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The Mediator's Ego? Towards a Reflective Professional Identity. Implications of the Assumptions of Positive Disintegration Theory

*Ego mediatora? W stronę refleksyjnej tożsamości zawodowej.
Implikacje założeń teorii dezintegracji pozytywnej*

ABSTRACT

The article is conceptual and descriptive in nature and seeks to capture the role of the mediator's *ego* in the mediation process through the lens of Kazimierz Dąbrowski's theory of positive disintegration. The starting point is the observation that the *ego* of the mediator – although often overlooked in ethical codes and competency standards – plays a significant role in shaping the course and quality of mediation. The authors pose a research question concerning the impact of participation in mediations on the personal and professional development of the mediator, and subsequently formulate hypotheses suggesting that each mediation may serve as a stimulus for deep reflection and personal growth. The authors apply the logical-linguistic method and the introspective perspective of mediation practitioners. The application of elements of the theory of positive disintegration enables a multi-level analysis of the mediator's psychological processes and the identification of developmental moments with potential ethical and professional relevance. The originality of the study lies in transferring a psychological

theory into the domain of mediation practice in light of ethical demands and in highlighting the need to systematically integrate the notion of “ego maturity” into training and normative models. Although the scope of the study is national, its conclusions are also relevant to mediators operating outside the Polish legal framework. The article contributes to the body of knowledge in mediation theory, particularly in the areas of professional ethics and approaches to (self)education of mediators.

Keywords: mediation; *ego*; positive disintegration; professional ethics; personal development; reflective practice

INTRODUCTION: THE RESEARCH PROBLEM AND RESEARCH QUESTION

The transformation of the Polish legal order, as well as other orders of statutory law, is a dynamic part of social reality typical of all legal orders. This is accompanied by the phenomenon of change in research perspectives within sciences that autonomously adapt paradigms to the needs faced by researchers.¹ It seems already a foregone conclusion that the concept of dispute is at the core of many research programmes, scientific papers, and has a reference to legal and mediation practice.² At the same time, dispute analysed in conceptual terms can be the subject of interdisciplinary research, covering such sciences as law, philosophy, psychology, economics, sociology, *etc.* As a result of adapting intelligent decision support systems to social life, this also concerns exact sciences related to research that we can jointly frame in the research field of cognitive science.³ One of the elements of significance for social life, and at the same time cognitively interesting from a scientific point of view, is the concept of dispute settlement, understood as a set of activities whose effect is to control the course and consequently the end of a dispute.⁴ We can settle a dispute by using mediation as an alternative to the judicial

¹ Thomas Kuhn considered paradigm as a model that was considered correct at a given time. M. Walczak, *Teoria paradygmatu i jej zastosowanie w naukach prawnych*, „Zeszyty Naukowe Towarzystwa Doktorantów UJ, Nauki Społeczne” 2015, vol. 10, no. 1, p. 67 et seq.

² It is enough to browse the Internet or use search engines specialised in scientific papers. In the area of general law, the scientific interest in dispute appeared earlier, which can also be associated with the development of alternative forms of dispute resolution. Andrzej Korybski considers as a dispute a conflict revealed to the social environment and subjected to observation by it. For more detail, see A. Korybski, *Alternatywne rozwiązywanie sporów w USA*, Lublin 1993, pp. 23–24 and 167 et seq.

³ See P. Kłos, *Perspektywy badawcze mediacji*, [in:] *Omnia sunt interpretanda. Teoria i dogmatyka prawnicza. Księga jubileuszowa dedykowana Profesorowi Leszkowi Leszczyńskiemu*, red. A. Korybski, B. Liżewski, Lublin 2023, pp. 247–254.

⁴ “I understand the process of dispute settlement as a set of behaviours of the parties or specific actors in the social environment aimed at controlling the course of the dispute (including, in particular, its normative regulation) and at concluding it (resolution or settlement)”, A. Korybski, *Alternatywne...*, *op. cit.*, p. 18; The definition of “the process of dispute settlement” allows us to refer to the course of the dispute and its conclusion.

manner of resolving it. The interests of the authors hereof meet at the relationship between the dispute and its settling through mediation, thus, constituting the basis for an interdisciplinary approach (law-psychology-philosophy) and combining scientific research with the practice of the profession of mediator.

Much has already been written about mediation in scientific and popular-science terms, and the Internet is filled with websites, studies, or blogs wherein we can read about mediation in society; studies that cover both individual and holistic approaches. The authors attempt to consider this phenomenon by examining all possible relationships, while in other aspects limiting their work to a reductionist approach and focus on isolated elements of mediation. The choice of a specific approach depends on the phenomenon being described, and although it can be assumed that the holistic approach is the most appropriate for mediation, the reductionist approach is necessary from the scientific point of view. In this study, we juxtapose the concept of dispute with mediation, without specifying the conceptual scope of mediation, whether it is about mediation as a legal institution or as a social phenomenon.

Mediation is one of the few social areas where law, psychology, ethics, and philosophy meet in concrete action. Its normative promise – the voluntary, interest-based decision-making instead of adjudication – is rooted in the subtle architecture of roles and values. At the centre is the mediator, who is expected to embody impartiality (a legal ideal), benevolence (an ethical mandate), and mindful presence (psychological competence), all at the same time.

