

The Mediator and their Self-Knowledge - The Importance for the Process and the Parties

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Abstract

This paper presents a reflection about the notion of self-knowledge for a mediator, concerning its importance for their practice within the social sciences field. Using the methodology of bibliographic review of the study of art, under Plato and Freud's perspectives, amongst other authors, the prospect is to show the relevance of self-knowledge, aiming to establish an ethical nature that makes the individual knowledgeable of him or herself and, thus, a better-prepared mediator. In such view, the main goal is to reflect and discuss upon the suitability of this exercise concerning the performance of a mediator. As a result of this study, it is intended to demonstrate that it is essential to reconsider the notion and function of self-knowledge as a methodology of mediation, leading the mediator in their practice and promoting a process of *individual and collective* quality and satisfaction. The conclusion is that self-knowledge is a fundamental issue for practice, for dialogue and equality in the procedure, in a way it fosters a sensitive and isonomic room that actually contributes to the transparent professional exercise of mediation. At the end, the author highlights the importance of not existing any classification or monopoly on mediation by the contemporary society.

Keywords: Mediator; Self-knowledge; Conflict mediation

Introduction

The present paper aims to consider about the self-knowledge of a mediator in the construction and performance of their professional activity, as well as its efficiency in the self-compositional process, and the importance of that self-knowledge to the process and the parties implicated in the mediation case. In the first moment, it presented the expansion and progress of conflict mediation in Brazil as an adequate method of conflict resolution for the most diverse types of demand,

promoting dialogue and transforming the culture. In the second, it evidenced specificities, characteristics, skills and general competences of a mediator in the development of a qualified mediation work. In the third, it emphasizes the notion and definition of self-knowledge and its importance for the practice and professional performance of mediation.

At the end of this paper, it is expected to highlight the relevance of developing self-knowledge to everyone who works with people so they believe in the improving

potential of an individual and can always invest on this permanent construction. To value being a subject of knowledge – epistemic subject – as much as a subject that establishes communicative relations with the world surrounding them. Those relations are deeply marked by the culture to which they belong, which means to say they are historic, cultural, and emotional subjects. From the exposed, it is understood that knowing oneself improves quality to the exercise of professional agenda. It is important to keep in mind that such subject is formed by the inter-game they set with familiar and professional environments, attaching, in their inner world, positive and negative referential objects related to reality, which interfere in their feeling, thinking, and acting.

Taking care of oneself is taking care of the other and of relations as well.

Development

Doubtlessly, certain current social connections show to be excessively complex, concerning feelings and interpersonal relations. In this dimension, an adequate method for conflict management has to solve more than opposite ideas or divergences, because it becomes necessary to immerse in deeper layers of the human nature to restore the affected relationship. To comprehend the idea and importance of mediation, it is fundamental to place the human sensibility as the protagonist of the task carried out by the mediator – there lies the importance of self-knowledge to him or her.

Progress and Expansion of Mediation

Just like many other countries, Brazil systematic and irreversibly acts towards implementing mediation, negotiation, conciliation, and further self-compositional practices in wide scale, becoming part of the universal community that has adhered to such institute.

Some thinkers of social, business, legal, and related sciences initiated some reasoning and reflection about how they could solve controversies by other means than legal disputes. Years later, different manners of conflict resolution started to grow on importance: the understanding through the conversation.

This increasing in relevance has established in 2010, with the formal publishing in our country, Brazil, of the Resolution n. 125 by the National Counsel of Justice, on the national legal policy for proper treatment of interest conflicts in the field of Judiciary. As a result of such improvement, the Law n. 13.140/2015 is published –

which is considered the Legal Benchmark for Mediation in Brazil.

Still, starting to rule in March 18th, 2016, the new Civil Procedure Code added one more element to the promise of achievement of that call of Resolution n. 125/NCJ: the application and reinforcement of mediation, conciliation, and arbitration techniques in its core. From the promise, the old alert to all social environments, legal included, that the notion of access to justice by other means than the Judiciary could be widened, it consolidates the compromise of multiplying the gateways for protection of rights.

In this sense, as Tartuce [1] finely explains,

It becomes pertinent the existence of a multi-process system to face controversies, characterized by its presence in various different mechanisms for conflict treatment, comprising mediation, conciliation, arbitration, the legal procedure, amongst others.

At this point, the formalization of this practice raises interest in more studies about mediation, as well as private mediation, such as mediation schools and theories, which increases interest in including these disciplines in curricular grades of academic institutions.

