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Scientific and philosophical prerequisites for the formation of ethnomediation as an interdisciplinary direction in modern science

The article explores the influence of philosophical ideas on the development of a new applied field of modern science — mediation and ethnomediation. The authors justify the relevance of mediation by citing the rising level of conflict in modern societies, driven by both psychological factors and socio-economic changes. They emphasize that mediation is becoming a key tool for reducing tension. Particular attention is paid to Kazakhstan, where mediation is being actively implemented across legal, social, and interethnic spheres. The institutionalization of this process is linked not only to the influence of Western practices but also to internal needs for effective conflict management, as evidenced by the initiatives of President K.-J.K. Tokayev. The article traces the philosophical foundations of mediation from antiquity to the present day. It analyzes the ideas of Socrates (maieutics as a dialogue method), Aristotle (the «golden mean» and rhetoric), Cicero (consensus through rhetoric), Hobbes (rational compromise), Kant (categorical imperative), Habermas (communicative action), Buber («I-Thou» dialogue). The main conclusion is that philosophy — ranging from ancient ideas to twentieth-century theories — has shaped the value foundation of mediation, transforming it into a tool not only for dispute resolution but also for strengthening social harmony.

Keywords: mediation, ethnomediation, philosophy, conflict, dialogue, justice, compromise, communication, balance of interests, consensus

Introduction

In modern societies, conflict is steadily increasing no matter their level of development, demographics, wealth or economic situation. Many thinkers today see this trend as natural and connected to human psychology: our inclination towards wanting to dominate, compete and pursue material goods. Changes in how society is organized also play a role, as they increase competition for fair play, income and a better quality of life. Because of this, new areas of social life appear where new conflicts and instability arise.

As negative trends grow, more individual and group disputes arise.

Mediation is one of the most optimal and effective methods for peaceful conflict resolution. It is currently widely used in various areas of public life: law, politics, and the social sphere. For Kazakhstan, the introduction of mediation into all spheres of life, as well as the use of ethnomediation in interethnic relations, is a process that cannot be explained solely by external factors (Western influence, «trends», or modernization demands). Certainly, the institutionalization of this practice is driven by internal needs, pragmatic considerations, and the need to improve the effectiveness of conflict management. In the process of institutionalizing mediation and ethnomediation, it is crucial to consider the legal framework and the cultural characteristics of the country and its regions.

Mentality, national and ethnic traditions and norms, as well as the degree to which global experience can be adapted to domestic realities, all play an important role. The relevance and timeliness of developing these institutions have been repeatedly emphasised in the speeches of the President of the Republic of Kazakhstan, K.J. Tokayev [1]. A significant contribution to the development of ethno-mediation is made by the Assembly of the People of Kazakhstan and the Centre for Ethnomediation, established under the Institute of Ethnopolitical Studies in Astana.

In 2022, President Tokayev called for the creation of an ethnomediation training centre offering regular courses for most district-level civil servants [2]. In the legal sphere, mediation has become particularly widespread in resolving pre-trial disputes of a non-criminal nature. In family disputes, mediation may be used to resolve disagreements concerning the continuation of marriage, parental rights, the children's place of residence, and parental support.

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The legal framework governing the field of mediation in our country was adopted in 2011 and is defined by the Law of the Republic of Kazakhstan «On Mediation». Its purposes include creating conditions for resolving a dispute (conflict) while respecting the rights and legitimate interests of citizens and reducing the level of conflict between the parties [3]. However, it should be noted that mediation, as a method of conflict resolution involving a neutral intermediary, has deep historical roots, including in Kazakhstan. Its modern forms have developed on the foundation of legal systems, cultural traditions, and the social needs of different countries. As a multiethnic state, Kazakhstan has historically evolved as a space of intercultural dialogue. In the context of globalization and rising social tensions, methods of peaceful conflict resolution—particularly ethnomediation—are becoming increasingly relevant. The implementation of mediation and ethnomediation in everyday practice requires the study of international development paths, key trends, and national characteristics. This article aims to explore the philosophical foundations of contemporary mediation.

Materials and methods of research

Philosophy plays a key role in shaping the institutionalization of mediation. The ideas of partnership, consensus-searching and effective methods of conflict resolution are reflected in classical philosophical works. Starting from the age of Antiquity, concepts of dialogue, agreement and harmony have developed. Studying philosophical basics allows us to understand the nature of mediation and its role in the modern world more deeply.

