustine, 2005). Augustine admired the dilemma of evil being in a universe created by a single, sovereign, and benevolent deity. To address this issue satisfactorily, Augustine divides evil into three categories: 1) Physical Evil – bodily deformations and material emotions; 2) Metaphysical Evil – "Evil" existing as an ontological reality; 3) Moral Evil – deriving from human conduct. As Physical Evil is transient and finite, and Metaphysical Evil cannot exist in and of itself, as a single, sovereign, and supremely good being could not have created it, Augustine considered the existence of only Moral Evil as the result of human free will granted by God for the purpose of acting contrary to the Divine Will. Men perform bad acts as a consequence of superimposing a lower good (such as the enjoying of carnal pleasures that violate heavenly rules) over a higher good (such as adherence to God's commandments). In this approach, "Evil" in Augustinian theory would not be a thing, but rather a deprivation of Good and God as a consequence of a departure in human activity. Augustine also expressed an apology for Christian doctrines that saw behaviours motivated by love for God and neighbour as mobilising toward the ultimate goal of his morals: meeting God. Additionally, he supported the notion of "Grace," arguing that particular creatures would have received this dowry from their creator due to divine destiny. This belief, which emphasises the importance of divine predestination in determining the direction of a

person's destiny, will be adopted by the Calvinist Protestant morality in the Modern Age, as it fits well with the bourgeoisie's ideals of accumulation of wealth, as prosperity would be a sign of receiving Grace.

Saint Thomas Aquinas

As Augustine was expressly inspired by Platonism, Thomas' philosophy was founded on Peripatetic principles. Taking Aristotelian philosophy's finalism and eudaimonia into account, Thomistic ethics saw God as the ultimate good and objective goal and pleasure, attained via its contemplation, as the ultimate good and subjective end. Intellectualism and rationalism, as modes of approaching God in Thomistic ethics, further define its approach to Peripatetic ethics.

According to Thomas Aquinas, morality is a practical science that guides Man's actions toward eternal happiness in his encounter with the Creator; however, generalisations are not useful in this science; rather, Aquinas believes that one must consider the particularities of each situation, avoiding establishing universal standards or principles governing all action independent of subjects and objects.

Finally, Thomistic ethics holds that activities must conform to natural principles – derived from God's everlasting law – that are universally applicable to all peoples.

1.4. Modern Philosophy

Machiavelli

"The Prince" (Machiavelli , 2012) is Machiavelli's most renowned work. It is a book that outlines how a king should behave. This text establishes a distinction between Christian and political ethics. For the first, regardless of the circumstances, it is always vital to do good (in accordance with Christian ideals), since this is the only method for a person to attain soul salvation. According to Machiavelli, a good ruler must be capable of being wicked when required, including lying, being cruel, using masks, making false promises, stealing, and murdering, among other crimes prohibited by conventional Christian morality. All of these bad actions would be acceptable if they were carried out for the greater welfare of the city or to maintain power.

Machiavelli clearly distinguishes between virtue in the public and private domains. While Christian virtues continued to dominate in private life, it was essential for these values to be perverted in public or political life in order to further the goals of excellent public administration and power. This split manifested itself in the psyche of various rulers and prominent figures throughout history and continues to do so now.

Rene Descartes

Because he believes that occupying himself with ethical concerns would divert his attention away from his search for the truth and a secure way of knowing himself, and because Descartes believed that in practical life, as opposed to theoretical speculations, one must adopt a resolute stance and be little inquisitive, because everyday experience requires quick decisions, the French philosopher chose to adopt a position based on provisional values rather than reflecting and creating his own. His pragmatic approach was founded on four fundamental principles: 1) to uphold the nation's norms, laws, and customs, as well as the religion in which God permitted him to be educated from childhood; 2) to be as firm and resolute in their decisions as possible (in contrast to the field of theoretical sciences, where doubt and irresolution are founding principles), without regretting their actions as "the weakest spirits" do; 3) to seek to overcome their own desires and passions, adopting a moderate and resigned posture (here we can). Rene Descartes (2001)

Spinoza

Spinoza conceives of God as Nature or the First Substance, and Man as one of God's "affairs," a component of a greater whole.

Man is always in interactions, both with Nature and with other subjects, and these ties create reciprocal effects (A affects B and B affects A), but these effects, although objective in the exterior sphere, become subjective in the human being's interiority, resulting in "Affections." According to Spinoza, Affects are alterations to bodies that enhance or lessen their "ability to act." According to this "dynamics of affections," when bodies collide, they generate "affections" one after the other, which change as a result of the collision. As a result, we would always be subject to the influence of other bodies. Spinoza defined human mind as "action" and "passion," with action being that which, when accompanied by "sufficient ideas," produces by its own will, and passion being that which, when

accompanied by "inadequate ideas," produces what comes from exteriority and causes the mind to suffer (Spinoza, 2016). If nothing comes from our volition, we are not in control of our life; we are constantly being formed by the interplay of bodies, and our understanding of this process is incredibly restricted.

In summary, Spinoza established that free will is an illusion and that we are not the creators of our own fate, but are constantly being constructed in the face of affectional dynamics. Additionally, Spinoza relativizes ideals like as "good," "beautiful," and "fair" within this notion of "encounter," undermining their transcendent nature and mischaracterising them as absolute.

Spinoza asserts that we have three distinct forms of knowledge under the epistemological bias: a more immediate one, the "sensitive conscience," is defined by the awareness, through the organs of sense, of our interactions that are shallow and superficial. The second is "reason," which we might define as the rational analysis of encounters enabled by geometric epistemological approaches, which provide a more expansive and explanatory field of knowledge. Finally, there is what is known as "intuitive knowledge" or "beatitude," which is the capacity of humans to create something new for their lives by seeing themselves as a part of a greater whole (God, Nature, or Substance) and expressing their attachments, so permitting the mind to act. Spinoza, 2016) Thus, according to this epistemological view, man is not free in the first two types of knowledge, because in the first he only feels the effects of encounters, while in the second he is already capable of rationally describing and explaining them, and only in the third will he be able to act in a way that transforms his life, as it reveals the nature of his affections and passions, which characterises the path to freedom.

David Hume

David Hume, a representative of the British empiricist school, does not subscribe to the utilitarian tendency prevalent in other empiricists' moral philosophical attitudes. Rather than relying on reason to develop moral judgments, the Scotsman emphasises the emotional dimension of subjects when making moral judgments. According to Hume, every human has a "emotional capacity" that enables them to praise and applaud some activities while adversely evaluating and disapproving of others. This capacity translates into a moral perception that, like sensory perception, quickly classifies activities as either good or evil, desirable or unwanted, deserving of praise or condemnation. Thus, when an

individual behaves, he arouses in others this judgement based on emotion rather than reason.

Hume's morality is founded on motive. A virtuous action may only be regarded so if it is motivated by a virtue. Our moral sense is capable of apprehending motivations, and when such reasons are virtuous, our perception qualifies them as such. Thus, according to the Scottish empiricist, virtue is a result of a virtuous purpose, and good behaviour is the result of a good motive. Hume (2009)

Hume also distinguishes "natural" and "artificial" virtues, the former being those that intrinsically earn acceptance in the assessment under the emotional inspection of the assessors, and the latter being those that emerge from societal customs. Hume (2009)

Utilitarianism (Jeremy Bentham and John Stuart Mill)

According to proponents of this British school of thought, including Jeremy Bentham, James Mill, and John Stuart Mill, virtue is synonymous with obtaining pleasure and avoiding pain; this foundation is exemplified by Jeremy Bentham's famous sentence: "man is virtuous and happy when, with the least amount of pain, the greatest amount of pleasure is assured" (Franca S.J., 1967, p.62). However, utilitarians believe that this pursuit of happiness and pleasure must take place for the greater welfare of the largest number of people. A good action must prioritise the collective benefit, the majority's welfare (as would occur under legitimately democratic and egalitarian republican governments), creating the greatest amount of pleasure for the broadest segment of the population.

Illuminism

The authors of illuminism championed the sanctification of individual liberty and autonomy. Man should have autonomy, self-determination, and the ability to act in accordance with his thought and reason. This liberal attitude is mirrored in the political sector, where criticism of the absolutist monarchic state fuelled support for a republican and liberal economic agenda. Additionally, criticism of priestly dogmatism restricted illuminism's justification for reason and scientific progress. In purely moral terms, the bulk of illuminism was utilitarian.

Kant

Similarly to how Pure Theoretical Reason is responsible for establishing a priori judgments of knowledge, that is, universal propositions that exist prior to and independent of individual experience, Pure Practical Reason is responsible for establishing a priori judgments of behaviour, guided by the criterion of action's transcendentality. Thus, Pure Practical Reason, like Conscience or Transcendental Subjectivity, would be formed of notions of "good" and "bad" shared by all rational creatures, so ensuring the a priori and autonomous nature of the particular (universal) conditions of the good action. According to Kant, the idea of "good" is decided by the Moral Law, which is established by Reason (Kant, 2015). It is worth noting that when Kant speaks of "Reason," he is not referring to particular intellects, but to a vague and universal framework of comprehension, in which all rational creatures participate.

Kant defines duty as a necessary condition of morality. Disagreeing with the Greeks' Classical and Hellenistic Philosophy, Kant argues that duty must take precedence above pleasure, since happiness is founded on experience and cannot be quantified universally (Kant, 2015). Additionally, since the repercussions of an action are uncontrolled, it is impossible for Man to behave in order to achieve pleasurable outcomes. In this sense, responsibility becomes a precondition for every logical conduct, impossibly asserting itself regardless of the circumstances. According to the utilitarian Jeremy Bentham's conceptual framework, Kant's ethics would thus be a "deontological" theory, centred on the norms and obligations of an action examined in isolation, without regard for its effects or consequences.

Practical Reason, according to Kant, puts imperatives on the actor, that is, instructions to behave in a certain manner. There are two sorts of imperatives for the philosopher: hypothetical and categorical. The hypothetical imperatives would be contextual, conditioned, contingent, and direct behaviours included inside a hypothetical conditional premise ("if I act in the way x, then I will have as a consequence y"). Thus, hypothetical imperatives would be situation-dependent. Categorical imperatives, on the other hand, would be universal, unconditional, irreversible, and subject to the basis of duty ("I must behave as x regardless of the consequences"). Thus, categorical imperatives are for conduct and Practical Reason, while synthetic a priori judgements are for knowledge and Theoretical Reason, implying that both are universal and fundamental orientations for Reason and activity. The two central Kantian categorical imperatives are as follows: 1) establish your action as a universal standard – "Act in such a way that the maxim of your

will can always be valid concurrently with the principle of universal legislation" (Kant, 2015, p.63); and 2) always regard men as an end, never as a means.

Kant works with the notions of autonomy and heteronomy, the one defining what man may do via his own deliberation and the free movement of his reason, and the second defining what the person accomplishes through external force, that is, what he does not create or deliberate on.

Finally, Kant establishes a distinction between the ideas of "maxim" and "law." The maxim is personally formed and, as such, is susceptible to individual interpretation. On the other hand, the Law is objective and contained in Reason, imposing itself uniformly on all rational creatures, that is, universally (Kant, 2015).

Rousseau

With the notion that man is fundamentally good but corrupted by society ("Myth of the Noble Savage"), Rousseau considers the optimal method to behave with primal and emotional behaviour outside of the moral precepts generated by socialisation and rationalism. Among Rousseau's major qualities is one that the French thinker saw as predominating in human nature: compassion or pity.

Rousseau argues in his ethical perspective that deeds are justified by the perpetrators' sentiments. Rousseau envisions society as a place where individuals cease thinking about themselves and instead focus on the "Common Good" - a fair, equitable society. Natural instincts of the "noble savage," such as kindness, compassion, sympathy, and honesty, should stand out against the backdrop of principles founded in a civilisation that constructed disparities and injustices amongst mankind. To accomplish this, a paradigm shift in education is required, in which pedagogical practise is no longer driven by civilisational principles and instead allows for the student's natural and uninhibited growth. The educator's duty is to be a teacher who enables the pupil to grow naturally.

Hegel

According to Hegel, the ethical ideal exists in a free state with a rule of law that protects people's individual liberty while also holding them accountable for their obligations. Freedom would be engrained in consciousness and structures, with the goal of "gaining awareness" as a prerequisite for liberty. The state would serve as a "universal harmoniser" and as a guarantee of liberty for its citizens (Valls, 2008). Within the dialectical process,

which is central to all facets of Hegel's theory, the Prussian state would represent the synthesis or "absolute spirit," the culmination of history's dialectical movement. Russel, (2013).

1.5. Contemporary Philosophy

Schopenhauer

Arthur Schopenhauer, a German philosopher, might be regarded a predecessor of postmodernism for his scepticism of reason's mastery over human life and for igniting discussion about essential notions such as "Will" and "Representation."

The author enunciates the potential of understanding the universe from the two notions that comprise the title in his central book "The world as will and representation" (SHOPENHAUER, 2001). The Will is the animating power of all creatures; it is the expression of an overwhelming and limitless urge that is not bound by time or place. However, when Man perceives the world, he does not reach the Will's expressions, but rather connects with the object via a subjective Representation enabled by the Psychic Ego's vision. According to Schopenhauer, Man has extremely few opportunities to come into touch with true manifestations. and free of Will subjectivity, some of these are achieved via the arts, particularly music, and knowledge. Russel, (2013).

Schopenhauer's Ethics is predicated on a gloomy view of human life. The German view of existence is that it is defined by sorrow and suffering. This misery is caused by the Will itself, since the individual egoic desire is insatiable and hence serves as a fertile source of demands. After these demands are met, boredom sets in, and Man is compelled to oscillate between these two emotions: misery and boredom. Schopenhauer's remedy to this existential suffering is the Buddhist "Nirvana," which is to relinquish the Individual Will and consider oneself as a participant in the Universal Will. Thus, the Psychic Ego and all its wants are suspended, and the individual comes to view the Other's need as his own, achieving the ultimate goal of Schopenhauer's moral philosophy: compassion. Donzelli (2016)

Nietzsche

Nietzsche (1844–1900) was a German philosopher who devoted his life to deconstructing the construct of ideas that Western human thinking and society had produced. He was critical of the morals and moral standards upon which mankind was founded.

Nietzsche supports a transformation of established values, challenging dominant social conceptions such as "good and evil," "good and terrible," "beautiful and ugly," and "fair it is unjust."

Nietzsche's philosophy does not strive to establish a theoretical framework; rather, it acts as a tool for challenging the truths and beliefs that human cultures have established.

Inspired by German Romanticism and Schopenhauer's philosophy, he casts doubt on Reason and places a premium on Man's goals, impulses, and pleasures. Additionally, he would cast doubt on the reasoning that portrays the human person as magnanimous in front of the world, ruling nature and other human beings by establishing several laws governing their conduct. This urge for dominance is referred to by Nietzsche as the "Will to Power." This notion is an enlargement of Schopenhauer's "Will," but it is distinguished by its expanding, amplifying, and power-hungry nature. The author believes that the Universe is ruled by "Active Forces" and "Reactive Forces." Active Forces are self-contained expressions of true desire that exist apart from any other item. On the other hand, Reactive Forces exist to resist and fight an Active Force, and are dependent on it for their existence. We are all affected by active and reactive forces, which constantly seem in opposition to one another. Active soldiers are primarily responsible for moving the fort. The vulnerable are propelled by reactive forces. According to Nietzsche, morality, as we know it, is the victory of reactive forces over active forces.

Nietzsche's book "The Birth of Tragedy" casts doubt on humanity's desire to regulate chaos and make reality into something beautiful and ordered by denying the existence of fate, disorganisation, chance, and transience. Nietzsche divides human soul and life into two halves, akin to the two Greek gods Apollo and Dionysus. The "Apollinian Spirit" embodies order, logic, proportion, balance, calm, and austerity. The "Dionysian Spirit" is symbolic of emotion, disorder, excess, passion, zeal, and trance. According to the German philosopher, the fulfilment of existence, as revealed in Greek tragedy, is the synthesis of these two principles, Apollonian harmony and Dionysian ecstasy, merging in a manifestation that embodies both and manifests itself in life and death potencies.

In its conventional form, the well-known idea of "Nihilism" was seen as a rejection of transcendent values that serve as regulatory standards for behaviour. Nietzsche's nihilist,

on the other hand, is someone who believes in transcendental values and behaves accordingly, adoring realms and creatures beyond the plane of immanence. According to Nietzsche, this nihilist rejects the "reality of existence" and seeks an idealised universe (contrary to ordinary Nihilism). "Man would rather adore Nothing than nothing," the author asserts (NIETZSCHE, 2009). According to the author, the Nothing would be idealised worlds and superior beings that cause Man to reject life, the immanent, and worship the transcendent, as in Platonism, Christianity, and Marxism, where the "World of Ideas," "Paraso," and "Classless Society" are ideals of search and realisation that reveal the flaws and fragilities of the "here and now."

