Chapter 2
Cultural Considerations

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Culture is a central focus in anthropology and a topic of interest in a number of the other social sciences and humanities (e.g., Goldstein 1957; Swidler 1986; Throsby 2001) And, as one might expect, it is either an important topic or a growing concern in many practice fields such as clinical sociology, education, medicine, business, school psychology, counseling, public administration,[1] forensic evaluations and mediation (e.g., Busch et al. 2010; Moule 2012; Fritz 2008; Frisby 2009; Starr et al. 2011; Philip and McKeown 2004; Rice 2007; Baumgartner 2009; Perlin and McClain 2009). This chapter defines and discusses culture, provides some examples of cultural differences, discusses cultural competency, and, finally, looks at cultural competency/cultural diplomacy in relation to mediation.

Culture

Over the last 500 years, culture has been defined in a number of ways (e.g., see Throsby 2001, p. 3; Monk et al. 2008, pp. 6–14; Elgström 1994, pp. 293–4). It first meant the process of tilling the soil (agricultural improvement) but, by the sixteenth century, it still meant cultivation, but now it was cultivation of the mind or intellect

[1]According to Rice (2007), "the focus on culture and cultural competency in public administration and public service delivery in the USA is evolving very slowly" because, in part, the field "has supported culture blind services and programs (and) a focus on cultural differences/cultural variations does not fit the traditional neutrality/equality principles."

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(the cultured or refined person). By the early nineteenth century, culture had a broad context and it referred to the "intellectual and spiritual development of civilization *as a whole*" (Throsby 2001, p. 3).

Culture is now defined, in the literature of scientists and practitioners, as something more than intellectual development. It refers to a group or society's way of life in a given setting and its social heritage. Culture is about shared values, attitudes, goals, traditions as well as norms and actual behavior that characterize a group and are passed down by the group to following generations. Culture is "the means through which people understand the world" (Pearson 2011, p. 179) and becomes a standard from which to evaluate the actions of others (Ross 1993, p. 21).

Within a society, there are collectivities of people that share many of the aspects of the broader culture but also share some additional characteristics with those who they think are most similar. These groups (e.g., young people, people with disabilities) have *subcultures* that may be defined by one or more characteristics including the following (USDHHS 2003, p. 9):

> national origin; customs and traditions; length of residency . . . ; language; age; generation; gender; religious beliefs; political beliefs; sexual orientation; perceptions of family and community; perceptions of health, well-being and disability; physical ability or limitations; socioeconomic status; education level; geographic location; and family and household composition

Culture is, to some (e.g., Elgström 1994; Bercovitch and Elgström 2001, pp. 5–6; Trefon 2011, p. 109), a fuzzy, vague, intricate, imprecise, elusive and/or difficult term as it seems to encompass so much and its edges are not very clear. Because of this, it can be difficult to know if something is due to culture or should be more appropriately seen as subcultural or individual. Also, in many instances, individuals and even some experts only use the term culture in a limited way exclusively for or emphasizing race and ethnicity or majority and minority status based on race and ethnicity.

Even if the term is imprecise and intricate, it is usually seen as an important consideration. Jenny Pearson (2011, p. 179), the director of a Cambodian capacity-building NGO (non-governmental organization), wrote that "the essential starting point for effective capacity development is culture, culture, culture!" That does not mean, however, that enough attention is paid to cultural similarities and differences within a society and between societies. For instance, Theodore Trefon (2011, p. 108), in his discussion of culture in the Democratic Republic of the Congo, said the following about those offering development aid:

> While culture may be omnipresent, often as vacuous stereotypes . . . , drawing on cultural reality to accompany and facilitate reform is woefully absent from the reform agenda. This absence results from Western experts viewing Congo as they think it should be, based on imported paradigms and world views, instead of accepting it as it is. The expectations of ordinary people are rarely taken into account because they are disassociated from debates about institutional reform. They are political outsiders. This disassociation results from the breach between foreign experts who interact with the local elites – the political insiders . . .