The study used these analytical methods:

- Review of philosophical works from antiquity to modernity;
- Analysis of fundamental philosophical concepts;
- Analysis of concepts directly related to conflict resolution: dialogue, justice, communication and autonomy;
- Comparative analysis to identify key categories in ancient, modern and contemporary philosophical schools;
- We examined primary philosophical sources, including texts by both ancient and contemporary thinkers on dialogue and ethics, as well as academic articles, research studies, and legal documents.

Results

The development of philosophical ideas about mediation begins with antiquity.

Socrates was one of the first philosophers to substantiate the possibility and necessity of a mediative approach to philosophizing.

Socrates (470–399 BC) did not practice mediation in its modern sense, but his philosophical method and approach to dialogue had a profound influence on the principles of constructive communication and conflict resolution. Key aspects of his legacy relevant to modern mediation are as follows.

Socrates developed a unique philosophical method called maieutics («midwifery»), based on a method of asking questions sequentially during dialogue that helped the interlocutor:

- Identify contradictions in one's own beliefs.
- Formulate clear definitions through critical thinking.
- Reach conclusions independently, rather than through the imposition of opinions.

An episode from Plato's dialogues can be cited as an example successfully demonstrating the philosophical method of «maieutics.» As is well known, Socrates left no written works—his method is known through the works of Plato. In the *Gorgias*, Socrates questions the sophist Callicles, exposing the fallacy of his worldview that force is the basis of justice [4; 121]. This episode demonstrates how dialogue can reveal deep-seated values and motives.

Socrates believed that truth is born in dialogue, not confrontation. Socrates's scientific and social position is well expressed in his principles, such as:

«Know thyself» — a call for introspection, which is essential in mediation for understanding one's interests and emotions.

«I know that I know nothing» — an attitude of openness and readiness for dialogue, rather than dogmatism.

«Justice and virtue» as the basis for dispute resolution, which resonates with the win-win idea in mediation.

Socrates' ideas subsequently formed the basis for techniques used by mediators:

- mediators use «open-ended» questions — helping the parties reveal their true interests («What is important to you in this situation?»).
- mediators use the «active listening» technique—the mediator, like Socrates, guides the conversation without providing ready-made answers.

Mediators strive to address value conflicts — through dialogue, the parties learn to understand each other's position, which reduces escalation.

Thus, Socrates' legacy serves as a reliable methodological framework for modern mediators. For example, in family mediation, the Socratic approach helps spouses recognize shared goals (the well-being of their children), even in the face of emotional conflict.

Of course, Socrates was not a mediator, but his method of dialogue, critical thinking, and emphasis on ethics became the foundation for modern practices. Mediation, like Socratic dialogue, transforms conflict into an opportunity for a shared search for truth, where questions are more important than answers.

The next great thinker to contribute to the development of philosophical ideas about mediation was Aristotle (384–322 BC), a student of Plato and one of the founders of Western philosophy. Aristotle did not practice mediation in its modern form. However, his works on ethics, rhetoric, and logic laid the theoretical foundations that indirectly influenced the development of the basic principles of dialogue, conflict resolution, and the pursuit of justice — the key elements of mediation.

In particular, in the *Nicomachean Ethics*, Aristotle argued that courage is a balance between extremes such as cowardice and recklessness. Aristotle calls this balance between excess and deficiency the «golden mean» [5; 79]. In modern mediation, the phrase «golden mean» is a byword.

In his work «*Rhetoric*,» Aristotle identified three methods of persuasion:

- «Ethos» (the speaker's character): trust in the mediator as a neutral party.
- «Pathos» (emotions): understanding the feelings of the parties to the conflict.
- «Logos» (logic): structured argumentation for finding solutions.

The modern mediator, using ethos, creates a safe environment; through pathos, helps the parties express emotions; and through logos, guides them to rational conclusions.

The history of philosophy has preserved quotes from Aristotle that are relevant to mediation. For example, «justice is not a part of virtue, but the whole of virtue» — a reminder of a comprehensive approach to conflict resolution.

Or «to control oneself so much as to respect others as oneself — that is what can be called virtue» — a principle of empathy in dialogue.

The next stage in the development of the philosophical approach to mediation is Roman philosophy, Roman rhetoric, and the art of persuasion.

Cicero and other Roman philosophers emphasized the importance of rhetoric and negotiation in dispute resolution. Their ideas formed the basis for modern communication strategies and negotiation techniques used in mediation.

