

**Does the gender of mediators influence the resolution of
domestic dispute in Ireland?**

By

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To my star in the sky granny Elsa

And my pillars in this world

mom Antonia

and niece Sofia.

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Abstract

The goal of this dissertation is to determine whether the gender of mediators can influence domestic dispute resolution in Ireland. By conducting an extensive literature review covering mediation, family mediation, domestic violence and public policy, an in-depth level of knowledge and concise synthesis can be presented. To contrast the information gathered, primary qualitative information has been used by conducting interviews with eight mediators in Ireland. A monomethod inductive approach was used.

After transcribing the interviews, the data has been processed using MS Excel.

The main findings are that the gender of mediators does not influence the resolution of domestic disputes unless it is important to the parties, and if so, gender would be important in the choice of mediator. The mediator's skills are important. Mediation helps the parties feel empowered.

While this study has demonstrated some commonalities with theory and practice, it could be improved by repeating a similar study with larger sample size including mediators who work in Legal Aid Board Ireland. Moreover, surveys with people who are being part or have been part of the family mediation process. Finally, compare these findings with future similar studies conducted in other jurisdictions.

Chapter 1: Introduction

These almost two years of pandemic helped to bring people towards themselves, to study, to exercise. However, it became a 24/7 torment for others, either because of lack of work, increased alcohol consumption, among other legal and illegal drugs, consequently increasing the domestic violence.

One in five women in Ireland experience domestic abuse. Given the prevalence and universal condemnation of domestic violence, it is remarkable how those affected by it still face financial barriers in seeking legal protection. (Barry, 2021)

When people think of domestic violence, they mostly think about physical abuse. Well, domestic violence is much more than physical abuse, and can also include many other kinds of abuse such as emotional, psychological, financial and sexual. Domestic violence can happen to anyone. (Women Rising Above Abuse, 2017)

Domestic disputes may operate better in the scope of family mediation. One of its objectives is to eliminate or reduce the risk of abuse.

Family mediation is an ecosystem that works with other systems complementary, including family law, the legal system, children's rights, as well as working with the family and the extended family. It also works with therapeutic interventions in case a family member is in need.

The specific research question is “Does the gender of mediators influence the resolution of domestic disputes in Ireland?”.

The overall aim and goal of the research is to determine if the gender of mediators can influence the resolution of domestic disputes. The objectives of this research are:

- To identify what is the role of mediators in Domestic Disputes.
- To determine if mediators can empower the victims of Domestic Disputes.

- To explore whether there is a gender preference among disputants to conduct mediation in Domestic Disputes.

In order to answer the research question and meet the objectives, this researcher designed this piece of work as follows, chapter two will present the literature review; based on previous works, especially Program on Negotiation at Harvard Law School, articles from Mediate.Com and Mediation beyond borders, as well as Innovative family mediation by authors Conneely and O'Shea.

The third chapter will present and discuss the research methodology and methods used to collect and analyse the data. The chapter will provide a reasonable justification for why the mono methodology was chosen for this research, as well as an explanation of how qualitative data will be appropriate for the work. Finally, there is a detailed description and justification of the questions that were asked, and the purpose of the questions.

In the fourth chapter, the data collected will be presented.

On the other hand, in the fifth chapter, the data collected will be analysed by relating the information obtained from the secondary sources with the primary ones. For this purpose, some parts of the interview will be transcribed.

In addition, the sixth chapter will discuss the findings in the data collected. Furthermore, suggestions will be made.

Finally, the last chapter will briefly bring together all the information from the chapters to give the reader an overview of the work done. The goals and objectives will be mentioned again and will be connected with the discussion to show the achievements. In the end, the conclusion will present the researcher's discernment of the relevance of the study.

This paper aims to explore a not that common explored field. Many could believe that mediation would fail in the balance of power in case of a domestic dispute. However, a family mediator with his or her training and skills, such as setting up a table for the party to feel safe, among other tools at

his or her disposal, can help restore a balance of power, reduce, and minimise emotional harm and, prevent unnecessary emotional pain.

Contrary to the opinion of many who are not familiar with the discipline, family mediation or the mediator does not endanger the abused person, nor does it increase the risk of further abuse. (Compton, 2018).

Chapter 2: Literature Review

2.1 Introduction

This chapter focuses on different dimensions of the mediation process in relation to domestic disputes and regulations to identify the role of the mediator. The mediation process and family mediation process will be discussed in this chapter. Additionally, this chapter also focuses on the past literature studies while identifying the role of mediators with respect to the gender in settlement of a domestic dispute. Furthermore, the researcher will look into the past studies to identify the influence of gender on the mediator. The differences and similarities, along with the preference for the mediators (male and female), will be discussed in this chapter. The balance of power considering the power of negotiation (PON) for conflict resolution and trust-building will be discussed in this chapter. On the other hand, the gaps present in the past studies will be evaluated. This chapter will also summarise the findings from the critical analysis of the literature (i.e., past studies) while a conceptual framework is going to be developed here. Additionally, the researcher will critically evaluate the role of male and female mediators during the time of the family dispute resolution process in Ireland.

2.2 Domestic disputes, regulations, and comparison against domestic abuse

Generally, domestic violence is a broad concept as this includes both physical and mental abuse. However, legal assistance such as safety, protection, court order legal remedies, enhanced protection and barring orders as per the ‘Domestic violence bill 2017’ are likely to protect the people who are facing domestic violence (The Department of Justice, 2021). For every one out of five women in Ireland, domestic abuse is due to domestic violence (Barry, 2017). However, there may be financial barriers due to which legal protection is not always available for women.

Domestic dispute, abuse and violence in Ireland has a deliberate pattern of behaviour along with persistent disputes, which promote domestic fear among the people (Safe Ireland, 2021). Safe Ireland has been promoting social behaviour change to dismiss the behaviour and attitudes for cultivating leadership in Irish society. Moreover, this organisation also focuses on reducing domestic disputes with the appropriate action to understand the complexities of the problem.

According to the views of Brosnan (2017), it can be indicated that domestic disturbance is a type of argument generally between family members, spouses, and other parties. This may include physical, verbal, and psychological abuse as these are included within the definition of domestic disputes. However, if there is any physical contact, it should be termed domestic violence (Safe Ireland, 2021). In harmony with the views of the previous author, Sherman (2018) has suggested that domestic violence is a hidden crime, so this should be discussed with a wide array for mobilising the community for creating awareness, knowledge and skills. Moreover, these actions help to prevent domestic violence. The difference between domestic violence and domestic disputes are related to the touch. Domestic violence should be considered a misdemeanour depending on which a variety of factors are considered crimes. Murder, physical violence, neglect, psychological violence, weapon charges and sexual abuses are referred to as domestic violence (Barry, 2017).

On the other hand, there are minor differences between domestic violence and domestic disputes. The case of 'Dean v. State, 2003' has cleared the doubt between the domestic dispute and domestic violence (Casetext, 2021). Generally, a domestic dispute is referred to as a quarrel without any involvement of physical harassment. On the other hand, it can be stated that domestic violence may involve any type of physical harassment. Hence, it can be said that the difference between the dispute and violence is related with the type of physical harassment. According to the views of Shah, (2021) it can be specified that the definition of the dispute could be different depending on the local laws. For example, a domestic dispute may cover the abuse to any child or an adult for engagement of

relationship. On the flip side, this may also include an emancipated minor who is spouse, former cohabitant, etc.

The Domestic Violence Act 2018 is used for consolidation of laws on domestic violence, and this helps to provide for emergency barring orders in certain circumstances which are specific to the Irish context (Justice.ie, 2021). This act quoted that ‘a safety order may be specified as per the conditions and exceptions of the court’ (Justice.ie, 2021).

Moreover, this Act provides evidence along with a certain process to the right of a candidate for the accomplishment of legal proceedings. As this helps to provide appropriate views on such violence proceedings related along with supporting services to the victims. In addition to that, this law also engaged in providing or making recommendations for responding to the domestic disputes and violence in Ireland (Justice.ie, 2021). Apart from that, this law also provides restrictions on certain court proceedings for the prohibition of certain matters related to forced marriage, repeal provision for exemptions and others. Domestic Violence (Amendment) Act 2002 and Domestic Violence Act 1996 were the major legislation controlling the violence related to the consequential amendment. As per section 9 (1) of this act, a court may provide protection considering a safety order or a barring order for the determination of the orders on reasonable ground. It is promoted that the safety of the applicant is the topmost priority, and this priority should be considered on reasonable grounds for the welfare of the applicant. For example, if a dependent person requires legal support from the court, then the protection order is imposed as per the guidelines of this law. Generally, protection for the applicant is imposed upon the following clauses of section 9 (1).

- a) Threatening, violence, molesting, fear etc. to the dependant person
- b) If the applicant is residing at a place which is a different place than the usual residence
- c) Following the candidate by electronic means or other ways

2.3 Mediation process

According to the views of McGowan (2018), it can be stated that mediation is a vital part of social justice for the Irish family system as this focuses on consensus for policymaking and measurement of encouragement. Overall, the mediation process increases social justice and decreases reliance on the courts. The Irish Mediation Act 2017 adopts this position with the assumption that the mediation process will provide an alternative process for civil disputes and domestic disputes (McGowan, 2018). The author focuses on social justice for family disputes and other types of disputes by identifying weaknesses (McGowan, 2018). On the other hand, Gordon-Bouvier, (2017) has suggested that the Irish government is promoting the mediation strategy with the help of lawyers as part of the dispute resolution system to family litigants. However, there is a problem in this system considering family litigants, as this is mainly focused on child custody for the maintenance of applications for the litigant process. However, the existing information is not being updated after 1989 when reflecting on the mediation process between family litigants (Gordon-Bouvier, 2017). Apart from that, an agency called "Safe Ireland" focuses mainly on domestic disputes involving children and women. However, this website lacks adequate information on domestic violence against men (Safe Ireland, 2021).

According to the views of Campbell (2017), it can be stated that mediation is a private process that focuses on resolving conflicts between family members, spouses and people in legal relationships. This process is carried out by a third person who will provide an impartial opinion for the resolution of the dispute, in accordance with the views of the above authors, McGowan, (2018).

Disputes are resolved with the active support of the participants to reduce family problems, resolve domestic crimes, and resolve domestic violence.

On the other hand, Naughton, O'Donnell and Muldoon, (2020) have suggested that mediation is not only a voluntary process but also a confidential process of conflict resolution among family members. The International Chamber of Commerce (ICC) has stated that the standard of mediation remains confidential unless the parties or the law focuses on making it public (Naughton, O'Donnell and Muldoon, 2020). Mediation is not only a voluntary process, but also a non-coercive process, as this process is impartial in nature, so no party's influence is taken into account when reaching a resolution. Generally, the mediator ensures that the parties do not engage in any abusive behaviour verbally or in writing, unlike the litigation process where the parties openly engage in abuse (Gordon-Bouvier, 2017). Tensions in the relationship between the two parties are avoided with the help of this mediation process. The main objective of the mediation process is to enable the parties to reach an agreement in a dispute, whether it is a dispute related to family or domestic violence. In general, the dispute resolution process within the mediation system is similar to that of the counselling session, where the parties can openly discuss the things in dispute to reach a definitive agreement.

In contrast to the views of the previous authors, Anggraeni, (2020) has argued that the mediation process lacks a well-established support from the rules and regulations when it comes to leading the bureaucratic intricacies. As a result of this, it can be extremely difficult for the mediator to provide an appropriate solution for while framing the mediation process with legal aspects. On the other side, language is also a barrier when it comes to the mediation process because language differences can create an issue in this process (as language is the main tool of communication) Shah, (2021). For example, the cross-cultural mediation process can be challenging if different language styles or ethnic groups are involved in the family dispute resolution. Moreover, this also depends on the ability of the mediator when it comes to solving cross-cultural disputes. Another issue arises when the parties are sticking to their position so that the probability of reaching a common ground for a solution is also minimised as the parties are out of the agreement to a common ground, (Heward-Belle, et al., 2018).

Consequently, these are the limitations of the mediation process, and the mediator should take care of these limitations during the dispute resolution process.

In order to proceed with the mediation process, both parties should have willingness to attend this process after confirming the same. Mediation is a process which involves a structured formula to deliver an agreement between the two parties as this considers the wishes and needs of the parties. The mediation process involves a systematic consideration for effective decision making for the encouragement of legal or financial advice as this assures friendly and acceptable advice for the parties. Currently, in Ireland, the mediation process is widely used for marriage and unmarried couples (Citizens information, 2021). Moreover, this process is also assistive for same-sex couples who are willing to get separated but want to take care of their children, (Heward-Belle, et al., 2018). In such circumstances, the mediation process can be assistive for dispute resolution. Generally, the mediation process focuses on couples' engagement of co-working on a mutually acceptable agreement on the following areas: parenting, education, childcare, family holidays, financial support, division of assets, and other problems related to the financial support (Citizens information, 2021).