We used the term “*ego*” meant as the mediator’s ability to adapt dynamically, quickly and appropriately to changing circumstances.⁵ It is a kind of psychological competence that refers to the process occurring in the mind of the mediator, resulting from mediation work, professional ethics and mediator’s own experience, taking place over time and characterised by variable intensity. The mediator’s personal resource is built during this process, which is manifested symmetrically or asymmetrically in relation to the environment with each subsequent mediation.⁶ It is a resource that helps using skills to conduct and understand the dynamic arrangements that arise in mediation proceedings. It generates competences based on interpersonal competence, which is the core of the profession of mediator.⁷

⁵ We consider the “*ego*” here as a process, not as a personal trait; according to the terminology cited by Anna Kołodziej-Zaleska and Hanna Przybyła-Basista, as a motivating force and cognitive mechanism allowing the management of adaptation processes (this refers to the terminology of resiliency and *ego*-resiliency). For more detail, see A. Kołodziej-Zaleska, H. Przybyła-Basista, *Ego-resiliency jako zasób osobisty – narzędzie pomiaru i jego wykorzystanie w badaniach interdyscyplinarnych*, „Czasopismo Psychologiczne” 2018, vol. 24, no. 1, pp. 160–161.

⁶ The content of the article was written in the spirit of Leon Petrażycki’s understanding of law, psychology-oriented in its essence.

⁷ For the purposes of the article, we perceive the term “competence” in a behavioural and motivational contexts, where attention is paid to openness to experience, emotional stability and

It is still scarcely theorised how the mediator's *ego* participates in the mediation process. Scholars widely argue that the *ego* should not dominate during mediation. Legal regulations require impartiality from mediators. Codes of ethics show that manipulation of the outcome is dispraised. Philosophical references celebrate self-denial as a civic virtue.⁸ However, empirical observations and reflective writings reveal⁹ that the mediator's sense of self is never absent: it ignites when authority is challenged and contracts when moral tension arises, and when well regulated, it anchors the parties in an eventful process of mediation. We touch upon a matter which, although seemingly an internal property of the mediator's psyche, has a fundamental impact on the course of mediation.¹⁰

The work of a mediator as a person immersed in the context of a multi-voice narrative does not only affect "outwards", but also influences the mediator himself/herself, causing changes in the perception of the world, including the rules of professional ethics. Each encounter with a different system of values, a different perspective, and often also with human suffering, requires not only impartiality, but also inner readiness to be open and to learn. The purpose of this article is to analyse the transformation process that the mediator is subject to as a result of participating in mediation. This issue does not apply to material benefits or professional success understood in terms of social position, but the cognitive, emotional and competence development occurring through direct involvement in conflict situations of other people. Having carried out a preliminary search in the literature on the subject, we decided to formulate the research question as follows:¹¹

professional awareness. For more detail, see J. Lamri, *Kompetencje XXI wieku. Kreatywność, Komunikacja, Krytyczne myślenie, Kooperacja*, Warszawa 2021, passim, especially p. 87; "Interpersonal intelligence: corresponds to social intelligence, i.e. the ability to optimally adapt interactions to each interlocutor and each context", *ibidem*, p. 111.

⁸ Over the centuries, the idea of the predominance of the common good over the individual good has been present in scientific discourse. See, e.g. the views presented by Jean-Jacques Rousseau. J. Hołówka, *Reguły polityczne i moralne*, „Przegląd Filozoficzny – Nowa Seria” 2012, vol. 4, no. 84, passim; see the lecture of Martha C. Nussbaum, *Animals: Expanding the Humanities*, <https://www.youtube.com/watch?v=hMTn7HWzg2U> [access: 5.09.2025].

⁹ In Internet resources, we can easily find scientific and popular science papers on the ethics of the mediator and the principles, the application of which is supposed to ensure that mediation is conducted ethically and in accordance with the rules of the craft.

¹⁰ Regarding the researcher, T. Kotarbiński, *Elementy teorii poznania, logiki formalnej i metodologii nauk*, Wrocław 2003, p. 704.

¹¹ We did not find any study related to the development of the mediator in terms of benefits for himself/herself, which does not mean that the subject had not already been noticed. In the footnote, we quote selected scientific and popular science sources in which the issue has been touched upon, whether directly or indirectly. The studies cited in the following part of the article should be included in the list given in this footnote. It seems that in the light of the cited sources, these issues can be located in the area of professional ethics. See B.A. Edwards, *A Roadmap to Build a Successful Mediation Career*, Edwards Mediation Academy, April 2016, <https://edwardsmediationacademy>.

How the mediator's participation in the mediation process influences mediator's personal and professional development, irrespective of the outcome of the proceeding for the parties?

Assumed hypotheses:

H1: The mediation process has a transforming effect both on the parties to the dispute and on the mediator.

H2: The mediation experience enriches the mediator in cognitive and emotional terms, leading to the development of the mediator's professional identity.

H3: Each case of mediation may be a chance for the mediator to test and develop his/her interpersonal, communication and ethical competence. Not only does the mediator runs the procedure, but he/she also becomes a co-participant in personal development terms.

