

УДК 316.334.3

## **The Functionality of Mediation in Family Policy and the System of Social Work with Families in the Region**

**Lyudmila A. Osmuk\***

*Novosibirsk State Technical University  
5 housing, 20, K. Marks, Novosibirsk, 630092 Russia*

Received 05.08.2013, received in revised form 19.10.2013, accepted 26.12.2013

---

*This article demonstrates the potential of new techniques of conflict resolution in social work with the family. Management potential of family mediation is evaluated. The necessity of creation of a structure for work with family conflicts mediation service in the region is stated. Based on the results of the sociological research, the complicated nature of conflicts in dysfunctional families and families at risk is demonstrated, which requires ability of specialists working with the family to use basic mediation techniques. The barriers to introducing family mediation services in the region are discussed.*

*Keywords: family conflicts, prevention of family problems, techniques of conflict resolution, family mediation, family policy, social work with the family, family mediation service.*

---

### **Introduction**

For several years the problem of mediation as an institution of professional dispute resolution has been discussed in Russian professional communities of sociologists, lawyers, psychologists, and social workers. With the development of this institution science focuses on the legal aspects of mediation presented in the works of: M.A. Andrianova, A.V. Asoskov, V.A. Gavrylenko, D.L. Davydenko, S.A. Kurochkin, A.S. Komarova, A.I. Mikhedenko, M.E. Morozov, E.I. Nosyreva, A.V. Tsypchenkova, V.V. Khvaley, R.M. Khodykin, M.V. Fetyukhin, C.A. Shamlikashvili and others, as well as the sociological and psychological aspects: O.V. Allakhvedov, S.V. Banykin, N.V. Grishin, E.N. Ivanov, A.S. Carmin, E.I. Stepanov and

others. Mediation itself as the technique of dispute resolution and the institution of mediation is described primarily in the works of Western scholars, who are at the same practitioners : E. Vatzke, K. Graham, W. Kazer, J. Crowley, D. Richbell, L. Parkinson, M. Pel and others.

The Federal Law “On alternative dispute resolution procedure with the participation of a mediator (mediation procedure)” (№ 193-FZ from July 27, 2010) (the “Law on Mediation”), the Resolution of the Government of the Russian Federation from December 3, 2010 “On the training program for mediators” and the firm intention of the federal authorities to introduce the institution of pre-trial resolution of conflicts using the technique of reconciliation mediation, in the practice of conflict resolution, was perceived by

many professionals, working with the family, as a guide to action. Mediation started to be actively used to resolve conflicts in the family, not only in Moscow and St. Petersburg, which were the first to pilot the new technique, but also in the regions. But it is too early to talk about mass and systematic use of mediation in the work with the family, as the focus of attention at the very beginning of implementation of procedure of mediation were well-to-do people familiar with the “western” procedure. At the same time, it is obvious that conflicts arise in families with different income, status and demographic composition, and in all families without exception, these conflicts can be really destructive, making family mediation service extremely necessary. For example, mediation is effective in programs accompanying a family during and after divorce. But mediation, as well as psychological counseling is a new social practice for Russian society, and people cannot get used to it right away and “all of a sudden”. Therefore, to make going to a family mediator a “natural” thing, it would be helpful to state mediation procedure as a direction of the family policy. Thus we will legalize an effective mechanism of conflict resolution, which is important for speeding up its implementation in the community

#### **Methodology and methods of research**

Mediation has only recently become interesting for scientific community, but the works devoted to mediation mostly describe its techniques. However, it is safe to say that the entire corpus of classical and contemporary theories of conflict resolving can serve as the methodological basis for the study of mediation: E. Azar, J. Galtung, R. Dahrendorf, L. Coser, M. Lund and others. Since it is, above all, connected with interpersonal conflict, it seems natural to appeal to interpretive paradigm, and

the analysis of some of the aspects requires the use of communication theories. The aim of any mediation is to find a mutually acceptable solution, and as a result, ideally, to improve the situation itself. In general, using the conventional style of interaction implies creating conditions for interaction without conflicts. It conventional interaction that is the basis of intersubjective construction of social reality (Osmuk L.A., 2004).

The problem of introduction of mediation in social work is quite a practice-oriented problem, it needs studying the situation with the help of empirical methods. It can be argued that the methodology of empirical research in accordance with the above-mentioned subjectivist nature of the phenomenon of mediation should be based primarily on qualitative methods. However, spread of mediation in Russian regions makes us turn to the study of not only customers, but also public opinion in general, it is its readiness to accept a new technology, which requires the use of quantitative methods. In this case, to construct a theoretical model of managing introduction of mediation into regional family policy and, in particular, into the system of social work in the region, we used the data of empirical research on the problem of domestic violence, which was conducted in Novosibirsk using the method of structured formal interviews; the study was of reconnaissance nature, and therefore did not claim to be representative (the target group selected, quoted).

