

References

- 1 Feather N.T. *Journal of Occupational and Organizational Psychology*, 2008, vol. 65, p. 315–331.
- 2 Rean A.A. *Questions psychology*, 2001, 1, p. 37–46.
- 3 Pryazhnikov N.S. *Professional advice: types and modalities*, Moscow: Moscow State University, 1989, 162 p.
- 4 Pryazhnikov N.S. Educational games to choose a profession: problematic situation, task. Card method, Moscow: MSU, 1991, p. 87.
- 5 Webley P., Wrigley V. *Journal of Adolescence*, 1983, vol. 6, p. 317–328.
- 6 Klimov E.A. *Psychological and pedagogical problems of professional advice*, Moscow: Znanie, 1986, p. 95.
- 7 Maslow A. *Personal motivation*, Moscow: Education, 2001, p. 233.
- 8 Leontiev D.A. *Psychological Review*, 1998, 1, p. 66–78.
- 9 Dubrovina L. *Workbook school psychologist*, Moscow: Education, 1991, 303 p.
- 10 Leontiev D.A. *Test mindfulness orientation*. 2nd ed., Moscow: Smisl, 2000, 18 p.
- 11 Tatarova G.G. *The methodology of data analysis in sociology*, Moscow: NOTA BENE, 1999, p. 224.

UDC 316.6

D.A.Zhanserikova, G.U.Satenova

*E.A.Buketov Karaganda State University
(E-mail: sat.ayya@mail.ru)*

Some aspects of mediation as social and psychological phenomenon

In article such phenomenon as mediation is considered actual today. Mediation is one of optimum ways of the solution of a conflict situation. Mediation is a well-structured process of group interaction between two or more people, in which one of the participants facilitates communication between two (or more) other people who are found in an emotional confrontation with each other and fail to make rational thoughtful conversations themselves. In this article social and psychological aspect of this phenomenon is considered, namely the interrelation with psychological training is traced. Also in this article is considered: the mediation purpose, factors of success of the solution of a conflict situation, a mediation stage, advantage of mediation, etc. In permission of a conflict situation the mediator is of great importance, the role of a mediator and quality which it has to possess here is described.

Key words: mediation, conflict situation, conflict, way of a resolution, training, mediator, communication, experience; personal qualities, skills.

Today in our society as mediation widely proved such social-psychological phenomenon in the world. It is possible to tell that mediation is «new communicative practice in a resolution of conflicts».

Gradually there is «revolution» in methods of settlement of conflict situations, and leading positions in a resolution of conflicts in various spheres of activity are taken by mediation.

This system of alternative settlement of disputes actively develops today and finds more and more supporters in many civilized countries and the states seeking to create modern legal infrastructure.

This method, since 70th years of the last century, is widely used abroad (in the USA, Italy, Denmark, Poland, Germany, England, Sweden and other countries). Mediation, first of all, is used for permission of intra family problems (the relation between spouses or the relations between parents and children), the conflicts between neighbors and school problems (between teachers, parents and pupils), etc. The conflicts in connection with divorce (the property section, guardianship, financial support of children, etc.) are especially widely presented in mediatsionny practice. However mediation proved the success and at the solution of any other conflicts – production, ethnic and even interstate.

At the state level mediation gets the legalized status. Since August 5, 2011 in Kazakhstan the law of the Republic of Kazakhstan «about mediation» works.

In the territory of Kazakhstan a several of the centers of mediation is created. In the territory of Kazakhstan a number of the centers of mediation is created. According to the Confederation non-governmental or-

ganizations of Kazakhstan (CNOK), in the republic the Center of development of negotiation process and peaceful strategy in a resolution of conflicts works. For example In Astana, Almaty, Karaganda, Shymkent there are mediators which received certificates on assignment of qualification of a mediator.

Mediation is a special social and psychological process that involves a neutral party, called a mediator who plays the leading role in negotiation process.