We have assumed in the paper that the mediator also "benefits from mediation" – not as a party to the conflict, but as a reflective person who learns through experience of himself/herself and others, confronts personal beliefs and constantly updates his/her cognitive repository. Each case of mediation is therefore also an "internal experience" of the mediator, which can deepen his or her self-awareness, sensitivity to cultural and emotional diversity, and strengthen communication and decision-making skills. We propose to look at the profession of mediator not only as a set of procedures or technical skills, but as a path of personal development requiring work on oneself,

com/a-roadmap-to-build-a-successful-mediation-career/ [access: 4.05.2025]; E. Lieberman, Y. Foux-Levy, P. Segal, *Beyond Basic Training: A Model for Developing Mediator Competence*, "Conflict Resolution Quarterly" 2005, vol. 23, no. 2, pp. 237–257; O. Shapira, *A Theory of Mediator's Ethics*, Cambridge 2016; *Mediation Awareness and Training Programme for Enforcement Agents. Ensuring the efficiency of the Judicial Referral to mediation*, CEPEJ (2021)7, 17 June 2021; S.F. Spiegelhoff, *Ego Identity Development as a Mediator Between Negative Affectivity and Wellness of College Students*, Dissertations – ALL. 627, Syracuse University 2016, <https://surface.syr.edu/etd/627> [access: 11.05.2025]; M. Brandon, *Facilitative Mediation Ethics: How Does Our Own Bias and Awareness Inform Our Work?*, "The Arbitrator & Mediator" 2019, pp. 23–33, <https://austlii.edu.au/cgi-bin/viewdoc/au/journals/ANZRIArbMedr/2019/4.html> [access: 9.10.2025]; "I Know What Your Job Is!" – *Reframing the Role of Mediator*, <https://www.starkmediator.com/articles-links/i-know-what-your-job-is-reframing-the-role-of-mediator/> [access: 4.05.2025]; R.A. Baruch Bush, *A Pluralistic Approach to Mediation Ethics: Delivering on Mediation's Different Promises*, "Ohio State Journal on Dispute Resolution" 2019, vol. 34, no. 3, pp. 459–535; M. Brandon, *Professional Development Through Reflective Practice*, "The Arbitrator & Mediator" 2018, pp. 19–26, <https://austlii.edu.au/cgi-bin/viewdoc/au/journals/ANZRIArbMedr/2018/4.html> [access: 9.10.2025]; B.A. Edwards, *Why Ego Management Is Key to Effective Mediation*, <https://mediate.com/why-ego-management-is-key-to-effective-mediation/> [access: 11.05.2025]; M. Hadieh, *The Impact of Ego on Conflict Emergence and Its Role in Hindering Mediation Efforts*, <https://actadr.org/en/releases/legal-articles> [access: 11.05.2025]; D.A. Hoffman, R.N. Wolman, *The Psychology of Mediation*, "Cardozo Journal of Conflict Resolution" 2013, vol. 14, pp. 759–806; I. Schein, *The Role of Anger in Mediation*, <https://irvinschein.com/2013/02/19/the-role-of-anger-in-mediation/> [access: 11.05.2025]; A.B. Mamo, *Unsettling the Self: Rethinking Self-Determination in Mediation*, "Mississippi Law Journal" 2023, vol. 93, no. 2, pp. 463–526.

mental hygiene, intellectual and emotional development and deep trust in one's own competence, while at the same time keeping in mind that the mediator is not the main actor in the process. This paradoxical balance between presence and invisibility, between activity and restraint, becomes the axis of the professional identity of the mediator. In this context, the appreciation of the "mediator's *ego*" is not a sign of pride, but an expression of recognition for the role of mediator's subjectivity and development in the dynamic world of interpersonal conflicts.

We want to emphasise that our proposal is not the only one. The mediator's development can be examined in the context of the concept of the reflective practitioner,¹² the theory of learning by doing (experiential learning),¹³ or the systemic approach, in which the individual functions within a dynamic network of relationships and meanings.¹⁴

THEORETICAL AND METHODOLOGICAL FRAMEWORK

The problem described herein stems from a project on the use of decision-making analysis in mediation, with particular emphasis on the role of the mediator.¹⁵ Therefore, it is written from the perspective of decision-making analysis, but with an emphasis on its non-dominant, but directing influence on the structure of

¹² A. Perkowska-Klejman, *Refleksyjna praktyka jako kategoria edukacyjna*, „Pedagogika Społeczna” 2011, vol. 2, no. 40, pp. 61–70. To some extent, the title of the article and specifically the fragment “Towards a Reflective Professional Identity” can be analysed in the context of a reflective practitioner. The concept of a reflective practitioner is characterized by attributes such as: tacit knowledge, uncertainty, knowledge and reflection in action, as well as reflection on action. In the context of this work, it can be assumed that “reflection-on-action” is the beginning of the idea of the article. In its essence “reflection on action” does not change our current behaviour, but it can be important for future decisions, *ibidem*, pp. 64–65.

¹³ The theory of experiential learning has been described by David A. Kolb in the chapter *The Process of Experiential Learning*, [in:] *Culture and Processes of Adult Learning*, eds. R. Edwards, A. Hanson, M. Thorpe, London 2013, first published 1993 by Routledge, p. 138 et seq. The basic assumption is that we learn most effectively through experience, during the implementation of theoretical assumptions in practice. We approach in an analytical way the experiences we have worked through and we try to reflectively understand and solidify what has happened.

¹⁴ For more detail on the systemic approach, see J. Karcz, *Organizacja jako system*, [in:] *Zarządzanie, organizacje i organizowanie – przegląd perspektyw teoretycznych*, red. K. Kłincewicz, Warszawa 2016, pp. 206–208.