According to the views of McGowan, (2018) it can be assured that mediation is a voluntary process as this focuses on resolving disputes for all members who have agreed to use the mediation process for solving the dispute. Hence, all the parties should use the mediation process to resolve those disputes under this process upon a common agreement. The obligation of the mediator includes a binding obligation to the parties. Moreover, the act of mediation also includes not acting when there is a conflict of interest in many matters involving the participants' interests. In Ireland, the mediators should have appropriate training, experience, and qualification for continuous professional education (Lawsociety, 2021).

Apart from that, the mediators also remind the parties to take independent legal advice before signing a settlement agreement and fair fees associated with such a mediation process in Ireland. However,

the fees associated with the mediation process should be reasonable, fair and transparent. (Mediation Act 2017).

2.3.1 Family mediation

According to the views of McGowan, (2018) it can be stated that mediation is currently playing an essential role in the Irish society as this helps promote justice for the parties. There is also an increase in the mediation process considering the encouragement of mediation process in Ireland. The mediation act 2017 adopts an alternative approach to the litigation for the civil disputes (Law Society, 2021). In contrast to the views of the previous authors, McGowan, (2018) have argued that the position of Ireland is different from Wales and England because there is a shallow movement in the political dimension for the removal of legal assistance for family law. Hence, it can be stated that the mediation process for the family can act as an expectation for providing a solution to the marriage law in Ireland (Citizens Information, 2021). Moreover, the family mediation process also focuses on facilitating the communication for the co-operation between the spouses for endorsement of general aim of mediation of communication. Hence, this reduces the over-burden within the family courts.

On the other hand, Conneely, (2017) has talked about the family mediation process and suggested that family mediation has changed in recent years considering the justification of approach and methodology for such process. The mediators have sought explanation and justification for the methodology in the recent years of the family mitigation process. On the other hand, there are risks and trips associated with the mediation process for family disputes. This does not follow the usual approaches of domestic dispute resolution by courts Conneely, (2017). Contrary to the previous author's views, McGowan (2018) has made distinctive arguments for the costs and benefits associated with this new dispute resolution process. Conneely, (2017) has made a distinctive attempt between the theory and practices for dispute resolution within domestic violence and dispute resolution. However, the bountiful discussion on the family mediation process in Ireland is yet to come

considering the boundaries of Ireland (north and south). In argument, the views of the previous author Scott, (2021) has criticised that mediation advocates often overlook the theoretical debates rather focuses on the possibilities of practices for the family dispute resolution process. The empirical studies on the mediation practices have been encouraging to the mediation process, but the focus area for costs and other aspects remains under debate.

In a counterargument with the thoughts of the previous author, Haavisto, (2018) has suggested that mediation for family disputes can provide a better defence in this area considering the theoretical aspects of such mediation practices in other countries. It can be indicated that the mediation practices and theories are interrelated with the facilities available for the domestic violence and domestic dispute resolution of a country (Haavisto, 2018).

According to the views of McGowan (2018), it can be stated that the mediators can provide sufficient support for the domestic dispute resolution as evident from the empirical studies. On that note, the Irish government have shown keenness for testing the assertions of practices for the empirical study.

On the other hand, the British government is focusing on promoting the efforts of the mediator to reduce the dependency on the traditional courts for finding alternative solutions to the dispute resolutions. The mediation process involves costs and other factors, which are comparatively lower than the traditional court-based dispute resolution system. Generally, a mediator uses the following three approaches.



Figure 1: Shows the family mediation process.

(Source: Shah, 2021)

Shah (2021) has suggested that the three important stages of the family mediation process include describing interest, brainstorming, and adopting a solution to which the parties have a satisfactory agreement. Hence, these duties are to be fulfilled by the mediators engaged in the mediation process in Ireland. The first stage is the determination of interest of the parties who wish to resolve their conflict of interest in the family matter. Moreover, if there is any child, then such interest coincides with the child's best interest for taking such mediation decisions involving family matters (Conneely, 2017). On the other hand, the second stage is generating a possible solution for the common assessment of the proposal in light of the outline of interest. The third stage is the final stage, where both parties define the commitment for the implementation of interest.

According to the views of Rimelspach, (2001) it can be stated that conducting a mediation process for the family dispute resolution may have both advantages and disadvantages within this process. The author has suggested that mediation helps discontinue the cycle of violence, disputes, fights and other issues related to domestic affairs. This study has included a clear definition for the family mediation for removing domestic violence, but this does not mention how a mediator should proceed to find out the solution for the dispute resolution during the family mediation. On the other hand, Salem and Saini, (2017) have suggested that mediation focuses on the adaptable approaches for meeting the requirement of the individual parties with the aid of the negotiation process. Moreover, the mediation process may also include advocates, attorneys for balancing this process. The elimination of fears for under-representation of disputes should be handled appropriately as this helps to deal with better negotiation between the parties.

2.3.2 Mediation empowers disputants

According to the views of Morris and Zubery (2020), it can be stated that there are different types of violence and mediation is the only process for reducing risks. On the other hand, the authors also

suggested that the family mediation process considers non-judgement, empowerment, empathy and other respective principles for communication to improve the condition of the victim (Morris and Zubery, 2020). In addition to that, the author also represented the following four aspects of violence: coercive controlling, violent resistance, situational couple violence, and separation instigated violence, as these are an integral part of the violence term. In agreement with the views of the previous authors, Al-Sharmani, Mustasaari and Ismail, (2017) have suggested that coercive controlling of violence has a pattern of emotional abuse, and this also brings control over the physical violence and emotional violence to protect against isolation, denying, blaming and humiliation. On the other hand, violent resistance arises when the victim uses cohesive control to respond against their partner. When specific conflicts between the partners arise due to an argument, it is called situational couple violence, whereas the separation instigated violence occurs along with the leaving decision of a partner.

Morris and Zubery, (2020) have further suggested that family justice reforms in New Zealand can be used along with the Family Dispute Resolution (FDR) for resolving the wide-spreading issues of violence among the family members. This article also highlighted that family disputes could negatively impact children. Hence, FDR provided direction to the ministry of Justice to develop best practices for the mediator to resolve the disputes among the family members. On that note, it can be stated that mediators (men and women) should focus on the FDR principles to determine a suitable dispute resolution process for the family mediation as this helps to maximise the benefits with the best interest of the children during this process.

As per the views of Toews, (2017), it can be stated that the male and female mediators could have different solutions depending on the facts of domestic violence, so the efficacy of the dispute resolution may depend on various factors of assessment. On the other hand, a mediator may face different sets of risks such as risks of termination, risks of biasness, risks of costs etc. For example, a

mediator can be terminated upon finding the influence or biasness from one party during the dispute resolution case. As a result of this, the party may be terminated considering the legal re-percussion for doing the mediation process.

According to the views of Brosnan, (2017), it can be stated that the court connection programs within the mediation process are promoted as this helps to provide valid information for accessing the community resources. Generally, courts provide either male or female advocates for regulating the need of mediation process. Hence, it can be stated that mediators are powered to support others when it comes to suggesting the remedy during the abuse process. The pro-active mediator model can advocate the program for appropriate resources for community development. As a consequence of this the conflict of interests can be reduced accordingly.

2.4 Key differences between men and women for the mediation role

The promotion of female mediator in conflict resolution process represented by the UN Security Council resolution 1325 that there is different motivation, approaches and styles across gender for the negotiation process (Peacemaker, 2021). Hence, the gender differences are prominent in communication, investigation, and approaching indirect clues and others in the family conflict. In agreement with the views of the previous authors, Turner (2018) has suggested that differences in mediation and negotiation process of men and women can create much distinction in the outcome. However, the overall approaches remain similar irrespective of gender (i.e., male and female) because it is required to communicate with the members (disputant and victim) to reach an agreement.

According to Stuhlmacher and Morrisett (2008) views, it can be said that the learnable skills of mediation for resolving conflicts should be taught irrespective of the gender of the mediators. On that note, modern mediators are genuine in terms of succeeding with their claims. Moreover, it can be

challenging to find a friendly approach for the settlement of disputes as there are different types of problems associated with different victims. However, an appropriate technique of mediation helps to sustain satisfactory and acceptable outcomes, but the data is limited considering the role of gender in the mediation process. It is evident that research on gender differences in mediation is not conclusive due to the lack of appropriate data in the past studies conducted by the previous researcher (Stuhlmacher and Morrisett, 2008).

It is important to consider that the mediator's experience (irrespective of gender status) plays an important role when resolving a case. Furthermore, it is also important to consider the valuable professional experience of the mediator as this helps to resolve the conflict with a quick agreement. Turner (2018) has suggested that an essential understanding of women and men mediator's ability leads to a more peaceful perception for resolving the case of conflict. Furthermore, the mediation process is used as an alternative to the court based professional agreement for disputes among the personal abuses. These procedures may not be professional when it comes to results as women have a comparatively low level of payment, and they are overlooked in terms of their professional skills. Reinforcement of professional duties interconnected with the professional settlement in a mediation process of Ireland plays an important role (Al-Sharmani, Mustasaari and Ismail, 2017). Despite having differences between the male and female mediators in communication, there are some similarities too. For instance, the reputation and respect of a mediator play an important role. Hence, if a female or male mediator has a good reputation as well as past experiences, then they can undertake more conflict cases.

As stated by Boateng and Darkwa (2021), a lack of recognition of grassroots works for the mediators may lead to reputation issues as the female mediator may not get a sufficient number of cases. Moreover, this is applied for other cases also where part of the difficulty may exist with the cases. Additionally, if the mediators do not have appropriate recognition in society, then the parties may find it challenging to locate the outlets of the mediator. This scenario is applicable for both domestic and

foreign mediators as the opportunity to work as a mediator is limited due to the conceptualisation of the reputation.

Riley, (2020) has suggested that the promotion of mediation with private foundation and NGOs have a significant amount of positive impact to the mediation profession. On that note, the benefits of operating outside the inter-governmental and governmental rules are apparent because the female and male mediators both have to follow specific techniques, guidelines and mediation principles for the settlement of disputes. As stated by Riley and Murphy (2021), if the female mediators have credibility and respect, then they are likely to get a higher level of testing ground and approaches. Moreover, this leads to the generation and implementation of a new and better route for the settlement of disputes. On the other hand, Turner (2018) have suggested that there is also another route that involves mention where mediators assist the victim to take necessary steps to come to an agreement with the disputant (i.e., ending the relationship or separation). Hence, it can be stated that these routes are equally applicable for both male and female mediators.

Potter (2005) has suggested that the UN Security Council Resolution 1325 on women has not succeeded to fix the current issues due to the changing dynamics of today's peace processes. Hence, it is imperative to reaffirm the role of women in conflict resolution and the peacebuilding process. Consequently, the UN Security Council Resolution has been amended several times to align with the modern requirements of the dispute resolution process. Hence, the following resolutions were taken by the UN Security Council for the improvement of women participation in the mediation process (Peacemaker, 2021). 1820 (2008), 1888 (2009), 1889 (2009), 1960 (2010), 2106 (2013), 2122 (2013).

Hence, it can be stated that the participation of women is promoted by the United Nations for increasing the participation of women. On the other hand, Northern Ireland has experienced a clear difference in the working process between male and female mediators (Potter, 2005). For example, the women can portray the issue in a different way for sharing the power, gender issues, gender violence and other aspects. On that note, women mediator primarily focuses on the households that

sole female heads and the heart of achievement for long-lasting peace and stability. In agreement with the views of the previous authors, Riley (2020) has added that female mediators promote the human rights, social services, education, and security issues interrelated with the disarmament and reintegration process. Hence, it can be stated that the participation of women in strengthening society is a vital aspect.

Riley and Murphy (2021) have suggested that women often bring the issue in a distinctive way so that everyone can understand the seriousness of the issue. The authors have also stated that there is a difference between the communication style of men and women during the mediation process (Riley and Murphy, 2021). As a consequence of this, many people may have different opinions regarding the working process of the mediator. It is safe to consider wisdom and knowledge when providing mediation services. Furthermore, it is also required to consider the general patterns and working rules for preserving the absolute values of women within domestic disputes. In harmony with the views of the previous authors, Paffenholz, et al., (2016) have suggested that female mediators can be better at empathy, intuition, and listening. They can be less assertive when compared to the male mediators. On the other side, the male mediators can be more dominating, and they are less likely to consider the indirect cues. However, they are quicker when it comes to making a definitive decision than female mediators (Riley and Murphy, 2021).

In contrast to the views of the previous authors, Turner (2019) has argued that a mediator should understand the cultural differences, rituals and implicit rules when performing tasks related to family dispute resolution. Hence, it can be stated that the skills matter here (for understanding the rituals and culture) so that the mediator should have a good understanding of the skills. This helps to bridge the gap between cultural understanding and the disputes present in a conflict. However, men and women mediators have different terms when dealing with conflicts. This can also increase the sensitivity of

a conversational ritual for culture. Hence, cultural dimensions are equally crucial for both male and female mediators as this helps to develop highly psychological approaches in dispute resolution.

In a counterargument with the views of the previous authors, Paffenholz et al., (2016) have suggested that female mediators often use communication to transform and control a complex situation during conflict management. The mediation profession requires the ability to influence others, listen and understand the specific requirement of others. On the other hand, Turner (2019) have suggested that female mediators are often process-oriented, whereas the male mediators are leaner towards the process-oriented approaches. Generally, the senior mediators are run by the humanitarian dialogue as this is the constitutional part of the negotiation process, but a good negotiation process is expected to bring a good outcome for the long term.

