



Community Solutions  
of Central Oregon

#### **MODULE 4 Overview**

##### ***Cultural Considerations***

As a mediator, you are going to come across participants who are of different races, ethnicity, and age, socio-economic and educational backgrounds. It is important to remember that the way they look at and arrive at a solution may not be the same way as you.

While most mediations involve just two parties, it is not unusual for some parties to have family members or clergy sit with them throughout the mediation. Some cultures tend to be more forward while others are shy. When you read pages 4-5 you will see why it is important to practice your reframing and listening skills.

Also, note that if one or both parties does not speak English, do not move forward with the mediation until you have an interpreter present. If you are mediating in the court system, they will provide an interpreter either in person or via telephone. At CS, if the parties tell us in advance that they aren't conversant in English we can provide an interpreter.

## **Cultural Sensitivity and Awareness in Mediation**

Mediators are encouraged to learn about cultural differences and to look for and address cross-cultural aspects of the conflicts that we may be called upon to mediate. This begins with understanding what culture is, and of the importance of culture's role in people's lives.

One definition of culture holds that within a given group, "culture is what everybody knows that everybody knows"; in other words, the values and beliefs people share, the customs, communication tools, food, etc.

What role does culture, then, play in people's lives? Craig Coletta describes culture as an instruction manual for how to live in the world. Because humans have an almost unlimited number of choices of how they can get their needs met, any given culture creates its 'instruction manual' to teach its members how to survive and thrive. These cultural instructions are relied upon for people's well-being and happiness.

Knowing that culture affects virtually every aspect of life, there are two broad categories that mediators need to be aware of: communication methods and worldview.

Under the heading of communication methods, various cultures have different sets of assumptions about personal space, eye contact, tone of voice, gestures and so on. Is it polite or rude to maintain direct eye contact? Should one person talk at a time, or can everyone speak out when they want to? Are the issues going to be addressed directly, or is it more important for people to get to know each other first? It is easy to see how misunderstandings can arise when people bring different communication styles and beliefs to the mediation table.

What about worldview? We all hold assumptions about how the world should and does work. These assumptions lead people to take positions, form opinions, and make judgments. One example of contrasting worldviews is the individualistic versus the communitarian approach. Individualistic cultures hold that the rights and needs of the individual are of primary importance, while communitarian cultures believe that individual rights should be held second to the rights and needs of the group.

Mediators may also need to challenge assumptions about the model of mediation that is predominately accepted and known here. For example, there is a widely-held belief that we must keep emotion under control, and strive for rationality, logic and calmness. This may not be a norm for some cultures. Another example is the importance that is placed on neutrality. In many cultures, a neutral outsider would be rejected in favor of a partial insider who knows the people and who is aware of the conflict.

Finally, it is our job as mediators not to be experts on the many cultures we may meet, but rather to have a sensitivity to and an awareness of the differences that may arise, as well as awareness of our own biases and stereotypes. We can bring a willingness to challenge our assumptions about other cultures, and to help others challenge theirs. Patience and flexibility are good tools to have when mediating across cultures.

The Community Mediator: "Towards a Functional Definition of Culture" Craig Coletta

## **Working with Cross-Cultural Differences**

What is Culture?

- Commonly held needs
- Social norms
- Mores/behaviors
- Perceptions of standards and values
- Traditions/rituals
- Rites of passage
- Sum = existence/expression
- The way of life of a given society, passed down from one generation to the next, through learning and experience.
- A set of rules, written and unwritten, which instruct individuals how to operate effectively with one another and with their environment.
- All the visible and invisible differences that make up who we are as people.

*Experience defines our approach to culture. Any time we communicate, we are communicating cross culturally.*

## **Components of Culture**

Family  
 World view  
 History  
 Religion  
 Values  
 Languages  
 Race  
 Ethnicity  
 Class  
 Gender  
 Age  
 Politics  
 Geography  
 Economics  
 Education  
 Physical Ability

## **Guidelines for Cross-Cultural Mediations**

1. Expect different expectations
2. Do not assume that what you say is understood
3. Listen carefully at all levels
4. Seek ways of getting both parties to validate the concerns of the other
5. Be patient, humble, and willing to learn; do not fake understanding.
6. Pay attention to body language
7. Name the unspoken-go where the heat is
8. Be aware of your own assumptions

*You can't expect to change attitudes in a mediation session. However, you can:*

- Show someone that this person does not fit his/her stereotype;
- Show someone how his/her behavior affects this person; and
- Show someone how his/her behavior affects this process.

## **Tools for Cross-Cultural Mediations**

### **Reframing**

Imagine that during a mediation session, one of the parties angrily accuses the other party of being “. . . the biggest racist/sexist I've ever know.” As a mediator, how do you handle this situation?

1. Reframe using neutral language:

“So, you believe that the way \_\_\_\_\_ is perceiving you as an African American/woman is impacting this problem?”

2. Reframe as a topic:

“How you're treated as a woman/black person is an important topic to be addressed.”

3. Reframe into needs:

“It's important that you're treated with respect.”

## Listening

1. Observation level: Identify the behavior that caused the reaction.

Ask: "What is it she's doing that makes you feel that way?" "What specifically has \_\_\_\_\_ said or done to make you believe that?"

Reflect: "So when \_\_\_\_\_ never came and greeted you, you interpreted that as . . ."

2. Reaction level:

Ask: How does that impact you? How do you feel/react when . . .?

Bring that information back to the other party.

Ask the other party to paraphrase. Ask one party to tell the other party how it felt when s/he said/acted . . .

Ask: "Are you aware of \_\_\_\_\_'s feelings?"

3. Assumptions/suspicious level:

Often, rather than surfacing in overt accusations, feelings of being treated unfairly are unexpressed but nevertheless are influencing the mediation. It can be helpful to surface such suspicions in the following way:

Ask: "What else is going on?" "Do you think something else is going on here?" "I'm sensing that you're feeling . . ."

4. Values level:

Often, differences in values are at the heart of a conflict, especially in the cross-cultural area. To reach resolution, you may need to understand how the conflict really works, and values are often the key.

Once you've helped the parties identify the differing values, translate them into needs.

5. Needs level:

Ask: "What behavior do you want instead?" Translate differences into needs.

## Cultural Values

- *Often help define the individual*
- *Can be constant*
- *Are internally derived*
- *Can be concerned with virtue*
- *Are often stated morally*
- *Can be judged as good or bad*
- *Often help individuals set priorities*

## Describe, Interpret, and Evaluate

Each day we make value judgments about our world and the people we encounter. This can help keep us safe, find a friendly face and minimize the amount of time we need to process our environment. As we grow and experience life we amass our experiences. The way we interpret and evaluate our world can also limit our experiences and make our lives smaller or more confusing.

When encountering people or experiences that are unfamiliar to use we can choose to use a tool known as DIE: Describe, Interpret, and Evaluate to help us to slow down and understand our experiences.

**Describe:** What you see or observe. This is an objective step and you only need to rely on the facts before you. You are not deciding how you feel about it.

**Interpret:** What I think about what I see. When you interpret, you are attributing meaning to an experience, image or person and ascribing your own associations or experiences.

**Evaluate:** What I feel about what I think in the positive or negative. When you evaluate you are making a judgment about what you see or experience.

When we slow down and make ourselves aware of our interpretations and evaluations we can often challenge ourselves to think more openly. Is my evaluation correct in this situation or should I ask more questions?

**MODULE 4 Summary**  
***Personal Reflection***

*Key learning points for me from the material and exercises in this Module:*

*For my own personal growth as a mediator, I need to pay attention to:*