¹⁵ The subjective and objective aspects of the research field of the research project concerning the decision-making approach in mediation can be seen in: P. Kłos, *Information Civilisation and the Law: Significance of Limiting Factors. Introductory Insights*, „Archiwum Filozofii Prawa i Filozofii Społecznej” 2025, vol. 1, no. 42, pp. 23–49; *idem*, *The Decision-Making Approach in the Mediation Process*, „Studia Iuridica Lublinensia” 2023, vol. 32, no. 4, pp. 47–70; *idem*, *Cywilizacja informacyjna a prawo – preliminaria*, [in:] *Horyzonty informacji 5*, red. P. Korycińska, Kraków 2023, pp. 27–37.

the text. It is worth considering this method as a covert framework to arrange the reflection, and not the main dominant methodological tool. We have embedded the research problem described below in the schedule of preliminary research of an essentially theoretical nature. It is a proposal which, after obtaining the opinion of the communities of scholars and practitioners, can have a theoretical and empirical framework.

The research question formulated in the paper justifies the range of research methods selected for this particular question. It is not a simple task, because the research question touches upon many areas (law, ethics, psychology). We cannot forget about intelligent systems supporting decision making that affect cognitive skills and cause legal and ethical problems. Considering methodological issues, we have decided to choose the logical-linguistic method, using which the researcher is focused on the analysis of legal sources. In the work on the article, formal sources of law were analysed to a less extent than substantive ones.¹⁶ The selection of sources to be analysed may seem problematic in the application of the method. This inconvenience was eliminated by using the method of introspective experience. The removal of emotional assessments is intended to ensure a verification method spread over two stages. The preliminary verification of the conclusions drawn has been achieved through discussions in communities of scholars and practitioners. The main verification will take place as a result of reading the content of the paper by the scholars and practitioners.¹⁷

The article is of a conceptual and descriptive nature, and its aim is to describe and explain a legally, ethically and psychologically rooted phenomenon. It should be noted that the authors take advantage of the external integration of legal sciences,

¹⁶ We examine sources of a substantive nature, such as: scientific and popular science articles, books, blogs, and other information posted on the Internet related to the phenomenon under study.

¹⁷ The issue of research methods recognized in jurisprudence, as well as recognition of jurisprudence as a science has been the subject of scientific discussion. This results from making normative statements the subject of research, and some researchers believe that working on them is mainly a justification and has little to do with cognition. There is a problem of understanding the terms "cognition", "projecting", "assessment" and "duties", which in their essence should constitute the limit of understanding science, but in reality cause greater confusion. We assume that projecting is a consequence of cognition, and often the necessity of projecting forces cognition. In jurisprudence, normative sentences do not have to be the subject, but are always the consequence of research. The proposed research objective is related to utilitarian assessments, i.e. to external-objective sense and aims to draw conclusions with consequences for the world of duties. By which an effect in the real world will be achieved. For more detail, see T. Kotarbiński, *op. cit.*, pp. 699–714. We also draw attention to the phenomenon of increased and ever faster integration of sciences in terms of description of reality and the growing importance of the value "may". See also A.P. Wierzbicki, *Metody identyfikacji zagrożeń przyszłości*, „Przyszłość. Świat – Europa – Polska” 2012, nr 2, pp. 53–60, <https://bibliotekanauki.pl/articles/465370> [access: 16.05.2025]; and taking into account the above, we consider jurisprudence as a social science characterised by specific research methods, for the practicing of which it becomes necessary to use the achievements of other sciences.

which includes the use of the achievements of sciences other than jurisprudence, while maintaining the perspective of legal theory. Therefore, using the results of research carried out with methods specific to other sciences, we map the theoretical connections in the area of mediator's *ego*.

OUTLINE OF THE CONCEPT OF THE *EGO* IN PSYCHOLOGY

The *ego*, as one of the key concepts in psychology, has undergone numerous reinterpretations throughout the 20th and 21st centuries. Due to its inspiring potential, it has also been incorporated into popular language and found use in interdisciplinary scientific studies.

Phrases referring to the *ego*, describing human behaviour or attributing certain attitudes to people, remain in common use. The “power of the *ego*” is equated with the ability to mobilise and keep motivation to act, cope with difficult situations and overcome adversities. It is the ability of self-control and self-regulation. A “big” or “inflated” *ego* is attributed to people who are conceited, overconfident, intolerant of criticism, narcissistic. Their domain is self-centeredness (egocentrism), a deficit of cognitive decentering and empathy, and the search for situations that confirm their importance or social status. “Striking at the *ego*” is sometimes understood as actions that violate identity, aiming at the foundations of self-esteem or integrity that are important to the individual. In this understanding, the *ego* is the foundation of identity, the axis of reference, the guarantor of coherence and self-understanding.

The scientific evolution of the concept of *ego* in psychology has depended on the theoretical context and has progressed from the classical psychoanalytic approach of Sigmund Freud, through psychodynamic perspectives, and humanistic approaches, to contemporary social and cognitive psychology.

Freud initiated systematic discussion on the *ego* in his *Beyond the Pleasure Principle*,¹⁸ and then developed them further in the essay *The Ego and the Id*.¹⁹ In the classic structural model of the psyche, in which Freud distinguished three instances: the id, the ego and the superego, the *ego* acted as a mediator whose task was to balance the tensions between the desires of the id, guided by the pleasure principle, and the pressures of the superego, which were an expression of the expectations of the environment and normative pressures. The key task of the *ego* was to delay gratification and organise behaviour in accordance with the principle of realism. Although unconscious impulses dominated the structure of the psyche, the *ego* could also act consciously to some extent.²⁰

¹⁸ S. Freud, *Poza zasadą przyjemności*, Warszawa 2005.