The perception of the male mediator and female mediator may differ considering the unusual behaviour of the mediator (Stuhlmacher and Morrisett, 2008). Generally, prominent differences are observed within the communication techniques. For instance, the formulation of the statement within the dispute resolution process can be different. Formulation of communication includes basic listening, communication, and assurance skills for interpreting the differences found in the case of the parties. Hence, a male mediator may use a distinctive process than a female mediator. On that note, female mediators tend to use more adequate formulations. In contrast, the male mediators often focus on the control during the peace-making process so that there might be more clarification in the female mediator's approach.

2.4.1. Balance of power between men and women as mediators

In order to balance the power of negotiation between men and women as mediators, the Program on Negotiation (PON) is promoted across the Ireland and UK (Program on Negotiation, 2021). PON is

a university community, which aims to the development of tactics for conflict resolution. This community was established as a research project at Harvard Law School in 1983 (Program on Negotiation, 2021). As per this community, it can be stated that trust-building is one of the vital elements of the mediation process as this is the essential part of gaining information from the victim. Furthermore, this also helps the victim to recognise himself as a victim and encourages the victim to speak up against the disputant. However, it is not clear how and what techniques should be implemented in order to build the trust of the female and male mediators to improve the relationship.

The PON community is committed to the development of theory as well as practices of negotiation as this helps in nurturing the next generation. Moreover, the principles of negotiation taught in this community (by courses, special events, seminars, research and courses) can also be utilised during the mediation process as stated that Dinnar, S. and Susskind (2019) it can be said that negotiation is a mixture of art and science by which different areas of business, dispute settlement, government, economics, psychology and conflict resolution can be achieved.

The conflict-of-interest rates has increased in Ireland's society, and private negotiation (i.e. dispute resolution process via mediation) can effectively bring peaceful settlement of disputes. At PON community, the dispute negotiation process includes the teaching of possible negotiation by reduction of violence (both in mental and physical) (Program on Negotiation, 2021). According to the views of Bell and Valley (2020), it can be stated that knowing the process of negotiation can resolve the problem and build a new relationship between the disputant and victim. As a result of this, it can also help to manage the intractable disputes with a competency of mission while increasing the understanding of conflict management and the negotiation process.

As per article 33 of the charter of the UN, the peaceful settlement of disputes is referred to as the mediation process (Peacemaker.un.org, 2021). Generally, it is processed by the consent of the two parties for the prevention and management of conflicts by assisting the process. Generally, this

focuses on developing mutually acceptable agreements between the disputant and victim. Dinnar and Susskind, (2019) have suggested that it is essential to have a balance between the power of the male and female in a relationship as this helps to minimise conflicts related to interstate and intrastate. However, mediation is a voluntary process so that the participants can tackle the specific issues privately without going to the courts. In order to increase diversity in the mediation profession, the UN is constantly trying to promote the participation of female mediators in Ireland, the UK and other member countries of the UN. Thus, the UN has three resolutions of the General Assembly considering the greater level of practices for effective participation of women in the conflict mediation process. The peace-making efforts are required to be managed by the effective contribution of women and men in the participatory role in the mediation process to balance the peace-making process (Bell and Valley, 2020). As a result of this, the participation of female mediators in this process has increased so that the gender diversity has increased to 4 percent in Ireland (Riley, 2020). Furthermore, the gap between the aspiration global and regional commitments has reduced significantly in this peace-making process.

2.4.2 Women as mediator for building trust for assisting victim

'Feminist Perspectives on Evidence' was written by Mary Child and Louise Ellison; this book reflects on the communicational differences between the genders (Childs and Ellison, 2000). The authors represented that feminist evidence is a relatively new concept when it comes to the rapid development of the field of communication. Moreover, this also helps to understand the law of evidence considering the different approaches of the methodology adopted by the feminist. Childs and Ellison (2000) have further represented that this brings absolute proof of operations considering the substantive law for interpreting the social practices. On that note, the role of mediation is also a social practice in the field of ethical judgement for domestic violence. When it comes to building trust as a

mediator, the female mediator has to consider the issues involved with epistemology, psychology, allocation of risks and responsibilities, as these are the most pivotal element when it comes to making a decisive judgement. In agreement with the views of the previous authors, Barnes and Obeng (2021), it can be stated that the social construction of gender is reflected implicitly and explicitly for understanding the judgement made by others. There is no direct mention of the female role as a mediator but the published information on the field of communication, psychology, and epistemology can help to understand the implication of the female mediator. Moreover, this information can help to interpret the communication process made by the female mediator during the family dispute resolution process. On that note, it can also help to build a better relationship with the victim considering the discussion on the physical and mental abuse.

According to the views of Al-Sharmani, Mustasaari and Ismail, (2017), it can be stated that women suffer more abuse in the traditional court-based dispute resolution process so the mediation process can be an alternative as this offers privacy to the settlement process. On the other hand, it can also be difficult for a woman to explain the level of abuse to a male mediator. However, if the mediator is female, the female victim can easily discuss and disclose the abuse. Apart from that, the approaches and communication style of the female mediator plays a vital role when it comes to gaining the trust of a male victim (Childs and Ellison, 2000). A similar view has been opined by Anita Vestal in her book "Domestic Violence and Mediation: Concerns and Recommendations (2007) has suggested that domestic violence is frequent in family mediation as there are different types of violence.

Furthermore, the mediators have to be careful while asking a question to the victim as this may lead to a misunderstanding. For instance, the family relation councillors primarily focus on family violence. Nevertheless, if there is any problem with their evaluation process, then the case is referred to the co-mediation team. Usually, the co-mediation team consists of male and female-based mediation processes where parties can opt-out of the mediation without the fear of sanctions.

As per the views of Al-Sharmani, Mustasaari and Ismail, (2017), it can be stated that since domestic violence is a recurrent problem in the modern family dispute so that the family mediators are required to build trust as well as look for the potential causes of the domestic violence despite facing denials from both parties. In agreement with the views of the previous authors, Vestal, (2007) has suggested that the confrontation, calling the cops, seeking shelter from other family members and hiding from the spouse are the signs of an abusive relationship or violence present in the family. Generally, the abusive relationship is not disclosed to the mediator in majority of the cases due to lack of trust or any other reasons (Field and Crowe, 2017). In order to build trust, the mediator must interpret the potential for two cases considering the presence of domestic violence. Hence, the family mediator (male or female) must identify how to progress the case of mediation of a dispute process (Vestal, 2007). Apart from that, many male mediators may find it difficult to understand why a woman would put up with an abusive relationship due to a lack of experience in the abusive relationship as well as the dispute resolution process. However, a female mediator may find it easy to communicate with a woman who is suffering from an abusive relationship, as a woman may find it easy to communicate with a female mediator. Apart from that, if the female mediator has experience in the identification of abusive relationships, then she can easily identify by considering such signals as talked by Vestal, (2007). However, it can be a difficult time for a woman who is willing to separate legally and physically. Hence, this can be an effective way for building up a strong relationship with the parties.

2.4.3 Relevancy of women in domestic dispute resolution

According to Morris and Zubery (2020) views, it can be stated that the severity of the family disputes may increase along with time, and mediation can be an alternative process for preserving privacy while resolving the disputes among the partners. The female mediator is relatively new with the increase of contemporary domestic disputes among the partners (Mediators Beyond Borders, 2021).

On that note, mediation is the alternative dispute resolution process, which helps address the problems interlinked with the marital status of the family problems. This aims to provide a safe and unthreatening environment to the women for their grievances. Moreover, the participation of women as mediators has worked out as a satisfactory settlement between wife and husband considering the laws (Mediators Beyond Borders, 2021).

Additionally, the participation of women in the international family dispute resolution process helps encourage more women to participate in this job role. On that note, women currently running NGOs and supporting centres for counselling are interested in preserving the rights of others during the family dispute resolution process. United Nations Multilateral Working Group (UNMWG) aims to advocate for women for effective participation and representation in the collaborative peace-making process during the mediation process (Mediators Beyond Borders, 2021).

As opined by Koraei et al., (2018), it can be stated that the participation of women in peace-making requires dealing with the conflicts so that the women are interested in restoring the social fabric of the community while working as a mediator. Generally, the mediation practices to reach a peace agreement are carried out by men, but the participation of women is increasing in the mediation field. The formal mediation is to reach a peace agreement for the conflict management between couples. Contrary to the views of the previous authors Toews (2017), many traditional societies often overlook the role of women despite being active support provided by them to restore the social balance. Hence, it can be stated that the rise of women participation is increasing the society as peace-making is a sustainable process for building fairness within the community. Moreover, the participation of women as mediators increases fairness and equality in society.

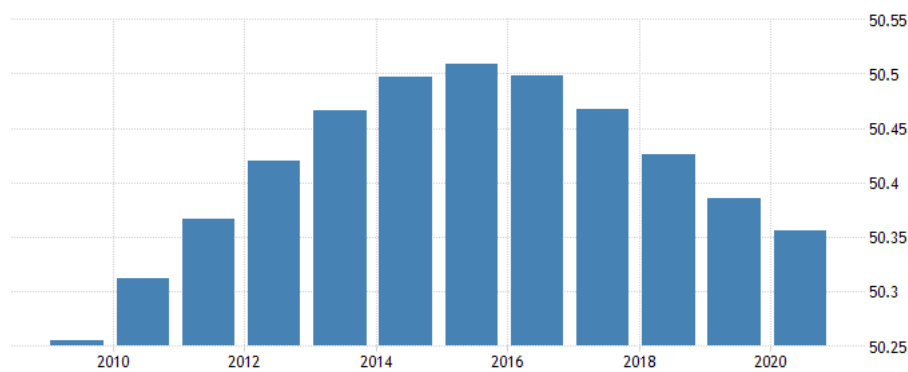


Figure 2: Shows the percentage of the total of women in Ireland.

(Source: Trading Economics, 2021)

It is evident from the above figure that the percentage of women in Ireland has been decreasing from the beginning of 2016 and onwards (Trading Economics, 2021). However, 50.35 percent of the total population in Ireland is represented by women. Hence, it can be stated that women make up half of the community, so their voices should be heard during the mediation process. As per the views of Morris and Zubery (2020), it can be stated that post-conflict societies should provide an opportunity for the fulfilment of their potential while working as a mediator. Hence, the rise of female mediators for the peace-making process should be appreciated during the negotiation process. The female mediators also reach a balanced agreement by considering the needs of women and children.



Figure 3: Shows men and women employment rate in Ireland from 2009 to 2019

(Source: Created by author; Cso.ie, 2021)

Figure 3 shows that women's participation in the workforce (employee and entrepreneur) in Ireland has been increasing from 2009 and onwards (Cso. i.e., 2021). Initially, the employment rate of women was 59.3 percent in 2009 that has increased to 63.7 percent in 2019 (Cso.ie, 2021). Hence, there is an increase of the female participation in last 10 years considering the change in the percentage of workforce.

As researched by Riley (2020), in his case study (Promoting women in peace mediation across the island of Ireland), it is evident that participation of women as mediators has a notable impact during the peace-making process as this brings a space for sharing experience as well as achievement. Moreover, the discussion on the peace mediation practices of women includes various challenges in the form of stereotype thinking, challenges and others (Riley, 2020). However, their experience in the mediation process is often overlooked due to the stereotypical thinking of the traditional society. Nevertheless, the author claimed that there is a high level of gender inequality when it comes to the role of mediator by the female (Riley, 2020). For example, Riley (2020) has studied only 4 percent participation of females as a mediator in Ireland. On the other hand, women also excel in communication and a high level of peace talks when it comes to resolving disputes at the grassroots level.

2.5. Impact of gender of the mediators to the domestic dispute resolution process

According to the views of Barnes and Obeng (2021), it can be stated that women communicate better than men when it comes to maintaining relationships and supporting the value of that relationship. In addition to that, women are also more responsible and supportive than men when it comes to sustaining communication. Hence, it can be avowed that, female mediators can foster cooperation rather than competition as they are better in the execution of non-verbal skills. In contrast to the views of the previous authors, Toews (2017) has argued that men are comparatively less responsible when

it comes to talking abstract and personal views. Normally, the men mediator less discloses the personal information. However, they are comparatively better than the women when it comes to mapping reading, special awareness and focusing on particular features. Thus, these qualities of men and women often help in their professional code of practices.

On the other hand, Pynchon (2017) has suggested that men often seek self-reliance and power for the execution of the mediation process. Furthermore, the status and independence of men involve less amount of eye-contact when resolving a dispute in a family than female mediators. Generally, women are the victims of domestic disputes in Ireland, so much language and communication skills of women are likely to provide a better advantage to the female mediators. The female superiority in the dispute resolution process (or mediation) process requires more participation of female mediators. The interactions of smooth, fluent, and social bindings are fundamental terms for enhancing appropriate services.