Nietzsche's philosophy is sometimes referred to as the "Philosophy of the Hammer," since the author deconstructs ideal models and transcendental creations he refers to as "Idols" - means of impeding human cognition and enslaving people's lives in the name of devotion.

The notorious and widely misunderstood "death of the gods" ("God is dead") signalled the end of the religious-metaphysical framework of thinking, which was founded on the idea that the transcendent was superior to the immanent. According to Nietzsche, the "death of God" signifies the end of the religious manner of life devoted by ancient, mediaeval, and modern peoples. The rise of Rationalism and Scientism in Modernity ceded primacy to other modes of knowledge and alternative systems of belief not present in prior peoples. Not that Nietzsche was an adherent of this second theoretical framework; rather, he was its critic. For him, Rationalism and Scientific Progress concealed the darkest recesses of the human soul and its most authentic expressions, ignoring a basic aspect of life, an infinite source of creativity, power, and active energies.

According to the German philosopher, the "Moral of the Weak," "Moral of the Herd," or "Moral of the Servants" are moral values created by weak human beings who were unable to achieve success and faced chance, transience, becoming, and chaos in life, and established norms for the maintenance of behaviour (the triumph of "reactive forces"). There was a value inversion in which "Good" became associated with "nobility, strength, power, confrontation, and bravery" while "Bad" became synonymous with "plebeian, low, weak, resigned, meek, and self-sacrificing" (Greek Thought-Roman) (Judaeo-Christian Thought). This inversion resulted in the sensation of shame, with Man being created as a "sinner," a "debtor" to God. Morality was then founded on "Ascetic Ideals," namely the abandonment of one's own existence, the body, its desires, and inclinations, in the prospect of a greater world (the "Kingdom of God"). Thus, Nietzsche observes that Man begins to despise his own existence in order to glorify emptiness (Nihilism). In contrast to the Moral dos Fracos, the "Moral dos Senhores" is led by ideals and principles associated

with strength, nobility, and power on an immanent dimension. The "Superman" or "Beyond Man" is a state of being desired by Nietzsche that would transcend the values and moral principles of weakness, selflessness, asceticism, and nihilism, and would come into existence transcending "Good and Evil," recognising that these concepts were forged in their origins by institutions, primarily religious, moved by reactive forces, imposing these forces on the values that made them universal. As such, it is a mode of living characterised by liberty, power, and creativity.

Kierkegaard

This author critiques the Greeks for their belief that just understanding what is right is sufficient for a person to behave rightly. For him, it is vital to understand the good, to understand what it is, but also to understand the evil, to become aware of it, and to behave wisely by choice, knowing that alternative choices exist. Kierkegaard applies the notion of sorrow to ethics, stating that freedom of choice causes anguish in the person, both because he realises he might have done things differently and because he realises he did poorly when he had alternative possibilities.

In contrast to Hegel's Objective Dialectic, Kierkegaard develops a "Subjective Dialectic." While the second follows a logical-historical trajectory, passing through stages of construction until it reaches an end, the Subjective Dialectic returns to the examination of subjective existence, elaborating three distinct and independent spheres of existence that adapt to the way an individual elaborates the meaning of their existence: "Aesthetics," "Ethics," and "Religious." These spheres can coexist because they are not stages in a teleological progression. Grayling, A. C. (2019)

The Aesthetic mode of existence is defined by its focus on immediate experience, which occurs via pleasure that, although being conditioned by external things, is always narcissistic in nature. While the Ethical is concerned with conscience and thought, with making choices and renunciations and being led through them, the Aesthetic is concerned with the instant, even with the ability to make choices, but detaching itself via its immediacy and desire for pleasure. The highest kind of pleasure for the Aesthetic is love, and his destiny is seduction (example of Aesthete: Don Juan). As a lesser domain of existence, aesthetic existence is founded on despair, unbelief, and sorrow. According to Kierkegaard, the Ethical exhibits Superiority above the Aesthetic's instantaneous sensibility. In this area, duties are imposed. The defining aspect of ethical life is choice, which, according to Kierkegaard's philosophy, is the greatest act of Man, which must be

exercised in the face of problems – "either-or." Making a decision between various possibilities and living with the consequences is the ethical manifestation of life. Religious is the pinnacle of human life (the Aesthetic and the Ethical are only degrees towards this perfect form of existence). It is found through submission to the divine will, which is accomplished via faith. Faith is founded on the ridiculous — it is via the ludicrous that Man is liberated from choice, since his fate is led by submission to God, however irrational this surrender may seem.

Existentialism

Generally, the existentialist school of thought regards liberty and autonomy as ethical values. Man must be independent and accountable for his decisions. According to French philosopher Jean-Paul Sartre, it is better that people develop their own moral ideas and values via thoughtful and autonomous analysis than than according to preset morality's precepts. Additionally, existentialism attempts to transcend any kind of determinism, ensuring that the subject's freedom of choice is never fully deprived, and that free deliberation is possible regardless of the circumstances. This freedom of choice is not beneficial, since it causes immense suffering, as the prospect of establishing your own state of life and facing the consequences is torturous.

Horkheimer and Adorno (Frankfurt School)

The Frankfurtians attack exaggerated rationalism, particularly "technical reason," for enslaving and reducing Man to a reproductive machine, eradicating his uniqueness and demeaning him. The Reason, in attempting to resolve humanity's problems and emancipate man by bringing him to "adulthood," stripped the human being of his freedom, as well as, as Foucault (2014) pointed out, converting the person into his own jailer. The processes of "massification" (the establishment of a standard of equality in subjective manifestations), "media dictatorship" (ideological domination of vehicles of mass communication), and "cultural industry" (the commercialisation of culture) have eroded the individuality of the human being, stripping them of their subjective characteristics and reducing them to simple organisms repeating the same behaviours. Within this context, the option of being free and independent would essentially vanish. Adorno; Horkheimer (1985).

Final considerations

When we examine the many ethical ideas that have gained prominence throughout philosophy's history, we see how large and varied the body of thinking on human behaviour is. Within any philosophical current, some values are overlaid on others in certain circumstances, serving the antagonistic purpose of obstructing the formation of a particular moral philosophy.

Understanding the philosophical history of ethical thought is critical for comprehending the norms, values, principles, prohibitions, and permissions that control the individual and societal behaviour of the numerous social actors that comprise the social totality. By examining this broad panorama and its wealth of ideas and theories, philosophy enables us to discover the person and his cultural, religious, political, and moral contexts, among others.

The moral codes of conduct and values that govern an individual's behaviour in the face of practical issues inherent in his existence are as broad as the almost limitless vastness of civilisations that have inhabited and continue to occupy their historical-social contexts in time and space. It's worth noting that for certain philosophical currents, such as Stoicism, Thomism, and natural law followers, natural values come before positive ones. This is a viewpoint; yet, it does not exclude the huge universe of moral ideals that can only be discovered via intense philosophical, historical, anthropological, and sociological investigations, among others.

2. Ethics as a Principle of Common Good

The first fundamental concept necessary for comprehending the common good is that of finality or ultimate cause. Aristotle restricted all conceivable causes to four species while examining the topic of causality as an explanation for the existence of things (science would be definite knowledge via causes). Aristotle

- Material Cause - what the thing is made of (matter, as a common principle);
- Formal Cause - what is the essence of the thing (what distinguishes it from others);
- Efficient Cause - what is the origin or engine that set the thing in motion;
- Final Cause – what is the object's goal or purpose.

Among the four, he emphasises the last cause as the one that best explains the being of things: what they are for or the purpose for which they exist. To grasp the concept of good (the goodness of things), the concept of purpose is critical.

2.1. Notion of Good

According to Saint Thomas Aquinas, "Good is what everyone desires." It charms because it has an enticing perfection. Thus, the agent seeks the good as an end because it draws him.

When Aristotle resolved the ancient dichotomy between Heraclitus (what exists is only becoming) and Parmenides (what exists is only static being), he developed his hylomorphic theory (difference between being in action and being in potency), which serves to explain the good as a final cause that acts in being. Perfect is the being in action, that is, the being that now has all of its perfections. If he lacks any of these perfections, he is capable of acquiring them.

In this view, perfection serves as the entity's final goal: the good it strives to acquire. As a result, "it is deemed excellent first and foremost to be the perfector of another as an end". S. Thomas de Aquinas. *De Veritate*

The more flawless and ubiquitous the good, the greater the number of creatures attracted to it. By definition, the Perfect Being is claimed to exist. What is imperfect yet contains perfections is said to be via participation: "What is completely something does not participate in it, but is it by essence." On the contrary, we say that anything that is not entirely something participates". S. Thomas de Aquinas; *In Librum Boethii de Hebdomadibus Expositio*

2.2. Notion of Participation

Thus, it is vital to comprehend what participation is as a third fundamental concept for delineating the common good.

Participate etymologically implies to take part (from the Latin "partem capere"). However, the finest definition of participation comes from the Greek etymology, which meaning "metekó" - μεΤεχω. As a result, the term "participation" has two fundamental meanings:

Material Meaning (Latin) - dividing a material whole among those who will participate in it: the whole will vanish and each participating subject will possess a portion of the participated object, maintaining a purely historical relationship with the old whole; - Spiritual Meaning (Greek) - possessing partially what another has completely: a joy that is

complete in the subject who has won a victory, but is diminished in intensity in the subject who receives the victory communication.

Thus, the good is widespread in and of itself, acting as a final cause that draws others into its goodness.

2.3. Notion of Community

Participation implies a sense of community among the participants. This fourth fundamental concept is formally and umbilically connected to the word "common good."

According to S. Thomas Aquinas, "the community is a specific whole." There is a sense of community among the participants, as members of a whole: men establish a community via their shared human nature. Thus, community is a "common unity" or "common union," a communion of persons who have a shared nature and a same goal.

Thus, the term "common" refers to anything that belongs to or is predicated by several: similar natures or species.

2.4. Notion of Order

Finally, the "notion of order," as well as the initial notion of purpose, play critical roles in closing the siege of the elements that create a knowledge of what the "common good" is.

Three things are required in order for there to be order :

1. Distinction from convenience - that there is a plurality of persons, with a common element that binds them together, but with disparities in abilities and perfections placed at the disposal of the total;

2. Collaboration entails supplying what one needs with what the other has (the inferiors submit to the superiors and help them; the superiors provide for the inferiors; each one develops its own potential, acting where it is).

3. That there is a common goal around which all members of the community can rally.

Thus, a community is an organic whole with an order between the components, where harmony and concord must prevail. "All that exists appears to be arranged among itself, such that some serve others." But varied objects would not fit together in a common order if they were not arranged by anything one." S. Thomas de Aquina

As a result, there are two types of order:

1. Intrinsic order of the parts - subordination of one to the other according to a hierarchy;

2. Order from the beginning to the end (extrinsic) - everyone's quest for the common good.

As the parts are subjugated to the whole, the intrinsic order is subordinated to the extrinsic: there is only an internal order (of the parts to each other) if the parts agree on a shared (external) ordering end. Only in the face of this twofold ordering can the very order of the Universe be explained.

God, as the ultimate end of Creation and the greatest common good of all beings, is the Universe's organising principle: without this ordering of all to this Ultimate End and Supreme Good, we would not constitute a community, nor would there be an orderly interaction between the men.

As a result, we may conclude that the goal that unifies men in society and defines how they will arrange themselves is the common good they plan to attain, which is distinct from the personal good desired by each individual individually, and which is fundamentally separated into two species. S. Augustine; *De Civitate Dei*

As a result, there is a hierarchy among the things that persons can seek (spiritual and material, moral and intellectual), based on the order of the existential purposes inherent in human nature (the ultimate supernatural end placed above the merely natural ends).

As a result, it appears that no individual can attain his or her own goal unless he or she is a part of a larger whole into which he or she is inserted. As a result, because it is a common good, the good itself is only realised by partnering in the attainment of the common purpose and assisting other members of the community in achieving their individual good.

2.5. Common Good Concept

Armed with the ideas listed, we may now integrate them to comprehend what the common good is.

The common good is nothing more than each individual's particular good insofar as he is a member of a whole or a community: "The common good is the end of the people who exist in the community, as the end of the whole is the end of any of its parts." S. Thomas de Aquina

In other words, the good of the community is the good of the individual who makes it up. Insofar as he symbolises his own good, the individual wishes the good of the society. As a result, the good of others is not incompatible with its own good.

Transcendent Common Good (external and eternal) – the ultimate goal of any civilisation (glory of God and happiness of men).

Immanent Common Good (internal and temporal) - organising society's components with the ultimate goal in mind (conditions and means for the members of society to achieve their particular ends).

In the end, the particular benefit sought by each member of the community is happiness itself, which can only be attained with the perfect calming of the appetite, that is, when nothing left to be desired. 20. The well, without limitations, is the formal object of our will, not this or that good. As a result, only an universal good is capable of fully gratifying it. A good is all the more good because it benefits more people.

2.6. Relationship between the Common Good and the Public Interest

In a democratic state of law, it is up to the judiciary to resolve societal conflicts of interest. To appreciate an action taken by any citizen, the Judiciary needs, among other things, that he establish an interest in the good that he seeks to present to his domain in the face of opposition from another member of society.

However, the State-Judge will resolve the conflict of interests by recognising that the disputed good belongs to one of the conflicting parties by right. As a result, the correspondence between good and interest occurs in accordance with the effective legal protection of the interest of the part (private interest) or of the community as a whole (public interest) is made by the recognition that, in the concrete case, they correspond to the individual right (good private) or social interest (public interest) (common good).

We can then form two relationships:

- individual interest in relation to a specific good;

- public interest in relation to the common good

In all circumstances, two points should be highlighted:

- Both the private and common good are pursued by concrete persons (citizens or rulers);

- Both private and public interest can be diverted from the true private or common good, which corresponds to personal or social improvement.

As a result, when a member of the society fails to grasp what the actual individual good is and pursues another that will neither please him nor conform to his own character, a conflict between private interest and the common good may arise. And when the civil law, which the ruler or magistrate must follow, violates the fundamental precepts of Natural Law, there is a contradiction between the public interest and the common good.

As a result, most of the time, when a conflict between the specific good and the common good is alleged to exist, what is actually there is an opposition between the private interest (which has diverged from the particular good) and the common good.

2.7. Primacy of the Common Good over the Particular Good

We proceed to draw theoretical and practical repercussions of these conceptions after understanding what is common good, particular good, private interest, and public interest. And the first is about the link between the common good and the specific good.

If the common good is, on the one hand, the augmentation of the specific good, on the other hand, it takes precedence over the particular good, because the good of many is better than the good of just one. As a result, if each component of the community is good, the set of these components is optimal, because the set's perfection adds to the individual good of each one. This is because the good of each of the parts is incorporated in the good of the whole. This is why the collective good should be prioritised before self-interest.

In fact, while one seeks the common good, one must also seek the good itself, for the benefit that the part derives from the whole. As a result, "all singular things value the well of their species more than their own" . S. Thomas de Aquina

In summary, it can be concluded that:

a) the principle of the common good is a key element for understanding social relations, both between individuals and between individuals and society, and its exact capture is an element that, when respected, provides the optimisation of social life; and the principle of the common good is a key element for understanding social relations, both between individuals and between individuals and society.

b) To build a concept of the common good, five key conceptions must be combined: purpose, order, participation, community, and order.

c) Purpose is the goal toward which the being strives and which attracts it (final cause, which best explains the being).

d) Good is what everyone desires, enticing as a goal to strive for.

e) Participation means having a portion of a whole (material notion) or having a portion of what another person has completely (spiritual conception).

f) Community is the communion that exists between persons who share the same good and have a same goal.

g) Order is the hierarchy of distinct beings that have something in common (subordination of some to others) (participation of the same nature or purpose).

h) The Common Good is a single good that is seen as part of a whole.

