Mediating Cultural Differences

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Dimensions in Diversity
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Expectations?

• What would you like to learn?
Session Objectives

• ‘Culture’ definition and importance to mediators
• Explore cultural dimensions
• Identify personal biases and cultural stereotypes
• Discern ‘pictures’ in parties’ heads
• Offer suggestions to deal with cultural differences in mediation and collect best practices
“Mediation is a tool that helps to ‘bridge the gap’ between differences, and this requires knowing and respecting the culture of people that you meet.”

Alessandra Sgubini
Definition of Culture

• “an identifiable set of values, norms, and standard practices commonly used by a group ...the way we were brought up and taught to deal with everyday situations we all face as humans.”
  - J. Rendon, Mediate.com. ‘When you can’t get through to them’

• “a collective programming of the mind – distinguishing members of one group from another”
  - G. Hofstede (2001) Culture’s Consequences
Culture is Like an Iceberg

- Pervasive
- Largely invisible
• Almost of us interpret the behaviors of people from other cultures as if they were from OUR OWN culture (Barkai, 2008).

• Result?
Diversity

• “Diversity is not so much about the externalities of race, religion, language, food, dress, music, gender, national origin, age and profession as about where people THINK they get their identity, i.e., the pictures in their heads.”

-S. Diamond, (2010, Getting More.)
What Is Important

• People’s perceived psychological affiliation.
• Redefining culture: the affiliations from which individuals THINK they get their identity.
  
People are disturbed not by things, but by the view they take of them.

EPICTETUS
Cultural Differences: Basic Patterns

1. Communication Styles
2. Attitudes toward Conflict
3. Approaches toward Completing Tasks
4. Styles of Making Decisions
5. Attitudes about Disclosure
6. Approaches to ‘Knowing’
Communication Contexts and Styles

• High context vs. Low context
  how people interact and communicate with others of their OWN culture
High Context

• Information not always verbalized
• Conversation may go all around a central issue
• Tend to be more ‘past-oriented’
• Tend to value tradition over change

Low Context

- Communicate directly and explicitly
- Rely on verbal communication
- Tend to be more ‘present and future-oriented’ and value change over tradition.

And just when you thought you understood the differences...

• Even in low context cultures such as the United States, we have experience in high-context subculture settings.

• Examples?

• Our families, family gatherings, groups of close friends

• Insider jokes?

Experiences in Mediation?

- Preoccupation with history and hierarchy
- Preferences for principle over nitty-gritty detail
- Personalized, repetitive styles of argument
- Lack of enthusiasm for explicit, formal agreement
- Frustration with parties’ reluctance to put the cards on the table
- Evasiveness
- Excessive bluntness
- Obsession with the bottom line
- Disinterest/neglect with overall relationships
- Preoccupied with individual rights
- Impatience
- Other?
Our Own Biases as Mediators

• Problem-solving – a joint search for resolution; results-oriented
• Isolate the people from the problem vs. people are part of the problem
• Assume a process of ‘give-and-take’; each problem can be solved discretely
• Goals are defined in terms of material, not psychic, satisfaction
Our Own Biases as Mediators (continued)

• Strongly influenced by Anglo-Saxon legal habits
• In effect, we have a idealized version of a low-context problem-solving model. (Overall, USA is low context and universalist.)
• Be aware of how we conduct the process.
Look for in High Context Settings

• Resistance to review immediate issue in isolation
• Laying stress on long-term, affective part of the relationship of the parties
• Alert to symbolism, status, ‘face’
• Use highly developed communication strategies for evading direct confrontation

R. Cohen in J. Barkai (2008), 10 Cardozo Journal of Conflict Resolution, Vol. 43
Hofstede’s Cultural Dimensions

- Power Distance
- Individualism (versus the group/collectivism)
- Masculinity (versus femininity)
- Uncertainty Avoidance
- Long-term (versus short-term) Orientation
Power Distance

• Viewpoint of less powerful members of a culture
• ‘respect the leader/elder’
• Importance of status
• How could you identify someone from a low-power distance culture?

G. Hofstede, (2001), Cultures’ Consequences; J. Barkai (2008), 10 Cardozo Journal of Conflict Resolution, Vol. 43
Individualism

• Extent to which a person’s behavior is influenced and defined by others
• The ‘great divide’
• How to identify?
• Can be problematic in reaching resolution
Masculinity

• Extent to which a culture focuses on traditional male values

• Achievement, control, power, recognition, challenges, assertiveness/aggressiveness, dominance, competition, physical strength, ambition.

• May tend to be hard bargainers, make few concessions; be loud, verbal, tend to criticize or argue.

G. Hofstede, (2001), Cultures’ Consequences; J. Barkai (2008), 10 Cardozo Journal of Conflict Resolution, Vol. 43
Uncertainty Avoidance (Aversion to Risk)

• High UA cultures: rule-oriented, distrust unfamiliar negotiation behaviors
• Need structure and rules in negotiation
• Want precise answers to questions
• ‘Thinking outside the box’ is considered dangerous
• Tend to be long-term oriented.

G. Hofstede, (2001), Cultures’ Consequences; J. Barkai (2008), 10 Cardozo Journal of Conflict Resolution, Vol. 43
Long-term vs. Short-term Orientation

• Long-term: sacrifice for the future; respect thrift, status, order

• View people with ST orientation as irresponsible and throwing away money

G. Hofstede, (2001), Cultures’ Consequences; J. Barkai (2008), 10 Cardozo Journal of Conflict Resolution, Vol. 43
Mediator Tools

• Rephrase for neutrality
• Focus on interests or goals
• Listen actively
Mediator Techniques for Building Cross-cultural Bridges

• Serve refreshments
• Ask for expectations
• Have each party describe
  – his/her own culture and that of the other
  – conflict resolution in their cultures and rituals to end conflict
  – their goals
  – something important they’ve learned and why important
  – a common cultural stereotype and how it feels.
• Watch body language
• Clarify
• Show respect for differences in culture.

P. Ladenhoff, Cross-cultural issues in mediation; Missouri Center of Dispute Resolution, University of Missouri-Columbia; K. Cloke (2001), Mediating Dangerously, Josey-Bass.
Best Practices

• What has worked for you?
Suggested Reading


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