As stated by Carroll QC (2013), it can be stated that the parties prefer female mediation when it comes to domestic dispute resolution of emotional cases. On the other hand, the parties also prefer the men when it comes to resolving a case with a robust style. Generally, sexual discrimination and other family disputes are often handled by the male mediator as this has been the preference of the parties. The parties are often sceptical about the skills of the women when it comes to counterbalancing the disparity as well as adding progress to the dispute resolution for the minimisation of the imbalance (Carroll QC, 2013). Hence, it can be stated that the dispute resolution process is currently dominated by male mediators as parties prefer them for a robust process. On the other side, when it comes to the emotional dispute resolution process, the parties prefer the female mediator (Carroll QC, 2013). It can be also stated that the percentage of female mediators are still low when compared to that of the male mediators. However, the growth in female participation is evidence of momentum in the female participation in the mediation role (Carroll QC, 2013). However, the parties in the case of more

complex family disputes often seek assistance from the male mediator for driving a robust solution to these disputes.

On the other hand, Stuhlmacher and Morrisett (2008) have suggested that the additional barriers and challenges may co-exist for women in the mediation profession compared to that of the men. Furthermore, the practice of mediation and training can be a significant factor in assessing the efficiency of the women mediators during the family dispute resolution process in Ireland. The study conducted by Stuhlmacher and Morrisett (2008) also represented that the male mediators are more perceived when compared to that of the female mediators for the family dispute resolution process. However, the perception of the parties matters a lot when it comes to understanding the unconscious biases in people's minds to interpret how females are viewed as mediators.

2.5.1 Impact of public policies to the domestic dispute resolution process

As per the views of Barry (2017), it can be stated that one out of every five women in Ireland has experienced domestic violence in the form of mental and physical abuse, which results in a higher number of domestic disputes, court cases and disputes. However, the remarkable effects on the financial barriers to women are a major limiting factor in domestic disputes. Moreover, the women are also seeking legal protection from the court as well as the traditional mediation process. The commitment of Tánaiste and Minister for Justice Frances Fitzgerald has represented that domestic abuse is an undeniable fact. The automatic requirement to deal with the experience in domestic abuse can make a financial contribution before receiving any legal advice or suggestions. Hence, it can be stated that the trustworthiness and experience of the mediator matters a lot when it comes to the empowerment of the victim without the need for any new legal procedures or law (Barry, 2017). The minister of the department of Justice of Ireland has suggested that domestic violence perceive a

danger in many homes of Ireland. Furthermore, it is also noted that domestic violence has no spectators because it is required to consider the need for help from the professional to address the need of the women during domestic conflicts. Hence, it can be stated that the empowerment of victims refers to providing appropriate support for assisting people in domestic violence. In other words, empowerment refers to supporting as well as finding out a way to stop domestic violence with the aid of human experiences.

In agreement with the views of the previous authors, Conneely and O'Shea (2019) have suggested court-based legal remedies (such as protection, safety, barring orders and enhancement of protection) can be used for the empowerment of the victim. Generally, these remedies are developed on the basis of the domestic violence bill in Ireland when it comes to protecting and empowering the victim from domestic disputes. Civil laws are also playing an important role when it comes to delivering access to the courts and the legal system during the protection of the people in the bill. The financial contribution is an essential element of the traditional legal process for clearing domestic violence, including hardship grounds. The legal aid board has recognised the specific needs of the people when it comes to experiencing domestic violence practices. Generally, the empowerment of the victim in the domestic violence process requires access to speak with a solicitor with a minimum contribution of €30 for legal advice (Barry, 2017). Hence, the payment is changed to €130 based on weekly social welfare payments for the dispute resolution process (Barry, 2017). Furthermore, the civil law was amended for waiving the fees on the basis of failure to have an undue hardship to the applicant. However, it is not clear how such undue hardship is going to be interpreted by the victim, and such waive payments are not automatically applied to domestic dispute resolution cases.

As per the statistics published by the United Nations, only 3% of the parties are women, but no female members are appointed as the peace mediator in the UN-sponsored peace talks. Hence, it can be said that the initiatives from the UN lack when it comes to the improvement of the peace agreement in

Ireland and other countries (Carroll QC, 2013). Therefore, it can be stated that under-representation of the women in mediation and peace talks is a major limiting factor. Hence, the diplomacy of the male mediator has remained at the top for the years, but recently the participation of the female has been increasing in the mediation process. Therefore, participation of women in peace making process and mediation further increases the diversity of this profession as the gap between male and female mediator is reduced.

2.6. Literature gap

It can be summarised from the above literature study that the majority of the studies has talked in general about the participation of male and female mediator as very few studies have talked about the specific case of Ireland. Apart from that, the past studies also lack specific information on the gender diversity of the mediators. The past studies also lack specific direction for the critical assessment of the role of female and male mediators in Ireland for dispute settlement. However, preference on gender for mediators for the case of Ireland is not broadly analysed in the past studies.

2.7. Summary of literature

It can be summarised from the above discussion of past studies on the mediation process that there is a wide array of participation of male and female members in the mediation process. However, trust-building is one of the vital elements for the mediation process as this helps to identify the hidden clues from the victim even if they deny. It is also observed from the past studies that most women are the victim in domestic violence cases.

On the other hand, it is also evident from the past literature that the mediation profession depends on the communication skills, formulation and overall approaches in the dispute settlement process. There is active support from various communities for skill enhancement and balancing the power between men and women for the negotiation process. On the other hand, UN has taken necessary resolutions to promote the participation of women as mediator because male mediators were widely recognised within Ireland as well as the worldwide (i.e., partner countries of the UN). Ireland is also included within this as this is the partner country of the United Nations.

It can also be summarised from the above literature review that the women mediators are preferred by the parties when it comes to emotional dispute resolution. On the other hand, male mediators are preferred by the parties for the robust and structured dispute resolution in family disputes. However, this study seeks to identify the gender preference by the Irish citizens when it comes to family dispute resolutions.

2.7.1. Conceptual framework

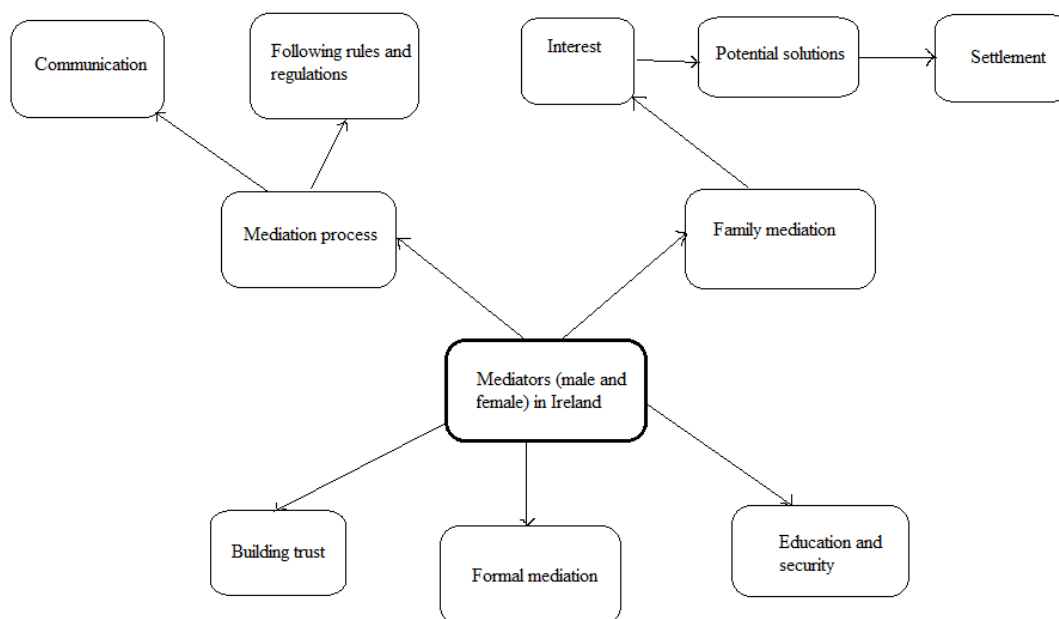


Figure 4: Conceptual framework

(Source: Created by author)

The role of mediators can be a complex process as there are robust responsibilities involving education, security, building trust and others for the family dispute resolution process. Generally, a mediator has to follow the interest of the participants for development of potential solutions to settle the disputes. Additionally, the female mediator in Ireland has to be very specific with regards to the communication to understand the hidden abuse within the relationship. On the other hand, the male mediators are straight forward when it comes to assessment of the facts. Thus, the gender preference may depend on how a mediator builds trust with formal mediation, education and security.

Chapter 3: Research Methodology and methods

3.1. Introduction

In this chapter, the researcher outlines the methodological avenues used to collect valid and relevant information to investigate whether the gender of the mediator influences the resolution of domestic disputes. Thus, the researcher outlines the philosophy, approaches, strategies, and options most appropriate for this research framework. The researcher also outlines the sampling techniques, sample size, data collection tactics and data analysis techniques used to collect, analyse, and interpret the information.

3.2. Research onion

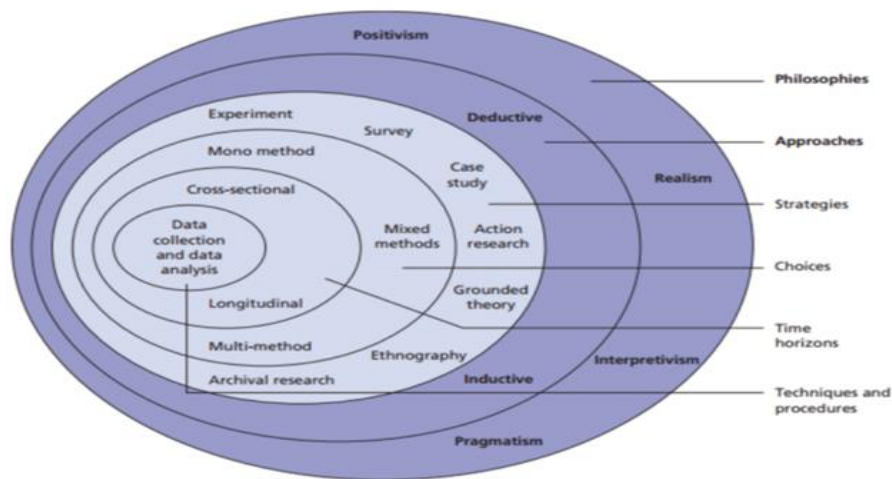


Figure 5: Shows the research onion

(Source: Saunders, Thornhill, & Lewis, 2009)

(Saunders, Thornhill, & Lewis, 2009) The onion developed by these authors shows in a simple and easy way to understand level the different stages and techniques the researcher will have to go through to collect data and reach a valid conclusion in a research study.

A wide range of options is given, from the outside, the philosophy, to the inside, the practical part. The researcher selects the most appropriate or suitable methodology for his or her research.

3.3. Research Philosophies

For this study, the researcher uses interpretivism research philosophy for the methodological path on the assessment of the role of mediators in domestic disputes.

Kennedy, (2017) has suggested that philosophies are the common assumptions or beliefs, which are used for data collection, analysis and interpretation of underlying meaning. Regularly, philosophies are classified into three main fragments such as pragmatism, interpretivism, realism and positivism. Positivism is adopted when an observation is adopted to understand the social phenomena, while interpretivism focuses on assessment of differences between the human as social actors (Melnikovas, 2018). Therefore, positivism is highly structured, whereas interpretivism focuses on the interpretation of different social factors (Mohajan, 2018). Thus, interpretivism allows using both qualitative and quantitative data for understanding social phenomena.

Appropriateness of interpretivism philosophy

Budianto, (2020) has suggested that interpretivism philosophy focuses on understanding the existence of differences across different groups. Currently, this study investigates the gender of mediators and their influence on domestic dispute resolution in Ireland. The roles may not be broadly different across the male and female for the mediation process (Melnikovas, 2018). In the interpretivism

philosophy, the researcher has to perform a subjective role for the collection of primary data related to the settlement of domestic disputes by the mediator considering the distinctive working style of male and female mediators (Nayak and Singh, 2021). Additionally, the researcher collects qualitative data with the application of interpretivism philosophy as this helps to answer the research questions of ‘Does the gender of mediators influence the resolution of domestic disputes in Ireland?’ (Alharahsheh and Pius, 2020).

According to the views of Mohajan, (2018) positivism also allows the researcher to gather ideas from the past literature studies for the development of a hypothesis out of it so that this can be confirmed or rejected later. The researcher also plays an objective role during the data collection and analysis process so that the information regarding the influence of the gender of the mediator on dispute resolution in Ireland is not manipulated (Kennedy, 2017).

Realism strongly emphasises on the disclosure of reality and truth about a phenomenon, which is independent of the human mind (Kennedy, 2017). The realism is not suitable for this study as this study focuses on finding out a common pattern within the social groups and then compares it with the past studies to find out similarities and differences. As per the pragmatism approach, the research question is considered as most vital element of research, so different points of view may arise to that common question (Kaushik and Walsh, 2019). Furthermore, the researchers are required to modify the assumptions over time in order to find out new perceptions. Hence, it can be stated that the interpretivism philosophy is the best suited philosophy for this study and the researcher has rejected other philosophies (realism, interpretivism and pragmatism).