Mediation is a well-structured process of group interaction between two or more people, in which one of the participants facilitates communication between two (or more) other people who are found in an emotional confrontation with each other and fail to make rational thoughtful conversations themselves.

Mediation is similar to group training technologies, but mediation has essential and considerable differences from training and psychological consultation. After all in itself procedure of mediation is directed not on permission of psychological problems of participants, how many on settlement of problems of interaction in which interests of participants are infringed really or estimated.

Group psychological training, as we know, is directed or on permission of the intra personal conflicts that as shows experiment, facilitates communication of people with others in life. Or training is directed on formation of any skills and abilities, for example, «social and psychological training — model for studying and practical laboratory for formation of communicative abilities, the means of psychological influence aimed at the development of knowledge, social installations, skills and experience in area of interpersonal communication and professional activity.

But in mediation there is more important event for participants. Each of participants of the conflict really satisfies the interests and requirements which couldn't be satisfied earlier.

Moreover mediations as process of negotiations and as the situation of psychological interaction is reality of human life, being in the conflict. Mediation is a significant part of the life of the people who are in a condition of opposition, fight and negative attitude to each other (that seldom happens in training, only if the trainer specially doesn't create such game situation of opposition).

One of the greatest benefits of mediation is that it allows people to resolve the charge in a friendly way and in ways that meet their own unique needs. Thus, mediation is a communication, which leads to both emotional and cognitive stress reduction of parties, which enjoy and meet their spiritual, psychological and material needs as well. Moreover mediation as a process of negotiation and psychological interaction considers being a part of human life faced with the certain conflict.

Mediation plays a significant role in human lives that are full of conflicts, struggles, and negative attitudes to each other (which is rarely occur, if only the coach creates a special conflict situation in the training himself).

Mediation is developed on the basis of a resolution of conflict. In social psychology the problem connected with studying of the conflicts, is represented fundamental [1]. Modern scientists in the field of conflictology note "a crucial role of the conflicts" as in life of the certain person, and society as a whole [2]. Numerous researches of problems of emergence and effective resolution of conflicts are defined by it.

The goal of mediation is to help parties to develop mutually acceptable agreement or solution, to squash all negative attitudes, to establish constructive communication between parties, to make people realize their interests, to remove the psychological barriers and treat other people as friends or partners for a joint-search for mutually acceptable solutions, agreements to resolve the conflict situation.

Success of permission of a conflict situation in case of use of procedure of mediation depends on a number of factors which can be schematically presented in three blocks [3]:

- 1) professionalism and personal qualities of a mediator;
- 2) specifics of the conflict;
- 3) features of warring parties.

Mediation simply offers beneficial and streamlined approach to complicated situations and it is a sequence of procedural steps that guarantees the success in the whole process. Typically, mediation involves the following steps [2; 65p.]:

1. Mediation Procedure establishment;
2. Statement of the Problem by the Parties
3. The discussion and development of options that might satisfy the respective interests of the parties;
4. Caucus – private meeting between the mediator and one party
5. Bargaining and Generating Options
6. The preparation of a draft summarizing the tentative agreements.
7. Concluding

Each stage of mediation has its own specific goals and objectives. The shift to the next stages requires the accomplishment of all goals set before. Therefore, the mediator should always check himself/herself over and over whether the challenges put at this stage have been completed and the goal has been reached. Only with full confidence that all problems have been solved, you can proceed to the next step.

The mediator must ensure effective communication between the parties. At a first glance it seems that there are no any complications. People often aid others to understand the various problems by evaluating the opinions and attitudes of other people. The mediator's primary role is to mediate from a impartial stance having no vested interest in the outcome of a dispute between parties. The mediator has no legal or ethic rights to give any estimation. The mediator must adopt the neutral stance: the parties of the conflict have a problem that prevents them to interact in a constructive and non-confrontational way. The individuals involved in mediation often come with a history of relationship, respect, and hope having been transformed into mistrust, rejection, and betrayal. Mediators must be trained to manage the venting process, so that it does not derail the mediation. For example, mediators sometimes use separate "caucus" sessions to create a safe place for venting, thereby avoiding a situation in which the other party's reactions to the venting escalate the conflict.