¹⁹ *Idem*, *Ego i id*, Leszno 2024.

²⁰ *Idem*, *Poza zasadą...*, *op. cit.*

For Carl Gustav Jung, who was a disciple of Freud, the *ego* was the centre of the field of consciousness, responsible for the sense of identity and continuity of the “I”. Jung considered the *ego* to be part of a broader mental system, in which the superior function was played by the Self – the archetype of psychical unity.²¹ The *ego* is the part of the psyche that is responsible for the sense of identity, personal continuity and the ability to orient oneself in reality.²² The *ego* does not have full control over the psyche, but constitutes the starting point for the process of individuation, i.e. development towards integrated unity. According to Jung, psychological maturity means that the *ego* does not dominate the psyche, but cooperates with the deeper layers of the psyche.²³ It allows the harmonisation of resources and the development of the potential of man and the world in the process of individuation.²⁴

An American psychiatrist representing the humanistic approach, Carl Rogers, defined the *ego* as a construct that organises experience and provides an interpretation of reality towards full self-realisation.²⁵ The *ego* as such is an integral part of the “I” – the conscious, developing human identity. It functions as a system that organises experience and enables self-realisation by striving for authenticity and mental cohesion. The search for knowledge about oneself and the world as a fundamental human need is characterised by a tendency to maintain coherence and authenticity on the way to self-realisation, i.e. becoming what an individual can become.²⁶

The concept of the *ego* according to Roy F. Baumeister presented in his study *The Self in Social Psychology* is a modern approach to the *ego* differing from traditional Freudian and post-psychoanalytic concepts of the *ego*. Baumeister does not consider the *ego* as a separate mental structure, but as a functional mental system that plays three main roles: it regulates behaviour through the control of emotions and impulses; as a “social self” helps the individual to find his/her way into social structures; as a mechanism of self-reflection allows the individual to reflect on himself/herself, analyse their own thoughts, emotions, actions. This makes it possible to plan one's activities, learn from the experience and adjust one's behaviour to the needs and context.²⁷

While remaining in the subject of the *ego* in psychology, in particular in therapeutic and assistance work, there are attempts to capture the specific core of the phenomenon. This is related to the work of specialists – practitioners working with

²¹ C.G. Jung, *Podstawy psychologii analitycznej. Wykłady tawistockie*, Warszawa 1995.

²² P. Kutter, *Współczesna psychoanaliza. Wprowadzenie do psychologii procesów nieświadomych*, Gdańsk 2000.

²³ C.G. Jung, *Archetypy i nieświadomość zbiorowa*, Warszawa 2016.

²⁴ Individuation understood by Jung as a process of personal development and growth.

²⁵ C.R. Rogers, *Uczyć się jak być wolnym*, [in:] *Przełom w psychologii*, red. K. Jankowski, Warszawa 1978.

²⁶ *Idem*, *On Becoming a Person*, Boston 1961.

²⁷ R. Baumeister, *The Self in Social Psychology*, Philadelphia 1999.

a person or persons who bring to the dialogue/relationship their emotions, values, needs and expectations, as well as personality and contextual conditions. These professions are related to psychological assistance, psychotherapy, crisis intervention.²⁸

MEDIATION AND THE MEDIATOR. WHAT THE *EGO* IS NEEDED FOR?

The institution of mediation has developed over the last three decades mainly within two registers: legal-dogmatic, focusing on procedural guarantees – the voluntary nature, confidentiality, impartiality – and practical-psychological, stressing the mediator's communication skills and work with the dynamics of conflict. On both these paths, the “mediator's *ego*” is surprisingly rarely perceived as an internal system of motivation and identity, which not only accompanies procedural decisions, but co-creates them. Available tests, such as TDP (Test Design Project), are supposed to measure whether during mediation the mediator shows specific, externally observable competence and ethical values, and these tests do not cover personal development or internal competence.²⁹

The subject of the study is an attempt to look at the person of mediator through the lens of the theory of positive disintegration in the light of cultural anthropology, including especially the work of Kazimierz Dąbrowski. The mediator is usually perceived as an impartial participant in mediation proceedings: a person who does not decide, does not judge or interfere in the content of decisions, but only “accompanies” the parties in the process of looking for agreement. This definition is correct from the point of view of formal and ethical standards of mediation, yet it does not contain all the elements describing the phenomenon, as it ignores an

²⁸ Although mediation is not a form of therapy in the strict sense, as a relationship focused on support and conflict resolution, it initiates important psychological processes in both the participants and the mediator. The mediator, like a therapist, adopts an empathetic, neutral and supportive attitude, which helps create a safe space for openness and change. In this context, the analogy with therapy is justified, although the objectives of mediation differ from those of therapy and focus on resolving the dispute, it is accompanied by transformative psychological processes comparable to those that occur in a therapeutic relationship. As in psychotherapy, the personality and inner maturity of the person conducting the process are important also in mediation. The personal maturity of the therapist understood, e.g. as the ability to self-reflect, empathise, be authentic and regulate one's own emotions, has a key impact on the course and effectiveness of the therapeutic process. Similarly, the personal maturity of the mediator affects the atmosphere of the mediation, the ability to keep neutrality, the way of responding to tensions and the effectiveness of supporting the parties in reaching an agreement. Therefore, in both therapy and mediation, the personal factor of the person conducting the process plays a fundamental role for its quality and effectiveness.