3.4. Research approaches

The researcher uses an inductive approach under the guidelines of interpretivism philosophy to understand the influence of gender of the mediator on domestic dispute resolution.

According to the views of Benitez-Correa, Gonzalez-Torres and Vargas-Saritama, (2019) the approach is distinguished as deductive, inductive and adductive depending on the relevance of plan and procedures of data gathering, evaluating and interpretation. On the one hand, the deductive approach is described as reasoning from general to specific (Melnikovas, 2018). Usually, hypotheses are developed by considering past literature studies under the deductive approach, while observation is used to confirm or reject the hypothesis. On the other hand, the inductive approach starts with observation to find out common patterns within the information to reach a valid conclusion. This approach follows specific to general approach within the data by observing such common patterns (Kaushik and Walsh, 2019).

Appropriateness of inductive approach

In this research study, the researcher uses the inductive approach for collecting a large amount of data on the mediator's role for dispute settlement for reaching a valid conclusion. According to the views of Vargas-Saritama (2019), the inductive approach helps the researcher to collect primary qualitative and quantitative data combined with the interpretivism philosophy to investigate the new dimensions (group-specific) information on the mediator's role for dispute resolution (Lee and Lin, 2019). By using the inductive approach, the researcher is free to move the direction of the study to find a specific conclusion out of the collected data, and this is regarded as the advantage of the inductive approach. Contrary to the previous authors' views, Ní Dhiorbháin and Ó Duibhir (2017) have argued that interpretivism does not stop the researcher from collecting ideas from past studies to form research questions. Patterns, resemblances and regularities within the qualitative data for the mediator's role are used to reach conclusions, which are best observed with the inductive approach. However, the main disadvantage of inductive reasoning is that the data needs to be well organised for the accurate formulation of conclusions (Lee and Lin, 2019). However, this study is not going to address the causal relationships between concepts and variables related to the gender preference among disputants to

conduct mediation, so the deductive approach is not used here. Furthermore, the deductive approach mainly uses quantitative measurement tools for understanding the phenomena (Istiqomah and Al-Badrani, (2020). The inductive approach helps the researcher find and interpret different elements associated with the role of mediators (such as trust-building, communication, negotiation, hidden clues, formulation, and others) from qualitative data (Dinnar and Susskind, 2019).

3.5. Research strategies

The researcher uses the interview as a research strategy for this study involving investigation on the influence from the gender of the mediator specific to female or male preference during the dispute resolution process.



Figure 6: Shows the different choices of research strategy

(Source: Cuervo-Cazurra, et al., 2017)

Cuervo-Cazurra, et al., (2017) have suggested that the research strategy is the overall plan for conducting an investigation with a collection of information from various sources. In other words, a

research study provides guidelines on planning, conducting and monitoring the study, so this helps at performing specific tasks. There are seven types of research strategies that can be followed in an investigation study (Cuervo-Cazurra, et al., 2017). The experimental research strategy is used for testing hypotheses when the approach is deductive. According to the views of Erro-Garcés and Alfaro-Tanco (2020), action research starts with the problem by participatory role for resolving the issue.

In contrast, in grounded theory, the researcher follows the methodological path of research for gathering valid information. Archival Research is considered to be exploratory, where the investigation is done when the theory is developed (Snyder, 2019). A survey is a collection of data from a large number of populations (i.e., sample) with the use of different techniques.

Appropriateness of interview research strategy

This study investigates different dimensions involving the role of mediators, empowerment of victims and preference of male or female mediators among the disputant during the domestic dispute resolution process. Thus, this study requires observing the behaviour and views of the mediators (Cuervo-Cazurra et al., 2017). Thus, the researcher also uses interviews to gather qualitative (or descriptive) views on gender preference and empowerment of victims during the domestic dispute resolution process (Erro-Garcés and Alfaro-Tanco, 2020). The third objective focuses explicitly on the gender preference among disputants to conduct mediation in domestic disputes, which requires gathering descriptive viewpoints of participants. However, the researcher has not considered case study research design and action research as this might limit the investigation to a specific group or culture (Erro-Garcés and Alfaro-Tanco, 2020). Therefore, the interview research strategy is the best fit because other research strategies (i.e. experiment, action research and archival research) may not guarantee to cover such a wide range of sample populations (Snyder, 2019).

3.6. Research Choices

For this research, the mono method of data collection is used that involves the use of qualitative data by conducting interviews of some mediators of Ireland.

According to the views of Osobajo and Moore, (2017) it can be said that research choices are the techniques that create a distinction between the use of qualitative and quantitative data for conducting the research. The research choices can be classified into three dimensions such as mono method, mixed-method and multi-method for data collection. Mono method of research choice represents the use of data from only one source (either qualitative or quantitative) (Osobajo and Moore, 2017). On the other hand, the mixed method of research choice represents qualitative and quantitative data collection techniques.

Appropriateness of mono method of study

In this study, the researcher uses the mono method involving qualitative sources of information. For primary qualitative data, the researcher has conducted interviews of female and male mediators practising in Ireland (Ørngreen and Levinsen, 2017). Furthermore, the selection of mixed-method is not adopted here as this may not be appropriate to address the research questions involving the gender of the mediators for building trust and preference for the dispute resolution process. According to the views of Claassen, Blignaut and Cronjé (2020), it can be stated that use of mixed method can assist to understand the contradictions between the results of qualitative and quantitative data. Furthermore, the mono method of study also provides a steady ground to the participants along with their experiences on the social phenomena of the female mediator in Ireland. In contrast to the views of the previous authors, Kuijpers, Lukosch and Verbraeck, (2019) have argued that mixed-method of data collection technique requires a transformation of information to an interpretable form. Thus, the

researcher conducts an interview to collect the qualitative information because a mixed-method of study can be a time-consuming process.

On the other hand, the multi-method of data collection is not utilised by the researcher as this requires the selection of multiple sources such as primary qualitative, primary quantitative and secondary data from various sources for reflecting upon the role of mediators in Ireland (Chereni, Sliuzas and Flacke, 2020). Apart from that, use of multiple methods can be a very complex process as this requires expert knowledge to collect, interpret and analyse the information (Ragab and Arisha, 2018). Hence, combining data from different sources requires extra effort, money and time, so the multi-method is not selected. The mono method of data collection technique is selected for this study as this only portrays the single dimension of the qualitative data.

3.7. Time horizons

The researcher uses cross-sectional research for the collection of both primary qualitative and quantitative data from the sources.

According to the views of Abshire, et al. (2017), it can be affirmed that time horizons is a layer of research onion that defines the time frame of data collection. It can be stated that the time horizons can be distinguished as cross-sectional and longitudinal. On the one hand, longitudinal research refers to the data collection for an extended period of time (Lesener, Gussy and Wolter, 2019). On the other hand, the cross-sectional study refers to the data collection within a specific point of time. Hence, the cross-sectional study is often used for short term research, whereas the longitudinal study is more widely used for large scale investigation.

Appropriateness of cross-sectional data

The cross-sectional study refers to the data collection from different individuals at a single point in time (Lesener, Gusy and Wolter, 2019). Therefore, the cross-sectional study captures the views of the participants, so the change within the perception of the participants is not recorded within this timeframe study (Abshire et al., 2017).

3.8. Sampling techniques and sampling size

According to the views of Campanale et al., (2020) it can be stated that the sampling techniques are a scientific method of selection of participants for the research. There are two methods (such as probability-based and non-probability-based sampling) by which sampling techniques are implemented. On the one hand, the probability sampling technique refers to the sampling technique, which gives equal opportunity to the sample population for selection as respondents. On the other hand, the non-probability-based techniques do not provide equal opportunity to the sample population to get elected as respondents.

The researcher uses ‘quota’ sampling technique from the non-probability-based sampling techniques in order to select the mediators from Ireland to collect qualitative data. The researcher has followed the criteria of selecting the right amount of interview participants for this study. Hence, the criterion for the quota sampling is as follows.

- The mediators should have experience on the mediation process for more than 3 years.
- The mediators should have handled more than 100 cases of family disputes in Ireland.
- The mediators must have experience of 1 year in the mediation firm before practicing individually in the Ireland dispute resolution process.

- The mediators should have a good reputation and trust in the dispute resolution of Ireland cases.

The researcher has conducted a comparative study with the opinions from the female mediators as well as male mediators in the interview to understand the gender preference during the domestic dispute resolution in Ireland. Thus, the researcher conducts an interview of eight family mediators, out of which 5 are male and 3 are female mediators.

The conduct of this research has been met with a high non-response rate. A total of 116 emails were sent to mediators inviting them to be part of the research. Of this sample, 86.20% (100) did not respond, 9.48% (11) responded yes. However, 27.27% did not respond to the second email with the tentative dates. The remaining 4.31% responded no. For various reasons, 60% did not work in family mediation, 20% despite the fact of being interested in the subject of this research, did not have the necessary experience. The other 20% were not available during September when this researcher conducted the interviews.

Although a high non-response or even refusal rate was anticipated, it was not expected that the final number of interviewees would be 6.90% of the total sample selected.

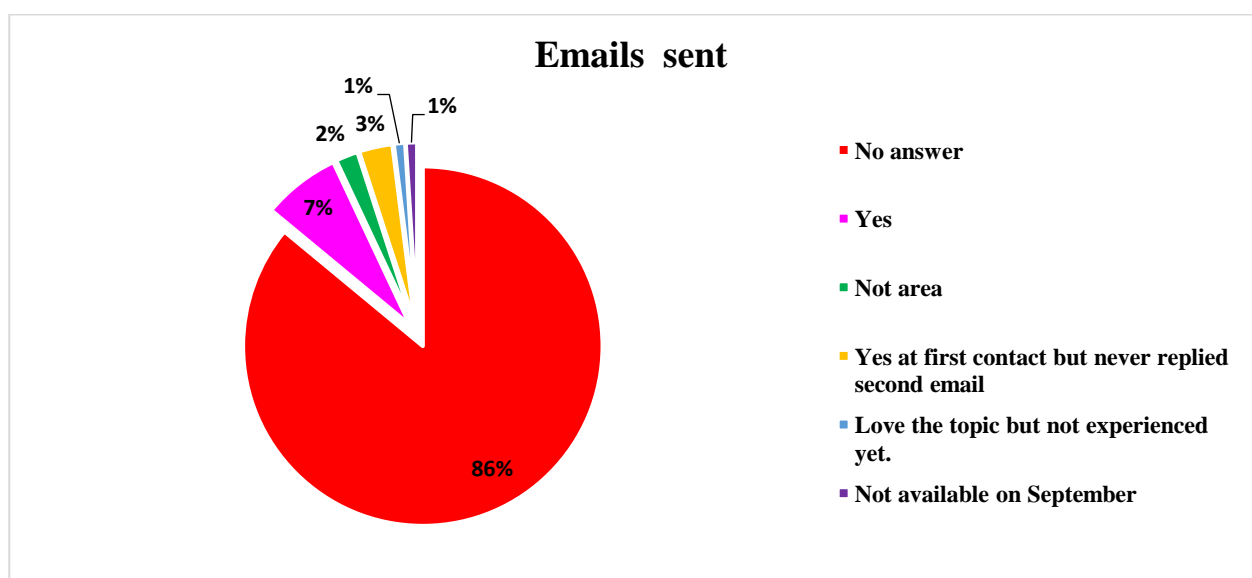


Figure 7: Shows the difficulties encountered

(Source: Created by author)

3.9. Data collection techniques

The researcher has used primary qualitative data for a collection of descriptive information on the gender preference for the mediation process in Ireland.

As opined by Clark and Vealé (2018), the data collection technique refers to the use of different sources to gather appropriate information for finding any new insights on the information. Generally, the data collection techniques are classified into two parts such as primary data collection and secondary data collection. Primary data is collected by conducting interviews and surveys, whereas secondary data is gathered from readably available sources.

For the secondary data collection, the researcher has collected information from books, mainly oriented in mediation, family mediation and research methods; newspapers, like the Irish Times; online sites, for example, the very well-known Mediation Beyond Borders, Mediate.com Law Society and Program on Negotiation at Harvard Law School; Google Scholar where the researcher had access to journals, primarily legal.

According to Walliman (2018), there is no project that can be achieved on its own. Furthermore, this author stated that it has advantages. For example, the information collected has more money and time invested because big companies generally do this type of research with more resources than a sole researcher.

Primary data was collected through interviews with mediators in Ireland. As mediators in Ireland are a large group of individuals, a representative sample of the population should be taken, i.e. sampling. As Walliman (2017) states, to have the entire population respond would be not only time-consuming but also cost much money.

The population selected by the researcher for this investigation was women and men mediators in Ireland, which names and contact details were found on the website of the Institute of Mediators in

Ireland. The site provides a list of all mediators. In this case, the researcher was interested in the opinion of mediators who do family mediation. The site allows filtering by some conditions as what speciality of mediation, forename and surname, the location. The site gives the results in alphabetical order. The researcher created an excel were organized by columns name, email, and experience. It is worth mentioning that at first, the research was oriented towards the role of women, so the first selection was of women mediators, then the researcher decided to broaden the topic a little more so that the research would not run the risk of being seen as biased. So, in a second instance, a list of 40 male mediators was added to the excel. With this list of 95 mediators, personalized emails were sent. Two weeks went by, and there were not the number of responses from women that the researcher expected to make an equitable primary collection. Therefore, the researcher decided to add 21 women mediators to the original list.