#### **Results of the study**

Regional experience of realization of family policy shows that introduction of new social techniques can only be possible with the support of the local authorities. The presence of regulations does not guarantee widespread use of mediation, despite the fact that there appear the structures in the regions that are ready to use and spread the

practice of mediation. However, if local leaders understand the importance of preserving the family, the benefits of use of mediatory practices become apparent. The development of mediation in each region and in each territory should take into account the specifics of the region: cultural and socio-demographic characteristics, as well as the level of activity of the local community. Since the object of the family policy is not only well-to-do families, but also disadvantaged families, the system of social work in the region can be considered an important resource for development of mediation in the region.

For social work with troubled families (families from risk group, families in crisis etc.) use of mediation is particularly relevant, as conflict management in the system of social policy helps to find a way out of difficult life situations. Western experience, for example, shows that one of the professional groups, which traditionally actively uses mediation and is one of the key sources of recruitment of mediators in the social sphere, are the experts of social work. Thus, from the point of view of Lisa Parkinson, the author of the book "Family mediation" (Parkinson L., 2010) and one of the most respected experts on mediation in Europe, a specialist in social work can become a very good mediator, while lawyers and psychologists are not so good as mediators as social workers. L. Parkinson herself is a former social worker. From her point of view, the reason for that is the ability to work with social techniques and apply them to resolving a difficult family situation. It is no accident that different approaches in mediation: humanistic (transformative) and ecosystem approaches, resulted from mediatory practice social work specialists. The level of development and spread of mediation in the sphere of social work clearly demonstrates the existence of procedures for standardization of mediation procedures in this sphere. For example, The "Practical Standards

for a social worker a mediator" appeared in the United States as far back as 1993. The practices of mediation of a social worker are habitual for the European Community as well.

It is recognized that in mediation practice of social work professionals, due to the specifics of the clients-participants of mediation, pay more attention to the balance of power and often use co-mediation, i.e. joint mediation with a psychologist, a lawyer, a specialist in different ethnic groups, or a mediator of the opposite gender. All this suggests that a social worker is really quite effective as a mediator, but this does not exclude the requirements for his/her methodological and professional mediation training. It is assumed that, dealing with a specific case, he/she must be prepared to distance themselves from the positions of the parties and willingness to make a decision for them; must be ready to switch from the socio-therapeutic work to the role of a professional mediator- facilitator, involving not only the client into the work on the problem, but also his/her social environment. The question is: in what form and to what extent can and should be mediation used in social work? At the same time it should be understood that not all of the situations faced by professionals in social work, are "mediationable", but in some cases the techniques of mediation are necessary and effective.

The necessity to involve social work specialists in mediation activities can be explained by the fact that due to the nature of their profession, social workers are often at the epicenter of conflict and use of the mediation functions is essential and natural for them. The spectrum of conflict situations faced by a social worker is quite wide: a social worker can act as a mediator between spouses, relatives, a client and the authorities, a client and their social environment. Thus, a social worker may be included in the resolution of disputes between spouses with regard to children during and after

divorce, conflict between parents and children, conflicts related to issues of custody and guardianship; violations of agreements relating to care of the elderly; conflicts of neighbours, conflicts between youth, ethnic and religious groups in the local community etc. Crisis situations that are the object of social work are conflict situations in their nature, therefore, it is not quite rational to separate crisis from conflict. A. Zvonitskaya ("The experience of theoretical sociology", 1914) viewed conflict as crisis, noting the high emotional background of the latter. (Proshanov S.L., 2008). From our point of view, crisis can be viewed as a macro-model of conflict, as a clash of the past, no longer adequate to new challenges, state of the system (in this case of any social system) and new trends. A crisis is always a turning-point in development, and for social systems it is also a change in development of social relations. In this regard, a crisis appears to be the context of contradictions and conflicts. Conflicts can exist within a crisis, as a transient and painful situation, but also manifest themselves in crisis. Since here we are interested in family crisis (such as marital and kin relations), with respect to this crisis as well, we can say that it can be regarded a result of conflict relations in the family. In their turn, a conflict / conflicts constitute a crisis in the family, making it more or less acute. Hence, families in crisis, which specialists work with, are in a long painful condition characterized by general hostility, frustration, depression. "Work" with such crisis can only be "working" with the conflict. Indeed, experts in social work can be more efficient than other specialists in resolving conflicts in areas where relationships between the subjects of a conflict are long-term, emotional. A difficult life situation is often accompanied by prolonged conflicts with heightened emotional background, so the subjects that are in this field of conflict (Levin, K., 2000), do not just take the events, which they are going through,