²⁹ See R.A. Baruch Bush, *One Size Does Not Fit All: A Pluralistic Approach to Mediator Performance Testing and Quality Assurance*, “Ohio State Journal on Dispute Resolution” 2004, vol. 19, no. 3, pp. 965–1004; *idem*, *A Pluralistic Approach to Mediation...*, *op. cit.*, pp. 459–535.

important aspect of the mediator's work: mediator's own experience, which is not only a function of the tasks performed, but also a source of personal and professional development. With this study, we aim to fill a sort of a gap in the field of research on mediators and mediation.

THE *EGO* OF THE MEDIATOR AND FUNDAMENTALS OF THE THEORY OF POSITIVE DISINTEGRATION

The basis for the research is the theory of positive disintegration proposed by Kazimierz Dąbrowski, a psychiatrist renowned in Poland and abroad. Dąbrowski had academic degrees and experience in the fields of medicine, philosophy, clinical psychology, and pedagogy. He was one of the initiators of the Polish Society of Mental Hygiene established in 1948, and it was mental hygiene that formed the cornerstone of his long-term scientific work. He developed it with a comprehensive methodological approach, opting for the use of sciences at the intersection of mental hygiene, such as psychology, sociology, psychopathology, philosophy and, as he himself put it, "even law".³⁰

The theory of positive disintegration was presented in 1970 at the International Scientific Conference at the Université Laval in Canada, although a draft version thereof had already been published in 1964.³¹ The contribution to its development were the overriding concepts of mental hygiene and human mental health. Although it was not developed in connection with practicing the profession of mediator, its assumptions are consistent with the research objective indicated in the article.³² It enables the analysis of the person of mediator in the perspective of self-improvement and professional development, as correlates in mediation work. The developmental potential of the mediator gains significance. The mediator may be considered as an individual undergoing cognitive and emotional disintegration. Practicing mediation involves experiencing suffering, aggression and helplessness,

³⁰ See part two of *Wprowadzenie do higieny psychicznej* covering the problems of interdisciplinary nature of the phenomenon and methodological assumptions, K. Dąbrowski, *Wprowadzenie do higieny psychicznej*, Warszawa 1979, pp. 57–123; *idem* (red.), *Zdrowie psychiczne*, Warszawa 1985, *passim*, especially the first two chapters written by Dąbrowski on the concept of mental health and the relation of mental hygiene to related sciences, *ibidem*, pp. 7–45.

³¹ See K. Dąbrowski, *O dezintegracji pozytywnej. Szkic teorii rozwoju psychicznego człowieka poprzez nierównowagę psychiczną, nerwowość, nerwice i psychonerwice*, Warszawa 1964, *passim*.

³² We would like to emphasise that we do not aspire to be the originators of a new theory, but we merely attempt to use elements of the theory of such a renowned researcher as Dąbrowski to adopt model solutions aimed at improving mediation work. For the purposes of this article, taking into account the professional work of a mediator, we limit ourselves to intellectual factors as influencing the disintegration of mental structure. For other disintegrating factors, see K. Dąbrowski, *Dezintegracja pozytywna*, Warszawa 2021, pp. 14–15.

which we see as situations causing micro-disintegration that can lead to development.³³ Role uncertainty, ethical dilemmas and a sense of limitation are not deficits, but potential sources of self-improvement. Mediation can therefore be seen as a space for experiencing various levels of consciousness and values, and the mediator, beside observing a dispute between other people, may himself/herself experience a disconnect between the external order and the internal understanding of justice, empathy and truth.

The development of personality in Dąbrowski's view is not linear and harmonious, but runs through crises, internal tensions and the disintegration of earlier mental structures. This disintegration is not a sign of disorder, but a potentially positive developmental process. A person matures not through adaptation to his/her surroundings, but through internal conflicts: between who he/she is and who he/she would like to be. Internal tensions are supposed to lead to a reformulation of identity and higher levels of personal development. Paraphrasing Dąbrowski's words, a person, and specifically in our view a mediator, must be characterised by sensitivity and critical look at the multidimensional and multi-level reality in order to understand the real world.³⁴ The personality of the mediator, along with mediator's ethical principles, can influence the desire to know and understand the world, which translates into the quality of the mediation process (Table 1). Undoubtedly, a problem arises of assessing the adjustment of individual levels of mediator's personal development, i.e. indicating the preferences of a given person to practice the profession. This is so because a diagnosis based on the theory of positive disintegration requires observation, complex in nature, and it seems unlikely that such research is part of the verification of the ability to practice the profession of mediator. We therefore propose that mediators look at their own "selves" and make, within their own and professional ethics, a decision what the scope of their practice of profession should be.³⁵ The mediator works with a dispute (conflict) characterised by the participation of people with diverse sensitivity. In the mediation process, he/she may support the decision-making by the parties through an in-depth understanding of one's own situation in relation to other persons.³⁶

³³ Mediation also provides positive experience (joy, emotion, peace, harmony, prioritisation of values), but from the perspective of positive disintegration theory, it is the experience of conflict, both internal and external, that can trigger development.