I Interest is the connection between a subject and a good that can meet a need.

j) The relationship between society and the common good pursued by it, as represented by individuals in positions of authority in the community, is referred to as public interest (governors, public administrators, magistrates, etc.).

k) When the good desired by the citizen or public administrator does not correspond to the good for its improvement, there may be a conflict between private interest and the general good (private good).

l) When resolving conflicts of interest in society, it is obligatory on the State-Judge to determine who corresponds to the good in question, in accordance with the legal system in force in society.

m) According to the existing order of goods, the common good takes precedence over the specific good, and the spiritual good takes precedence over the material good.

n) This primacy is limited by the principle of proportionality, which prohibits the sacrifice of a spiritual good for a material good (qualitative limit), as well as the sacrifice of a significant segment of the society for the benefit of the entire (quantitative limit).

o) It is up to the individual to cooperate towards the fulfilment of the common good, seeing his or her personal benefit in its attainment.

a) The administrator may also recognise that, in certain situations, pursuing the private good of others is an indirect way of achieving the common good.

q) Finally, while the impacts of activities aimed at promoting the common good may not be immediately obvious, their failure to implement them leads to a deterioration of society in essential parts of its existence.

Although such conclusions are of a very general nature, they are not without interest, insofar as the principle of the common good, as a twin concept to that of public interest, is used to base all kinds of demands on members of society without knowing the basis of its obligation and the limits and conditions of its application. When designing the current investigation, we hope to bring to light such conceptual underpinnings. We believe they will serve as a basis for a greater understanding of the common good principle.

3. Ethics in Mediation

Regardless of the definition of justice, the mediator's role in fostering a fair process is crucial. It is a given that the mediator's behaviour influences the mediation procedure. As in any profession, mediators often make judgments on the process or strategy design, the line of inquiry or reality test, the suspension or termination of the mediation process, and the authorisation of representation. Such choices affect the mediation's result. These are examples of ethical judgments.

Such judgments are dependent on the mediator's history, experience, and training-derived beliefs and conceptions. Training based on an exceptional theoretical archetype is necessary for the mediator to comprehend and critique their views throughout the mediation process. In addition to viewing and comprehending the thoughts and actions of the concerned persons via a larger and more general lens. In this chapter, a void pertaining to the ethical side of the mediation process will be revealed. Clearly, a deeper and more thorough understanding of this subject is required. For this reason, a philosophical approach to ethics in mediator training and for a better understanding of mediation processes in practise is proposed.

3.1. Brief History of Conflict Mediation

Several sources suggest that Conflict Mediation originated in ancient times. Confucius already advocated in 700 BC that the best way to resolve contentious situations between people was through mediation. It is well known that Confucianism held that the ideal social order was built on men following moral norms and that problems should be settled outside of the courts through a process in which compromise is the watchword. At the same time, he argued that harmony between people could only be created if individuals were respected, which is one of the major foundations of conflict resolution.

The Faculty of Law at Harvard University began to examine and study actual experiences in the 1970s as part of its Negotiation Project. Thus, the historical process of transforming conflict mediation into a theory began, with the development of communication channels and strategies for its institutionalisation as a method of conflict resolution aimed at the present. At the time, the goal was to match postmodern reality by providing a theoretical garb based on present practise. Thus was formed the first mediation model, which is now one of the most well-known in the world.

The first conflict mediation approach, discussed in the preceding paragraph, is based on cooperative negotiation, which aims to find interests, wants, and values, or the motivations that lead people to adopt closed and antagonistic stances, making conflict resolution difficult. This original model was followed by others, not less well-known, such as the Narrative Circular, whose emphasis on communication is a critical component in producing changes and, as a result, the reach of conflict resolution solutions. Another well-known one is transformational, which holds that conflict is transformed rather than resolved through the transformation of interpersonal connections. Other models as significant as those described have been and are being developed, indicating how the method has evolved and the need for ongoing study and development.

As previously mentioned, Conflict Mediation begins in a framework of ethical and moral dilemmas. Throughout the history of philosophy, the concepts of Ethics, Morals, and Common Good have been altered according to society and the values of each season, as can be seen in the first chapter of this research. It is critical to note that such modifications do not conflict with the "initial essence" of the concepts under consideration.

As a result, Conflict Mediation is engrossed with subjective issues while ignoring communal ideals. From its inception to the present day, the main concerns of Mediation have been ethics, morals, and the common good.

3.2. Concept of Mediation

As a dialogical method of conflict resolution, mediation entails intervening on the part of a third party, an individual who must be independent and impartial as well as competent, diligent and chosen by consensus, who coordinates joint or separate meetings so that the people involved in conflicts can collectively develop the best and most creative solution. This strategy, which the United Nations (UN) has identified as the most effective means of building a culture of peace, can be applied in a variety of settings. In many cases, it is asserted that it is effective in resolving any form of issue in which persons have historical and/or future ties to one another, whether they are personal or legal.

Based on the principle of autonomy of wills established by the Contractual Law, the activity can be used if there are persons who, after learning about it, choose it as the way of resolving their disagreements (or disputes between people). It is important to note that, due to the method's eminently voluntary nature, there is no way to compel anyone to utilise it. This nature is understood at its most extreme degree since people must sustain their interest in being mediated throughout the entire process to be effective. When a third party, the mediator, determines that there are no elements necessary for the continuation of his job, he or she has the right to discontinue the mediation process at any point during the process.

When it comes to any information that is presented throughout the process or even produced during it, the activity is distinguished by strict confidentiality requirements. One of the most fundamental elements of mediation is the protection of confidential information - "Confidentiality". This is the point at which one of the most difficult ethical challenges for professional mediators arises. In order for the mediation to be successful, it is necessary to establish an atmosphere of "trust" between the parties and the mediator.It serves as a privileged, confidential platform to create comfort among people, allowing them to openly discuss what is occurring to them while at the same time preventing other influences from interfering with the process. The fact that many people, both legal and personal , have chosen conflict mediation in recent years in our country is important to remember. This is primarily due to the confidentiality of the process, as many people do not want third parties

to be aware of the conflict they are managing, let alone the solutions they have obtained through the method.

Conflict mediation is a process that works with people rather than cases. This argument seeks to illustrate that the central axis of reference for the activity is comprised of the individuals themselves, as well as their ethical and moral dilemmas, and that this is the case. This support entails accepting people as they are, with all of their strengths and limitations, and working to strengthen them as individuals who are the objects of legal and moral obligations. This fact ultimately results in significant learning for people, who will better understand how to deal with their conflicts as a result of the procedure's didactic nature, because people begin to adopt different attitudes when other conflicts arise in the future as a result of going through the method. As a result, there must always be an atmosphere of cooperation and good faith.

It is important to understand what conflict mediation is not in order to grasp what it is. It is not conciliation, as it is a legal tool with a preponderantly judicial character that has been established by legislation. The fact that the professional who will coordinate the process, the mediator, will not provide any advise under penalty of risking his impartiality, means that it is not advice. It is not therapy because there is no diagnosis and no long-term treatment plan to follow with it. It is not restorative justice, and it is not limited to the criminal justice system, despite the fact that the features and concepts listed above are preserved in both, albeit in a slightly different manner.

3.3. Core Values of Mediation

Traditionally, the ethics of mediation has been determined by the fundamental values of mediation, which include neutrality, self-determination, voluntariness, and the confidentiality of information. These principles, on the other hand, have been called into question, primarily because rigorous devotion to them might perpetuate disadvantages and result in unfair outcomes. In addition, when faced with the decision between two or more opposing values, mediators encounter ethical challenges. Neutrality/impartiality, self-determination, procedural fairness, voluntariness, confidentiality, and competence, according to the Mediation Irish Institute (MII), are the values that inform the Standards.

So the ethical and moral dimension permeates all aspects of Mediation, both in theory and practise. It is a pervasive aspect of Mediation. Some of the most important values of mediation will be discussed in detail below, and the mediator will be expected to adhere to these principles throughout his or her professional activity.

3.3.1. Neutrality

Neutrality has traditionally been a core value of mediation, with the mediator referred to as a neutral third party. Some authors and Institutes for Mediators contend that mediators are not neutral third parties, but rather "must lead the dispute resolution process impartially and in accordance with ethical norms of practise." Wilson, B. (2018) Impartiality is defined as "free from favouritism or bias" and focuses on conflicts of interest and the mediator's obligation to report circumstances that could lead to such conflicts. This indicates a break from traditional conceptions of a mediator's function as a "neutral" third party and reflects the views of academics and practitioners who have argued against neutrality as a fundamental principle of mediation. Hilary Astor, among others, has claimed that neutrality is only an ideal and cannot be achieved by mediators. Wilson, B. (2018)

Although it appears that these authors have moved away from neutrality as the core value of mediation, neutrality is still mentioned in relation to competence, with certain aspects of impartiality resembling classical neutrality.

As an example, we can use the policies of an Australian-based organisation. According to the National Mediation Accreditation Scheme (NMAS), a mediator "has no advisory or deciding role on the substance or outcome of the mediated case." The mediation process is described as predominantly facilitative. The mediator oversees the process102 but does not offer advice, analyse or settle issues. It is a process based on "participants' self-determination"; hence, the mediator cannot be directive with the participants on the substance of the mediation, but can present generic (non-prescriptive) information associated with a mediation process. The NMAS recognises familiarity with the parties as a factor of mediation impartiality. Disclosure may be important to resolve conflicts of interest where familiarity exists. Wilson, B. (2018)

The MII, defines: *"The Mediator must remain neutral as to the content and the outcome of the mediation. Nothing shall prevent the Mediator from talking to, phoning,*

communicating with or meeting one Party with or without the knowledge of the other Party provided it has been explained to the Parties that this might happen and that impartiality and neutrality are maintained".

In actuality, mediators do not attribute neutrality to a single concept. Certain mediators see their duty as impartial third parties. Susan Douglas confirms this argument, having discovered that mediators adopt "neutrality as a guiding concept for their practise" notwithstanding the contrast between the theory and practise of neutrality. However, mediators' interactions with neutrality vary. For instance, the concept of neutrality or impartiality may contain distinct features in alternative forms of mediation, such as parties-determined transformative mediation." Therefore, it is challenging to define a single concept of neutrality in practise.

Globally, many scholars concur that neutrality, while relevant as a legitimising idea, is difficult to implement and, when implemented, can prolong injustice.

Unexpectedly, mediators have a higher impact on the content and outcomes of mediation than would be predicted. recognise theoretically For instance, Linda Mulcahy contends that neutrality is synonymous with obscurity and passivity. Construction and modification of conflicts." Astor, Douglas, and Rachael Field recommended an approach to neutrality that is more nuanced and contextual. Astor emphasises the need to maximise party control and for the mediator to intervene when there is an imbalance of power, regardless of practical neutrality; however, since neutrality prevents the mediator from having a stake in the content and outcome, the mediator's ability to ensure substantive justice is diminished. Regarding the responsibilities of mediators in the context of securing justice, she finds that additional research is necessary. Field proposes a contextual approach that values the relational autonomy of the parties. This strategy requires a departure from the mediator's impartiality in order for the mediator to address power disparities, as "it is not appropriate to claim neutrality alongside claims that power inequalities may be effectively addressed." The concept of neutrality remains controversial, as demonstrated.

3.3.2. Confidentiality

In general, anything that is spoken about throughout the mediation process will be held in strict confidence. When it comes to financial talks, maintaining this level of anonymity is of the utmost importance. In addition to the monetary amounts and remarks that are shared throughout the mediation process, any tangible proof or papers will also be kept private.

Confidentiality is yet another guideline that causes ethical quandaries for mediators to contend with. Even though a mediation process is confidential, the notion of confidentiality might be unclear, as it is in Australia and for certain American authors, as it is for other mediation principles as well. Field, Rachel. (2007) "A mediator must not willingly divulge any information received during the mediation to any individual who is not a party to the mediation," according to the "Standards" or "Code of Ethics." Disclosure is permissible in the following circumstances: when both parties have consented to the disclosure, when the law demands the disclosure, when the information intended to be shared is not identifiable, and when there is an actual or possible harm to life or public safety. These exceptions are made to accommodate the mediator's legal and public obligations to reveal in specific instances. The determination of when a public obligation arises, on the other hand, is more difficult for mediators. The existence of the duty of disclosure is a question of size and degree, or does it depend on the imminence of harm to determine if the duty exists. Because the Norms do not address this question, the mediator finds himself in the midst of a complex web of ethical and moral quandaries. Although much has been made in recent years on the need for a standardisation of Mediation principles, several authors have expressed reservations about the idea of standardising such principles, believing that it would raise important ethical, moral, and public policy issues that should be addressed.

The law may place certain restrictions on the right to maintain secrecy or may make certain exceptions possible. For instance, it is often expected of mediators that they would report to the appropriate law enforcement authorities any complaints of violent or physically abusive behaviour. In a similar vein, it is possible that they may be required to provide information about sensitive topics like public fraud or national security. Field, Rachel. (2007)

In extraordinary circumstances, the parties participating in the mediation process may be required to furnish the relevant authorities or other external elements with an account of the mediation session's progress. At essence, the presence of a greater number of participants in a mediation lowers the probability that complete secrecy will be maintained during the process.

Regarding confidentiality, it is highly crucial to point out, albeit in general terms, what can be deemed exceptions for the Mediator in order to avoid any misconceptions. However, there is the potential for there to be certain exceptions to the use of evidence during the mediation process. The following are some of the exceptions that have been explored in numerous nations throughout Europe, Australia, and the United States:

- Child abuse or neglect - Generally, any person who has reason to believe that a child has been subjected to abuse or neglect;
- Vulnerable adult abuse, neglect, etc.- Health practitioners, police officers, educators, and human services workers who have reason to believe that a vulnerable adult has been subjected to abuse, neglect, self-neglect, or exploitation;
- Abuse of person with developmental disability - Any person who believes that an individual with a developmental disability has been abused;

Therefore, confidentiality in mediation decreases the possibility that any critical information or emotionally charged statements made throughout the process may become public. Because of this constraint, there is now more opportunity for serious conversation, since it removes any edge in stance that either side may have had.

In general, any facts disclosed during mediation are not admissible as evidence in court, particularly if the issue ends up before a judge. This is especially true if the case is taken all the way to trial. This component is often a part of the agreement that is reached during conflict mediation and contract settlement.

A effective mediation cannot take place unless all parties involved in the conflict are given the assurance that they are free to discuss openly without the risk of damaging their position in a future legal proceeding. The confidentiality of the mediation process helps to alleviate these worries, but it often places the mediator in an uncomfortable moral predicament. In order for the mediator to maintain their composure in the face of these moral dilemmas, they need to have a clear understanding of, and theoretical foundation for, ethical and moral principles.

Because of the public nature of the court system, businesses often choose mediation as an alternative to litigation due to the fact that mediation provides for privacy. Individuals who do not want for the very intimate or emotional elements of their lives to be made available to the broader public are also eligible to reap the advantages of maintaining confidentiality throughout the mediation process.

3.3.3. Self- Determination

Because mediation gives the parties the final power to decide how to resolve their dispute, the self-determination of the parties is the primary factor that distinguishes dispute mediation from other techniques that are used to resolve disputes. The role of a mediator

is to use their expertise to facilitate the parties reaching at a resolution that is acceptable to them on their own terms. This aspect of the mediation process is one of a kind and different.

This point is made clear by the reality that in the processes of litigation, arbitration, and even conciliation, the emphasis is not on empowering and enabling the parties to take control of their dispute and arrive at a resolution that is determined by them on its own. This fact brings awareness about the importance of the point. Instead, the emphasis is placed on the impartial decision maker or the expert who is tasked with evaluating the validity of each side's claims and enforcing a verdict. This kind of adjudicative action is typically directed by objective norms or criteria, with the law serving as the primary focus the majority of the time. In these types of processes, there are few opportunities for parties to exercise their right to self-determination. Rachael Field (2017)

The self-determination of the parties in mediation is also unique due to the fact that it is relational, meaning that it is founded on connection, cooperation, and collaboration. This idea of self-determination is quite distinct from an atomistic conception of autonomy, which places a more emphasis on one's own privacy and sense of identity. Because every party is encouraged to vigorously defend its own interests, the contradictory legal system is predicated on an individualistic and reductionist vision of self-determination. As a result, the "Common Good" notion needs to be pursued right from the very beginning of the mediation process. For the mediation process to be successful and effective, it is crucial to have an understanding that it is necessary to uphold ethical and moral standards in addition to the common good. The self-determination of the parties, on the other hand, does not exist at the level of the individual in the context of mediation; rather, it is holistic and relational, taking into account the requirements and objectives of both parties. As was discussed in the second section of this chapter, the philosophical ideas of the common good serve as the conceptual underpinning for this method. In order for the process to be considered effective in meeting its objectives, self-determination must be experienced by both parties.

The provision of a philosophical basis for the validity of the process is the second justification advanced in support of placing an emphasis on partisan self-determination. It is possible to say that self-determination for parties brings about results that are principled due to the fact that it represents the underlying values that underpin our legal, social, and political order. Consent, autonomy, respect, privacy, and dignity are all examples of basic liberal principles that fall under this category. Nevertheless, they also encompass relational

qualities such as empathy, the expressing of emotions, and interaction with other people through conversation.