hard (stresses, depressions), in such situations intrapersonal conflicts can be formed. In these circumstances, any intrusion into the field of conflict is perceived negatively, as interference. It is known that any interference into conflict through compulsion can lead to serious negative consequences for the participants of the conflict and their social environment, meanwhile, therefore, a specialist in social work, carrying out his/her activities in the paradigm of both trust and partnership with the client, is quite able to find a proper solution to the problem.

Despite the fact that the current trend in social work is reduced to expanding the client base: identification of families at risk and preventing crisis conditions of the family, -- families where violence is often the norm of behavior are in the focus of attention. J. Galtung has broad understanding of violence: "as the damage to the basic needs, or even to life in general, reducing the real level of their satisfaction below potentially possible" [J. Galtung, 2002], but unexpectedly this definition fits the description of a difficult life situation which affects the basic needs. Resolution of a difficult life situation is associated with the elimination of the threat of violence, which sets a conflict situation, even if violence has not happened yet. If violence (a source of violence) cannot be eliminated, then conflict cannot be settled (in this case we speak of an "unmediationable" situation). Resolution of a situation of violence and related conflicts bases on the specifics of attitude to this phenomenon of objects of domestic violence, which often turn out to women and children.

The sociological research conducted by the Regional Training Center "Family" in Novosibirsk in 2009 (n = 560, the sampling quoted by age, only women were interviewed, the method of structured formal interviews was used) showed that the usual behavior for a quarter of the interviewed women is when: "the husband regards

me as a housekeeper”; “scandal, even without a cause”, “the husband is always dissatisfied with something and is always yelling”, “a woman does all the housekeeping”, “the husband thinks that if he is a man, it means he is always right and a wife must obey”, “no mutual understanding”, “the husband is regardless of the point of view of his wife”, “women work twice as much as men”, “if the husband earns more, then more is allowable for him”, “the husband does not give his wages”, “housework, done by a woman is not appreciated”, “everything is shouldered on women”, “no private dwelling, which annoys the husband”, “his job is important, but my job he (the husband) does not regard as a job of some importance”. Responses obtained in the study show that a Russian woman is a prisoner to stereotypes, according to which a woman is destined to be strong, to “pull out” a household, children, a husband. In spite of this “male” position, a woman is constantly exposed to psychological violence. This is due to the transformation of gender roles in the family, which provokes conflicts. A Russian woman, however, is accustomed to tolerate (this is what is left of the traditional role), and it is difficult for her to admit that her rights in the family are infringed on/encroached upon. However, 64 % of the women answering the question “Are the rights of Russian women infringed in the family”, were convinced that women’s rights are infringed in a Russian family in general.

Subjective notions of Russian women about violence and its sources are quite tolerant. Nonverbal display of aggression through demonstrative silence and occasional rudeness are considered to be manifestation of violence only by 15 % of women. The remaining part of the women are quite tolerant to tacit manifestations of aggression, despite the fact that it can become a cause of female neurosis, stress and create an impossible atmosphere in the family. Yet, women can put up with it. For 19 %

of women violence begins with explicit rudeness. These are the women who believe that frequent rudeness in the family is not permissible. For the majority of Russian women violence begins with a scandal and manhandling (28.6 % and 23.7 % respectively). The last figure really overwhelms, because depression and a strong masochistic complex was found in 13.5 % of women for whom violence is “beating”, anything that is not beating is not considered violence. Conclusion: a Russian woman herself is psychologically prepared for violence.

This anticipatory psychological readiness provokes violence as a social phenomenon and allows us to talk about the already known long-term existence of a social problem called “violence against women in the family”. Being not so open about themselves, women are well aware of the situation in the family of their friends, relatives, acquaintances and neighbours. 54, 3 % of women, with varying degrees of regularity, met such families and witnessed violence. Only 9.6 % never faced such situations.

