



# Function Mechanism of People's Mediation in China: Based on Interaction Ritual Chains Theory

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**Abstract.** With the constant change of social structure, people's mediation is faced with practical difficulties in the aspects of dispute resolution effectiveness and emotional construction. The use of interaction ritual chains to deconstruct people's mediation is conducive to its development and perfection. Through the field investigation of people's mediation in X City, it is found that the mediation ceremony is composed of four elements: group aggregation, external limitations, the focus of contradiction and shared emotion, and produces the results of group unity, individual emotional energy, people's mediation agreement and recognition of mediation symbols. Therefore, people's mediation should be optimized from the aspects of exploring mediation in the Meta-verse, building the mediation brand and optimizing emotional construction, so as to enhance the tool applicability and service ability of people's mediation.

**Keywords:** Interaction ritual chains · People's mediation · Mediation ceremony · Emotional energy

## 1 Introduction

“People's mediation”, a unique way of dealing with contradictions in China, refers to the activities whereby a people's mediation committee encourages the parties to voluntarily reach a mediation agreement on the basis of equal consultation to resolve civil disputes through persuasion and other means.

With the advantages of convenience, flexibility, efficiency, fairness and low cost, people's mediation plays the role of the “first line of defense” in primary-level social governance, and is known as the “Oriental experience”. Under the influence of “aversion to the litigation complex”, Chinese people prefer to resolve conflicts in a way that does not hurt their feelings. Therefore, people's mediation combining sentiment and jurisprudence has become one of the forms of conflict settlement based on tradition and reality [1].

Although the local advantages of people's mediation have been played for decades, the number of disputes handled through people's mediation has been declining in China,

which has aroused widespread concern in the academic community. Many scholars [2–4] point out that the change of social structure has greatly compressed the operating space of people's mediation, and people's mediation has gradually fallen behind the needs of the era. In order to deeply explore the mechanism of people's mediation in alleviating conflicts, this study takes interaction ritual chains as the theoretical basis, analyzes the elements and value of people's mediation in X City through field investigation, and explores the optimization strategy of people's mediation in the new era combined with the operation principles of mediation ceremony.

## 2 Interaction Ritual Chains

As is shown in Fig. 1, American sociologist Randall Collins conducted a detailed analysis of interaction ritual from the perspective of emotional sociology, and built a micro-field interaction ritual chain model [5].

This theory points out that common events and temporary emotional stimulus will stimulate the generation of ritual, and the four ritual components -- the gathering of the group, the barrier to outsiders, the mutual focus of attention and the shared mood form a feedback relationship with each other. When the ritual elements are effectively integrated and accumulated to a high degree of mutual concern and emotional sharing, the ceremony will produce four operating results: the sense of group solidarity, individual emotional energy, symbols of social relationship representing the group, standards of morality and righteous anger for violations. The interaction ritual chains theory regards human activities as a chain structure composed of situations, and innovates a theoretical perspective to consider social behaviors. It can also help researchers deconstruct and analyze social activities from microscopical elements and provides an analytical tool for understanding social phenomena, analyzing existing problems and formulating development strategies.

Many scholars at home and abroad have done a lot of research on interaction ritual chains, which is mainly divided into two directions. First, based on the theory, the psychological change of specific people is explored. For example, the sense of solidarity in the global fight against COVID-19 [6], the acquisition of happiness in the process of watching live broadcast [7], and the maintenance of fan community in social platforms [8]. Second, the existing model is introduced into interdisciplinary disciplines to explore

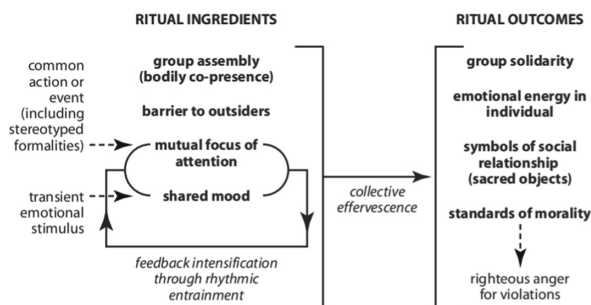


Fig. 1. General model of Collins interaction ritual chains

the new development of interaction ritual chains theory. For example, Boyns and Luery (2015) defined the concept of emotional energy and emphasized the social status of negative emotional energy [9]. Tim, Canniford and Giana (2022) sorted out ethnographic data of English football stadiums and found four stages of creating emotional atmosphere [10]. Ferguson (2019) discussed the influence of gender on the outcome of religious church rituals and pointed out that gender should be taken into consideration in interactive rituals [11].