Another pivotal role of the mediator is to listen and help the parties identify the underlying causes of the conflict and how they would like to resolve or manage it. The agreements and outcome are decided by the parties. Of course, the success in this trade may be guaranteed with a special education and vocational training.

Respected mediators can contribute expertise and experience in all models and styles of negotiation so that the parties are able to negotiate more constructively, efficiently and productively.

Throughout the negotiation process the mediator set the ground rules in the first meeting with parties; the parties and mediator signs an agreement to mediate; the mediator guides the parties' discussion, assuring that they can rationally respond to each other's views and feelings non-aggressive manner; the mediator helps to reach a final agreement that is satisfactory to both parties.

The mediator may at any time suspend the work, take a break for a caucus or rest. He is a neutral part who sets the tone for the entire process. Mediators act to maintain a positive emotional climate by controlling or diffusing negative emotions or attacks, enforcing behavioral ground rules, and keeping parties focused on the issues. He monitors the rules and alerts hand, if they violate the negotiation rules. The mediator can even completely stop the mediation if the parties are unable to stay aggressive and he clearly sees that the parties are not willing to negotiate or one of the parties mentally unsound for the process. This is usually determined before the mediation session starts. Obviously, the mediator accomplishes his function through all stages and in between.

The mediator should have and always practice good listening skills. (This feature of the mediator is so popular amid psychologists). The mediator should be able to grasp a meaningful and emotional content of a party's statements. In this way he tentatively identifies the interest expressed, and then expresses that interest back to the party for further feedback.

Parties may try to bluff, or misrepresent their interests. Mediators must be alert for such bluffs, and try to call them. Mediators may use persuasion or rationalization to induce a party to abandon their bluff and present a more accurate picture of their interests. Finally the mediator should incorporate both parties' interests into a joint problem statement. A joint problem statement enables negotiators to commit to work on a common problem because they believe that their needs will be respected, if not met by, the solutions that will be developed.

In this case, the mediator should raise the issue (or issues), give an assessment to the conflict, parties' feelings about the issue raised. It should be borne in mind that most people can not distinguish facts from interpretations and evaluations, which often leads to a misunderstanding.

The mediator should perceive emotions of the parties as a fact (they may cry or laugh, be angry or pleased) and he is expected to consider them just as an emotional coloring of their statements. Therefore, the mediator may inform the parties about his attitude towards their emotional state.

To be an active listener and the capacity to remember all the important facts of parties' statements is crucial. Thus, the mediator will be able to demonstrate his awareness, frame the issues in ways which enable effective problem-solving. There is another thing; parties are very rarely able to give a clear or complete statement of their interests. Hence one of the mediator's tasks is to uncover and clarify the parties' hidden interests. Mediators should help to cultivate a positive attitude toward interest discovery in the parties. In order to streamline his functions mediator can record the essential ideas in statements of the parties on paper, but it is also important not to lose contact and process control [4].

The empathic listening is a core skill of the mediator which is significant at all stages of the process: parties' presentation, discussions and caucus.

The mediator is a third party who analyzes the conflict and aids the parties to realize significant aspects of their issue for the perspective conflict resolution. The mediator performs his function is mainly to make the parties themselves understand the situation and carefully examine what may be possible ways out [5].

Neutrality and impartiality are other important qualities of a respected mediator. The mediator must display so called 'indifferent' reaction and attend equally to the needs and interests of all parties with equal respect, without discrimination and without taking sides'. The mediator should come to the mediation as 'an empty vessel'! These qualities and terms are often seemed in mediators' codes of ethics. The ability to tune away from prejudice, past experience, similar matters is vital to gain the respect in your job. Conflict analysis is always a very delicate thing. Mediator may feel that he understands the parties' interests and is willing to drive them to a collaborative work. But you never know in advance what kind of conflict resolution will be suitable for these particular parties. Only the parties themselves are the masters and judges of the conflict situation and know the most favorable ways out of the situation! As for the mediator, he should expand the information to the parties, so that they can vision the situation from a single angle and understand why their views are so contradictive. The mediator should assist the parties to understand what their true interests, and what steps can take parties to resolve their dispute [6].

