

СЕКЦІЯ 1. МЕДІАЦІЯ ЯК АЛЬТЕРНАТИВНИЙ СПОСІБ ВИРІШЕННЯ КОНФЛІКТУ В УМОВАХ ВОЄННОГО СТАНУ

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EMOTIONAL STATE OF MEDIATION PARTIES: A PROBLEMATIC ASPECT

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In difficult times, each of us feels a whole range of feelings and from time to time we wonder, is this normal? Yes, it is quite normal to feel sometimes conflicting emotions when your country is at war. It can be despondency, despair, panic, denial or, on the contrary, inspiration, etc. However, life goes on and conflict situations may occur that need to be resolved. That is why the mediator should pay special attention to the emotional state of the mediation parties, because it is through them that their interests, needs, and fears are revealed. At the same time, it is important that the mediator does not take over the function of a psychologist, does not «treat» the parties, but works with emotions only to the extent that ensures the achievement of the goal of mediation.

The question of the types and number of emotions that a person can feel and express is still debatable. The American psychologist P. Ekman singles out the following basic emotions: joy (satisfaction), surprise, sadness (sadness), anger (anger), disgust, contempt, fear. All other emotions are derived from the above and represent a combination of basic emotions [1]. However, the list of basic emotions can be defined differently, it can include joy, surprise, sadness, anger, disgust, contempt, grief – suffering, shame, curiosity – excitement, fear, guilt, shyness – confusion. In general, the more scientists delve into the emotional sphere of a person's life, the larger the palette of emotions they study becomes. However, it is worth noting here that a person's expression of emotions indicates his needs – this is exactly what a

mediator who works on identifying the interests and needs of the mediation parties should understand.

In order to perform the tasks assigned to him at a high level, the mediator must possess such skills as working with emotions, such as:

- recognizing one's own emotions. The mediator must be clearly aware of the emotions that this or that situation causes in him (anger, regret, contempt, etc.) and respond to them in a timely manner (transference and countertransference will be discussed later);

- managing one's own emotions. The emotional state of the mediator should «work» in favor of the mediation process, not affect the emotional state of the participants in the process and in no way harm the process. It should be impartial and «equal», in fact, managing emotions consists in the ability to choose the optimal line of behavior for oneself when experiencing an emotion that takes place;

- recognizing the emotions of the mediation parties. The correct definition of the emotions that prevail in this or that person is a prerequisite for working with the interests and needs of a person;

- managing the emotions of another person. This skill of the mediator consists in increasing or decreasing the emotional background of the mediation process, depending on which tasks are the main ones at a certain stage. The correct definition of an emotion allows you to «manage» it. The main thing here is not to go beyond the limits and not to immerse yourself in the process, because impartiality must be observed in any case.

Maintaining a balance between «managing» the emotions of the parties and impartiality of the mediator is a condition for achieving the set goal of the mediation process as a whole. Emotions in mediation must be defined, they must be respected and must be defined as natural and «legitimate» in a certain situation. If a person will feel that his emotions are «not important» to the people participating in the mediation process, then this will cause aggression and provoke isolation and refusal to cooperate and be involved in the process. However, a mediator is not a psychologist who can accurately identify an emotion, especially since there are people who quite skillfully hide their emotional state and keep everything to themselves. In order not to make mistakes, the mediator uses such a tool as naming emotions. This can be expressed by statements like: «This situation must have made you feel confused, scared...», «It sounds as if you were upset, worried...» etc. This method, firstly, allows you to clearly define a person's needs, and secondly, it contributes to the level of trust in the mediator, because nothing helps you as much as openness and identification of a person's emotions and respect for them.

It should be noted that, in addition to increasing the level of trust in the person who identifies the emotion and expresses respect for it, this technique helps the mediation parties to free themselves from emotional barriers that

hinder the success of the mediation and provides an opportunity to «humanize» the emotions of the other party.

At the same time, the risk that the balance will be disturbed and the mediator's impartiality will be shaken is quite large. One of the fundamental achievements of psychoanalysis is the discovery of the concept of «transfer», made by Z. Freud, capable of revealing a number of psychological problems of mediational procedures. The concept of «transference», according to psychoanalysis, is a psychological phenomenon, which consists in the transfer of previously experienced feelings, relationships that were manifested towards significant people (since childhood) onto a completely different person. If in the process of psychoanalysis, «transference» is important for understanding the patient and for his further treatment, then in the case of the mediation procedure, this phenomenon will be an obstacle on the way to resolving the conflict. The process of dividing the received information into emotions, facts, and interpretations is necessary for successful conflict resolution. In this case, the mediator faces a difficult (problem) client. «Transfer» occurs, in particular, due to the lack of information about the psychoanalyst (which is important for the psychoanalytic procedure), about his qualities, personal life, etc. The phenomenon of «transfer» manifests itself unconsciously. The figures of transfer are most often parents, less often – brothers, sisters, grandparents. «Countertransference» is a phenomenon similar to «transference» that occurs in the psychotherapist as a reaction to the patient. Reactions in response can be both unconscious and conscious. The phenomenon of countertransference distracts from reality and contributes to the emergence of conflict. The mediator, as a maximally neutral person, is also not represented in the process of interacting with the client personally. Therefore, there are prerequisites for the formation of transference and countertransference. If the mediator develops a countertransference towards one of the parties to the conflict, that is, there is a danger at an unconscious level of him violating the principle of neutrality and impartiality during mediation. In this case, it can be recommended to monitor the occurrence of transference and countertransference.

Also, a mediator should be careful with a client who demonstrates a certain lifestyle, protective psychological mechanisms, and wears a social mask. A social mask should be understood as situations when a person pretends to be someone else and behaves as society expects of him. The social role enables the individual to make an impression on people and to hide his individuality, his true self. For example, a man fulfills a family-domestic role – a caring man, and his true self can hide a «tyrant» in himself, as a result of which a family conflict arises. At the mediation, first of all, the qualities corresponding to the archetype of the person will be demonstrated. K. Horney, during the development of women's psychology, considers the gender aspects of the

conflict, the basis of which is the contradictory perception of relations between the sexes and social roles. «Women often feel inferior to men because their lives are based on economic, political and psychosocial dependence on men.» Opposing perception leads to a clash of interests and goals of the two sexes (family conflicts). The reason for conflicts between men and women can be contradictions between the ideas of both sexes about the personality and characteristics of behavior and the impossibility of meeting these ideas. It is important to consider the gender aspects of the actual conflict during mediation [2].

The outcome of mediation and finding a mutually beneficial solution for the conflicting parties depends on both the participants in the conflict and the mediator, and knowledge of the psychological aspects of mediation allows you to avoid problems in conducting the mediation procedure and working with clients.

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ІНСТИТУТУ МЕДІАЦІЇ В УМОВАХ ВОЄННОГО СТАНУ В УКРАЇНІ

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Сучасний стан українського суспільства та зростання кількості різноманітних по своїй природі конфліктних ситуацій, що неминуче виникають між учасниками приватноправових відносин на підставі