In recent years, many scholars have paid more attention to the application of interaction ritual chains in interdisciplinary background, but there is still a blank in the study of interaction ritual chains in the field of law. The existence of a large number of legal rituals also makes it necessary to introduce interaction ritual chains into the legal background.

### 3 Research Methods

Based on the practical work of people’s mediation, this study chooses the interview method and the observation method to explore the current situation of people’s mediation.

The people’s mediation work in C Street and T Town of X City has been highly recognized. The directors of the two judicial offices have been awarded the honorary title of “National Model People’s Mediator” by the Ministry of Justice of China. On this basis, the empirical research on the urban-rural dual structure of people’s mediation in X City has typical significance. From July 14 to July 19, 2022, the researcher took X City as the research object, investigated the people’s mediators, community information officers and the staff of the justice office in C Street and T town through in-depth interviews and symposiums, and obtained the interview recordings. The overview of interviewees is shown in Table 1.

During the investigation in T Town, the researcher participated in the mediation ceremony of “Brickyard Dispute Case” presided over by the director of the Justice Institute of T Town, and observed the emotions, language and actions of the three parties during the mediation process.

**Table 1.** Overview of interviewees

Number	Gender	Age	Background
CJ22071401A	Male	40–50	Part-time people’s mediator
CJ22071402B	Female	60	Full-time people’s mediator
CJ22071503B	Male	50–60	Full-time people’s mediator
CJ22071504C	Male	65	Community information officer
CJ22071605D	Male	30	The staff of the judicial office
TH22071701A	Male	30–40	Part-time people’s mediator
TH22071702B	Male	50–60	Full-time people’s mediator
TH22071803C	Male	65	Community information officer
TH22071804D	Female	28	The staff of the judicial office

## 4 People's Mediation Ceremony

People's mediation, as an important means of non-litigation dispute settlement mechanism, has distinct ceremonial and interactive characteristics. The people's mediation committee under the legal norms requires many elements, including venue, equipment and personnel, and requires marks and records in the mediation process, which makes the people's mediation work different from ordinary conversations and has "universally recognized ceremony procedures" [5]. Secondly, in the mediation process, the people's mediator fully discussed and communicated with the parties on the focus of the conflict. The three parties interacted through conversation and facial expressions, which dominated the occurrence and operation of the ceremony.

The ritual and interactive nature of people's mediation is a necessary condition for the operation of people's mediation. It also supports the social function of people's mediation in resolving conflicts and lays the foundation status of people's mediation as the "first line of defence".

### 4.1 Basic Premises

From the perspective of the input, because the two sides have a dispute on how to deal with the conflict, the temporary emotional stimulus prompts the participants to seek a breakthrough and stimulate them to carry out people's mediation around the focus of the conflict. The gathering of the group and the undisturbed barrier become the basic premise to ensure the smooth progress of the ceremony.

In the people's mediation ceremony, the mediator and both parties are present to interact. After both parties state the facts, the disputes are discussed for several times, so as to encourage both parties to make concessions and reach a mediation agreement. In most cases, the common presence of the three groups constructed a common field where the bodies of each representative group were present, which ensured the evolution of the mediation ceremony towards the goal of harmony and also ensured the fairness and reliability of the results of the ceremony.

The gathering of a group artificially distinguishes the parties from the outsiders, facilitating the rapid accumulation of emotional energy to achieve collective excitement. First, from the perspective of occurrence domain, the mediation ceremony is generally carried out in the meeting room, living room and other places, artificially constructed a relatively closed private place. The closed gate and semi-enclosed wall form the boundary of the ceremony, and the members have a clear group identity in the process of the ceremony. Second, from the scope of the conflict, individuals affected by conflicts can clearly perceive the damage to their own interests and urgently hope to properly solve the focus problem through the ceremony, while those who have nothing to do with conflicts are excluded. For example, the mediator said to the researcher before entering the people's conciliation court:

You're not from here. You're not familiar with the case. This is the owner of the Brick yard. (Part-time People's Mediator TH22071701A).

As observers of this case, the researchers were initially excluded. It can be seen the scope of the contradictions create an invisible barrier that separates the parties from the outsiders. The ceremony runs in a circular center on the focus of the contradictions and

with the degree of correlation of the contradictions as the radius. The people covered within the circle are the members of the ceremony, and the outsiders outside the circle are excluded.