These principles stress the significance of the parties' involvement and collaboration in the process of negotiation, as well as the components of mediation that entail the generation of creative choices and decision-making. The parties are actively involved in working through the difficulties, debating their individual and mutual viewpoints, and establishing the terms of the ultimate resolution when they participate in mediation, which increases the likelihood that they will reach a decision that is principled. Party engagement also supports the personal dignity of parties, which is especially important when the consequence is the avoidance of the inescapable expenses and uncertainties associated with litigation.

In the end, partisan self-determination supports principled outcomes not only because it provides a type of justice in the real world, but also because it delivers such outcomes. A great number of disagreements arise from the fact that the people involved have divergent requirements, priorities, and values. Differing parties place different importance on various aspects of the same thing. As a result of this, making concessions and engaging in productive back-and-forth with other participants is an integral element of the process. Therefore, reaching a compromise does not entail that the process is without principles or that it lacks legitimacy. Instead, the importance of commitment should be seen as an independent guiding concept in its own right. When compared to approaches that are based on rules or that are contradictory, it has the potential to produce results that are more principled and valid. This is an extremely essential virtue, which is acknowledged and embodied by the concept of partisan self-determination. Rachael Field; (2017)

3.3.4. Voluntariness

'The parties may withdraw from the mediation at any time without giving reasons,' notes the 2004 European Code of Conduct for Mediators.

According to the 2008 EC Mediation Directive, *"The mediation provided for in this Directive will be a voluntary procedure in that the parties shall control the process and may terminate it at any time."* Numerous Irish mediation legislation reflect this concept of voluntariness. Mediation is voluntary, according to the Mediators Institute of Ireland's Code of Ethics. Any party, including the Mediator, may leave at any time.

In the words of the Irish Mediators' Institute: "Mediation is a very confidential process. The process's anonymity appeals to many participants, contributing to the 'nothing to lose' attitude many individuals bring to Mediation. If it succeeds, secrecy preserves the result. If it doesn't work, no one will know. Many of Mediation's accomplishments are due to confidentiality." Rachel Field, (2007)

3.4. Ethical Challenges for Mediators

Recognising what constitutes an ethical option is a crucial step toward practising ethical mediation, as this is a threshold component of the field. This is not an easy task. This position is not frequently recognised, but it must be taken into consideration because the field of mediation is so vast. Julie MacFarlane contends that every intervention is an ethical decision, but this view is not widely embraced.

According to the findings of a survey that was conducted in 2014 by Mary Anne Noone and Lola Akin Ojelabi and titled "Ethical Challenges for Mediators around the Globe: An Australian Perspective," the mediators who took part in the survey had a variety of distinct viewpoints regarding the nature of an apparent dilemma. Some participants claimed that they had never been in a situation where they were forced to make an ethical decision, while others claimed that they were regularly forced to do so because of competing objectives and rights. There was a large amount of variation in the mediators' understanding of what constitutes an ethical dilemma. For instance, some mediators were firmly of the opinion that they could not be involved when a party had admitted to criminal activity, even if it had occurred in the distant past. Other mediators, on the other hand, took a more pragmatic view of the gravity of the situation and the primary advantage of resolving the dispute.

According to de study mentioned above, the participants in the poll were asked to submit instances of ethical dilemmas, and they did so by drawing from their own professional experiences to provide a diverse range of scenarios. The following is a list of examples of circumstances that they described:

- The confidentiality of the settlement in a mediation involving an abuse victim and a church organisation raised questions about the preservation of the victim's legal rights.

- Racist remarks about the other party made to the mediator in private session. The mediator felt that this offended her own value system and indicated a lack of respect for the other party.

- Tension between the mediator's obligations to the parties and broader issues of public interest. For example, if there is a point of law that needs to be clarified, the mediator may feel that it is better for the matter to go to a hearing.

- The parties were about to enter into an agreement that was outside the law (mediation ended).

- Lack of good faith by one of the parties and deceptive conduct (mediation ended).

- Capacity of the parties: One of the parties had an intellectual disability and the proposed settlement was strikingly different from a likely outcome of the hearing (mediation ended); the behaviour of one of the parties changed after lunch, because he had not taken the medication (mediation suspended); workplace bullying dispute and the victim was too stressed to be in the same room as the other party (mediation did not proceed).

- Inequality and power differentials, particularly when one party was uninformed or misinformed.

- The information received in a private session about the potential bankruptcy of one of the parties was an illustration of how some parties use mandatory mediation as a "fishing expedition".

- The interpreter stepped out of his role and gave his opinion aside (mediation continued after the interpreter was counselled about his role).

The diversity of examples offered by mediators demonstrates that the process of mediating conflicts is an ethically difficult endeavour. The fact that professional codes are intended to provide assistance to mediators in the resolution of ethical dilemmas does not change the fact that such dilemmas continue to occur. This is due to the fact that professional codes do not cover all of the potential ethical issues that could occur, and that codes themselves sometimes contain competing or conflicting values. The fact that mediators come from a variety of professional backgrounds, each of which adheres to its own set of professional codes, presents a particular obstacle. Sometimes these ethical obligations are in direct opposition to one another.

In conclusion, a method that is broader in scope and is founded on philosophical notions may provide mediators with a greater capacity for correct identification of the ethical and moral principles that are at play during the mediation process. Although every mediation process has its own peculiarities and every mediator has their own background, what absolutely must be taken into consideration are the "universal" norms that regulate ethical behaviour and moral principles.

3.5. Ethics Standard in Mediation

Since the advent of mediation as a predominant method for conflict resolution, discussions concerning the ethics of mediation and the necessity for standards have taken place. Carrie Menkel-Meadow (1997) The institutionalisation of mediation and the rising use of judicial mediation across the globe have both contributed to a ratcheting up of the intensity of the discussion. Robert B. Moberly (1994) In spite of the fact that a set of criteria has been developed, the Mediation Institutes in Ireland, the United Kingdom, Australia, and the United States are continuing to investigate this topic in greater depth. Some people have developed theories that support a more nuanced approach to the practise of mediation and that allow for the consideration of ethical issues in a contextual way. This is in contrast to adhering strictly to the principles of neutrality or impartiality in mediation, which some people believe should be the standard.

Accreditation and practise standards have been developed for mediators in a number of countries, including Ireland, as a response to the demand for more specific ethical guidelines to be followed in order to guarantee both quality and accountability in the mediation profession.

The standards that have been adopted in Ireland, known as the "Code of Ethics," are very similar to the standards that have been adopted in the United States and Australia. These standards specify practise and competence requirements for mediators; inform participants and others about what they can expect from the mediation process and from mediators; establish minimum practise requirements; and allow mediators to develop or comply with additional standards if they wish. In addition, the Standards stipulate that in the event of a disagreement between themselves and applicable legislation, the legislation will take precedence to the extent that there is any inconsistency in the Standards. In addition, contradictory standards of practise that are relevant to entering mediation are

given less weight than professional or organisational criteria that have already been established as rules.

It is necessary for a mediator to have specific knowledge and to have received training in order for them to be able to exercise the office of mediator. This requires the qualification of the mediator and the improvement of their skills in the art of mediation. Most importantly, mediators must review their attitudes and professional skills in order to ensure that they do not violate the Code of Ethics for Mediators. This ensures that the mediation process remains credible and ethical. Since in mediation the parties are required to find a solution to the conflict together and both agree with the decision made by the mediator, it is understood that the role of the mediator is to facilitate and rehabilitate the dialogue from which it was broken, and not necessarily to solve the problem. This is because the parties are required to find a solution to the conflict together. It is not new in the history of humanity, the habit of revisiting institutes and customs, rehabilitating beliefs or rescuing models of ideology, and perhaps for this reason, mediation, as an element recovered from the first civilisations, has the power to offer post-modern society alternatives to the chaos that has been created in man's consciousness, in economic and social relations.

The utilisation of different methods of conflict resolution, particularly mediation, gives us reason to believe that the human being of the 21st century still possesses a choice. This is because the human being of the 21st century has not completely enslaved himself in the shackles of the icy letter of the law; rather, the human being of the 21st century has made efforts to resolve his or her outstanding problems. attempting to achieve personal and communal harmony through the utilisation of dichotomous concepts such as reason and emotion, right and obligation, and views of what is fair and what is unfair. People require expert assistance to assist them in finding solutions to their difficulties, and mediation is a highly useful instrument that can be used to intervene in these disagreements. The strategies that are implemented during the mediation process are geared toward assisting the parties in reaching a resolution to the problem so that they can acquire mutual respect, societal awareness, and the prevention of potential conflicts that might not be discussed. The use of mediation as a practical and appropriate technique to resolve diverse issues has proven to be possible and has made it possible to alleviate the pressure on the judicial system and speed processes. According to the principle of competence of the mediator, it is understood that the mediator must have knowledge of the rules and guidelines of mediation and be able to perform the exercise of mediation, as well as continue to have training and the ability to perform them. This is in accordance with the principle that the

mediator must have knowledge of the rules and guidelines of mediation. Already under the principle of informality, there are no norms that have been created. Instead, the mediator is expected to seek an agreement and communication that might equally favour all sides, so avoiding the possibility of a process.

It may be deduced from this that, just like the other subfields of law, mediation needs to have guiding principles that ensure the legal certainty of the processes it employs, in addition to a stable foundation that enables it to operate in an independent, valid, and efficient manner.

Chapter 2 – Research Methodology and Methods

What exactly is research? This question has several possible answers. To put it simply, research is the process of seeking answers to presented questions. From a broader philosophical perspective, research is seen as a fundamental activity of the sciences in their pursuit of knowledge and discovery of reality. It is an attitude and theoretical practise of perpetual seeking that characterises a fundamentally incomplete and permanent process. It is a never-ending process of successive approximation of reality, resulting in a unique blend of theory and evidence. Goddard, W. & Melville, S. (2004)

Another perspective incorporates research as a daily activity, seeing it as an attitude, a critical and creative systematic questioning, in addition to a competent intervention in reality, or a continuous critical conversation with reality in both a theoretical and practical sense. Goddard, W. & Melville, S. (2004)

Additionally, research may be pragmatic in nature, serving as a formal and methodical procedure for advancing the scientific method. The main goal of research is to solve issues via the use of scientific methods.

Research is a collection of acts that are offered to solve an issue and are based on reasonable and methodical approaches. When you have a dilemma and lack the necessary knowledge to solve it, you do research.

Thus according Saunders et al. (2007), the term "methodology" refers to the philosophy or theory that will underpin the investigation. The term "method," on the other hand, refers to the procedures or phases that must be observed in order to gather and interpret data required to support or augment an inquiry.

A well-thought-out technique is essential for generating reliable and accurate research. As a result, the structure of the study will be described in this chapter. It will have components such as philosophy, approach, strategy, decision, ethical concerns, and so on. The reasons for selecting and implementing each component of the study approach will be addressed and justified.

Furthermore, scientific research is the tangible implementation of an inquiry that has been planned and developed in accordance with the standards specified by scientific methodology. Scientific methodology is defined as a series of neatly structured processes that must be followed in order to investigate a phenomena. It encompasses the selection of a subject, investigation planning, methodological development, data collection and tabulation, data analysis, conclusion creation, and discussion of results.

The numerous classifications do not include all forms of study. Simultaneously, the same study may be framed in many categories, as long as it meets with the standards associated with each kind. Conducting research with scientific rigour requires that you choose a subject and describe an issue to be researched, develop a work plan, and then create a final report that is organised, ordered, logical, and conclusive.

1. Research Design

The word "methodology" refers to an overarching research approach that outlines the manner in which research should be carried out. It is composed of a set of philosophical beliefs and assumptions that help to form an understanding of the research issues and serve as the basis for the choice of research methodologies. A dissertation or thesis will not be complete without a research methodology chapter. This topic serves to ensure that the selected tools, procedures, and underlying philosophy are consistent with one another.

Saunders et al. (2007) explain that the research design represents the approach used to combine the study's many components in a coherent, understandable, and logical manner. It includes data gathering, measurement, and analysis.

The present study followed the research onion model created by the same authors, which illustrates the many steps a researcher must go through while developing a practical methodology. Hence, the research onion that synthesises the present study is as follows:
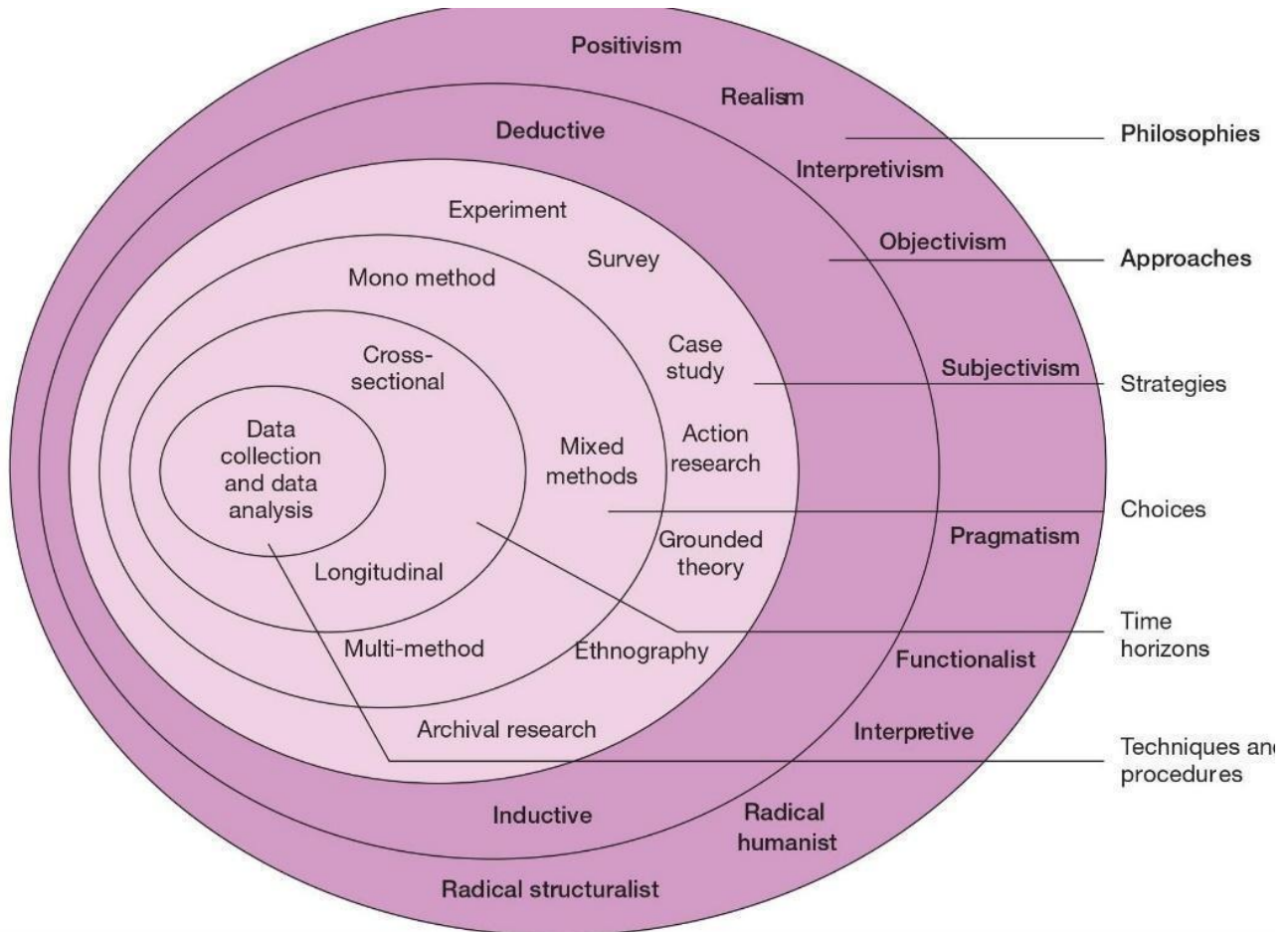

Figure 1 – Research onion model (Mark Saunders, Philip Lewis and Adrian Thornhill, 2007)

2. Research Philosophy

According to Saunders et al. (2007, p. 101), research philosophy '*relates to the development of knowledge and the nature of that knowledge*', and the philosophy chosen incorporates key assumptions about the researcher's worldview. The three main philosophies considered in this study were Realism, Positivism and Interpretivism.