The parties are now ready to begin generating settlement options. Having generated a range of settlement options, the parties must next evaluate those options to seek the solution which provides maximum mutual benefits. When the parties' settlement ranges have no overlap, there are no mutually acceptable settlement options. The mediators' objective in the conflict analysis is to identify and clarify the disputed issues, discover what interests hidden in their personal stance. In this role, the mediator asks the parties to state their views and deal with the facts they have on the dispute subject, identify the most important points in their argumentations. All details of parties' statements sufficient for coming in to a consensus in the dispute. For this analysis, the mediator, firstly, listens to each party and then ask effective questions to clarify the dispute.

The mediator mainly can function as a conflict analyzer on the stage of issue discussions and meeting in caucus, but partially in the process of generating settlement options.

Any conflict situation is accompanied by emotional experiences. The conflicts can trigger even strong emotions. If you faced with a prolonged conflict, you can hardly avoid a burst of negative interpretations. In such circumstances, a person may not be entirely accurate in his speech and adequate both in his/her vision of the conflict situation and in their expectations about possible ways to resolve it. In conflict resolution, there is such a term as "narrowing of consciousness". In most cases we are only aware of information from a limited part of the environment and more or less unconscious of information that happens to be outside our focus. People, involved in the conflict, tend to 'turn over' the situation. Attention and consciousness of the people are focused on the fight. In this case, our decisions may not be available and secure; the parties fail to meet the objective possibilities in problem-solving process. Consciously or unconsciously, but the parties will make the negotiation process unproductive: facing with a non-realistic agreement [4; 36p.].

Another important role of the mediator in mediation process is the role of a supervisor; he conducts a careful examination over the parties' statements, whether they are true or false: considers the feasibility of their proposals and agreements, and availability of their resources.

The construction of mutually accepted agreement implies as a symbolic end to the conflict and increases the parties' commitment to the agreement. The mediator must ensure that the parties better-understanding of all the terms of the settlement agreement and their interaction. Once the "solution" has been arrived at by each party, the mediator would need to get each side to "sign off" on the specific behavioral changes they have agreed to perform. The mediator ensures that the agreement committed is secure and arrangements are robust and long-term.

It is always preferable when the mediator encourages the parties to make such an analysis on his own. But in cases where the party or parties impassionate, emotionally overexcited or careless, the mediator can himself draw a hypothetical situation and offer to study what negative effects it brings and how it can develop for the parties. In this regard the mediator should indicate to all the possible negative consequences of actions/omissions or the results of the proposals of one of the parties of the dispute. To motivate parties for a mutual analysis of possible adverse events in the future is significant. Otherwise, the mediator will never be aware of the conditions and know the history of the problem better than the parties of the conflict. Only parties are able to conduct an objective examination of the potential problems arising in the future.

To find options for resolving the conflict is not easy. If the parties fail to display creativeness or capacity to explore the alternatives in conflict resolution, they may get confused and feel stuck. The mediator, in this case, usually bases on his personal experience and suggests his options for the parties' consideration. But the mediator

can not suggest a solution, but only encourage the parties to find a solution by performing new ideas in conflict resolution. As an objective third-party, mediators can often see possibilities that disputants cannot [7].

The abilities to mediate as an idea-generator are helpful on the caucus and a draft development stages.

The mediator must also have the ability to expand the resources on the dispute issue.

In this role, the mediator provides the disputants with the necessary information equally. However, he must be very accurate in giving any explanations, clarifications or suggestions. Contamination by background information can impact a mediator through many sources. All information provided should include only the actual facts and not depend on any kind of side.