Since the year 2000, mediation progresses in our country intense and irreversibly. From that time forth, the figure of the mediator becomes fundamental to the conduction of a mediation process, as well as to assure ethic uniformity to the guiding parameters in the construction of the professional activity, and yet, to guide the behavior of the mediator. In this context, public and private institutions and organizations start to set patterns and ethic norms to show how the professional that will conduct and manage such process is supposed to be.

The Mediator. Who Is It?

The mediator is a third element that stands between two parties and aims to help them to find a consensual answer, designed to make possible the continuity of relations between the people who are involved in the conflict [2].

The person who acts as a mediator can be any professional of any expertise field, since he or she has affinity with the culture of peace perspective.

Culture, here, refers beliefs, behaviors, values, and moral rules that pervade society. Peace must be the expression of a culture that seeks ways to solve conflicts

without violence, through dialogue and transformation of behaviors.

According to Sales [3], the United Nations declared the year 2000 as the International Year for the Culture of Peace. This initiative embraces mediation as part of the action program for the global spreading of a mindset that recognizes that peace does not mean simply the absence of conflict. Instead, peace is a positive, dynamic, and participative process that encourages dialogue and conflict regulation in a mood of mutual comprehension and cooperation [4].

Such statement is based on the Universal Declaration of Human Rights, as we can read in Article 8:

A key role in the promotion of a culture of peace belongs to parents, teachers, politicians, journalists, religious bodies and groups, intellectuals, those engaged in scientific, philosophical and creative and artistic activities, health and humanitarian workers, social workers, managers at various levels as well as to non-governmental organizations [5].

Social peace is an exceptional target offered by mediation, and everyone who identifies and empathizes with this new culture and has pedagogic formal technical features, as well as personal and psychologic conditions, can perform it.

Characteristics of a Mediator

Although selecting mediators based on their personal characteristics is more efficient, the self-compositional skills can be also acquired through a proper course of mediation techniques.

According to Azevedo [6], a good mediator must present the following features: ability to apply different self-compositional techniques, considering the necessities of every dispute; to inspire respect and trust in the process; to manage situations with passionate moods; to stimulate the parties into developing creative situations; to examine facts under a non-litigation perspective or to replace it for a conciliatory one; to encourage all the involved prospectively, so they can solve their issues without further guilt; to approach neutrally beyond the legally warded problems, focusing on a possible, achievable agreement.

With such characteristics, the mediator has the following roles, according to Deutsch [7]:

- I. To help the conflicting parties to identify and face the conflict issues. Firstly, the mere presence of a third supporting party, who is pedagogic and psychologically prepared, neutral, and discreet, can be sufficient to calm the anxieties.
- II. To help promoting friendly circumstances and conditions so these issues can be confronted.
- III. To help removing blocks and distortions in the communicative process, so the mutual comprehension can arise.
- IV. To help setting a norm for rational interaction with reciprocal respect, open communication, use of persuasion instead of coercion, and intention to achieve a mutually satisfactory agreement;
- V. To cooperate so the conflicting parties accept a workable agreement.
- VI. To help making the negotiations and the achieved agreement prestigious and attractive to the concerning publics, especially groups represented by negotiators.

Skills and Self-Compositional Competences of a Mediator

A significant part of the mediator formation programs with positive results have the planning of formation and development of self-compositional competences as a major feature. It is important to highlight – and we will approach it later – that the mediator's development relates also to personal and familiar characteristics. Therefore, everyone experiences the conflict and its resolution in distinct manners. We call attention to the self-knowledge of a mediator as the main objective of this work.

Self-Compositional Competences

As mentioned many times, mediation is understood as a negotiation assisted by an impartial third person, who is supposed to lead the parties to a satisfactory self-compositional solution. As known, the warm up for this job is the early stage that prepares the mediator to perform. Then, it is highly recommendable for the mediator to improve self-compositional competences and personal skills, in order to analyze risks and advantages, so he or she can act in a negotiation with the best pondering upon its real, factual context. Thus, a self-analysis made by the mediator in the preparation to negotiate/ mediate reveals to be important.

Cognitive Competences: In relation to a conflict, cognitive competences are those referring to the manner with which one becomes aware of the conflict. To recognize the conflict as a natural phenomenon in any

sort of relationship and analyze it in order to seize upon its potential of growth.

Perceptive Competences-According to Perroni: These refer to the manner with which one apprehends or perceives the conflicting-factual context to which he or she is exposed. The understanding that the same fact or context can be perceived in distinct ways [8].

Communicative Competences-According to Rosenberg: These refer to the manner with which one expresses a pool of meant, intended messages. The form of communication used in mediation has direct influence on the result of the self-compositional process [9].