In order to respond to the criticism that this study lacks a scientific foundation, it is vitally crucial to first emphasise the fundamental research methods. A philosophical theory forms

the foundation of a traditional research methodology, which in turn necessitates certain research tactics and methodologies (Nweke & Orji 2009; Saunders et al., 2016). In the history of the philosophy of scientific research, there have been four distinct schools of thought: positivist, interpretivist, pragmatic, and critical realist. The positivist and interpretivist schools are considered more mainstream, while the pragmatic and critical realist schools are considered more recent (Mingers, 2006; Molis, 2008; Saunders et al., 2016).

1. Positivism is a school of thought that primarily reflects the philosophical viewpoint of a natural scientist. Due to the fact that ontology is founded on the objective assumptions that entities are observable, atomistic processes, and exist external to social actors, observation and empirical data are the only types of information that can be referred to as "credible." Observation and the discovery of event regularities, which are founded on causal, law-like, and functional links, are the means by which one attains knowledge.

2. Interpretivism is a method that is based on subjectivist ontological assumptions, which state that entities are made of speech; hence, existing or socially created reality can only be explored through social constructs, such as awareness or language (Myers, 2008). Due to the fact that reality is something that is socially produced and is always changing, knowledge and facts are both relative and subjective.

Other philosophical viewpoints of scientific research have been provided in addition to the two that have been presented above by Saunders et al. (2016), who acknowledge that choosing between a positive position and an interpretive position may be an unrealistic expectation.

3. Pragmatism is based on the notion that it is feasible to adopt both positivist and interpretivist viewpoints inside the study itself, whichever works best for certain research questions. Pragmatism is the third research methodology.

4. Critical realism, which is founded on the following two ontological presumptions: 1) The world is made up of real entities; 2) the sensations and images that real entities evoke in our minds are what we experience, not the real ones themselves (Saunders et al., 2016). The process of uncovering the systems that generate knowledge is how one acquires knowledge.

Mediation is an ever-changing process. Moreover, one may argue that reality varies depending on the circumstances, as do the humans' perceptions. The purpose of this research is to understand the mains ethics concepts in philosophy and mediation field. Also, bring the philosophy's approach about ethics to the Mediation perspective . The

ontology was disregarded because this study's purpose is not to seek objective measurement. Additionally, Positivism philosophy is inappropriate for this study, as the research population's perspective on the subject of the survey would be critical. As a result, the Interpretivism philosophy will be followed.

3. Research Approach

The approach of the research is connected to the way knowledge is discovered and analysed. According to Cohen et al.,

> *Deductive reasoning is based on the syllogism which was Aristotle's great contribution to formal logic. In its simplest form the syllogism consists of a major premise based on an a priori or self-evident proposition, a minor premise providing a particular instance, and a conclusion. (Cohen et al., 2007, p. 6)*

On the other hand, Saunders et al. (2007, p. 118) emphasise that the purpose of an Inductive approach '*would be to get a feel of what was going on, so as to understand better the nature of the problem.*' In short, Walliman (2006, p. 27) points out that '*an inductive approach is used to generate theory whereas a deductive approach is used to test theory.*'

The current study will use an Inductive approach to compare the data gathered from primary research to the existing literature. The confluence of the two sets of data enables the detection of patterns. Once patterns are identified, theories about the subject will be developed. The deductive technique would be unsuitable because the purpose of this study is not to establish or refute a particular hypothesis but just bring the reflection about philosophical approach in the ethics/moral and common good concepts to the mediation field.

4. Research Strategy

Research methods are presented by Saunders et al. (2016), who argue that experimentation, surveys, archival research, case studies, ethnographies, action research, grounded theory, and narrative inquiry are the primary research strategies. On the other hand, research approaches in the subject of futures studies can be differentiated in a somewhat unique way.

One way to think of a research strategy is as an all-encompassing plan that directs the researcher through the process of selecting primary data gathering methods or sets of procedures that will allow for the achievement of research objectives and the answering of

the research question. Methodologies for conducting quantitative and qualitative research are the two basic categories differentiated by List (2005). Kosow and Gaßner (2008) and Puglisi (2001) identify two more categories of research techniques: exploratory and normative. These groups of research methods are in addition to the quantitative and qualitative groups of research methods. As a result, we are able to categorise them as follows: descriptive, normative (also known as prescriptive), and exploratory.

In academic study, one can select from a number of different tactics. This is not a case study, nor is it an attempt to conduct complex research such as ethnography or a scientific experiment. Rather, it is a simple research report. In addition to that, it is not working toward the resolution of any particular issue.

According to Saunders et al. (2007, page 138), the technique of surveying participants is the one that is used for descriptive and explanatory research the majority of the time. In accordance with the findings of the same authors:

> *surveys are popular as they allow the collection of a large amount of data from a sizeable population in a highly economical way. Often obtained by using a questionnaire administered to a sample, these data are standardised, allowing easy comparison. (Saunders et al., 2007, p. 138)*

They also highlight that the survey method gives the researcher greater control over the research process. Additionally, when sampling is utilised, it is feasible to obtain conclusions that are indicative of the overall community at a cheaper cost than collecting data for the entire population (Saunders et al., 2007, p. 138).

5. Research Choice

According to Saunders et al. (2007, page 145), the word "research choice" refers to the manner in which the researcher decides to blend quantitative and qualitative approaches, as well as the procedures that are utilised. Additionally, the term can also refer to the processes that are used.

Qualitative data are those "that cannot be reliably measured and quantified, and are often presented in words rather than numbers," according to Walliman (2006, page 212). According to the same author, quantitative data "can be quantified, more or less exactly." A certain kind of magnitude, which is typically stated in numbers, is required for measurement. According to Bell and Waters (2018), qualitative researchers are more concerned with understanding how people make sense of the world, while quantitative researchers gather data and investigate how one set of data correlates to another.

For the purpose of this inquiry, the choice of mixed methods was made. In order to conduct this research, we will make use of questionnaires that ask both open-ended and closed-ended questions. The closed-ended questions will allow for the collection of quantitative data. And from the other hand, the open-ended questions will provide qualitative data that, when combined with the quantitative data, will lead to the formation of a deeper comprehension of the data that was acquired.

6. Data Collection Technique

Participants in the study included both practising mediators living in Ireland and students currently enrolled in Conflict Mediation programmes. It is important to point out that it is a large group that cannot be identified in its whole because of its diversity. It is important to make use of a method that does not include probability sampling as a result of the fact that probability sampling cannot be used. Self-selection is the method of non-probabilistic sampling that is most suited to our research, despite the fact that there are many other methods available. In order to reach the population under study and provide them the opportunity to take part in the research, the surveys will be disseminated through social networks to the greatest number of individuals who are eligible to receive them (mediators and students).

7. Time Horizon

As a result of scheduling limitations, a time horizon that is cross-sectional was selected. Because of the limited scope of this investigation, a longitudinal analysis would take years to complete and would not be acceptable.

8. Ethical Considerations

The legitimacy and usefulness of a study is directly proportional to the ethics of the information collected, as well as the ethical and moral standards that were followed during the compilation of the study. When carrying out this research, ethics should always be kept in mind, both in terms of access to information and the object of research itself. Ethical research is concerned with issues such as formulating and clarifying the topic and design

of the research, obtaining access, collecting data, processing, storing and analyzing the data, and finally writing conclusions in according to the most up-to-date ethics and morals (Saunders et al., 2007; Walliman, 2016; Bell & Waters, 2018).

The research carried out was honest and followed all appropriate ethical and moral standards. Furthermore, it adhered to the purpose and specific elements without compromising the nature of the respondents or sources in any way, including data design, analysis and interpretation. During the course of this investigation, several protocols were complied with, one of which included maintaining the confidentiality of the personal information obtained. Through the responses of the respondents themselves, the most reliable information possible about the respondents was extracted.

The informed consent of the participants was obtained by the researcher, and the applied research did not include any information that could be considered personal or confidential. Names, age, gender or any information that could identify the participants were not required in order to preserve their identity. The guidelines for the research were drawn up, and all who participated in the study were informed in advance as to the purpose of this study. In addition, the questionnaire was presented to the manager for review and authorisation prior to distribution to the general public.

The theoretical data provided in Chapter 1 was established from an in-depth literature review carried out in accordance with the theme and purpose of the research. This was done to help the researcher achieve better results. All data collected were analyzed for a better understanding of how mediation professionals and also mediation students deal with ethical and moral dilemmas during the conflict mediation process. The results of this study, including the questions and answers, will be kept confidential, will apply exclusively to this dissertation and will not be published on any other website.

9. Research Limitation

Even so, the ethical and moral aspects of the process of conflict resolution continue to be challenging for a sizeable segment of the community, and even for seasoned mediators. There are many different approaches, but only a few of them have been demonstrated to be reliable or effective in either the theoretical or the applied setting. As a consequence of this, it can have an effect on primary research given that it might not be able to attract a sufficient number of people to fill out the questionnaire. In the same vein, there is a paucity of earlier research investigations that have been conducted on the topic.

In a similar vein, the subjective nature of this study lends credence to the idea that the data acquired by questioner may not truly represent the knowledge of the entire research population. There is a possibility that time constraints will have an effect on both the literature review and the data analysis.

Chapter 3 – Presentation of the Data

In addition to the extensive study of the bibliography and the survey of several theoretical approaches on the subject, this dissertation also used a survey to support the analysis of the concepts that were discussed in chapter 1 as mentioned in chapter 2. The investigation took into account two related groups that are able to produce a logical response according to experiences that are unique to each participant. Professional mediators are people who face ethical and moral dilemmas in their daily lives and, therefore, are the only ones who can provide meaningful answers and reflections on the topic of this research due to the nature of their experiences . Students in any Conflict Mediation program are those who, during their training, feel the need for a deeper and more coherent approach to the ethical and moral aspect of the area. It is worth mentioning that among such students they also include individuals who do not feel the need for such an approach. Furthermore, these are the individuals who, as a result of the roles they played in the drama, were likely to experience some kind of ethical or moral challenge. Due to the fact that this study is geographically limited, it was necessary to select mediators and mediation students as participants. As a result, the participants in this study were all Irish residents.

Google Forms, a user-friendly internet application that supports academics in creating questionnaires and analysing data, was used to produce the surveys. After that, the URLs of the survey were distributed to the individuals who were surveyed by means of social media sites. It is important to highlight the fact that none of the study variables had any discernible shifts when the investigation was being carried out between the dates of April 15 and April 27, 2022.

In this particular investigation, a combination of qualitative and quantitative approaches was chosen to be used. The questionnaire delivered to Professional Mediators and Conflict Mediation Students enrolled in more than one educational institution contained a

total of twelve questions. The brevity and objectivity with which each question was designed was done with the intention of obtaining the most useful answers from each participant and making the questionnaire simple to understand. All those who participated in the study received a concise overview of the research objective, thus highlighting the most relevant points about the ethical and moral aspect around data protection. In the survey's presentation content, special emphasis was given not only to the voluntary nature of the responses, but also to the need to maintain the anonymity of the participants during the investigation.

Additionally, to ensure that all participants felt comfortable sharing their ideas, concepts, thoughts and personal experiences when responding, the open-ended questions allowed unlimited writing space and an indefinite time limit. This was done to ensure that all respondents felt comfortable expressing their comments in response. On the Google Forms survey site, all questions were answered and these answers are still accessible. The entire set of survey responses can be seen in Appendix 1.

The questionnaire does not contain personal questions such as religion, ethnicity, nationality, culture, sexual orientation, etc. It was previously established that such questions would not be pertinent to the broad scope of the research as a whole. Examination of the data collected from the questionnaire could be difficult and distorted if such questions were asked because the subject is broad and can be considered universal.

1.1. Survey with Professional Mediators and Conflict Mediation Students

Regarding the 12 questions that were posed in the questionnaire, a total of 44 responses were collected from the individuals who participated. According to what was mentioned earlier, the responses to these questions were collected from the two significant interest groups this research focused on, which were mediators who are actively working in the field and mediation students who are now enrolled in academic programmes.

1.2. Concepts of ethics according to the Professional Mediators and Students

By asking this question, we aimed to learn and gain an understanding of the different conceptions of "ethics" held by each participant in accordance with their respective backgrounds. These kinds of response are taken into consideration to be relevant due to the fact that the theoretical notion already acquired by each participant immediately effects

both their experiences and their view of the world around them. In addition to being essential for comprehending the people who took part in the research, it takes a philosophical approach toward the topic under discussion.

What, in your perspective, is Ethics?

- *"Moral".*
- *"Concept of law".*
- *"Do the things correctly".*
- *"A discipline that helps you categorise human action between good or bad, strictly attached to our personal values".*
- *"I believe it is a social behaviour pattern".*
- *"They are generally rules of conduct in a society, living with ethics is living in the expected condition".*
- *"It's the area that assure that the behaviour or action protect the dignity of the other person or any living being".*
- *"Ethics is the application of generally acceptable values to human interaction. - It's related to the the common good and respect to each other".*
- *"The term ethics comes from the Greek, and means "that which belongs to character". Ethics differs from morality, since morality is related to rules and norms, customs of each culture, and ethics".*
- *"Be profesional".*
- *"The conception about right and wrong".*
- *"What is not de right thing for me, but for the society".*
- *"The core principle to live in Society".*
- *"In sense to be correct, fair".*
- *"Related to human behaviour".*
- *"Be capable to distinguish right and wrong in society".*
- *"Be fair and correct".*
- *"It is related to law".*
- *"Knowledge about right and wrong".*
- *"Right and wrong acknowledgement".*
- *"The capacity to understand right and wrong".*
- *"Having criteria".*
- *"A way that a person should follow is to be fair with all people".*
- *"The idea of right and wrong, acceptable ou not".*
- *"Capacity to do the right things".*
- *"There are the values that a person considering as fundamentals in your behaviour".*
- *"The ability to distinguish from right or wrong and obeying rights and obligations".*
- *"Metaphysics concept of right and wrong".*

- *"Ethics is acting according to your principles and values".*
- *"Ethics and morals are the concepts that can help us distinguish right and wrong, good or bad".*
- *"The knowledge between right and wrong".*
- *"Capacity to do good or bad things".*
- *"It is linked to morals".*
- *"Sense of fair and unfair, right or wrong, good and bad, etc".*
- *"It is a metaphysics concept of good and bad, right and wrong".*
- *"Philosophical subject".*
- *"I don't know".*
- *"Do the right thing".*
- *"The way to behave/act in relation to a topic/subject/profession/".*
- *"Is an intrinsic group of principles that will guide one's behaviours based in one's values".*
- *"Human values".*
- *"Bad and good concept".*
- *"Philosophy concept of right and wrong".*

1.3. Participants are asked to share their perspectives on the meaning of the term "common good."

All of the participants were given the opportunity to share on their individual perspectives on what the idea of "common good" means to them. Because moral and ethical actions are carried out in society, this kind of topic and this kind of question are relevant to this investigation. The concept of "common good" is the reflection of individual experiences in the context of a collective setting, so this kind of topic and this kind of question are relevant to this investigation.

What do you consider to be the "Common Good" in your opinion?

- *"Collective well being".*
- *"Collectivity".*
- *"All The people think that is fine".*
- *"The best possible outcome for the majority of people regardless if a better/worse option was available for any individual in such group".*
- *"IMO it referes to the "majority's" beliefs , what is acceptable or not".*
- *"a society where everyone benefits".*
- *"Something in benefit of all the participants".*

- *"Common good is what is considered to be the best for the majority of a the individuals of a certain group (nation, culture, society, religion, etc)".*
- *"for me common good is more related to culture".*
- *"Material things".*
- *"The fundamental base to have a dignity life".*
- *"What is acceptable for the majority".*
- *"Collective in first place".*
- *"I don't have any idea".*
- *"Community interest first than personal interests".*
- *"Acceptable for the majority related to behaviour".*
- *"collective interest in the first place".*
- *Sense of community".*
- *"linked to the collective interest".*
- *"Do the right things for community".*
- *"Sense of collectivity".*
- *"A win-win relationship, where 2 or more parties win".*
- *"What's acceptable to most people".*
- *"The idea of a sense of community".*
- *"View of collectivity".*
- *"There are the needs commons to everybody without distinction of the personal characteristics".*
- *"It's a common decision/action that is good for the community as a whole".*
- *"The way humans think in the community".*
- *"Common good involves what we do that impacts others' lives positively".*
- *Ideal for an acceptable life in society".*
- *"Thinking about the collective instead of the particular".*
- *"Community, society, collective…".*
- *"Society is more important than personal".*
- *"When the interest of the majority is in the first place".*
- *"The purpose of a fair society".*
- *"Consider and respect the community values".*
- *"Something that is good for two or more people".*
- *"Something that is attached to your values".*
- *"What is seen by the majority as appropriate".*
- *"Something that is in favor or good for the collective".*

- "A good way to live in society".