Marcus Tullius Cicero (106–43 BC), a Roman philosopher, orator, and politician, did not practice mediation in its modern sense, but his ideas on dialogue, justice, and rhetoric had a significant influence on the development of conflict resolution principles. His works, such as *On Duties* (*De Officiis*) and *On the State* (*De Re Publica*), contain concepts relevant to modern mediation [6].

Cicero considered rhetoric a tool for achieving consensus in society. In his work «*On the Orator*» («*De Oratore*»), he emphasized that the orator's goal is not winning a dispute, but rather the search for truth and harmony [7]. This is consistent with mediation, where the mediator's task is not to impose a solution, but to help the parties reach an agreement. Both the orator and the mediator require skills such as listening and understanding the opponent's position, using arguments rather than manipulation, and emphasizing shared values (justice and the good of society).

In his work «*On the Republic*,» Cicero argued that the foundation of social stability is «consensus iuris» («agreement in law»), that is, the voluntary acceptance of common norms. In mediation, too, the final decision must take into account the interests of all parties. Any conflict, from a mediation perspective, should be resolved for the common good, not personal ambitions.

Cicero's quotes are of both scholarly and practical interest. For example, «the good of the people is the supreme law» («*Salus populi suprema lex*») is a reminder of the primacy of the common interest in dispute resolution. Or, «justice must be the foundation of all our actions» is the principle upon which mediation agreements are built.

Discussion

During the modern period, emphasis in approaches to agreements and public control of conflicts was placed on the doctrine of rationality and the concept of the «social contract.»

Thomas Hobbes (1588–1679), an English philosopher and author of *Leviathan* [8], did not practice mediation in the modern sense. However, his ideas on the nature of conflict, the social contract, and the role of neutral authority had an indirect influence on the philosophical foundations of dispute resolution. His theory of rational compromise for the sake of security is relevant to understanding mediation as a tool for preventing chaos.

Hobbes described humanity's «state of nature» as a «war of every man against every man,» where life is «solitary, poor, nasty, brutish, and short.» To avoid this, people enter into a «social contract,» transferring some freedoms to the sovereign (the state) in exchange for security.

Thus, conflicting parties, like individuals in Hobbes, may voluntarily submit a dispute to a mediator to avoid escalation. And his ideas about «rational compromise» for the sake of mutual benefit are largely the foundation of modern mediation agreements.

Hobbes T. believed that «fear of death» and «rational calculation» force people to seek agreement among themselves.

Immanuel Kant (1724–1804), a German philosopher of the Enlightenment, did not practice mediation in its modern sense. However, his ethical and philosophical ideas laid the foundation for the principles that underlie mediation today: respect for individual autonomy, the pursuit of justice, and rational dialogue [9].

For example, in his work «*Foundations of the Metaphysics of Morals*,» Kant formulated the «categorical imperative»:

- «Act so that the maxim of your will may become a universal law.»
- «Treat humanity always as an end, never merely as a means.»

The categorical imperative has found application in mediation in the form of respect for the parties to a conflict as independent entities whose interests cannot be ignored. The mediation process seeks solutions that do not violate universal principles of justice (e.g., equal rights). During the mediation process, the mediator must adhere to the requirement of «non-manipulation» — not using the participants as a «tool» to achieve a goal.

Contemporary philosophy marks a new stage in the development of the ideological foundations of mediation.

Jürgen Habermas (born 1929), a 20th-century German philosopher and sociologist and a key representative of the Frankfurt School, is a key figure in the development of the Frankfurt School. His theory of «communicative action» and the concept of «discursive ethics» have become the philosophical foundation for modern approaches to conflict resolution through dialogue. Habermas's ideas on rational communication, the public sphere, and the search for consensus have directly influenced the development of modern mediation principles.

Habermas contrasts «strategic action» (aimed at achieving personal gain) with «communicative action,» the goal of which is to achieve mutual understanding and agreement [10; 122]. In modern mediation, the mediator also seeks to transition the parties from a strategic conflict mode («win at any cost») to a communication mode, where collaborative dialogue is essential.

Habermas believed that successful communication should emphasize interests rather than positions. In fact, all modern mediation sessions are now based on this principle.

Habermas argued that norms and decisions become legitimate only through «rational discourse,» that is, through open discussion where all participants can express their views and criticize arguments.

Today, a mediated agreement is considered fair if the parties «voluntarily» accept it after honest discussion.