The mediator teaches how to conduct an ultimate negotiation. In the role of the teacher, the mediator teaches to think, act and negotiate for establishing a cooperative work. Most of the disputants hardly know how to negotiate and attempt to use prohibited techniques ("negotiating ploys"), sometimes they show a "fake emotions", perform false information, put forward excessive demands in the hope of getting what they really want by intimidating his opponent [8].

The parties shall apply such manipulative techniques which will force the opponent side to take their stance and position. Most often, when they do not think of that cheating could bring some success only for a very short time, until the other party would understand that they were tricked. In managing the flow of information the mediator must be able to recognize the fraud given by one of the parties. A false representation of the matter only exacerbates conflict. It is important to prevent such situation in mediation session. Typically, during the caucus the mediator discusses the form and content of the proposals submitted to the joint session and carefully prepares parties for it. Separating the parties allows more open communication between the party in caucus and the mediator. This helps the mediator understand the party's point of view more fully and keep the process moving forward. One of the advantages of conducting the caucus, without the presence of the other party, the party in caucus is likely to be less tense, angry, and defensive, and more flexible and creative. In addition, strict adherence to the procedure given in the beginning, the parties also shows how important it is to follow these arrangements [9].

Thus, the mediator aids the parties to reach a mutual agreement. The essence of this function can be seen in keeping track on correctness and completeness of the content of the agreement. When the disputants find a mutually agreeable resolution to their conflict, the mediator should then insist that they clearly detail how that resolution will be implemented in a written action plan. Mediation fails if disputants think they have identified a resolution but the resolution is so vague that they have differing perceptions of it. These differing perceptions are a seed for future conflict. To avoid this, managers should present an action plan and follow up to ensure that the plan has been executed.

Sometimes the disputants like the solutions that they come up with, they begin to hurry and find there is no use in further detail recording. But the mediator must be patient in order effectively terminate the agreement. Drawing up an agreement, to the astonishment of the participants can not take less time than the rest of the negotiation process. To make a final agreement is hard work and time consuming. Consequently, managers have often intervened with hybrid strategies, such as allowing mediation to proceed until a deadline at which the mediator will become an arbitrator and impose a resolution.

There are no doubts that mediators' actions must be aimed to maintain a positive emotional climate. This role of the mediator is closely related to the function of a process organizer. It is not about creating an idyll or a soft relaxing atmosphere. During mediation it is possible to perform rigid behavior and harsh words of anger and confrontation. But all negotiation strategies must be in constructive way. The role of the mediator is to keep even tough but constructive cooperation between the parties, avoiding mutual insults and humiliation of one of the parties. Procedural agreement adopted during the opening remarks of the mediator, is a good tool for managing the psychological climate. The professional mediator always can make the tension and stiffness of the talks to fade away before long. Then the parties discuss and generate mutual commitments in a peaceful manner. Of course, the mediator should perform the function of emotional climate creator throughout the whole mediation [9; 25].

The mediation helps the parties to shift from conflict confrontation and negative attitudes to a constructive interaction. It is possible to reach conflict resolution when the parties will be able to remove negative emotions. From this moment the parties begin to make private negotiations. In this situation the mediator may be involved in the negotiations only for avoid any difficulties from the part of the disputants. Only the parties are in charge of actual result of the agreement set.

Mediation — is consequent and purposeful creation of a situation in which human's mentality and behavior experiences some changes and corrections. It is defined as special type of psychological behavior of parties in the mediation, specific from the behavior of people in the course of the arbitral tribunal or psychological training.