- "Collective values and interests".

- "It is the goal of a good society".

1.4.   How the participants perceive the "philosophical approach" to ethics in the field of Conflict Mediation.

This is one of the most fundamental questions for the research. The purpose of this question is to find out from the participants whether or not they consider it is essential for the field of conflict mediation to have a philosophical approach to ethics.

3 - Do you consider that Philosophical approaches to Ethics are relevant in the context of Mediation?

44 responses
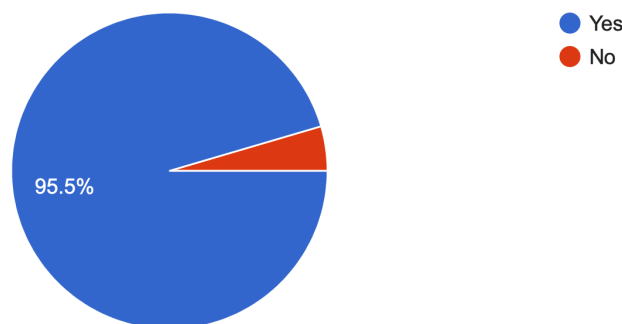
Figure 2: Graphic of question 3

This question was answered by all the people who participated in the survey. 44 people participated in the research, and 42, or (95.05%) of them believe that the philosophical approach to ethics is relevant in the context of mediation. Only 02 people, or (4.03%) of those who participated, said it has no relevance.

1.5.   The participants' perspective on personal interests to the detriment of the "common good."

Considering that, according to the philosophy of ethics and morality, both personal values and the "common good" must be preserved and coexist in society, this question seeks to

elicit each participant's conceptions on their own values in the context of their experience living in society.

Do you place a higher importance on the preservation of the common good than on personal values?
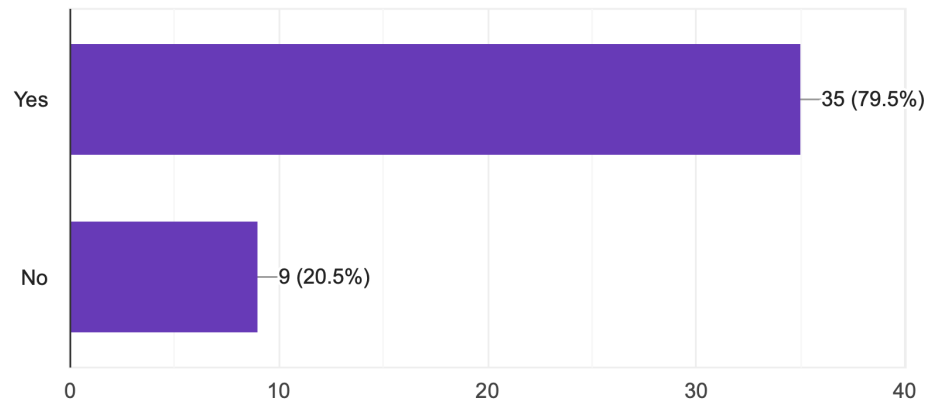
44 responses

Figure 3: Graphic of question 4

As can be seen from the answers, as well as from the graph previously published, 35 of the participants, representing 79.05% of the total, consider that the "common good" must be safeguarded when it is in conflict with personal values. On the other hand, nine of the participants, or 20.05% of the total, are of the opinion that personal values should take precedence over the "common good" in living in society.

1.6. Participants' perspective on impartiality and ethics

One of the challenges mediators face in the exercise of their profession is determining whether or not to maintain their impartiality during the mediation process. The first chapter of this dissertation provides a framework for this claim, and topic 3.3.2 provides major elucidation. As a result of this issue, both mediators and students had the opportunity to share their perspectives and ideas on the notion of confidentiality and the way it is directly related to ethics and morals.

Are you of the opinion that ethics is intrinsically linked to the idea of impartiality?
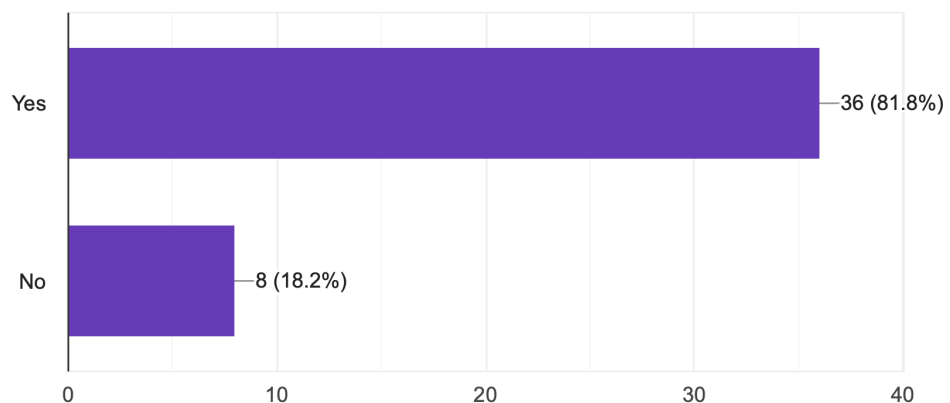
44 responses

Figure 4: Graphic of question 5

In response to this question, 36 individuals, or 81.08% of all mediators and students, said they believe that ethics and impartiality are intrinsically related in the conflict mediation process. While 8 (18.02%) of the respondents answered with a "no", indicating that they do not believe that there is any connection between ethics and impartiality in the field of mediation.

1.7. Considerations on the link between ethics and neutrality

This question addresses another of the most significant ethical challenges mediators face, according to a 2014 study published by the "Washington University Journal of Law and Policy - titled: Ethical Challenges for Mediators Around the Globe: An Australian Perspective," which was used extensively in the production of this dissertation.

Do you consider that ethics and the notion of neutrality are inextricably linked?

44 responses
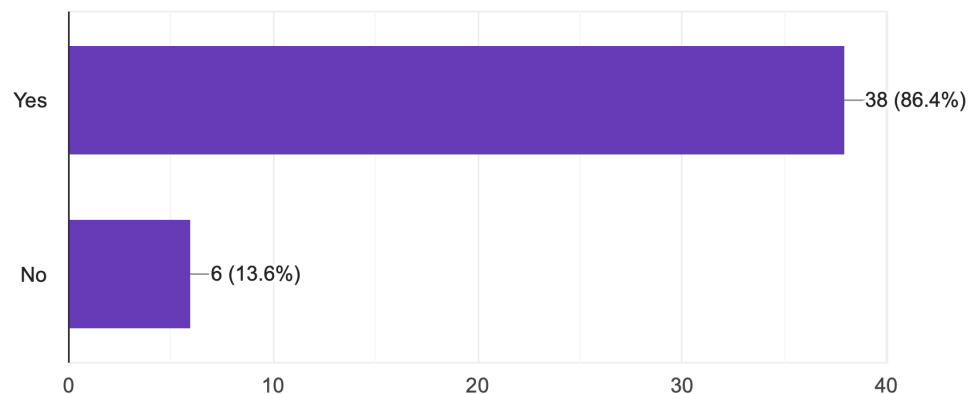
Figure 6: Graphic of question 7

The vast majority of respondents are of the opinion that there is a strong link between ethics and neutrality. Thus, 38 participants, which is equivalent to 86.4% of the total, marked YES as an answer, and 6 people, which is equivalent to 13.6%, selected NO as an answer.

1.8. **Participants' thoughts on the connection between self-awareness and ethics**

O mediador, como profissional capacitado e responsável por cultivar um clima de clareza e compreensão mútua entre as partes, tem a obrigação de estar ciente de suas próprias limitações; caso contrário, corre o risco de pôr em risco a própria relação que lhe é apresentada.

Ao ignorar as características que o tornam um ser humano, como medos, emoções, experiências traumáticas, preferências, sentimentos, entre outros fatores, o mediador corre sério risco de contrariar os próprios princípios da mediação, como independência e imparcialidade, ambos dos quais estão previstos na Lei de 2017, bem como em vários outros Códigos de Ética para mediadores. Além disso, o mediador também corre o risco de alienar as partes envolvidas no processo de mediação.

Do you think ethics is related to the notion of self-awareness?
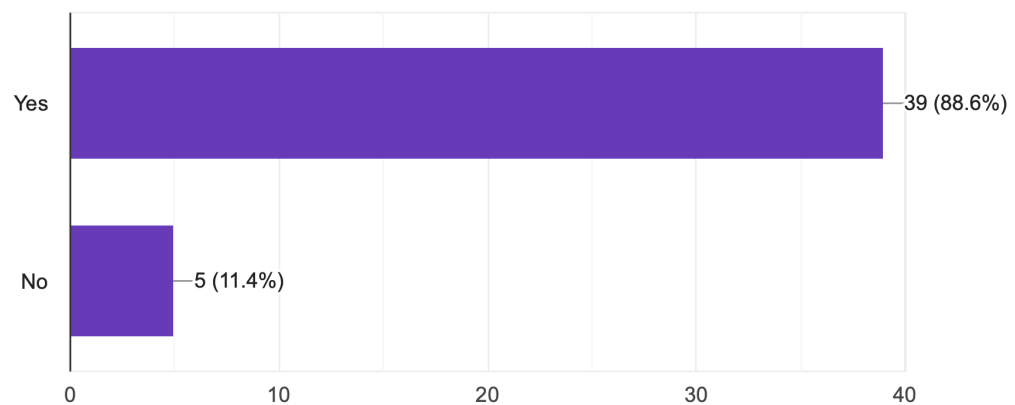
44 responses

Figure 7: Graphic of question 8

After doing an analysis of the responses received, we found that 39 of the participants, or 88.6%, believe there is a connection between self-awareness and ethics. The remaining 5, which accounts for 11.4%, do not recognise any connection between the two.

1.9. The participants' comprehension of the concept of ethics is correlated with

The goal of this question is to elicit from the participants their notions and ideas about the concept of ethics, as well as to gain a better understanding of what the participants associate the concept of ethics with. The question was designed to be objective, so 07 different answer alternatives were provided.

According to you, the core notion of ethics is related to:
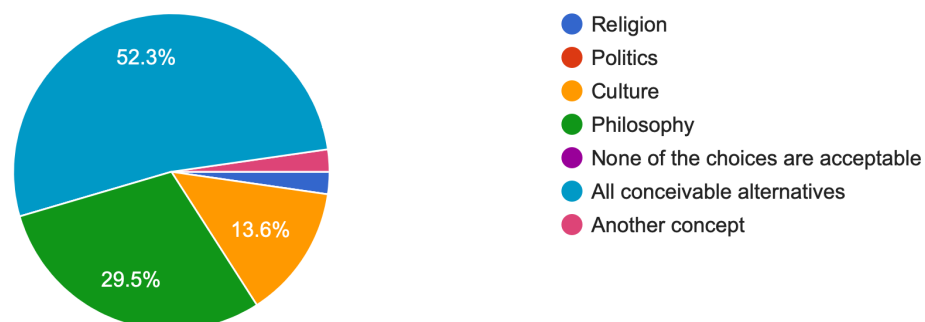
44 responses

Figure 8: Graphic of question 9

As can be seen in the previous graph, the responses have been categorised as follows:

- 52.3% (23) of the participants believe that the notion of ethics is linked to all the alternatives they were given, namely: religion, politics, culture and philosophy.

- Another 29.5% or 13 individuals believe that it is directly linked to philosophy.

- 13.6% (6) has connected ethics to culture.

- Only 1 (2,3%) person connected ethics to religion.

- Other 1 participant has linked ethics to "another concept".

1.10. The perspectives of the participants in connection to a more profound approach to ethics and the "common good" in today's society

The goal of this question is to find out whether or not the participants believe that a more in-depth approach that is supported by more robust theoretical foundations is required in the modern world in terms of ethics and morals and the "common good." In this dissertation, the theories that were covered in the first chapter serve as a suggestion for a better and more extensive approach to the subjects that were explored.

Is a more in-depth approach to ethics and the common good desirable in today's society?
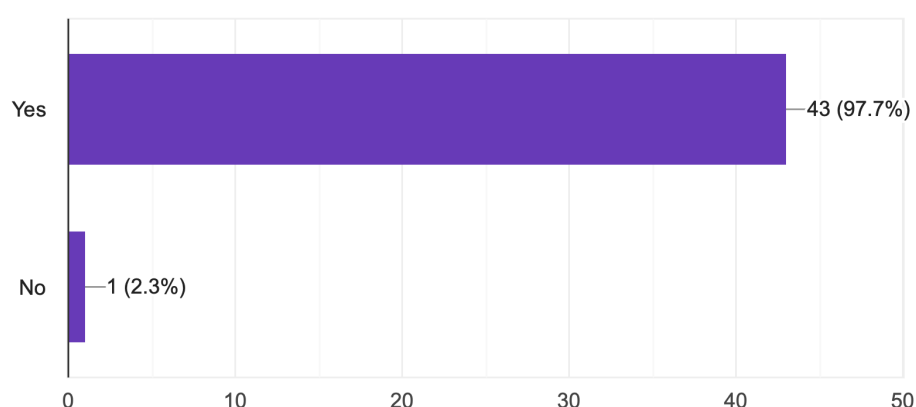44 responses

Figure 9: Graphic of question 10

The majority of participants and respondents (97.7%, or 43 people) are of the opinion that a more in-depth strategy is required. Only 1 (2,3%) person thinks there is no requirement for it.

1.11. Regarding the establishment of a universally applicable concept of ethics for all societies

The answer to this question covers a far broader scope than simply the realm of mediation. The purpose of this question is to determine whether or not individuals have faith in the idea that ethics are applicable to all human societies and that there is such a thing as "Universal Ethics." This is a question that delves deeper into the metaphysical and philosophical realms.

Is it feasible, in your view, to create a standard ethics that applies to all societies/communities?
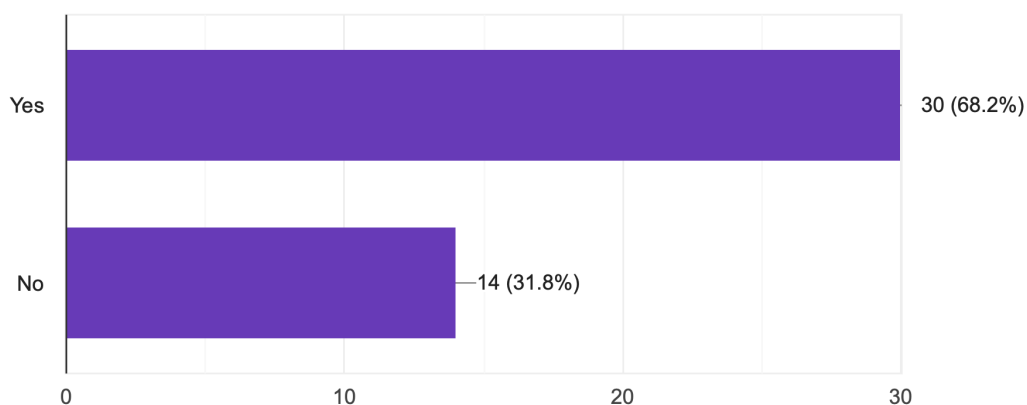44 responses

Figure 10: Graphic of question 11

In response to this question, 30 of the individuals, representing 68.2% of the total, expressed the idea that it would be beneficial for mediators to adhere to a "Universal Code of Ethics". On the other hand, there are 14 individuals, which is equivalent to 31.8% of the total, which they consider unfeasible.

1.12. Ethical standards for mediators - is it possible?

The "Codes of ethics" or standards are efforts made by various institutes and organisations to standardise parts of the conduct of mediators. These efforts are sometimes referred to as "mediator ethics." There are a number of different "Codes of Ethics" for mediators, and each one shares many characteristics with the others while also incorporating a few unique characteristics. The purpose of this inquiry is to determine

whether or not the respondents have faith in the concept of a "universal code of ethics" that is capable of being followed all across the world.