To the open-ended question: “What, in your opinion, are the reasons why women are subjected to violence? Who is to blame?” we received the following answers: “dependence on men, parental upbringing”, “upbringing of men, a man is guilty”, “jealousy, a man is guilty”, “passivity of women, women are to blame”, “violence against women is always detestable, I think, women themselves sometimes allow to rough attitude”, “lack of understanding in the family”, “domestic quarrels resulting from drunkenness”, “people do not know how to settle conflicts peacefully”, “disturbed psyche of people”, “women drive men crazy”, “a weak woman, who is not able to fight back”, “financial and other instability of a husband, his weakness”, “the opinion of men about their own superiority”, “discrimination against women”, “women do not know their rights, the government is to blame”, “

social principles, alcoholism of male population, the lack and inability of laws to protect a woman". Judging by the responses, women often blame themselves. A steady masochistic complex makes a woman consider her gender stupid and spineless. Clearly manifested itself the stigma, according to which a woman is guilty of all sins. The complex of guilt, imposed by the society, makes women justify men and seek for the external causes of their failure. What is notable: it is believed that a woman should be aware of a special approach to a man. A smaller, but still significant, part of the women demonstrates hidden aggression against men, considering that the main cause of violence is internal problems of men: their worthlessness, lack of realization, weakness as compared to women. Another frequently mentioned reason is alcoholism. And one more point of view on the problem brings into focus the lack of culture, education. For example, men are also prisoners to stereotypes, which they must comply with, which is done by parents in the process of upbringing. Thus, the results of the research confirm the presence of the socio-cultural context that supports regular family conflicts.

It would seem that mediation as an effective technique should adapt quickly to the system of social work, but there are certain barriers to the process of spreading and professionalization of mediation activities in this sphere. In particular, these include a very limited set of services prescribed in the federal and regional standards designed to work with a conflict itself. For example, GOST R 52885-2007 "Social Services for the Family", highlighting the target groups, does work with the conflict, viewing only violence as the basis for attributing the problems to the category of difficult life situation. It is also well-known that problem-solving competence of many social workers is very low; they are oriented at a compromise rather than a consensus as a way of settling a problem. A research of conflict-resolving

competence of social workers of Novosibirsk Oblast, conducted by the Department of Social Work and Social Anthropology of Novosibirsk State Technical University in 2008, found that experts see the cause of conflicts with clients in the scandalous nature of clients themselves and their dependency mentality. That is, the objective (and, moreover, professional) analysis of specific cases of conflict in the work of social services and institutions becomes impossible due to the fact that specialists themselves are either emotionally involved into conflicts or distance themselves from them. For the majority of surveyed specialists (n = 368), which made up 96 % of the respondents, most conflicts arise because of the scandalous character of clients. 47 % of the specialists note the difficulty in understanding clients' interests, while 67 % do not understand how to resolve a conflict. In other words, the professionals working with the family acknowledge their own lack of professionalism. To be more exact, in connection with the fact that traditionally specialists of institutions of social protection and social welfare organizations, dealing with problems of families and children, were not engaged and are not engaged nowadays into conflict resolution, the question hangs "in the air". Of course, such a "neglectful" attitude to conflict management competencies does not increase the efficiency of the institutions of social protection in general.

### **Conclusion**

Nevertheless, learning the techniques of mediation by specialists of social work, their acting mediators to resolve the conflict can not only improve the effectiveness of social work, but also change its attitude to a client, allowing them to create a situation of cooperation with a client to resolve difficult life situations. Thus, organization of the system of prevention of family problems should be based not only on serving families and

conducting case-management (which we can see nowadays), but on the widest use of techniques of conflict management. As one of the variants, introduction of the above-mentioned techniques may begin with complex social service centers (CSSC) as institutions that have undertaken the role of the main subject of prevention of social orphanage. On the one hand, complex social service centers are conservative organizations, working strictly within the framework of state standards and the paternalistic model of social support for disadvantaged groups, on the other they have the experience of innovative activity, and they are a system, in fact, acting as the core of social work with the family. Rejection of such government agencies in the regions lead to collapse of the system, which speaks in favor of innovative technologies and new structures, which should be introduced side-by-side with the existing system of state social protection of families and children.

In complex social service centres in Novosibirsk Oblast, existing in every district of the city and the oblast, there appeared local officers of social service (family supervisors' service), who work in the paradigm of case-management. In this connection, it is logical for these centers to provide assistance of a mediator. Indeed, it is natural to assume that all the experts of complex centers (CSSC), working with the family, must be able to use basic methods of conflict resolution. In accordance with the Program of introduction of conflict-resolution techniques into the system of social work with families in Novosibirsk Oblast, there must be a certified mediator in every complex social services center. The activity of the mediator applies only to those situations that are recognized as "mediationable".