For example, in corporate conflicts, a mediator helps employees and management develop rules that take into account everyone's opinions.

Martin Buber (1878–1965), a 20th-century existentialist philosopher, is known for his work «*I and Thou*» (1923), in which he develops the ideas of «dialogue philosophy.» Buber did not directly engage in mediation, but his concepts formed the basis of a humanistic approach to resolving any conflict [11].

In his philosophical concept, M. Buber contrasts two types of relationships: «I-it» — objective, instrumental, where the other is perceived as a means to an end — and «I-thou» — subjective, based on reciprocity, empathy, and the recognition of human dignity. In modern mediation, mediators strive to shift the con-

flicting parties from an «I-it» position (where the opponent is an enemy or a problem) to an «I-thou» position, creating space for genuine dialogue. Similarly, in modern mediation, mediation sessions are based on «mutual respect» and «recognition of each other's subjectivity,» which helps the parties identify common interests.

M. Buber viewed dialogue as an «encounter» where participants are open to changing their positions through interaction. This requires full engagement in the process and a rejection of manipulation, that is, sincerity and a willingness to listen to the other person. Modern mediators use these principles to create a safe environment where parties can express feelings and needs without fear of judgment. And the techniques of active listening and paraphrasing reflect Buber's idea of «encounter.»

Conclusion

Thus, the development of modern mediation has been greatly influenced by the philosophical ideas of individual authors from the ancient, modern, and contemporary periods.

Aristotelian philosophy, like mediation, strives for balance, rationality, and mutual respect, transforming conflict into a space for the joint search for an optimal solution, often a compromise.

Cicero was not a mediator, but his ideas on dialogue, justice, and the search for agreement became the philosophical foundation for modern practices. Mediation, like Cicero's rhetoric, transforms conflict into a space of reason and mutual respect, where the goal is not victory, but the restoration of harmony.

Hobbes's analysis of the nature of conflict and rational compromise laid the foundation for understanding the role of third parties in dispute resolution. Mediation, like the social contract, transforms chaos into order through dialogue, but without Hobbesian coercion — through mutual respect and the search for common interests.

I. Kant did not consider mediation a practical practice, but his philosophy became the theoretical basis for its key principles: respect for the individual, rational dialogue, and the pursuit of justice. Mediation, like Kantian ethics, transforms conflict into a space of reason, where the parties voluntarily seek solutions consistent with universal moral norms.

J. Habermas did not develop practical methods for mediation, but his philosophy provided it with a solid theoretical and methodological foundation. Modern mediation, like communicative action, transforms conflict into a space of rational dialogue, where the parties, through mutual respect and critical reflection, arrive at solutions that are legitimate for all. This is a theoretical and methodological approach where the «force of argument» replaces the power of power or money.

Martin Buber did not specialize in applied mediation, but his philosophy became the theoretical basis for the implementation of the «humanistic approach» to conflict resolution he developed. The emphasis on dialogue, mutual recognition, and an ethic of responsibility remains relevant for all modern mediation practitioners seeking not just to reach an agreement but to restore human connections in post-conflict situations.

Each of these philosophers has made significant contributions to the development of the philosophical foundations of modern mediation.

Philosophy has played a key role in shaping the theoretical foundation of mediation, enriching it with principles of dialogue, ethics, and an understanding of human relations. Since antiquity, the philosophical tradition has laid the theoretical foundations of mediation, developing concepts of dialogue, justice, and communication. Philosophy has developed philosophical methods that underlie key mediation techniques, such as active listening, paraphrasing, and focusing on needs. Philosophical ideas have influenced the development of a value-based approach to mediation based on respect, empathy, and nonviolence.

As a result, mediation has become more than just a dispute resolution tool, but a «practice of humanizing conflict,» where the process, not just the outcome, is important. Modern mediation, drawing on philosophical ideas, serves not only as a tool for conflict resolution but also as a means of achieving social harmony. Further exploration of the philosophical roots of mediation can contribute to its development in new areas of application.

Ethnomediation in Kazakhstan represents a synthesis of traditional and modern conflict resolution practices. Its successful development depends on the preservation of cultural heritage, improved legislation, and the training of qualified specialists. Further research in this area could contribute to the creation of a universal model of ethnomediation applicable to other multi-ethnic countries.