There has been discussion about "standard ethics" in the area of conflict mediation. Do you believe that a uniform code of ethics is achievable for all conflict scenarios?
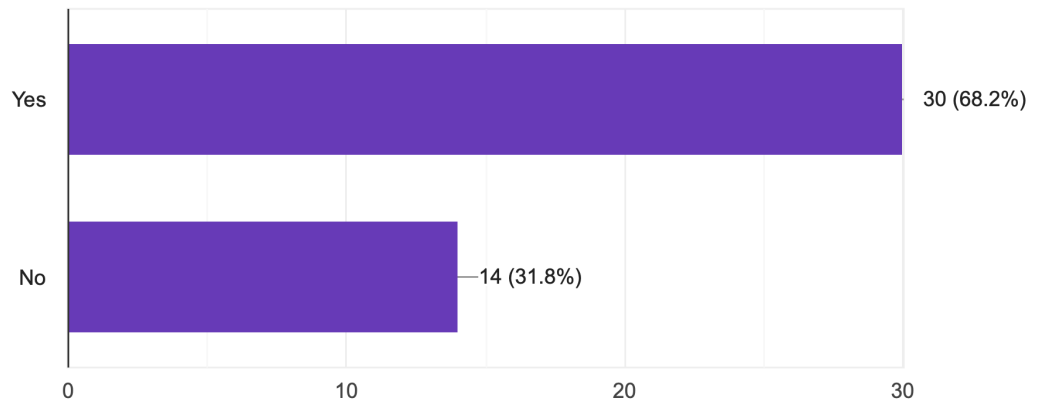
44 responses

Figure 11: Graphic of question 12

There were 30 people who took part in the survey, and 68.2% of them are of the opinion that mediators should be required to follow a code of ethics that addresses every conceivable type of conflict. Another 14 individuals, or 31.8% , are under the opinion that it is NOT achievable.

1.13. Participants were asked if they had ever encountered an ethical challenge during mediation

For the purposes of this study, it is of the utmost importance to learn about the experiences that the participants actually lived through in regard to the ethical moral dilemmas that they faced. Ethical and moral questions arise frequently, although to varying degrees and levels of significance, for mediators who are already employed professionally as well as for students who are undergoing training to become mediators.

Have you ever encountered a serious ethical dilemma when mediating a conflict, even in a "Role Play" situation?
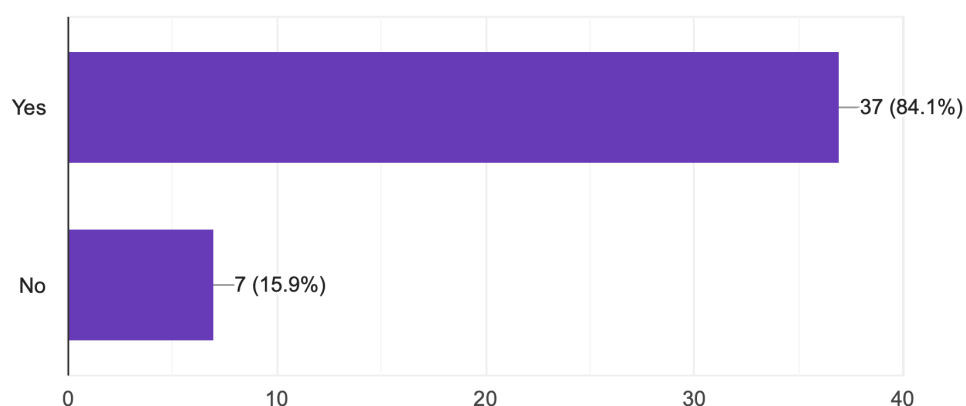
44 responses

Figure 13: Graphic of question 14

Most respondents indicated that they have faced or are facing some kind of ethical dilemma. This represents 84.1% of a total individuals (37 people). 7 of these individuals, or 15.9%, declared that they did not have any ethical dilemmas in the field of mediation.

Chapter 4 - Data Analysis and Findings

This chapter will provide a summary of the results of the data analysis that was presented earlier and compare those results with the observations that were provided in the chapter that reviewed the relevant literature. The results of the questionnaire will be analysed and interpreted based on the responses that were provided. This study benefited greatly from the participation of both practising mediators and students of the mediation process. The following chapter will then proceed to draw the pertinent analogies between the two.

Questionnaire analysis

As stated in the preceding chapter, the questionnaire was designed to elicit unambiguous and objective responses from each participant. In Ireland, both the mediator group and the student conflict mediation group reside. This restricts responses to this questionnaire to a particular geographical location.

When asked what "ethics" is from the standpoint of each individual, numerous responses were provided. Nonetheless, it is noteworthy that 16 respondents associated ethics with "right and wrong." When analysing the theoretical foundations that generated the current conception of ethics and morals, what is not wrong. However, we observe a restricted and shallow perspective on such an important and extensive topic. For certain thinkers, particularly those who lived during the Middle Ages or the Christian era, ethics and morality were inextricably tied to "right and wrong." 6 other people associated ethics with the notions of good versus bad. In addition, 3 answers linked ethics and morality explicitly. Other responses were extremely broad and tied ethics to "law," "...social behaviour," and "sense of fairness," among others.

11 respondents, when asked about the concept of "common good," mentioned "collective" in their responses. 08 indicated a connection with "society," while another 08 highlighted a link with "community." Additionally, "interests" and "values" appear less frequently. Two of the other responses demonstrated a lack of comprehension of the question by stating, "I have no idea" and "material things." One of the participants answered, "The purpose of a fair society".

The topic that is going to be covered in depth throughout this dissertation is brought up in the third question of the questionnaire. The majority of respondents (95.5%), when asked if a philosophical approach to the concept of ethics was relevant in the field of mediation, responded "YES," while the remaining 4.5% believed that "NO" is important.

When compared to "personal values", the "common good" should prevail, according to the opinion of 79.5% of the study participants. 21.5% of respondents responded that "personal values" are the most essential thing to uphold.

The majority of participants, or 81.8%, responded "YES" when asked whether the link between ethics and impartiality should be explored within the realm of mediation. The percentage of those who responded "NO" to this question brings the total up to 18.2%. Following the same line of logic as the previous topic, the sixth inquiry concerns the neutrality of mediators. According to the research that was presented in the first chapter of this dissertation, this topic is of the utmost significance to the accomplishment of a successful conflict mediation process as well as a good performance on the role of the mediator. The results of this survey show that 86.4% of respondents believe there is a connection between "neutrality" and "ethics." The remaining 13.6% of respondents answered "NO" when asked if they understood this connection.

The following are examples of the participants' interpretations of the ethical principles that can be examined in relation to the concept of ethics. Their responses can be broken down into five categories, which are as follows: 53.2% of people surveyed agreed with the statement that the concept of ethics is linked to (religion, culture, politics, and philosophy) on an equal degree of importance. Another 29.5% think that "philosophy" and the "concept of ethics" are directly connected to one another. We are aware that the philosophers of Ancient Greece were the ones who originally conceived of the concepts "ethics and morals." Subsequently, throughout the course of history, many other philosophers refined and contextualised the aforementioned concept of ethics. 13.6% of respondents who were surveyed stated that there is a direct connection between culture and ethics. Last but not least, 2.3% of people believe that "religion" is connected to the idea of "ethics." The remaining 2.3% of the total respondents stated that another concept is directly linked to ethics; however, it was not specified which concept they believed to be directly linked to ethics.

When the participants were asked their opinions regarding the universality of the "code of ethics" for mediators, the majority of them, which corresponds to 68.2%, said they believe in a universal "code of ethics" applicable to the various realities of the conflict mediation process. This was shown by the participants' responses. Another 31.8% are under the impression that the concept of "universalisation" of the code of ethics cannot be implemented. It is common knowledge that there is a significant amount of work being done on the "codes of ethics" for mediators by reputable institutions and organisations located in many different parts of the world. These institutions and organisations are linked to mediators.

Therefore, these were the questions and responses that, according to the proposition of this dissertation, ought to be emphasised for a better comprehension of the topic that was discussed. It is important to note that each and every question that was included in the questionnaire played a vital role in the overall contribution that was made by this study.

Chapter 5 - Discussion

Fundamental principles of ethics and morality

To speak in more general terms, ethics is a subfield of philosophy that is also referred to as moral philosophy. The fundamental principles of human actions and behaviour, as outlined by ancient Greek philosophers, are investigated throughout this book.

On the other hand, morality is a social construction that is formed by the set of these actions and behaviors through the understanding of which are good and which are bad, with the objective of creating norms that guide the actions of individuals who belong to the same society. . group. In the present research, when asking the participants "What, in your perspective, is Ethics?" 16 responses linked ethics to the notion of "right or wrong" and another 5 participants linked it to "good and bad". Making it clear that the understanding of the individuals who answered the question is, in a way, in accordance with the philosophical conception. Morality is formed by the understanding of which are good and which are bad.

On the other hand, as with other topics in philosophy, there is no general agreement on this distinction. Some writers regard ethics and morals as interchangeable terms. This is due to the fact that the etymological roots of the words are comparable to each other.

From an etymological point of view, both words originate from the same concept:

The word "ethics" originates from the Greek word "ethos", which can be translated as "habits" or "customs" and, finally, "the place where one lives".

The word "morals" originates from the Latin word "mores", which can be translated as "customs" or "habits".

Research into the guiding principles underlying human behavior is the focus of the field of study known as ethics, sometimes known as moral philosophy. In other words, ethics is the study of the principles that underpin morality.

Morality and ethics build hypotheses about the evolution of human behavior, as well as the formation of socially accepted norms and standards that serve to direct behavior.

Ethical knowledge was first developed during the anthropological period of Greek philosophy, which was distinguished by the trinity of Socrates, Plato and Aristotle. Ethical

knowledge is constructed by reflecting on fundamental ideas such as "good", "justice" and "virtue".

Aristotle's Nicomachean Ethics is the main work in which he defines ethics as a philosophical discipline and strives to define the relationship between human behavior, virtue, and happiness. This definition can also be found in all of Aristotle's other works.

At the moment, the field of ethics focuses on conceptualising and constructing principles that underpin a variety of actions. For example, deontology is a field that works towards establishing ethical foundations for professional growth and development. In addition, there is the field of bioethics, which is a reflection on the values that should guide the development of scientific ideas, with special emphasis on the value of life.

The most essential quality of morality is its function as a standard that directs and regulates the actions of human beings. Even if it presupposes the freedom of individuals and the inability to foresee all actions, morality will produce values to which actions must submit. This is the case even though it is impossible to predict all actions.

Morality develops a particular bond with individuals, with their conscience and with the concept of obligation, in contrast to ethical theories, which seek universal aspects of human behaviour.

The concept of morality takes a normative and practical form, suggesting that how one should behave is inextricably linked to the moral standards that are produced by society.

In consideration of this, ethics is concerned with questions like "What is good?", "What is justice?" and "What is virtue?" However, morality is determined by whether or not a particular behaviour is considered acceptable. The questions: "Is this action fair?" and "Is it acceptable to behave in a specific way?"

For example, Christian morality, which was the foundation upon which Western society was built, looks at the concept of human freedom in terms of how it relates to free will itself. However, the freedom to act will be subject to the standards of morality that are outlined in the holy books. Particularly in the gospel according to the New Testament, in the teachings of Christ and in the whole historical and cultural development of the event.

As a result, the construction of the idea of a virtuous life depends on the formation of a social habit, as well as the observation of virtuous examples. Therefore, morality, unlike ethics, will always be situated within a certain situation. At various points in history, different social groups will also have a variety of different moral ideals.

Contemporary notion of ethics and morals

Ethics and morals are two notions that have been discussed by humans for centuries without becoming obsolete. Ethics has been the object of study of philosophers and thinkers of all ages and schools of thought.

These notions adjust to the new reality over time. Each epoch and society is founded on a set of values and beliefs that build order and try to sustain the reasonable functionality of institutions and organisations. Human beings are a vital component of this process, so their individual and community interests are considered. As described in the topic of this dissertation, the "common good" is essential for an egalitarian and just society. Likewise, the collective and community good are essential for an egalitarian and just society. To support this notion, participants in this study were asked "what they believed to be the common good". According to their answers, collectivity (11 answers), society (08 answers) and community (08 answers) are the primary concepts linked to the "common good". Furthermore, 79.5% of respondents stated that the "good of the community" should take precedence over "personal ideals". Indeed, ethics and morality can be applied in a variety of settings.

In organisations and institutes that guide mediators, for example, a code of conduct is implemented to which all linked mediators must adhere so that there is no incompatibility of values. 68.2% of respondents believe that a "standard code of ethics" for mediators is currently practicable.

In fact, ethics and morals are on the rise in several areas of society, as they are related to very relevant current issues, such as social responsibility, corporate governance, justice, the environment and compliance.

Ethics in the mediation perspective

No matter how the idea of justice is characterised, the function of the mediator in fostering an impartial procedure is of the utmost importance. It is a well-established fact that the behaviour of the mediator has an effect on the process of mediation. As is the case with

any other line of work, mediators are frequently required to make judgments regarding the design of a process or strategy, a line of questioning or reality test, the suspension or termination of a mediation process, and the authorisation of representation. These decisions have an effect on the resolution that is reached through mediation. These kinds of choices are able to be classed as ethical choices.

This study focuses on the philosophical approach to ethics in connection to the potential ethical problems that mediators may confront. Ethical issues for mediators provide a prism through which to explore the concept of fairness in mediation. During the course of a research study, a number of questions about ethics, morals, and potential ethical conundrums were posed to both experienced mediators and students of the mediation process. In response to the question about the ethical conundrums that the interviewees had encountered, 84.1% of respondents claimed that they had There was, as was to be expected, some consistency in the responses; nonetheless, the most illuminating finding was that the participants' perspectives greatly diverged on a number of the issues. The comments of the mediators who took part in this study demonstrate that, despite the widely acknowledged central role that impartiality and neutrality play in mediating, mediators have their own internal moral compass to guide them. These compasses guide mediators to a diversity of answers to ethical and practical issues, as well as differing perspectives on what it means for mediation to be fair. In general, the findings of this study indicate that the subject of what constitutes the practise of ethical mediation warrants additional investigation, introspection, and discussion. As a result, a philosophical methodology, which often takes a more in-depth approach and features robust theoretical foundations, was recommended right from the start of this dissertation.

Recognising what defines an ethical option is a crucial step toward practising ethical mediation, as this is a threshold component of the field. This is not an easy task. This attitude is not universally held, as indicated by our research, and Julie MacFarlane (2002) contends that every action is an ethical decision, but our findings show that this is not the case. The participants approached the question of what characterised an ethical concern from a variety of quite different views. There was a large amount of variation in the mediators' understanding of what constitutes an ethical dilemma.

The fact that professional codes are intended to provide assistance to mediators in the resolution of ethical dilemmas does not change the fact that such dilemmas continue to occur. This is due to the fact that professional codes do not cover all of the potential ethical

issues that could occur, and that codes themselves sometimes contain competing or conflicting values.

The fact that mediators originate from a variety of professional backgrounds, each of which adheres to its own set of professional codes, presents a particular obstacle. Sometimes these ethical obligations are in direct opposition to one another.

Conclusion

When people are asked, guided by good faith and consideration for the other, to build, at each moment of coexistence - not just in situations of impasse - solutions based on respect to the other and in mutual benefit, this is what is meant by the term "mediation." Mediation refers to the ethics of virtues, which was proposed by Aristoteles. It is an invitation based on respect for the other that is not based on the exterior laws created by society but rather on the internal and personal appraisal of each subject.

The modern world and its Cartesian logic provided us with a wealth of knowledge and action proposals that were based on the binomials "cause and effect" and "problem and resolution." However, this knowledge and these action proposals did not necessarily and determinedly concern themselves with sustainability in regard to what was proposed to combat the causes or to solve the problems.

Systems thinking, quantum physics, and the ecological vision of human existence are examples of postmodern ways of thinking that have brought to man's attention the concept of interdependence as well as the idea that combating the causes of problems and finding solutions to them should be conceived of in terms of the long-term outcome, with the distant future serving as the horizon. This results in the required magic for man's continued existence: sustainability.

This is the kind of historical situation that gives rise to the idea of using mediation as a strategy for both avoiding and resolving conflicts. This is the institute that is willing to find solutions to issues in a way that ensures that the causes and effects of the past will not be repeated, or in a way that ensures that problems will be managed in a way that will not jeopardise the viability of peaceful coexistence.

In the realm of conflict resolution, the field of mediation, which emerged during the postmodern era, touts itself as being both transdisciplinary and comprehensive. It proposes that the process of self-composition be accompanied by the restoration of social relationships, allows for the expansion of the negotiation agenda from the hearing of the parties to also include new issues or those of a subjective nature, and takes care of issues that do not have legal protection. Moreover, it proposes that self-composition be accompanied by the restoration of the social relationship.

Independent of the theoretical school that leads the practise or the methodology that is employed, it is inherently transforming and regenerative in nature. It possesses the vitality that is befitting of the modern era.