³⁴ *Ibidem*, p. 5.

³⁵ *Ibidem*, p. 27.

³⁶ *Ibidem*, pp. 28–29. The proposed understanding of the mediation process does not derive from the idea of transformative mediation, which seeks to change the nature of relationships understood as bonds with psychological basis, but rather from the adoption of the term "understanding" as the correct decoding of the meaning of the term(s) in a logical-linguistic sense, which serves communication in a relational society.

Table 1. Levels of development of the mediator according to the theory of positive disintegration by Dąbrowski

Level	Description
I. Primitive integration	A personality dominated by drives, conformism, and lack of reflection. Human intelligence serves instrumental functions. The lack of personal resources to carry out mediation.
II. One-level disintegration	Crisis, contradictions between impulses and social expectations, or overcoming difficulties in an unfavourable internal situation. The mediator's personal resources are insufficient. An expert support is possible.
III. Multi-level disintegration (lower level)	The conflict between "what is" and "what should be"; valuation, reflection, experience, lack of conformity and internal balance. This means the beginning of philosophical dilemmas and understanding of "rightness" and meaning for the mediator.
IV. Multi-level disintegration (higher level – organised and systematised disintegration)	Internal hierarchy of values, a conscious striving for higher forms of the "I". The mediator makes a deeper reflection and more objective assessments of the phenomena that take place in reality, which affects the quality of the proceedings. The most important thing for people in general, and specifically in our paper for the mediator, will be the understanding and experiencing of emotional and drive functions, as well as the multi-level character of values and objectives.
V. Secondary integration	Coherent personality, independently formed system of values, altruism (no egocentrism). The mediator is able to conduct mediation in a way that allows integration of the parties to the dispute.

Source: Authors' own study.

According to Dąbrowski, scientific research conducted at the level of secondary integration can be empirical and experimental. It will thus be possible to cover by empirical research at least some of the hypotheses proposed herein.³⁷

MEDIATOR'S *EGO* – A FEW REMARKS IN THE DISCUSSION

The proposal to apply the theory of positive disintegration is essentially supposed to lead to the personal development of the mediator. It is an inspiration and encouragement to work on oneself, adopt a philosophy that allows self-improvement and self-development. We assume that the mediator's *ego* is influenced, beside personality traits and life experience, by the knowledge, skills and competence, and professional experience. The *ego*, when properly formed over time, leads to increased respect for the parties to mediation, prevents occupational burnout and

³⁷ See *ibidem*, p. 43.

reduces cognitive errors.³⁸ Mediator's own development affects the "vigilance" and "freshness" of the mediator when performing the work. When considering the reflective understanding of a mediator-practitioner, it should be presumed, following Dąbrowski, that the mediator should achieve a set of personality traits at the social level, i.e. the so-called social essence, when he/she acquires responsibility for others (in fulfilling professional duties) and empathy, social awareness (including legal awareness), as well as "social authenticity in thinking and acting".³⁹ The author of the concept has assumed that the combination of both essences, due to their superior nature and place, stabilises the personality during development.⁴⁰ Understanding the power of the mediator's *ego* is an advantage in their work, which is important due to the growing use of ADR in resolving disputes in society. The role of the mediator and the level of competence of the mediator are becoming more significant. The mediator, as a person who constantly is in contact with conflict, becomes particularly susceptible to such developmental moments, provided that he/she does not treat them as failures, but as stimuli for an in-depth reflection on himself/herself, the world and his/her own system of values.

The mediator's *ego* is a structure of important processes, as a result of which the mediator, like any practitioner working with people, oscillates between inflation, i.e. a sense of omnipotence, and deflation, understood as paralysing self-doubt. Professional maturity is therefore about conscious "*ego* management" – recognizing one's own needs: of influence, appreciation and security, and transforming them into an empathetic presence towards the parties.

Self-confidence resulting from personal development does not mean the conviction of being always right. The mediator should be flexible, able to admit mistakes and change their approach when the situation requires so. The conduct of mediation should be based on solid knowledge, experience and the willingness to develop further, rather than on unfounded self-confidence. During the professional development, the mediator follow a kind of evolutionary pattern: from a technician to a reflective practitioner, from a procedure executor to participant in the culture of agreement. A mediator's decision to maintain mental hygiene at work should

³⁸ An extensive monograph on the defects of human thinking in the processes of reasoning and decision-making was written by a psychologist dealing with these issues in the light of decision theory, Daniel Kahneman. It should be emphasized that the core of the scientific ideas developed by Kahneman is the result of joint work with Amos Tversky, who died in 1996. See D. Kahneman, *Pułapki myślenia. O myśleniu szybkim i wolnym*, Poznań 2012, passim. The monograph includes two articles that are worth reading, i.e. A. Tversky, D. Kahneman, *Osądy w warunkach niepewności: heurystyki i błędy poznawcze*, pp. 559–580 and D. Kahneman, A. Tversky, *Wybory, wartości i ramy interpretacyjne*, pp. 581–604.

³⁹ K. Dąbrowski, *Dezintegracja pozytywna...*, *op. cit.*, pp. 46–47; social essence is complemented by individual essence, *ibidem*, p. 47.

⁴⁰ *Ibidem*.

be seen as a decision about taking care of their own resources. The mediator then becomes a person who, in deciding on the shape of the mediation process, concurrently decides on their own development. A balanced *ego* correlates with higher assessments of procedural fairness and greater durability of agreement.