Once the mediators responded to the email many times with tentative dates. The researcher created the zoom link, proceeded to send the email with the subject line detailing the day and time of the meeting, in the body of the email, the link was copied, it was also mentioned that two files were attached, one with the interview questions and the other the consent form for the authorization of the data collection.

On the day agreed upon between the interviewee and the interviewer, the meeting took place via zoom. For this, the researcher opened the room about 5 minutes before. Once the interviewee was connected, the interviewer thanked him for his time and even though a consent form had already been signed, he asked if the interview could be recorded and then proceeded with the interview.

Appropriateness of primary qualitative data

The qualitative data helps the researcher to represent the descriptive view on the role of mediators during the domestic dispute resolution process. In addition to that, the researcher can also reflect the

gender preference (male or female mediators) during the mediation process of Ireland. Ditchfield and Meredith (2018) have suggested that qualitative data provides more valuable insights than quantitative data. Hence, the researcher can reflect more in-depth on gender preference within the mediation process of Ireland. Furthermore, the imposition problem of handling a large-scale respondent of the primary quantitative data can be a hectic process. Apart from that, there is also the chance of duplication within the quantitative data, but this is not possible with the qualitative data.

On the other side of the spectrum, the roles of mediators and gender preference are to be best described by themselves, so it is essential to collect their views and analyse that in this study (Omona, 2018). Apart from that, the researcher can ask specific questions regarding building trust, communication style, formulation, identification of hidden clues, physical abuse, mental abuse and others to the sample population as well as the mediators in Ireland (Riley, 2020).

Furthermore, this study involves investigating the gender of the mediator with respect to building trust, communication and other aspects for understanding the emergence of male and female mediators in Ireland and their preferences. Hence, the primary qualitative data is well suited here, considering the descriptive information on the role of mediators in dispute resolution as well as gender preference in that process. On that note, the researcher may interpret the social and psychological behaviour of the female mediators during the settlement of domestic disputes (Kaushik and Walsh, 2019). Within this approach, the researcher aims to generate the underlying meaning of the data by narrowing down the patterns and relationships, as this helps build a new theory.

3.10. Data analysis techniques

Data analysis is an essential part of a dissertation because this helps to draw valuable insights from the information. For this study, the researcher has used thematic analysis to synthesise, analyse and evaluate the qualitative data. Castleberry and Nolen (2018) have suggested that thematic analysis is

a holistic approach when it comes to analysing the self-explanatory qualitative data. With the use of thematic analysis, the researcher can provide visually appealing information to reflect on the gender preference, the role of mediators and female preference when it comes to the mediation process of Ireland (Alase, 2017). Thematic analysis is very assistive when it comes to the evaluation of the role of the female mediators in the domestic dispute resolution process, as discussed by Castleberry and Nolen (2018). In addition to that, the researcher will develop different themes from the objectives and then critically analyse the views of different mediators (i.e., respondents) for reflecting on those themes. Thus, the thematic analysis is the best suited analytical approach for evaluating qualitative information (i.e., transcripts of the interview participants).

3.11. Ethical consideration

Morley et al., (2020) have suggested that the ethics in research study represents a scientific morality in practice. Additionally, the ethical guidelines and practices of the researcher follow the basic norms and values of the research community. Thus, the ethical guidelines are based on primary moral duties, societal values and other areas. The researcher maintains ethical integrity, honesty and fairness during the data collection, analysis and interpretation stages of this dissertation. Furthermore, the private information about the contact details, address and name of the mediators are not published in this investigation to keep them anonymous (Golder et al., 2017). The information collected from the respondents is secured with the aid of Data Protection act 2018. Hence, the biasness and ethical issues are ignored by considering the ethical guidelines.

3.12. Summary of methods

Research methods	Selection
Philosophy	Interpretivism
Approaches	Inductive
Strategy	Interview
Choice	Mono
Time frame	Cross-sectional
Data collection	Primary qualitative
Data analysis	Thematic analysis
Sampling technique	Quota sampling
Sample size	8 mediators of Ireland (5 male and 3 female)

Table 1: Summary of methodology

(Source: author)

Chapter 4: Presentation of the Data

4.1. Introduction

This chapter will explain the process carried out in this research. In the previous chapter, the researcher explained in detail the process of selecting the sample, how it was contacted and the follow-up with the eight mediators who agreed to participate in this research. In this chapter, there will be a detailed explanation of each question, the objective of each question and how they relate to the objective of this research. For this purpose, it was decided to make coding for a better understanding of the reader, accompanying it not only with graphs but also with fragments of the answers given by the interviewees.

4.2. Data Management

The sample is composed of eight mediators, five males and three females. This researcher believes that it would be best to assign labels for a better understanding of all the primary data collected. Therefore, the first label assigned was to assign a code to the respondents, as shown in Table 2.

Code	Meaning
M1F	Mediator one female
M2M	Mediator two male
M3M	Mediator three female
M5F	Mediator five female
M6M	Mediator six male
M7M	Mediator seven male

M8M	Mediator eight male
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Table 2: Coding for Interviews

(Source: author)

Sometimes the interviewer asked closed questions where the answers would be yes, no and sometimes. Hence, to better understand the information collected, this researcher designated the answers with a number. These numbers do not have any ordinal value but rather a nominal number, from 1 to 3, as can be seen in the table below.

Code	Meaning
1	Yes
2	No
3	Sometimes

Table 3: Code for close questions

(Source: author)

4.3. Interview

The interview was intended to last a maximum of half an hour, which was the time respondents were told when they were contacted by email.

Six questions were prepared with the following objective: the first two were to get to know the mediator, his background, his working style. From the third question onwards, questions were asked in order to link the mediator's experience with the objectives of this research.

Question one: For how long have you been a mediator? Is there any special case that you remember?

Objective: As these were people that the researcher did not know and the first contact had been by email, it was a question to get to know the interviewee, get them in its comfort zone, so that they could start talking about something they know, to make them feel comfortable. Asking about an anecdote to remember a case aims to connect the interviewers with his or her emotional side and to be able to generate some empathy and trust with the interviewer.

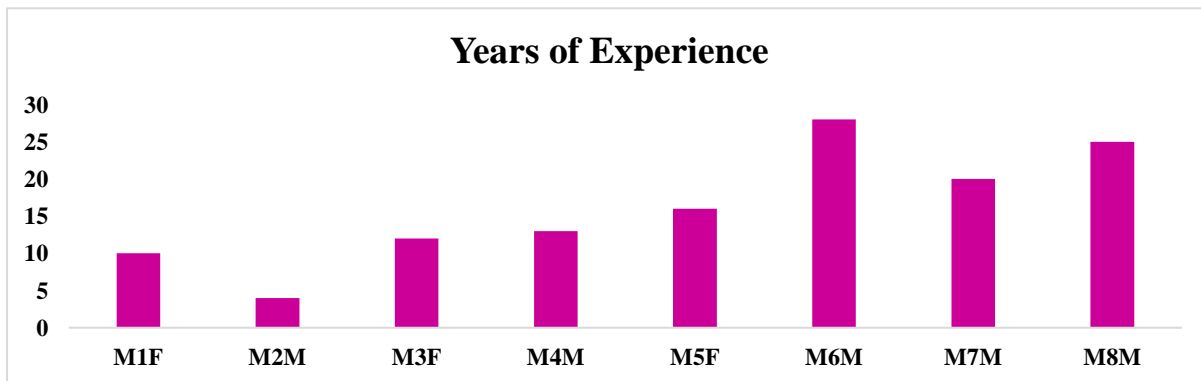


Figure 8: Shows the years of experience of each mediator

(Source: Created by author)

Question two: Have you ever worked with another colleague in a co-mediation?

Objective: This question was asked to link what was collected in the secondary and primary collections. That is what the theory says. For example, as mentioned in a previous chapter "Balance of Power Between men and women as mediators"¹, as stated by Dinnar and Susskind (2019), it is crucial to maintain the balance of power between men and women. Therefore, the researcher wants to know whether, for mediators, the balance of power is essential not only towards the parties but in the process per se, i.e., whether in their experience they feel more comfortable co-mediating with a person of the opposite sex. Moreover, at the same time, to detect what the parties perceive from their experience.

¹ See Chapter 2.4.1

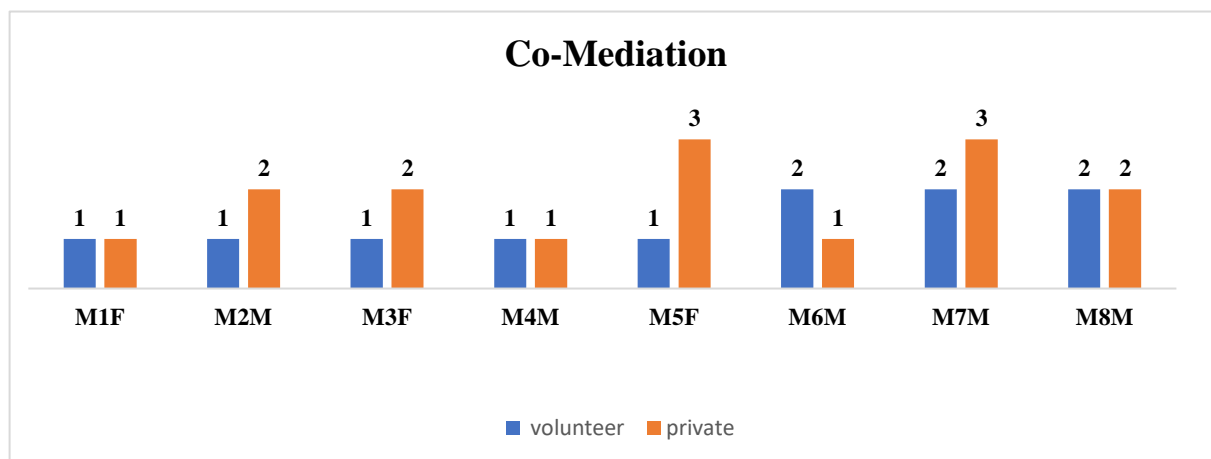


Figure 9: Shows experience of each mediator in co-mediation either in their volunteer or private practise
(Source: Created by author)

Question three: Was there any specific case that you detected as domestic abuse?

Objective: This question is oriented, first of all, to enter directly into the subject of the present research and also to be able to link it with one of the objectives "To identify what is the role of mediators in Domestic Disputes". Although this objective is a bit more generic, the researcher expects the mediator to answer the question by specifying the steps of mediation, pre-mediation meetings, and all those steps carried out in mediation. Furthermore, what is the role of the mediator in the whole process and what skills are needed to be able to detect a case of domestic abuse? As an example, the researcher copies answer below from M1F, M2M:

M1F *"I do, definitely, that was a case that didn't finish because my Co- mediator and I stopped it. It was a very sad case in my view but there was a couple who were not Irish, and they were from the east and we always in Coolock we always screen for violence, and I do in my private practise we never launch into a mediation without screening for violence just because by law here we have to report if there is violence, you see that's a crime".*

M2M *"I won't bring the parties together I won't put in the same room if I'm not satisfied that it's not going to be a safe place for them and that's never 50-50 that's always that's all it is always a step change between the two parties"*

Question four: Was there any specific case that the victim of domestic abuse had the courage to talk to you about?

Objective: This question aims to determine whether mediation helps victims of domestic disputes to trust the process and whether it is possible to establish a bond of trust, which leads to the empowerment of the victim.

It also aims to answer one of the objectives of this research.

M3F “Yes, that it would have been more about emotional abuse, but you have to do a lot of cleaning up the layers to get that out you know it’s just they feel so safe then just saying how they feel different kind of. Yes, it’s happened number of times it would be emotional abuse and sometimes the financial abuse they may have been able to say it you know”.

M4M “Yes, when you have separating couples I think there’s a male and female perspective and you know females sometimes confide in the mediators about physical or sexual violence in the past and the male parties may confide in verbal or emotional abused with the partners so so in my experience male and female can suffer from abuse in relationships to degree after so many stress that the relationship you have to get out of the relationship and even when they’re out of the relationship it’s difficult for them to be in the same room or to have a phone call or even text messages even to look after children”

Question five: Do you think that your gender helps in trust building with the victim?

Objective: The aim here is that the responses of each mediator can offer elements that help the researcher to reach a conclusion in order to answer the research question. It also aims to determine two of the researcher's stated objectives, precisely to determine the mediator's role in the mediation process and whether there is any gender preference among the disputants as to who conducts the mediation.