## 4.2 Critical Cycle

Only by focusing their attention on a common object or topic, by communicating the focus of attention to each other, can people realize what they are doing and have an emotional state that can be shared [5]. The circulation between common focus and shared emotional states constitutes the core of mediation rituals.

The mediation ceremony as a whole revolves around contradictory events. But as far as the process is concerned, because of the particularity of the mediation ceremony and the complexity of the focus of contradiction, the mediation process is full of uncertainty. Especially when the conflict is deadlocked, the mediator usually interrupts the topic and discusses other topics unrelated to ease the mediation pace, leading to procedural “focus deviation”. In the case of the Brick Factory dispute, when encountering the obstacle of persuasion, mediators used appropriate silence to transition to the contradiction itself:

If you are a temporary worker, you may quit after working here, you may only work for two months, and many people have been working for three or four years, right? If you have data records, odd jobs can be insured. You have to buy insurance for this post. (Silence...)

Anyway, let's focus on the funeral expenses. You have to give him the compensation, otherwise this case is hard to handle. After all, he died, and now his family is angry.

Collins pointed out that the full match of the interactive rhythm indicates the peak of emotional energy brought by the ritual, while the breakdown of the rhythm indicates the failure of the ritual. For people's mediation, the silence caused by the change of topic is not a break in rhythm. Instead, it proves that the sense of rhythm in the mediation ceremony is undulating, and the accumulation of emotional energy is gradual. The slow rhythm can help the participants adjust their own state, so as to stay focus on the conflict for a long period of time, which is also the unique skills of the people's mediators in handling cases.

The common focus on the contradictory brings about a unified rhythm of interaction, which reduces the communication cost and makes the emotional state flow freely in the ceremony. The members of the ceremony can sense the energy and give feedback, and jointly focus on the development trend of the contradiction. As the community information officer said to us:

Last week, two neighbors quarreled about throwing garbage and came here. I asked them to sit down first. They were both from the same village, so I used the provincialism to persuade the two men to shake hands. (Community Information Officer CJ22071504C).

In the mediation ceremony, the emotional energy gradually accumulates in undulating rhythm, and the appeals of both parties are fully faced in multiple interactions. The mediator gradually accumulates positive emotional energy by dealing with contradictions, and the emotional energy in the ceremony is fully shared and flowing, gradually approaching to the collective excitement.

### 4.3 Periodic Results

When the components of the ceremony are fully integrated, the gradual accumulation of the emotional energy of the three parties makes the shared emotional state fully flows, and the collective excitement is gradually formed in the interaction and feedback. The mediation ceremony gradually comes to an end, which mainly produces four kinds of ritual results.

The typical result of the mediation ceremony is to resolve the sharp contradiction between the two parties and maintain social stability. From a macro point of view, the operation of the mediation ceremony makes the contradictions within the society gradually dissipate, and the sense of group unity replaces the factor of division to occupy the mainstream of the society, which is also the source of the role of people's mediation as the "first line of defense" of social governance. From a micro point of view, the promotion of people's mediation ceremony changes the emotional state of participants, and the shared emotional state is transformed into long-term emotional energy reserve after the ceremony. Both parties can obviously perceive the changes of their emotions during the mediation ceremony. The high negative emotions represented by anger in the early stage of conflict resolution, the stable emotions represented by calm in the middle stage of mediation, and the high positive emotions represented by excitement after conflict resolution all become the unique emotional memories of participants in the ceremony, which enhances the participants' cognition of people's mediation and has improved their legal literacy.

"Social relationship symbol" is the group symbol or other objects, such as figurative icon, text, posture [5]. The social relations symbols in the mediation ceremony play a role through many symbols of the people's mediation, such as publicity materials on the people's mediation, the brand logo of the mediation room, uniform labels, and even the mediators, are all components of the social relations in the mediation ceremony. The mediation symbols can remind participants of mediation rituals they've participated in, which gives members a method that they can perceive their strong correlation with the collective and defend the symbols from being despised by others.

Successful mediation rituals generate moral standards and legitimate anger at violations. The moral standards of mediation rituals are fixed by "mediation agreements", which are morally binding but not legally enforceable, and thus extend to moral condemnation of violations. After the signing of the mediation agreement, the parties usually refuse to perform the agreement and cause litigation again [12]. In the interview, the author found that when mentioning how to deal with the case of violation of the agreement, mediators were very emotional and used extreme words, which obviously caused anger towards such behavior:

Well, if he breaks the deal, he loses his face, and we submit some evidence to the court to help with the lawsuit. (Full-time people's Mediator TH22071702B).