Negotiation Competences-According to Lewicki, Saunders and Barry: These are defined as referring to the manner with which one uses negotiation tools. It consists essentially on understanding the negotiation theory [10].

Critical Thinking Competences- According to Ury: The critical thinking competences are defined as those referring to the manner with which somebody chooses one or more solutions among numerous found for concrete problems. Such skills consist on stimulating the conscious choice when facing various possible solutions [11].

Emotional Competences-According to Azevedo: Emotional competences refer to the manner with which a person processes or metabolizes the pool of emotional stimulation to which he or she is exposed. Such competences consist essentially on assuming that all human beings have feelings, known or unknown, and that each one is supposed to take responsibility for their own emotions [12].

Acting as mentioned above, the mediator will serve as a *mirror* to all the conflicting parties, reflecting the way they act, but mostly leading them to think about the other's point of view, searching for empathy and otherness. Such feelings must not be missing in any mediation procedure when employing all the inborn or learnt skills and competences to handle difficult situations.

For that goal, it is necessary to stress that the self-knowledge developed by the mediator is what makes this mirror effect, which is required to a process that aims the exercise of being in someone else's shoes: not taking values, previous concepts, thoughts and feelings that

might contaminate the objective and subjective contents that come to light in mediation.

This psychological, emotional feature could be called ability to be raised by every subject in his or her professional performance.

So, the mediator needs a well-developed emotional competence. A relevant consideration states that emotional competence is an ability acquired in the individual's potential through the learning of practical skills. Currently, we must have in mind that self-knowledge relates to the solution of our own problems for our own purposes, by questioning, reasoning, and testing, until the solution becomes a new part of our lives. The manner the individual sees him or herself is vital to their psychological balance. The preoccupation on self-knowledge contributes to build efficacy on their personal emotional side.

Self-Knowledge

In this sense, this work aims to highlight the importance of self-knowledge as a universal ethic pattern for efficiency and quality of procedure conduction, which depends exclusively on the mediator.

To retrace the origin of the studies on self-knowledge in humanist, social, and psychology authors is not a target of this paper. Nonetheless, it is worthy to remark that philosophers and psychologists like Plato, Skinner, and Freud are part of a tradition that assumes that self-knowledge is a conquest or an achievement that brings health and freedom. Moreover, it is stated that self-knowledge is an ethic project and has its roots in the quote of the Oracle of Delphi, which had deep influence on Socrates: "Know thyself."

Freud [13] warns that individuals can hardly take any advantage of their own intuition if they do not know the way their mind works. So they must try to observe and understand what happens inside, and then comprehend what happens around them. The absence of self-knowledge is often the source of the social *diseases*.

Most people say and do things without consciousness of how they can be affecting others. Not for egocentrism, but because we live in a world in which everyone must take care of him or herself, our society imposes such way of survival [14].

The definition of self-knowledge for Skinner [15] is a distinct tool in condition to break free from the control

enacted by the society, so one can modify the environment and exchange the coercive controls for positive reinforcements, reaching a better quality life. "Certainly, the coercive control promotes self-knowledge as well, but it has its negative side for the collateral effects that come together, like elusive and scape behaviors that harm the development of the individual's repertoire [16]."

For Plato [17], the full human knowledge stays clearly divided, for a man is in permanent contact with two levels of reality: the sensitive ones (which are all things that affect our senses, one knows that things are like they are, but does not know why they are); and the intelligible ones (which are more concrete, permanent, immutable, equal to themselves, and the knowledge of things by their causes).

It is noticeable that since very long, the search for knowing oneself is liberation, independence process. According to this tradition, self-knowledge is an achievement,

Instead of something given or readily available to the subject. To know him or herself, the subject has to reflect and interpret, look deeply inside.

In this dimension, self-knowledge can be even understood as the consciousness of the diverse elements that form the personality of an individual, enabling them to interact with their qualities and defects when facing life situations, as they keep a coherent, balanced attitude. This would avoid the implication of irremediable wounds that could interfere on their behavior.

The human being search for self-knowledge through lifetime, even because every day in life is a source of learning. Therefore, it must not be required a perfect self-understanding from the mediator, but an improved capacity of self-evaluation instead. One of the great conquests of self-knowledge is the ability to command a person's own emotions, or express his or her own feelings.

It is known that in most cases, the emotional factor prevents reasonable reactions. There is also the understanding that we have two commands, a rational and an emotional, and that the first would react slower than the second does.