References

- 1 Гришина Н.В. Психология конфликта. — СПб.: Питер, 2000. — 208 с.
- 2 Аллаhverдова О.В. Медиация как социально-психологический феномен // Вестн. Санкт-Петербургского университета. Сер. 6. «Философско-политические науки, социология, психология, закон, international relations». — М.: Юнита 06/2007. — С. 151–159.
- 3 Анцупов А.Я., Шипилов А.И. Конфликтология. — М.: Юнита, 2000. — 263 с.
- 4 Аронсон Э., Уилсон Т., Эйкерт Р. Психологические законы поведения человека в социуме. — СПб.-М.: Еврознак, 2002. — 197 с.
- 5 Емельянов Ю.Н. Обучение паритетному диалогу. — СПб.: Питер, 2008. — 229 с.
- 6 Андреева Г.М. Социальная психология. — М.: Аспект Пресс, 2004. — 456 с.
- 7 Куницына В.Н., Казаринова Н.В., Погольша В.М. Межличностное общение. — СПб.: Питер, 2001. — 362 с.
- 8 Свенцицкий А.Л. Социальная психология. — М.: ООО «ТК Велби», 2003. — 336 с.
- 9 Сидоренко Е.В. Тренинг влияния и противостояния. — СПб.: Речь 2004. — 258 с.

Д.А.Жансерікова, Г.Ө.Сатенова

Әлеуметтік-психологиялық феномен ретіндегі медиацияның кейбір аспектілері

Медиация — бүгінгі таңда өзекті болып отырған құбылыстардың бірі. Ол — қактығыс жағдайын шешудегі ең тиімді жолдардың бірі. Мақалада медиация әлеуметтік-психологиялық феномен ретінде қарастырыла отырып, бұл құбылыстың психологиялық тренингпен өзара байланысы сипатталған. Сонымен бірге медиацияның мақсаты, кезеңдері, қактығыс жағдайын тиімді шешудегі факторлары, медиацияның артықшылықтары және тағы басқалар көрсетілген. Қактығыс жағдайын шешу барысында маңызды рольді атқаратын медиатор. Авторлар медиатордың ролі және адамдармен қарым-қатынастағы оның қандай негізгі тұлғалық қасиеттерді меңгеруі қажеттігі жөнінде айтқан.

Д.А.Жансерикова, Г.У.Сатенова

Некоторые аспекты медиации как социально-психологического феномена

В статье рассматривается актуальное на сегодняшний день социальное явление — медиация. Отмечено, что медиация — это один из оптимальных способов решения конфликтной ситуации, структурно организованный процесс группового взаимодействия между двумя и более людьми, в котором один из участников взаимодействия облегчает коммуникацию между двумя (и более) участниками. Авторами показан социально-психологический аспект этого явления, а именно прослеживается взаимосвязь с психологическим тренингом. Также в статье определены цель медиации, факторы успешности решения конфликтной ситуации, стадии медиации, ее преимущества и т.д. Доказано, что в разрешении конфликтной ситуации большое значение имеет медиатор. Описываются роль медиатора и качества, которыми он должен обладать.

References

- 1 Grishina N.V. *Psychology of conflict*, Sankt Petersburg: Piter, 2000, 208 p.
- 2 Allahverdova O.V. *Messenger of St. Petersburg university, series 6: philosophy and political science, sociology, psychology, law, international relations*, Moscow: Juniti 06/2007, p. 151–159.
- 3 Ancupov A.Ya., Shipilov A.I. *Conflict science*, Moscow: Juniti, 2000, 263 p.
- 4 Aronson Je., Wilson T., M. Akert. *The psychology of human behavior in the social environment*, Sankt Petersburg-Moscow: Euroznak, 2002, 197 p.
- 5 Yemelyanov Yu.N. *The study of equal dialogue*, Sankt Petersburg: Piter, 2008, 229 p.
- 6 Andreyeva G.M. *Social psychology*, Moscow: Aspect Press, 2004, 456 p.
- 7 Kunicyna V.N., Kazarinova N.V., Pogol'sha V.M. *Interpersonal relationship*, Sankt Petersburg: Piter, 2001, 362 p.
- 8 Svencickij A.L. *Social-psychology*, Moscow: ООО «ТК Velbi», 2003, 336 p.
- 9 Sidorenko Ye.V. *Training: impact and interaction*, Sankt Petersburg: Rech', 2004, 258 p.