The introduction of modern techniques of conflict resolution into the activity of social structures, working with the family, must be based on the laws of the Russian Federation,

the conception of the family-centered approach and the consolidated policy for solving problems of families and children. According to the family-centered approach, the techniques of conflict management in the work with families and children should address problems of both disadvantaged and well-to-do families. Conflict resolution in well-to-do families is prevention of social orphanage, as well as deviant (including suicidal) behavior of children. Due to the fact that there are certain specifics in the work with disadvantaged and well-to-do families, there should be created different centers (services) to work with these families on conflict management. Basing on the principles of the consolidated policy, social institutions and organizations (schools, health institutions, etc.) can recommend families to go to mediators in complex centers.

The functions of institutions and experts in the framework of the Programm of introduction of techniques of conflict management as part of the system of prevention of family problems in Novosibirsk Oblast are as follows:

1. The Ministry of Social Development: oversees/monitors the intermediary and conflict resolution activities of complex centers (hereinafter CSSC) and institutions of social protection, working with families and children.

2. Family mediation service of the Oblast Training Center "Family": provides consulting activities of mediators and specialists of CSSC and other social organizations and institutions of social protection; consults families on family conflict and mediation; focuses the activities of conflict management.

3. The Centre for Resolution of family conflicts, existing outside CSSC: works with well-to-do families.

4. A Mediator at CSSC: works with families registered with CSSC, works with disadvantaged families.

5. CSSC specialists working with families and children, local social officers: apply basic techniques of conflict resolving in their work with families, put them in touch with a mediator if it is necessary.

Thus, the Program of introduction of techniques of conflict resolution within the framework of the system of prevention of family problems in Novosibirsk Oblast is aimed at the gradual establishing of a family mediation service, whose mission should be developing psychosocial well-being of families of Novosibirsk Oblast, prevention of social orphanage and child deviance as part of family and child protection. It is expected that the main result of realization of the Program will

be formation of conflict-free environment for child socialization. Ideally, not only specialists, but also clients: parents and children, should be able to use the methods of conflict resolution. Stereotypes of behavior in conflict, skills of construction resolution of conflicts, are, in general, fixed in the culture: "Culture is an important component of conflicts and their resolution. Culture is like an underground river, running through our lives and relationships, transmitting the messages that shape our vision, attitudes, opinions and perceptions of ourselves and others" (M. LeBaron, 2011). Russian culture is, unfortunately, a conflictogenic, because it does not teach children a constructive attitude to conflict.

### References

1. Osmuk, L.A. The interaction of social worlds: To the problem of conventional relationships. Novosibirsk: Nauka, 2004. 290 p.
2. Parkinson, L. Family Mediation. M.: Publishing House of the Interregional Center for Management and Political Consulting, 2010. 400p.
3. Proshanov S.L. Sociology of conflict in Russia: History, Theory, Modernity. M.: Publishing House LKI, 2008. 232 p.
4. Levin K. Field theory in social sciences. St. Petersburg.: Rech', 2000. 368 p.
5. Galtung J. Cultural Violence // Conflicts: Theory and Practice of Resolution. Experience of Foreign Research / Ed. by E.Yu. Sadouskaya, I.Y. Chuprynina; Conflictology Center, Almaty, Center for Conflict Resolution, Institute of Sociology RAN: in 3 volumes, V.2. Almaty, 2002. 296 p.
6. LeBaron M. Culture and Conflict // Mediation and Law. № 3 (21) September. 2011, p. 10-21.



## **Функциональные возможности медиации в семейной политике и системе социальной работы с семьей в регионе**

**Л.А. Осьмук**

*Новосибирский государственный технический университет  
Россия 630092, Новосибирск, пр. К. Маркса, 20, корпус 5*

---

*В статье демонстрируются возможности использования новых технологий конфликторазрешения в социальной работе с семьей. Оценивается управленческий потенциал семейной медиации. Утверждается необходимость создания структуры профессиональной работы с семейными конфликтами службы семейной медиации в регионе. На основании результатов проведенных социологических исследований демонстрируется сложный характер конфликтов в неблагополучных семьях, семьях группы риска, что требует от специалистов, работающих с семьей, владения основами медиации. Рассматриваются барьеры/риски внедрения службы семейной медиации в регионе.*

*Ключевые слова: конфликты в семье, профилактика семейного неблагополучия, технологии конфликторазрешения, семейная медиация, семейная политика, социальная работа с семьей, служба семейной медиации.*

---