If the mediator is a human being who is not able to detect which situations can misbalance them, allowing the emotional issue to outdo the reason all times, they may easily get involved into the conflict between the parties,

taking one or another's behalf, which would definitely ruin the mediation. There lies the urgent necessity of a good training to assure the impartiality and understanding of the mediator.

When a mediator attempts and preserves his or her self-knowledge, such exercise maintains two important foundations in mediation: neutrality and impartiality.

Firstly, it should be clarified that neutrality and impartiality must be considered differently, since they do not represent the same idea. According to Young [18], impartiality can be defined as the absence of tendentiousness or preference to one or more parties in the conflict, their interests or the solutions they are seeking. On the other hand, neutrality "refers to the relationship or behavior between the interceder and the disputants." The neutrality principle is about a mediation performance free from ethnic, social, or emotional attachments to any parties, as well as to the matter of question. For its turn, impartiality refers to the mediator not taking sides in the course of the conflict solution process, so the procedure follows its natural path for resolution without suffering with aspects from the person who mediates it – the conductor of the process.

Moore [18] refers that the positive result of mediation and the active participation of the involved, with the subsequent reinforcement of autonomy and citizenship, are only possible in mediation when starting from a resignification of the role of a mediator, as of their characteristics, concerning especially their connection with the conflicting parties to find balance between them.

With a good knowledge of oneself and of his or her own emotional and professional backgrounds, the mediator will be in better conditions to build effective rooms for participation and contribution of the parties and the process itself, raising feelings of satisfaction and appreciation [19].

Self-knowledge is the knowledge of oneself. It has a quite empty practical application, for men are far from acknowledging themselves, it does not matter the scope or point of view. In brief, it is the acceptance and knowledge of someone's own paradoxical feelings, because even it is about an essentially individual search, this knowledge can only be revealed within relationships, through the exchange with other people.

Sachnitman and Littlejohn [20] stress that the professional that carries out mediation is supposed to develop personal and interpersonal abilities and skills,

aiming to offer all the neutrality and confidence with their own feelings and actions, so their personal contents will not find echo in the conflict or in the people. Knowing oneself becomes an ethical principle, mandatory for the right development of interests and attitudes of the mediator during the entire procedure.

Those mentioned abilities relate to the inside of the human being. They can be considered a capacity to form an accurate, truthful model of one self, intended to be used to act effectively in life. Yet, they can be understood as the key to self-knowledge, the access to one's own feelings and the ability to distinguish and use them to guide behavior and thinking.

Branden [21] states about the choice of thinking:

It is our most basic act of personal responsibility. This choice allows us to learn and identify reality and take the task of judging what is false or true, reasonable or unreasonable, right or wrong, good or bad for us.

It is impossible to deny that the way through one can get authority over him or she is self-understanding, because so the inner power that guides the being is recognized. Only through this confidence-giving understanding, one might realize that there is no need to seek for a higher authority than their own mind.

Thus, observing his or her own emotional context, the mediator will verify whether they can perform their **role** or not, which demands a high level of assurance, since no one can treat conflicts while having struggles for their turn [22].

Nevertheless, perfection is not necessary or expected as well.

Dias and Souza's [23] work evidences the understandings of Cachapuz [24], clarifying that the mediator may not be considered a perfect person, for he or she is a human being, liable to various problems. To the performance of such duty, the mediator should be:

A balanced, assured person to be successful. Basically, there can be detected abilities such as self-knowledge, self-control, self-esteem, self-motivation, self-discipline, the ability to postpone satisfaction, the ability to weaken the tension, emotional control [24].

The description of the mediator and psychoanalyst below reveals that self-knowledge provides a unique possibility of internal access, so one can recognize his or

her own conflicts and standoffs when conducting other people's conflicts.

According to Muniz [25], my everyday experience in dealing with the soul pains brings me much helpful resources for mediation practice, even though these are distinct processes. One of them is feeling comfortable, in the mediation context, to identify my own emotions and try to manage them. With this, I come to be more conscious about my attitudes in mediation. Practice, and the seek for a better and wider self-knowledge – which comes from the psychotherapy for me – have taught me that the best way to be with people in a *mediation case* is, firstly, getting in contact with my own feelings, with proper respect and consideration (attention and care), so I can find myself available to be with someone else's conflict.

Muszkat [26] advises, and it is important to highlight that we, professionals willing to work with questions that involve suffering, conflicts and standoffs, must face naturally the emotions and contents that affect us when we penetrate these diverse contexts.

Final Considerations

For the sake of the aims of this paper, I would like to stress that, given the inborn role of the human being on building discussion rooms and the importance of self-knowledge for a mediator, we can state that, in a certain way, we are all mediators. After all, at some point of our lives, we might have intervened in some argument between two work colleagues, relatives, or friends, helping them to find a solution. This way, we all have some intuitive experience in conflict resolution [27].