The introduction of mediation into the academic experiences of students in schools and universities will undoubtedly alter the landscape of conflict resolution in the years to come and will contribute to the formation of people who are more open to dialogue and coexistence in the face of the complexities and pluralities that are inherent to human nature.

For this reason, a philosophical approach to one of the most common moral dilemmas that arises during the performance of the mediator needs to be taken into consideration in order to get a deeper level of comprehension regarding the entire process of conflict mediation. As we discovered in the earlier part of this work, philosophy is the branch of study that is responsible for the creation of new ideas that are consistent and sound. The idea of ethics and morals has developed throughout the course of philosophy's history, from the time of the ancient Greeks and their myths to what is now known as contemporary philosophy. This development has taken place in accordance with the concept's first essence, which can be found in the field of metaphysics, until it has been applied to society at any given time.

According to the previous research that was analysed for this study, the questions that were posed to mediators who are already working in the field, as well as the questions that were posed to students who are currently enrolled in a conflict mediation class, it was found that a more in-depth and grounded approach to the idea of ethics and morals would be of utmost importance. contribution to the education of peacemakers and mediators A robust foundation and coherent theory would provide mediators with a more coherent view of their qualities, their limits, and the mediation process as a fact that is contextualised in time and space and which takes into account the particularities of each individual who is

involved in the mediation. A "ethical approach" in the field of mediation was deemed to be of significant importance by 95.5% of those who participated in the survey.

In conclusion, the question that is posed by the title of this dissertation is one that served as the impetus for the entire research endeavour and prompted significant introspection with regard to the ethics of mediation. Such a question - "A Philosophical Approach to Ethics and the Common Good: Is it applicable in Conflict Mediation?" - was answered in accordance with the vast majority of respondents (95.5%), declaring that philosophy can contribute to the mediation of conflicts due to its theoretical rigour and adaptability to the times without losing the essence of the concepts.

Reflection

The things that happen to us in life have the potential to surprise us in countless ways. Every action we take is governed by an essential force, which most of the time, we are unable to understand. I've always had the goal of making the most of what life has to offer, and I've also always been aware that this requires me to give up many other options. When I made the decision to come to Ireland to learn English and, more importantly, to experience a new culture filled with spectacular events, it was exactly like that. How happy I was when I moved to Dublin three years ago to make it my permanent home. The multiplicity of aspirations, full of initiative and vitality. During the first few months, things went extremely well and there were many new discoveries. Ever since I was a little boy and the only way to learn about this amazing nation was through books and movies, I have always felt a very strong connection to Ireland. This connection started when I could only read and watch documentaries about Ireland. It is possible that my serene and comfortable experience here is due, in part, to the emotional connection I have with the nation. I am grateful for everything I have achieved and for everything I have learned.

My intention was never to do a master's degree at this institution. I already knew this process since my stay in Brazil, when I also took a master's degree in philosophy despite the challenges that the country presented. When I made the decision to pursue my master's degree in conflict resolution at this institution, I was strongly influenced by my spouse. However, I didn't expect that there would be so many topics that I would be interested in going further. a variety of fields that are linked to philosophy, which was the focus of my undergraduate training.

My lifelong interest and main focus has been philosophy, and the main objective of this dissertation was to apply the theoretical framework of ethics and morality to the subject of mediation. In my opinion, the practice of conflict resolution is an area where the philosophical tradition, which can trace its roots back to the ancient Greeks and continues to the modern day, has much to offer. Understanding some of the challenges mediators face through the lens of philosophy, with its emphasis on concepts, depth, and laborious thinking, can be a method of improving the ability to resolve conflicts through mediation. It was exactly this point of view that I tried to bring out throughout this study. It was never my main motivation to bring about change or point out where something is wrong. In the eyes of the philosophical tradition, the primary objective was to provide a reflection on the ethical and moral issues that can be found in the sphere of mediation. This was the primary purpose. I must confess that I hoped to deepen some ideas and relate them more objectively to the practice of mediation; but, there was not enough time to do so. Most of my time has been spent reading and taking notes in an effort to try to summarize as closely as possible the philosophical approaches to ethics and morals that have been coined from the times of the ancient Greeks to the present day. This work required a lot of reading and theoretical research. Lack of time and restrictions on the number of written words required for this work led to the exclusion of a large number of important philosophers from this study.

Writing these pages and bringing together philosophy and conflict mediation in their respective approaches to ethics and morals has been an incredible joy for me. It took many days of research to gather as many sources as possible and try to summarise the great philosophical writings without losing much of their essence. In addition, it took many days of research to try to understand the existing studies on ethics in the field of conflict mediation, which are not many, in fact they are few. It was quite difficult to have access to primary sources, such as books. To do this work most effectively, I had to use the libraries of several colleges and also buy some books. However, juggling my work obligations with preparing a dissertation in a language that was not my own was a difficult task. There were so many things that happened during this time while writing this dissertation that caused me anxiety, but in the end it worked, and I hope that this study can contribute in some way to those who practice conflict mediation as a profession.

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Form A: Application for Ethical Approval

Undergraduate/Taught Postgraduate Research

This form should be submitted to the module leader for the relevant initial proposal and/or the relevant supervisor is the proposal has already been accepted.
Please save this file as *STUDENT NUMBER_AEA_FormA.docx*

Title of Project	A Philosophical approach of Ethics and Common Good: Is it applicable in Conflict Mediation?
Name of Learner	Cleiton Soares Abrantes
Student Number	51715449
Name of Supervisor/Tutor	Rachel Harding

Check the relevant boxes. All questions must be answered before submitting to the relevant lecturer / supervisor. Note: only one box per row should be selected.

Item	Question	Yes	No	NA
1	Will you describe the main research procedures to participants in advance, so that they are informed about what to expect?	X	☐	■
2	Will you tell participants that their participation is voluntary?	X	☐	■
3	Will you obtain written consent for participation (through a signed or 'ticked' consent form)?	☐	X	■
4	If the research is observational, will you ask participants for their consent to being observed.	☐	☐	X
5	Will you tell participants that they may withdraw from the research at any time and for any reason?	X	☐	■
6	Will you give participants the option of not answering any question they do not want to answer?	X	☐	☐
7	Will you ensure that participant data will be treated with full confidentiality and anonymity and, if published, will not be identifiable as any individual or group?	X	☐	■
8	Will you debrief participants at the end of their participation (i.e., give them a brief explanation of the study)?	X	☐	■
9	If your study involves people between 16 and 18 years, will you ensure that passive consent is obtained from parents/ guardians, with active consent obtained from both the child and their school/organisation?	☐	☐	X

Item	Question	Yes	No	NA
10	If your study involves people less than 16 years, will you ensure that active consent is obtained from parents/guardians and that a parent/guardian or their nominee (such as a teacher) will be present throughout the data collection period?	☐	☐	X
11	If your study requires evaluation by an ethics committee/ board at an external agency, will you wait until you have approval from both the Independent College Dublin and the external ethics committee before starting data collection.	☐	☐	X
12	If you are in a position of authority over your participants (for example, if you are their instructor/tutor/manager/ examiner etc.) will you inform participants in writing that their grades and/or evaluation will be in no way affected by their participation (or lack thereof) in your research?	☐	☐	X
13	If you are in a position of authority over your participants (for example, if you are their instructor/tutor/manager/examiner etc.), does your study involve asking participants about their academic or professional achievements, motivations, abilities or philosophies? (please note that this does not apply to QA1 or QA3 forms, or questionnaires limited to market research, that do not require ethical approval from the IREC)	☐	☐	X
14	Will your project involve deliberately misleading participants in any way?	☐	X	
15	Is there any realistic risk of any participants experiencing either physical or psychological distress or discomfort?	☐	X	
16	Does your project involve work with animals?	☐	X	
17	Do you plan to give individual feedback to participants regarding their scores on any task or scale?	☐	X	☐
18	Does your study examine any sensitive topics (such as, but not limited to, religion, sexuality, alcohol, crime, drugs, mental health, physical health, etc.)	☐	X	
19	Is your study designed to change the mental state of participants in any negative way (such as inducing aggression, frustration, etc?)	☐	X	
20	Does your study involve an external agency (e.g. for recruitment)?	☐	X	
21	Do your participants fall into any of the following special groups? *(except where one or more individuals with such characteristics...*	☐ ☐ ☐	☐ ☐ ☐	

Ite m	Question	Yes	No	NA
	characteristics may naturally occur within a general population, such as a sample of students)	☐ ☐	☐ ☐	

If you have ticked any of the shaded boxes above, you should consult with your module leader / supervisor immediately. **You will need to fill in Form B Ethical Approval** and submit it to the Research & Ethics Committee **instead** of this form. There is an obligation on the researcher to bring to the attention of the Research & Ethics Committee any issues with ethical implications not clearly covered by the above checklist.	
I consider that this project has **no** significant ethical implications to be brought before the relevant Research & Ethics Committee. I have read and understood the specific guidelines for completion of Ethics Application Forms. I am familiar with the codes of professional ethics relevant to my discipline (and have discussed them with my supervisor).	☐
Name of Learner	Cleiton Soares Abrantes
Student Number	51715449
Date	19/05/2022
I have discussed this project with the learner in question, and I agree that it has no significant ethical implications to be brought before the Research & Ethics Committee.	☐
Name of Supervisor/Lecturer	Rachel Harding
Date	

Form B: Application for Ethical Approval

Undergraduate/Taught Postgraduate Research

This form should be submitted to the Research & Ethics Committee prior to beginning any research.
Please save this file as *STUDENT NUMBER_AEA_FormB.docx*

Title of Project	A Philosophical approach of Ethics and Common Good: Is it applicable in Conflict Mediation?
Name of Learner	Cleiton Soares Abrantes
Student Number	51715449
Name of Supervisor/Tutor	Rachel Harding

Item	Question	Yes	No	NA
1	Will you describe the main research procedures to participants in advance, so that they are informed about what to expect?	X	☐	■
2	Will you tell participants that their participation is voluntary?	X	☐	■
3	Will you obtain written consent for participation (through a signed or 'ticked' consent form)?	X	☐	■
4	If the research is observational, will you ask participants for their consent to being observed.	☐	☐	X
5	Will you tell participants that they may withdraw from the research at any time and for any reason?	X	☐	■
6	Will you give participants the option of not answering any question they do not want to answer?	X	☐	☐
7	Will you ensure that participant data will be treated with full confidentiality and anonymity and, if published, will not be identifiable as any individual or group?	X	☐	■
8	Will you debrief participants at the end of their participation (i.e., give them a brief explanation of the study)?	X	☐	■
9	If your study involves people between 16 and 18 years, will you ensure that passive consent is obtained from parents/ guardians, with active consent obtained from both the child and their school/organisation?	☐	☐	X
10	If your study involves people less than 16 years, will you ensure that active, consent is obtained from parents/guardians and that a parent/guardian or their nominee (such as a teacher) will be present throughout the data collection period?	☐	☐	X

Item	Question	Yes	No	NA
11	If your study requires evaluation by an ethics committee/board at an external agency, will you wait until you have approval from both the Independent College Dublin and the external ethics committee before starting data collection.	☐	☐	X
12	If you are in a position of authority over your participants (for example, if you are their instructor/tutor/manager/examiner etc.) will you inform participants in writing that their grades and/or evaluation will be in no way affected by their participation (or lack thereof) in your research?	☐	☐	X
13	If you are in a position of authority over your participants (for example, if you are their instructor/tutor/manager/examiner etc.), does your study involve asking participants about their academic or professional achievements, motivations, abilities or philosophies? (please note that this does not apply to QA1 or QA3 forms, or questionnaires limited to market research, that do not require ethical approval from the IREC)	☐	☐	X
14	Will your project involve deliberately misleading participants in any way?	☐	X	■
15	Is there any realistic risk of any participants experiencing either physical or psychological distress or discomfort?	☐	X	■
16	Does your project involve work with animals?	☐	X	■
17	Do you plan to give individual feedback to participants regarding their scores on any task or scale?	☐	X	☐
18	Does your study examine any sensitive topics (such as, but not limited to, religion, sexuality, alcohol, crime, drugs, mental health, physical health)	☐	X	■
19	Is your study designed to change the mental state of participants in any negative way (such as inducing aggression, frustration, etc?)	☐	X	■
20	Does your study involve an external agency (e.g. for recruitment)?	☐	X	■
21	Do your participants fall into any of the following special groups? *(except where one or more individuals with such characteristics may naturally occur within a general population, such as a sample of students)*	☐	☐	■
		☐	☐	■
		☐	☐	■
		☐	☐	■
		☐	☐	■

If you have ticked **No** to any of questions 1 to 11, or **Yes** to any of questions 12 to 20 you should refer to the codes of ethics in your capstone handbook and consult with your supervisor immediately.

There is an obligation on the postgraduate researcher to bring to the attention of the Research & Ethics Committee any issues with ethical implications not clearly covered by the above checklist.

Please provide all the further information listed below, adhering closely to the suggested word counts.

1. *Purpose of project with very clear and specific justification for the study [its potential benefits], given the acknowledged sensitivity of the topic of study or the methods used (approximately 100 words)*

   Click or tap here to enter text.

2. *Proposed methodology (approximately 300 words). This must include:*
   a) *Participants: recruitment methods, number, age, gender, exclusion/inclusion criteria.*
   b) *Brief description of methods and measurements.*

   Click or tap here to enter text.

3. *A clear but concise statement of the ethical considerations raised by the project and how you intend to deal with them (approximately 100 words).*

   Click or tap here to enter text.

4. *Copies of all materials to be used in your study should be attached to this form. This must include consent and participant information arrangements and debrief forms. It should also include copies of all standardized and/or non-standardized questionnaires and instruments, as well as any interventions and/or audio-visual materials, which will be used. Please note that these materials will not be returned to you, so you should ensure that you retain a copy for your own records. All loose materials (such as DVDs, handouts etc.) should be clearly labelled with your name. There is no word count limit on appendices, but no appendices should be included that will not be used as materials in your study. **If any of the above information is missing, your application will not be considered at the Research & Ethics Committee meeting, and your research may be significantly delayed.***

I have read and understood the specific guidelines for completion of Ethics Application Forms. I am familiar with the codes of professional ethics relevant to my discipline.	☐
Name of Learner	Cleiton Soares Abrantes
Student Number	51715449
Date	19/05/2022
I have discussed this project with my student, and I agree that it has ethical implications, which need to be brought before the Research & Ethics Committee. I confirm that the student will complete the research in the manner outlined by them above, using the materials attached to this form. ***At least one of the student's supervisors must sign this form. It is preferred if the form is signed by all of the***	☐
Name of Supervisor/ Lecturer	Rachel Harding
Date	

Ethics - Survey

A Philosophical approach of Ethics and Common Good: Is it applicable in Conflict Mediation?

The objective of this study is to contextualise and examine the role of ethics in a philosophical approach to conflict resolution challenges. The common good, neutrality, and impartiality will be discussed in detail, led by a philosophical examination of the concepts of ethics and morality.
Cleiton Abrantes, a student, is conducting this survey under the direction of professor Rachel Harding. And will be used as part of a final project for the Independent College Dublin's Master's Degree in Dispute Resolution; it will remain secret and will be used only for this reason.

To maintain anonymity, this survey does not include any personally identifiable information that would enable us to identify who is responding.

Thank you!

1 - What, in your perspective, is Ethics?

2 - What do you consider to be the "Common Good" in your opinion?

3 - Do you consider that Philosophical approaches to Ethics are relevant in the context of Mediation?
Mark only one oval.

Yes

No

4 - Do you place a higher importance on the preservation of the common good than on person values?
Tick all that apply.

Yes

No

5 - Are you of the opinion that ethics is intrinsically linked to the idea of impartiality? *Tick all that apply.*

Yes

No

6 - Do you consider that ethics and the notion of neutrality are inextricably linked? *Tick all that apply.*

Yes

No

7 - Do you think ethics is related to the notion of self-awareness? *Tick all that apply.*

Yes

No

.8 According to you, the core notion of ethics is related to:

Mark only one oval.

Religion
Politics
Culture
Philosophy
None of the choices are acceptable

All conceivable alternatives

Another concept

9 - Is a more in-depth approach to ethics and the common good desirable in today's society ?

Tick all that apply.

Yes

No

10 - Is it feasible, in your view, to create a standard ethics that applies to all societies/communities?

Tick all that apply.

Yes

No

11 - There has been discussion about "standard ethics" in the area of conflict mediation. Do y believe that a uniform code of ethics is achievable for all conflict scenarios?
Tick all that apply.
Yes

No

12 - Have you ever encountered a serious ethical dilemma when mediating a conflict, even in "Role Play" situation?
Tick all that apply.
Yes

No