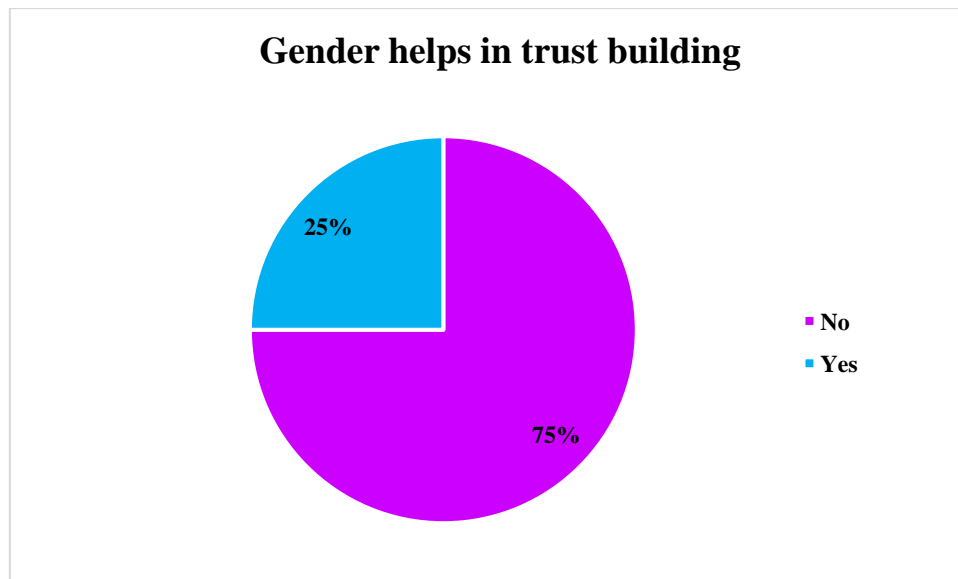


Figure 10: Shows response of each mediator if they consider gender relates to the process.

(Source: Created by author)

M7M “In my experience it doesn’t influence. Probably, is very personal. People might find easier build trust or connect if they find on the mediator an expression of calmness, warmth”.

M8M “Not at all. No matter who you are or what you are if you don’t judge, if you are able to feel their pain, you can overcome the difference”.

Question Six: Did the victim recognize him/herself as a victim?

Objective: This question is aimed at hearing the mediator's opinion and perspective on one of the disputants. The researcher sees it as a summary of what each interviewee was saying about the whole mediation process.

M1F “No they don’t always that is the problem but again it’s not our job to make them feel the victim either we have to be very very careful”.

M4M “I think, I think they do see themselves as victims, but I think I think the other person doesn’t sometimes see themselves as perpetrator they see things differently”.

Chapter 5: Data Analysis/Findings

5.1 Introduction

This chapter will analyse the data collected through the responses obtained from the interviews conducted with eight mediators. Although the six questions provided value to the research, question number five, "Do you think that your gender helps in trust-building with the victim?" played a vital role for this research, not only because the data collected helped to have more information to answer the research question but also because the different reasons why the mediator answered yes or no can be observed.

5.2 Location

This research aimed to conduct interviews with mediators from all over Ireland, and not just the opinions of mediators in Dublin, as being the country's capital, there are perhaps factors that can change. While no question was geared towards the place of work or residence, question one, which aimed to get to know the interviewee in more detail and their experience, revealed where each mediator was based. One respondent mentioned place of work as one of the factors that people take into account when choosing a mediator.

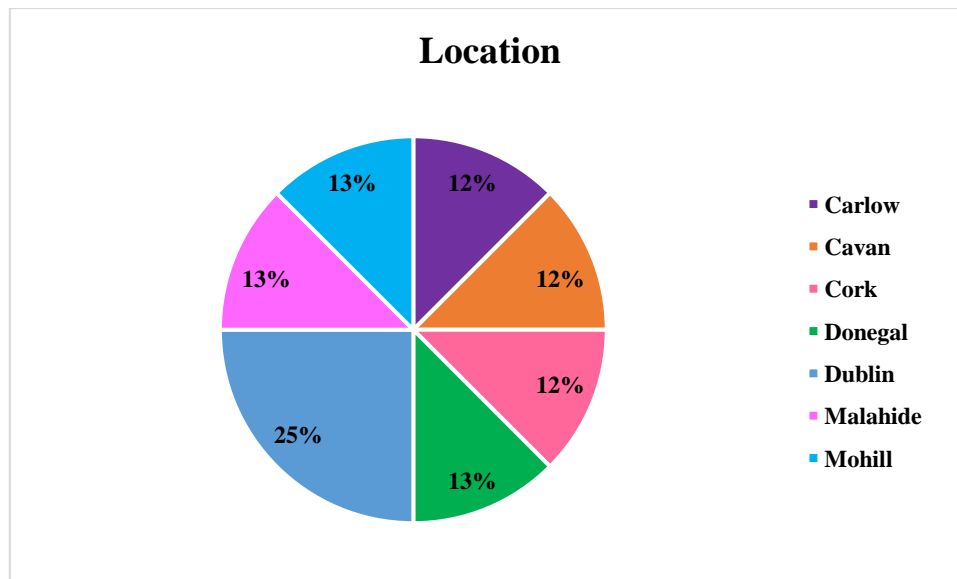


Figure 11: Shows location of each mediator if they consider gender relates to the process.

(Source: Created by author)

M2M “my experience is people don’t want someone mediating from their hometown so they will come two parishes over the like I’m based in Carlow so I get people from Kildare, Portliss, not much Killkenny as there’s a very good mediation services in Killkenny and that’s kind of locked up there but certainly Wicklow, the near side of Wicklow not overlooking mountains and onto the coast so I wouldn’t get people from Gorey or Arklow but from Tullow, Tinahely they would come to come over to Carlow and does a logistics to it as well people don’t want to travel and haven’t been able to travel”.

5.3 Domestic Violence

According to Domestic Violence and Mediation: Concerns and Recommendations (2007), there was an increase in the rate of domestic violence in family mediations.

Domestic violence according to Safe Ireland (2021) or Women Rising Above Abuse (2017), is physical contact, psychological, sexual or financial abuse.

M1F “... So, rather than physical violence I didn’t come across much about that ever but it was come across more an emotional abuse putting the person down in the comfort of the privacy of it the person who was the victim of the notice survival was able to feel safe to talk about and the other person became to realise that emotional abuse, so may be a mother forever putting down a child forever calling the child names”.

M3F "And we also have a home issue with young boys so if the woman is running for her life and she has a teenage boy none of those shelters will take the boy that’s a really bad thing in Ireland in the US it’s not like that at all the family goes into to the shelters the whole family, the mother, and the children. It doesn’t matter that the son is 17, still go in there. But here a 13 boy can’t go in”.

M4M “when you have separating couples, I think there’s a male and female perspective and you know females sometimes confide in the mediators about physical or sexual violence in the past and the male parties may confide in verbal or emotional abused with the partners so in my experience male and female can suffer from abuse”.

5.4 The Role of Mediators in Domestic Disputes

M3F “... I have in my ground rules, down the end if you feel that I’m not being totally impartial tell me immediately and we deal with it and there is when you might think there looking at the other person too much or your offer a woman or sometimes I want my finger out so it’s just as well that I think, one of the ground rules is you don’t say he or she so it’s so say it’s between a grandmother and grandkids they call them whatever they call them in real life, if the norm is there so you might have to stop a few times say you know about the ground rules don’t say she or he you know so it’s fine I was just reminded ground rules, I don’t know if you noticed but you called such party she, no

sorry I didn't mean that and they were called by the name showing the respect that because are part of the process".

M1F *"...that either she was so intimidated that she didn't see this as violence domestic violence or else it was part of the culture from which she came that a certain level of domestic violence was tolerated..."*

M1F *"... that's the benefit of mediation you empower people to solve their own issues".*

M5F *"...but it doesn't matter how many wonderful mediation skills you have if somebody is in the room who's really thinking no I'm not going with this I don't want to do that, and with couples I suppose one of the other observations I've made over the years is that sometimes in a couple scenario where a decision has to be made about something like the children or something that affects the children which house do you live in or whatever it's sometimes couples are find it easier not they say I want him to go to this school only or I want and this this is how the land should be divided so my children get an inheritance they would prefer to fight their corner and let the judge made the decision rather than to say well I give in to get it an agreement because they feel at least I fought for everything for you I fought for the right school for you and I fought as far as I could the judge said you should go to the other school but I fought for you do you see they saying so sometimes they prefer an outsider to make the decision cause they don't have to make that decision themselves then they can let somebody else take responsibility for that decision cause it's too hard a decision for them to have to make so I think that's definitely a factor why couples sometimes reaching agreement as opposed to the gender at the mediator or that the mediator wasn't nice or the mediator was whatever not skilled enough it's often that the decision is too hard..."*

M6M *"She was feeling trapped you know she was feeling for some trapped she you know she was looking at it from the point of view that if she reported these matters to the authorities whatever you*

know what evidence she would have also then does the whole issue of language difficulties and the capacity to be able to fluently explain their feelings”.

M7M *“I had one case; she was aware the situation, but she didn’t want to see herself as a victim. I don’t know if it was something cultural, she wanted reclaim power for herself. Actually, mediation helped to empower herself”.*

5.5 Influence of gender during the mediation process

As mentioned in the previous chapter, the question "Do you think your gender helps in trust-building with the victim?" was intended to provide elements to reach a conclusion to the research question.

However, the answers that emerged were more revealing. Only two people answered that gender did help. In the case of one of the interviewees emphasized that it was necessary for co-mediation a gender balance.

M4M *“you’re asking does gender help in building trust and the answer is yes clearly it does and we have found that if it is mediation if it’s possible to offer co-mediation or you have a male mediator and a female mediator it’s it’s in my experience it is it is so much better in terms of building a rapport with the parties and help you to reassure them and also reading the emotions and then also helping the parties to focus on dispute resolution if you have a balanced gender mix you get it in my view you do get a better outcome and a process that parties in dispute are more comfortable with”.*

M5F *“I don’t know my sense of just gender help or hinder really for me depends on whether the couple themselves think it’s the affiliate better with a man or a woman so if you’ve met a couple where the man thinks I don’t really gel with women very well I’d love to have a man as well or the woman thinks I don’t really gel with women very well I’d love to have a man then it makes a*

difference but my experience has been a lot of couples or so people are just so caught up in their conflict they're not really thinking is this a matter a woman that just thinking is this person listening to me and I suppose in terms of a co-mediator I suppose I've never had a sense of it's great to have a man here because he can.... that a woman couldn't I would mind sometimes say it's great of a person here who is very good on empathy I'm good on content and I sometimes I have a colleague and she's really good on empathy and she really brings warmth and so that's really great so I'm not thinking it's because she's a woman or a man I'm thinking is at their skills so I don't see gender as hugely important unless gender is an issue for the parties so you do have people in the world who say I don't work well with men or I don't feel safe with women or I like balance gender is important"

M8M *"Not at all. No matter who you are or what you are if you don't judge, if you are able to feel their pain, you can overcome the difference. You have to think what the situation would do better, there is one more man or woman in the process. However, you can overcome with warmth, empathy, listening skills. They are trying to make a best version of themselves, so you have to help to re-discover themselves, to remember who they are, why they are there"*

The other respondent who answered in an affirmative way to the question mentioned that while gender could be significant, it was more important that the mediator be authentic and brave.

M6M *"I think yes to some extent, but I think it's that sense of being authentic is more important to be authentic and to be brave sometimes you build more trust by being brave by saying no, it's not about pleasing the person it's about being authentic and genuine and truthful"*

The other six mediators agreed that gender was not significant. However, 25% made the clarification that it is significant if it is essential to one or both parties.

M5F *"I don't see gender as hugely important unless gender is an issue for the parties so you do have people in the world who say I don't work well with men or I don't feel safe with women or I like balance gender is important to me if gender is important to the parties then it will be important about their mediator but my sense is that most people are so busy in their heads with the hurts and the pain of and all as long as their meet a mediator who is impartial who is saying what I'm hearing you say John is you were hurt Mary I'm hearing you say and not just taking one person side"*.

Another 25% agreed that it might be relevant to be selected, but gender did not appear in the mediation room once they were chosen.

M2M *"I've other cases where other times where they would have been sought out because I was a man and the person the party contact me was female and they wanted someone that was going to sheriff their former partner are not wouldn't it wouldn't be able to flourish or they wouldn't be able to triangle is probably language we would use but that word, when I met the party B and you see how sociable were going you can see why a first person concerns where that might be manipulated"*.

M3F *"I would say over all those years I may have lost one or two at least two mediations and possibly a third because they realised, I was a woman and they opted not to come"*.

Both yes and no respondents agreed that working in co-mediation is not much gender matters, but rather the skills and comfort of working with the other party. Furthermore, 12.50% mention that the tone of voice is more important than gender, the pitch and speed have a huge influence in an emotional level.

M7M *"In my experience it doesn't influence. Probably, is very personal. People might find easier build trust or connect if they find on the mediator an expression of calmness, warmth. If they find that there is slowness on the approach and acceptance."*

I think the tone of voice is more important than the gender. The pitch does have an influence in an emotional level. The speed and the pitch have a huge influence in make the other person relax, trust.

The key is building a safe environment”.

Of the respondents who answered no, 37.5% agreed that the mediator's skills are much more important to build a good rapport with the parties so that they feel heard and that they are participating in a fair process.