Man is a social, relational being, born and living in society, with rare and inexpressive exceptions. Occurs that where there is social life, there will be conflict. Renato de Toledo Guimarães Vaz, one of the greatest crisis managers Brazil ever had, used to affirm that the divergence of opinions, the disagreement, the opposition between people are not necessarily bad, but they carry a potentially noxious power that can turn into violence, this is why the State administration is imperative.

Since the discovery times, Brazilian tradition has always attached to the jurisdiction to overcome differences. The shapes of current society, however, with quickness and requests peculiar to a world that becomes less and less limited to borders, demand improved, fast, and efficient tools to compose any type of conflict. It

explains the large success that the assisted self-composition has achieved.

Therefore, it is fundamental and a goal of this work to mark that part of the success and efficiency of mediation stands in the preparation of the mediator who conducts the procedure.

In this sense, a mediation process implicates in the mediator developing efforts to create internal and external conditions to themselves of encouraging negotiation. Such efforts consist mainly on giving to the parties and mediator the necessary competences for the existence of dialogue, as well as improving the environment and atmosphere as proper to negotiate and settle the agreement. Consequently, parties and mediator might feel free and confident to manage the results.

It is important to explain that the figure of the mediator must not be understood as a perfect creature, without any problems. That would extinct the duty definitely, since such human being is far from being part of our context. The important here is to be a balanced, assured person, who prioritizes the self-knowledge process, reaching, in the end, efficiency and success in the parties relations. Such success is not expressed sole and exclusively by the agreement.

It is also relevant the statement that a mediator must not let their personal experience lead their performances, transporting their subjectivity to the conflict solution that the parties seek in a given time.

A mediator must search for ways that make possible to re-evaluate their performance constantly and to analyze their exercise critically, to prevent a prejudiced, tendentious, tainted action towards the final decision of the mediated parties for the conflict in which they are involved.

Negotiating *desires*, facing limitations, hits and misses, rethinking forms and paths, changing every time it shows necessary, following the stories, the problems, the difficulties, the anxieties; the emotions of everyday life are pieces of a collective and individual construction process, which can transform each one of us. It is common to hear that many times, mediation benefits the mediator more than the parties involved.

It is indispensable to reflect upon the performance of mediators in rooms proposed to dialogue and to a path of knowledge and self-knowledge, offering to all people a

process of transformation, restoration of autonomy, freedom, and construction of peace.

Mediation is a procedure that aims to interfere in reality. In conflict mediation, we can state that the interference is centered in the dimension of knowing-how-to-do (communication and negotiation competences of all) and, for all this (or for so little), in the dimension of knowing-how-to-be (attitudes and behaviors).

In literature, it is not specified which one is privileged in the procedure: knowing-how-to-do or knowing-how-to-be. The factors inclined to a good result in processes like these are multiple. We can advance that the questions of communication, of negotiation competences, of the ability developed by each one of the participants, including the mediator, certainly form the necessary support to any changing process, especially when instituting self-regulation mechanisms for future interaction is in sight.

Reflections and discussions about the figure of the mediator and the professional performance for the progress of mediation in Brazil and other countries are inevitable, considering their goals, procedures, actors, and interactional contexts involved.

The author of this paper calls attention to an alert: mediation must keep unchained and autonomic, offering people freedom and confidence. It must not be framed in any classificatory or reducing institution. It must not become part of any mechanism or jurisdiction that might restraint it and subtract its authenticity, volunteerism, and its freedom. No one and nothing must overpower it, as well as no monopoly for small groups. Classifications of uses and interests must not fall on it. Mediation must not be limited by boundaries.

Bourdieu [28] insistently remarked the social powers underlying any classification. Against the most common concepts, this author says the following: placing limits and boundaries, the classification systems are tools of power, more than of knowledge. Stressing the Social Game surrounding classifications, this author states about classifiers, classified by their own classifications.

It is always more pertinent to grow strategies, reflections, and discussions than to ensure the sedimentation and/or monopoly as alternatives to solve conflicts. Mediation has been producing a deepening in related knowledges, just like the reflection, in this paper, on the importance of the great care a mediator must take in the conduction of the procedure, so mediation becomes

part of people's lives and of the construction of social peace, as a guarantee of *confidence*, ethics, autonomy, freedom, and justice.

"When a given word becomes fashionable, it is because the reality it expresses is very ill." -*Jean-François Six* [29]

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