It can be seen that the role of mediation agreement is not only to remind participants to perceive the group identity, but also to restrict group behavior, so that it artificially endows the agreements with emotional significance and actively practices the value trend contained therein.

## 5 Optimization Strategy

### 5.1 Explore “Virtual Presence”

The continuous development of information technology makes the component elements of the interaction ritual chains change, gradually expanding from “group gathering” to “virtual presence”, which specifically means that the group gathering can be achieved through real-time network contact, and is distinguished from the traditional “physical presence” [13]. Civil mediation, which is good at flexibility, can still prospectively use Meta-cosmic elements such as databases, algorithms and virtual portraits, and strengthen the comprehensive analysis, research and judgment ability of mediation institutions by establishing digital maps of civil disputes and big data portraits of dispute parties, so as to improve the learning ability of mediators and make up for the deficiency of professional knowledge in people’s mediation.

The establishment of the Meta-cosmic mediation field also plays down Collins’ concerns about “the limited effect of remote rituals”. The participants of rituals can be freed from physical limitations through multi-dimensional interaction in the virtual space, and remote rituals become almost on-site. Interactions in virtual space synchronize with real life, saving costs, ensuring personnel safety, and optimizes the resource allocation.

### 5.2 Make Full Use of the “Relationship Symbol”

The chain structure of the interaction ritual chains connects each situation in series. The significance of the relation symbols is that it can affect the group interaction and individual identity in the future situation [5]. In order to continue the ritual influence of people’s mediation, it is urgent to optimize the symbols related to people’s mediation to establish region-specific emotional memory.

Judicial and administrative organs should combine regional characteristics and personal influence, and focus on cultivating people’s mediation studios. The feature studio is set up in combination with local folk customs and local culture, with emotional functions other than basic functions. Social members who have participated in the ceremony can effectively identify relationship symbols, and the mediation memory encourages them to choose people’s mediation to deal with disputes again. They spontaneously carry out publicity activities for the studio, and the ritual interaction in the original situation is extended, forming a virtuous circle between members and symbols.

### 5.3 Enhance the “Emotional Energy”

Emotional energy is the core component of ritual operation, and the flow of emotional energy encourages participants to focus their energy on resolving the contradictions. The smaller the emotional barriers between participants and the faster the feelings flow, the more likely it is to accumulate rich emotional energy in a short period of time and quickly output ritualistic results.

For rural people’s mediation, the feelings of clans in rural society weaken the emotional barrier, and participants can quickly enter the shared emotional state. Therefore,

rural mediation committees should formulate and implement characteristic rules according to the local society, mining rural talents with local knowledge into the mediation team to resolve local disputes. For urban people's mediation, it is necessary to subdivide the contradictions and establish a unique mediation field to weaken the emotional barrier. Urban people's mediation needs to make use of the community as the basic unit to develop community-based mediation, integrate law with emotion, and deal with urban disputes flexibly. At the same time, we should vigorously promote the establishment and improvement of industry-oriented mediation organizations based on industries and social organizations, so as to solve professional problems professionally and enhance the efficiency of people's mediation.

## 6 Conclusion

In conclusion, the constant change of China's social structure makes the social foundation that people's mediation relies on gradually dissolve, and people's mediation is faced with realistic difficulties such as the reduction of its scope and the restriction of its effect in the new era. Based on the interaction ritual chains theory, the research results of X City in China show that the people's mediation ceremony creates an interactive field, setting boundaries for members outside the group through closed places and the scope of conflict, and forming a shared emotional state in the common concern for conflicts. The gradual accumulation of emotional energy promotes ritual to produce four outcomes: group unity, moral standards, strong individual identity and respect for people's mediation symbols, affecting individual behavior and performance in future situations. People's mediation, as a way of dealing with contradictions and disputes with Chinese characteristics, has effectively eased the litigation pressure on the judicial organs and provided the "first line of defense" for the construction of a society ruled by law. With the constant change of social structure, people's mediation also needs to give full play to the unique role of "Oriental experience" by exploring Meta-cosmic people's mediation, building mediation studios and developing community-based mediation organizations.

Future studies can explore the specific impact of case types on the accumulation of emotional energy, such as marriage factors in family emotional disputes and economic relations in debt dispute contracts, focusing on the perspective on emotional construction. On the other hand, the mediation ceremony has similarities with other ceremonies. Future studies can also extend the interaction ritual chains to other legal ceremonies, such as the litigation ceremony, the notarization ceremony and the oath ceremony, which is conducive to testing the changing factors of interaction ritual chains in new situations and enriching the scope of interaction ritual chain theory.

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