CONCLUSION

Naturally, to conduct mediation effectively, the mediator needs to be confident in his or her own competences – not as a particular personality trait, but as a result of transforming himself/herself through disintegration experiences. We will not achieve such a state without going through the individual stages listed by Dąbrowski. The self-awareness that the mediator should possess allows him/her to effectively conduct the process, guide the conversation and help the parties find a solution. At the same time, the mediator should refrain from arrogance, as it can lead to imposing his or her opinion or downplaying the emotions and perspectives of mediation participants. The confidence in one's own competence should stem from actual skills, not the mere conviction about having them. It is important for the mediator to develop professionally on a continuous basis and be aware of his/her strengths and limitations. A key element here is the openness to feedback – from mediation participants, other mediators or as part of clinical supervision. The parties to a conflict are often under high emotional tension. If the mediator does not trust his/her own competence, he/she loses confidence, which can affect the dynamics of the conversation. The participants may feel less comfortable, and the mediator himself/herself may find it difficult to manage the process. A mediator who has confidence in their skills and an integrated personality builds authority and gives the parties a sense of security. It is emphasised in the reflective practitioner's perspective that the mediator's knowledge is generated primarily in action – from the body, emotions and improvised decisions – and only secondarily is it conceptualised.⁴¹ Each session can become a laboratory for self-discovery. When designing the course of the procedure, the mediator at the same time designs the next iteration of his/her own development. This tension between being the “architect of the process” and the “student of the process” constitutes their professional identity. It seems necessary to note that working on the *ego* cannot be covered in a textbook, instruction manual or defined in legal regulations. It requires the willingness to expand one's knowledge and understanding of people in the world around us. Therefore, it is the initiative and willingness that must stand at the beginning of the process of building our *ego*.

⁴¹ A. Perkowska-Klejman, *Refleksyjna praktyka jako kategoria edukacyjna*, „Pedagogika Społeczna” 2011, vol. 2, no. 40, pp. 61–77.

At the same time, anthropology of law teaches that every system of norms is based on a specific concept of human being.⁴² By bringing to the mediation table their own anthropological beliefs, whether conscious or unconscious, mediators influence the definition of interests, criteria for justice, and the framework of responsibility. The greater the awareness of these assumptions, the lower the risk that the space for dialogue is “colonised” with one’s own worldview. By deciding on the architecture of the procedure and the degree of his/her own visibility, the mediator simultaneously decide on the trajectory of his/her personal development. Each mediation can become part of a process of positive disintegration, a temporary breakdown of existing patterns and their reassembly at a higher level.

In the educational sphere, training programmes should focus on the development of “ego virtues” such as self-awareness, frustration tolerance, and the ability to engage in critical dialogue with oneself. Mandatory continuing education should support the integration of a mature “mediator-professional self” rather than merely promoting procedural checklists. Clinical supervision modules that combine case analysis with psychoeducational micro-interventions are recommended.

The dialogue between the theory of positive disintegration and anthropology of law suggests that the mediator’s power lies not in the elimination of the *ego*, but in the ability to constantly, consciously reconstruct it. An *ego* that can fluctuate between certainty and humility becomes an “engine of ethical impartiality”, a guarantor that the mediation process will remain both humane and fair.

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⁴² K. Daniel, *Wpływ antropologii na naukę prawa*, „Studenckie Prace Prawnicze, Administratywistyczne i Ekonomiczne” 2019, vol. 28, p. 294.

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ABSTRAKT

Artykuł ma charakter koncepcyjno-deskryptywny i stanowi próbę uchwycenia roli *ego* mediatora w procesie mediacji z perspektywy teorii dezintegracji pozytywnej Kazimierza Dąbrowskiego. Punktem wyjścia jest założenie, że *ego* mediatora, choć często pomijane w kodeksach etycznych i standardach kompetencyjnych, odgrywa istotną rolę w kształtowaniu przebiegu i jakości mediacji. Autorzy formułują pytanie badawcze dotyczące wpływu uczestnictwa w mediacjach na osobisty i zawodowy rozwój mediatora, a następnie rozwijają hipotezy zakładające, że każda mediacja może być dla mediatora impulsem do pogłębionej refleksji i rozwoju. W artykule wykorzystano metodę logiczno-językową oraz introspekcyjną perspektywę praktyków mediacji. Zastosowanie założeń teorii dezintegracji pozytywnej pozwala na wielopoziomą analizę procesów psychicznych mediatora oraz identyfikację punktów rozwojowych o potencjalnym znaczeniu etycznym i profesjonalnym. Oryginalność opracowania polega na przeniesieniu teorii psychologicznej na grunt praktyki mediacyjnej w świetle wymogów etycznych oraz wskazaniu na konieczność systemowego ujęcia „dojrzałości *ego*” w modelach szkoleniowych i normatywnych. Zakres badania ma charakter krajowy, ale jego wnioski mają znaczenie także dla mediatorów ułożonych poza polskim porządkiem prawnym. Artykuł wnosi wartość poznawczą do teorii mediacji, w szczególności dotyka etyki zawodowej oraz podejścia do (samo-)kształcenia mediatorów.

Słowa kluczowe: mediacja; *ego*; dezintegracja pozytywna; etyka zawodowa; rozwój osobisty; refleksyjna praktyka