M8M *“No matter who you are or what you are if you don’t judge, if you are able to feel their pain, you can overcome the difference. You have to think what the situation would do better, there is one more man or woman in the process. However, you can overcome with warmth, empathy, listening skills”.*

As we have been able to read from the interview quotes, gender does not play a role. According to one interviewee, it is more important the geographical location of the mediator, or as mentioned by other interviewees the experience and reputation as they work a lot with word-of-mouth recommendations.

Likewise, those who said that gender had an influence was no clear-cut answer, but rather a yes to a certain extent.

When working with a colleague in co-mediation, mediators do not pay attention to the gender of their colleague, but rather to feel comfortable and make a good team that the other party is able to see what the mediator who is conducting the mediation missed.

Finally, one interviewee believes that the tone and pitch of the voice are more important than gender.

Chapter 6: Discussion

6.1 Introduction

The objective of this research was to determine whether the gender of the mediator can influence the resolution of domestic disputes.

As this is not very well developed or common topic, the objective of this chapter is to discuss everything found in the literature and to compare it with the data collected. As in the previous chapters, this chapter will also be divided into subsections to discuss the essential elements explored. The idea is that the reader will have a complete view of the analysis performed and that in a simple way will be able to understand which pieces coincide from the practice with the theory and which do not.

6.2 Domestic Violence

Before beginning to critically analyse the primary and secondary sources to the objectives of this research. The researcher would like to mention that domestic violence has different definitions, which were used throughout this research.

According to Women Rising Above Abuse (2017), domestic violence not only includes physical abuse but also could be psychological, sexual, or financial. However, according to Safe Ireland (2021) is domestic violence if there is any physical contact.

"Safe Ireland", the Agency working to eradicate domestic abuse and coercive control in Ireland it focuses on women and children. However, lacks adequate information on domestic violence against men. It can be said that is not only the scarcity of information but also is a matter of not enough public policy as there is not many places where men can go in case of suffer from domestic violence. One

of the interviewees mentioned this as a problem to solve, as many teenagers are not allowed in these shelters with their family because are boys.

However, it should be noted that in Ireland there have been many advances in this area, such as the Domestic Violence Act 2018, but there is still much room for improvement, such as adolescents being able to enter shelters with their mother, since knowing that her child will be left on the street, is very likely the woman continue to tolerate abuse and mistreatment by her partner.

In addition, according to Domestic Violence and Mediation: Concerns and Recommendations (2007), some studies suggest that there is an increase in domestic violence in family mediation. There are also three general clusters of violence, and subgroups themselves. One of those is emotional abuse and one of the interviewees refer to examples where a mother might put down the children. Another interviewee mentioned that women and men suffer from violence from different perspectives.

6.3 The Role of Mediators in Domestic Disputes

According to Gordon-Bouvier (2017), mediation helps the two parties to communicate by decreasing the level of tension. It can be said that the mediator has the skills so that in the mediation room does not happen the same as in the courts and the parties can reach an agreement amicably. One of the interviewees mentions ground rules as a tool to establish respect between the parties so that they can listen to each other. Hence, it can be stated that mediation can improve the existing relationship or build a new relationship between the parties considering the disputable causes or agreement.

Another important tool of the mediation process is communication, and according to Shah (2021), language can be an inconvenience as well as a challenge. This researcher would add culture as a barrier in communication. One of the interviewees, upon discovering a case of violence, wondered if the woman did not report it out of fear or simply because in her culture a slap is not considered violence.

It is the mediator's task to respect the process of the parties, it may happen that on some occasions the parties believe that it is better to fight for their position, instead of trying to reach a middle ground, or give in. As stated by Heward-Belle, et al. (2018), sometimes the parties cling to their position, and no progress can be made.

In this case, it is not that the mediation did not work but that one or both parties did not want to compromise.

It can be said that the courts may provide judgement on the mediation process for resolving disputes as this process may remain voluntary to the parties. Hence, it can be affirmed that mediation is a voluntary agreement between two parties for the resolution of disputes with assistance from a third party (i.e., mediator).

6.4 Gender Preference

This researcher, in choosing the topic, assumed that the results would show that the gender of the mediator is important, thinking that the stereotype of women is that of woman-mother, nurturer, empathetic, characteristics that may have to do with the feminine side of people but not with women per se. It was surprising, first that most of the interviewees were men and that 75% responded that gender does not influence trust-building, the 25% who responded that it does, clarified that it was more important to be authentic (12.5%) and the other 12.5% that a gender balance within mediators was important, mentioning on one occasion that after a mediation, one of the parties complained because there was no gender balance since it had two female mediators. This researcher believes that in the latter case the interviewee may have been influenced by this particular case.

Likewise, this researcher believes that it would have been interesting to conduct a survey for all those who have participated or are participating in a family mediation process.

The researcher had this belief because authors such as Al-Sharmani, Mustasaari and Ismail (2017), or Childs, M. and Ellison, L. (2000) states that women suffer more abuses in the courts by having to repeat over and over again their experience and even tolerate the questions of the counterpart making them look and feel guilty.

However, all interviewees agreed that the mediator's skills help the parties to be able to open up and trust the mediator regardless of gender. It has to do with their empathy, with the ability to put themselves in the other's place and not with the mediator's gender.

According to Carroll QC (2013), female mediators are chosen when dealing with more emotional cases and prefer a male mediator in the case of sexual discrimination. Moreover, that the parties tend to distrust women's power balance skills. Therefore, following the thinking of this author, it can be stated that female mediators may have a greater advantage during the mediation process because of their better language skills and because they show greater empathy with the victims. However, this researcher does not agree with this statement since the results of his research show that the gender of the mediator is not important in resolving a domestic dispute or any type of dispute. Thus, the gender preference may depend on how a mediator builds trust with formal mediation, education, and security.

Due to time limitations, this researcher was unable to contact mediators who have worked or are working at Legal Aid Board, only one interviewee had worked there and commented that it was where she saw several cases of domestic violence. And the question arises as to whether in the voluntary centres people can repair gender biases, although in these places the mediations are co-mediation but not always between a man and a woman.

6.5. Mediators Empowering Parties

One of the objectives of this research was to determine whether mediators could empower victims of domestic disputes, and interesting results emerged from the interviews. For example, two interviewees were not comfortable with the word victim, one of them because of the environment in which interviewee works, and another because believes that it is not the mediator's job to make the party feel like a victim or victimizer.

M1F “...it’s not our job to make them feel the victim either we have to be very careful...”

The interviewees agreed that mediation is the only way to reduce the risk of violence, helps in the process of communication, many times parties can hear each other for the first time in the mediation room. According to Morris and Zubery (2020), mediation is not only a process that reduces the risk of violence but also empowers the victim through empathy, communication, and non-judgment.

The mediator plays a very important role in communication, on the one hand, is that impartial third party that helps the parties to listen to each other and to understand each other's point of view. On the other hand, they must be attentive to cultural issues that may cause difficulties in communication.

Yet sometimes the parties do not want to be in charge of the situation and prefer someone else (the judge) to tell them what to do, in this sense neither the gender nor the skills of the mediator have to do with it but the parties do not feel able to make a decision for themselves.

Another important role of the mediator and the process is the empowerment of the parties along the whole process.

Finally, this researcher can affirm that, contrary to previous beliefs, gender is not a determining factor in the resolution of domestic conflicts, according to the results it is important that the mediator has skills such as empathy or active listening.

Figure 10 shows that 75% of the interviewees do not consider the gender of the mediator to be relevant. Most of them consider that the skills, the degree of empathy, active listening and even the geographical location are more important than whether the mediator is a man or a woman for trust building.

Conclusion

This research had as its main objective to determine whether the gender of mediators can influence the resolution of domestic disputes in order to answer the research question "Does the gender of mediators influences the resolution of domestic disputes in Ireland?"

The conclusions reached appear to be valid. However, it should be note that the sample size was small.

- The gender of mediators does not influence the resolution of domestic disputes. Unless it is important to the parties, and if so, gender would be important in the choice of mediator.
- The mediator's skills are important.
- Mediation helps the parties feel empowered.

As this researcher has already mentioned in the discussion chapter, knowing that gender does not influence was an unexpected insight.

The recommendations that emerge to this researcher after this investigation are:

- Conduct interviews with Legal Aid Board mediators, which should be scheduled well in advance, as they take 6 to 8 weeks to respond to emails.
- A similar study with a greater number of participants (in Ireland) would be beneficial to check the validity of these findings.
- Conduct surveys with people who are being part or have been part of the family mediation process.
- Compare these findings with future similar studies conducted in other jurisdictions, for example, United States and New Zealand to see if there are comparable findings. As these to countries appear in the primary and secondary research.

Reflection

I am very happy and thankful that I was encouraged to do the master's experience first, then challenged some more and followed with the dissertation. This can be a bit overwhelming since it is not only about reading a lot of literature, more than 20 or 25 sources for each objective, writing about a twenty thousand words in a language that is not my mother tongue, but just writing these lines makes me excited about how far I dared to go. Even with the challenges of preparing a research paper, I decided to challenge myself a little more and conduct interviews, which implies an immediate level of understanding and analysis. I am very happy that I was encouraged to do the interviews because what each of those 8 mediators gave me was priceless, I know I have already thanked them in the acknowledgements, but I want to thank them again for their patience, their empathy, their encouragement, their time, and knowledge.

It was surprising to have sent more than 100 emails and only had a 10% response rate. I would have liked to have had more time to interview the Legal Aid Board mediators.

Despite some frustrations along the way, since I chose the topic and started researching and even asking for advice from some teachers, from adjusting the topic a bit, to having very few responses, to having small inconveniences like not having water or the computer not working, these months have been of great learning and growth, so I am very happy with this path I have taken.

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Appendix 1: First Contact Interviewees

Dear, XXXXX

My name is Noelia Rios Sanchez and currently I am studying a Master in Dispute Resolution at Independent College Dublin. As part of my dissertation, I am carrying out a study on the topic: Does the gender of mediators influence the resolution of domestic disputes in Ireland?

I know that you are an experienced mediator, for that reason it will be really valuable for my research if you can contribute by way of a short interview with a duration of 20 – 30 minutes.

I would really appreciate it if you can let me know if you would be available for an interview on this subject in the month of September. If you are available, can you advise what date/time is best for you? Once you confirm the day and time, I will send you the zoom link for the interview.

Looking Forward to hearing from you.

Thank you so much in advance.

Appendix 2: Consent Form

Informed Consent Form for Research Project / Dissertation

Research Study Title: Does the gender of mediators influence the resolution of domestic Disputes in Ireland?

Purpose of Research: Determine if the gender in the role of mediators can influence the resolution of Domestic Disputes.

Dear XXXXX,

You are being invited to take part in this research study as you have had experience in the XXXXX. This research study aims to gain an understanding of how the gender of mediators can influence the resolution of Domestic Disputes.

This research is being carried out by Noelia Rios Sanchez as part of a Masters Degree of Arts in Dispute Resolution at Independent College Dublin.

Type of participant:

- I enter name here. voluntarily agree to participate in this research study.
- I understand that even if I agree to participate now, I can withdraw at any time or refuse to answer any question without any consequences of any kind.
- I understand that I can withdraw permission to use data from my interview within two weeks after the interview, in which case the material will be deleted.
- I have had the purpose and nature of the study explained to me in writing and I have had the opportunity to ask questions about the study.
- I understand that participation involves reply questions related to Family Mediation and my background in that specific area.
- I understand that I will not benefit directly from participating in this research.
- I agree to my interview being audio-recorded
- I understand that all information I provide for this study will be treated confidentially.
- I understand that in any report on the results of this research my identity will remain anonymous.
- This will be done by changing my name and disguising any details of my interview which may reveal my identity or the identity of people I speak about.
- I understand that disguised extracts from my interview may be quoted in my research project
- I understand that if I inform the researcher that myself or someone else is at risk of harm, they may have to report this to the relevant authorities. They may discuss this with me first but may be required to report with or without my permission.
- I understand that signed consent forms and original audio recordings will be retained in my possession until November 2021.
- I understand that a transcript of my interview (in which all identifying information has been removed) will be retained for two years.

- I understand that under freedom of information legalisation I am entitled to access the information I have provided at any time while it is in storage as specified above.
- I understand that I am free to contact any of the people involved in the research to seek further clarification and information.

Below to be completed by research participant

? By checking this box, I confirm that I have read all of the above information and that I agree to participate in this research.

Signature of research participant

Enter your name here.

Date

Click or tap to enter a date.

Appendix 3: Questions for Interview

Hello, as you know my name is Noelia, I am studying a Master's Degree in Dispute Resolution at Independent College Dublin. As part of my dissertation, I am carrying out a study on the topic: "Does the gender of mediators influence the resolution of domestic disputes in Ireland?" Firstly, I wanted to thank you for taking time to participate in this interview and for sharing your personal views and experiences. I wanted to inform you as well that there is absolute confidentiality and anonymity in relation to your contribution and that an ethics form has been signed confirming this.

- 1) For how long have you been a mediator? Are there any special case that you remember.
- 2) Have you ever worked with another colleague in a co-mediation?
- 3) Was there any specific case that you detected as domestic abuse?
- 4) Was there any specific case that the victim of domestic abuse had the courage to talk to you about?
- 5) Do you think that your gender helps in trust building with the victim?
- 6) Did the victim recognize him/herself as a victim?