

CULTURAL ISSUES IN MEDIATION

When we think of culture, we may think of art, dress, religion, language, food or the 'total range of activities and ideas of a people' (Collins Concise Dictionary's definition of culture). Culture also includes attitudes, understanding, values, beliefs, ideas and behaviours. It is more than a person's nationality or ethnicity.

Cultural Awareness

An understanding of cultural issues is essential for mediators. Our individual experience of culture shapes and informs our attitudes and approach to resolving conflicts.

Mediation itself is not a 'culture free' concept and there is a danger that in their 'neutral' and 'impartial' role mediators see themselves as free of cultural influences. If we assume we know or share common values, beliefs, understandings or expectations we may not ask important questions that allow participants to speak for themselves.

Culture and Conflict

Conflict can arise from assumptions about people; misunderstandings or misinterpreting what is said or done in any context. Britain is a multi-cultural society and cultural differences may be an extra dimension in any mediation process. If mediators are not aware of cultural differences and other ways of seeing and resolving conflict the mediation process is less likely to produce individual, specific, and creative solutions.

Cultural Differences

Some of the most important cultural differences are:

> 'Worldview' or how individuals see their relationship with others.

In an individualistic culture people see themselves as autonomous: personal goals and needs take precedence over other people's goals and needs. As a result a short-term view of managing conflict seems natural.

In a culture of collectivism, people see themselves as connected to others; individual goals and needs are less important than the community's goals and needs. The desire for harmony to sustain wider social relations takes precedence and a longer-term view of managing conflict follows.

> Communication Styles - Verbal and Non- Verbal.

As mediators we sometimes assume that direct communication is required to resolve conflict but some cultures do not like face- to- face negotiation, especially with strangers.

Even if you use an interpreter you cannot know precisely what is being said. There can be individual and cultural differences between speakers of the same language and dialect.

Non verbal differences can have a significant impact: a nod mean "no" and a shake of the head means "yes" in different cultures; avoiding eye contact is polite in one culture but can indicate evasiveness in another; silence is sometimes rude in one culture and a sign of respect in another.

> Attitudes to Conflict

Some Western cultures will accept conflict as a necessary (even enjoyable) part of life. In other cultures confrontation is generally avoided to preserve harmony.

> Conflict Resolution

Some cultures favour formal, structured mediation sessions. Other cultures favour open, inclusive, informal public debate and resolution involving community members.

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> Mediators

In many cultures people who help resolve conflicts are well respected and have the power and authority to influence resolutions. They may advise or even coerce disputants to co-operate. The Western model of the mediator is a more as a neutral facilitator.

> Outcomes

Some cultures focus on a signed agreement. Other cultures may require a ritualised apology, an exchange of gifts or reparation.

There may of course be other, additional cultural differences in your service area and mediators can use these cultural differences to enhance the mediation process. It is always important to be clear of your own and your service's ethical base however. There may be circumstances where you feel that culturally driven demands are ethically unacceptable, if for instance, they put one person at a major disadvantage in the mediation process.

Further Reading:

Liebmann, M. (ed.) (1998) *Community and Neighbour Mediation*. London. Cavendish. p183-196

Moussa Jagee/Saroj Lal *Religions + Cultures: Guide to Beliefs and Customs for Health Staff and Social Care Services* – Edinburgh & Lothians Racial Equality Council 1999

Relevant Legislation

No directly relevant legislation



Scottish
Community
Mediation
Centre