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Г.А. Жумасултанова, А.А. Инджигольян, Б.А. Досова

Этномедиацияның қазіргі ғылымдағы пәнаралық бағыт ретінде қалыптасуының ғылыми және философиялық алғышарттары

Мақалада философиялық идеялардың қазіргі заманғы медиациядағы жаңа қолданбалы саланың және оның нақты саласы этномедиацияның дамуына әсері қарастырылды. Авторлар медиацияның өзектілігін психологиялық факторлардың және әлеуметтік-экономикалық өзгерістердің әсерінен туындайтын қазіргі қоғамдардағы қақтығыс әлеуетінің артуын келтіре отырып негіздейді. Медиацияның диалог пен делдалдылық арқылы қақтығыстарды шешу әдісі ретінде шиеленісті азайтудың негізгі құралына айналып келе жатқаны атап көрсетілген. Сондай-ақ медиация құқықтық, әлеуметтік және этносаралық салаларда белсенді түрде жүзеге асырылып жатқан Қазақстанға ерекше назар аударылады. Бұл процестің институционалдануы тек батыстық тәжірибелердің әсерімен емес, сонымен қатар қақтығыстарды тиімді басқаруға арналған ішкі қажеттіліктермен байланысты. Ол Президент Қасым-Жомарт Токаевтың бастамаларынан да көрінеді. Мақалада медиацияның антикалық дәуірден қазіргі кезеңге дейінгі дамуының философиялық алғышарттары зерделенді. Сократ идеялары (диалог әдісі ретіндегі майевтика), Аристотель («алтын орта» және риторика), Цицерон (риторика арқылы консенсус), Томас Гоббс (рационалды ымыра), Иммануил Кант (категориялық императив), Юрген Хабермас (коммуникативтік әрекет) және Мартин Бубер («Мен—Сен» диалогы) тұжырымдамалары сараланды. Аталған идеялардың өзара түсіністікке, этикаға, мүдделер тепе-теңдігін іздеуге негізделген медиативтік тәжірибелердің қалыптасуына ықпалы көрсетілді. Қорытындыда ежелгі антикалық дәуірден бастап XX ғасырдың теорияларына дейінгі философия медиацияның құндылық негізін қалыптастырып, оны дауларды шешудің ғана емес, сонымен бірге әлеуметтік келісімді нығайтудың құралына айналдырды деп тұжырымдалған. Көпұлтты мемлекет ретінде қалыптасқан Қазақстан үшін медиация мен этномедиацияның дамуы әлеуметтік тұрақтылықты қамтамасыз етудің маңызды шарттарының бірі.

Кілт сөздер: медиация, этномедиация, философия, қақтығыс, диалог, әділеттілік, ымыраға келу, қарым-қатынас, мүдделер теңгерімі, консенсус.

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Научные и философские предпосылки возникновения этномедиации как междисциплинарного направления современной науки

Статья исследует влияние философских идей на развитие нового прикладного направления современной науки медиации и ее частного направления — этномедиации. Авторы обосновывают актуальность медиации ростом конфликтности в современных обществах, обусловленным как психологическими факторами (склонность к доминированию), так и социально-экономическими изменениями (конкуренция за ресурсы). Авторы подчеркивают, что медиация как метод разрешения конфликтов через диалог и посредничество становится ключевым инструментом снижения напряженности. Особое внимание уделяется Казахстану, где медиация активно внедряется в правовую, социальную и межэтническую сферы. Институционализация этого процесса связана не только с влиянием западных практик, но и внутренними потребностями в эффективном управлении конфликтами, что подтверждается инициативами Президента К.-Ж.К. Токаева и деятельностью Ассамблеи народа Казахстана. В статье прослеживаются философские предпосылки развития медиации от античности до современности. Анализируются идеи Сократа (майевтика как метод диалога), Аристотеля («золотая середина» и риторика), Цицерона (консенсус через риторику), Т. Гоббса (рациональный компромисс), И. Канта (категорический императив), Ю. Хабермаса (коммуникативное действие) и М. Бубера («Я — Ты»-диалог). Показано, как эти концепции заложили основы современных медиативных практик: акцент на взаимопонимание, этику, поиск баланса интересов. Основной вывод этой работы состоит в том, что философия, от античных идей до теорий XX века, сформировала ценностный фундамент медиации, превратив её в инструмент не только разрешения споров, но и укрепления социальной гармонии. Для Казахстана, как многонационального государства, развитие медиации и этномедиации становится одним из условий социальной стабильности.

Ключевые слова: медиация, этномедиация, философия, конфликт, диалог, справедливость, компромисс, коммуникация, баланс интересов.

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