Trefon thinks that if the cultural facilitators and barriers of people in the communities were taken into account, "communities (would) achieve independence and engage in assertive citizenship . . . "

And Kappler and Richmond (2011), in their discussion of peacebuilding and culture in Bosnia and Herzegovina, note that the European Union "has a tendency to treat culture as an instrument that can only be taken into consideration when doing so is conducive to the Union's political projects in the region." As an example they mention that "most museums, choirs, galleries and musicians . . . are usually denied funding and support" while "a cultural approach linked to the goals of an official peacebuilding project (e.g., human rights training for teachers) would be funded provided it is a project of a larger, well-established organization rather than one proposed by a smaller group."

Some find it useful to compare cultures in terms of some broad characteristics (opposites). For instance, cultures can be seen as individualistic or collectivist[2] (Hofstede 1980), having differences in terms of power distance,[3] or as having high or low-context communication styles[4] (Hall 1976). Others (see Davidheiser 2010, pp.128–129) prefer more complex and/or descriptive approaches when comparing cultures.

There also are terms to describe different kinds of cultural situations. It might be useful here to use the concepts *cross-cultural*, *intercultural* and *transcultural*. Based on the work of Avruch and Black as featured in discussions by Busch et al. (2010), *cross-cultural* will refer here to situations based within a larger culture. This looks at collectivities that share a larger culture (in many aspects) but have subcultural differences (frequently in terms of power). *Intercultural* will be used to look at situations involving individuals and/or groups that have two or more cultures. *Transcultural* would be looking for universal rules in dealing with individuals and groups in cross-cultural and intercultural settings. This chapter and the book focus on multicultural activities including ones that are cross-cultural and intercultural.

Understanding Cultural Differences

Writers usually make a strong case for paying attention to culture by giving striking examples. I will be no different and begin with a case presented by Norine Dresser (1996, pp. 38–39) that has been used (see Moule 2012) to encourage educators to

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[2]This individualism/collectivism approach describes the degree to which a society focuses on individuals (independent, self-realization, loose ties to groups, contractual relationships, emphasizing competition) or groups (no one is an individual, uniqueness is a secondary interest, harmony and cooperation within the group is emphasized, people are seen as interdependent).

[3]This refers to how much emphasis is placed on hierarchy.

[4]Low-context cultures (e.g., United States, northern Europe) have communication patterns that are direct/explicit/linear while high-context cultures (e.g., Latin America, Japan) have indirect/circular communication patterns.

be more effective teachers in the United States by recognizing the importance of cultural differences:

> (Ms.) Gussman is one of the best English teachers in the school. She spends every weekend reading her immigrant students' compositions and making careful comments in red ink. To soften her criticisms, she says something positive before writing suggestions for improvement, using the students' names to make the comments more personable. "Jae Lee, these are fine ideas, but ..." These red-inked notes send shock waves through the families of her Korean students, but (Ms.) Gussman is unaware of this until the principal calls her into the office.

Koreans, particularly those who are Buddhists, only write a person's name in red at the time of death or at the anniversary of a death. Therefore, to see the names of their children written in red terrified the Korean parents.

Fisher et al. (2000, p. 42) recount what happened between two participants during a training course:

> A ... man (from an African country) was having a dialogue with a woman from Eastern Europe. He, in his natural cultural style, was standing very close to her and looking directly into her eyes while speaking. She, having a very different cultural expectation about normal conversation, perceived his manner as aggressive and intimidating. In her own cultural style, she was continually backing (away), trying to put more distance between them, and also averting her eyes from looking directly at his. He perceived her behaviour to indicate that she was not interested, or at least not understanding, the point he was trying to make, and this caused him to continue moving closer to her and to make his point even more forcefully.

And, finally, Monk et al. (2008, p. 47), in their book about multicultural counseling, said the following about non-Native Americans working with Native Americans:

> Native American populations (in the United States) are extraordinarily diverse in their languages and identities. It is impossible to make general recommendations regarding counseling interventions for those who identify as Native Americans ... Different customs and languages among Native Americans, in addition to the individual differences within tribes, produce huge variation in the lives people live. Perhaps even more significant than these intertribal and within-tribal variations are the differences that most ethnic minorities in the United States experience because of the degree of acculturation to mainstream American culture ... There is a significant continuum extending from those Native Americans born and reared on a reservation, perhaps even speaking their mother tongue, to persons identifying as Native American who live in a city and have completely lost touch with any tribal ancestry.

These examples are important because they allow us to understand there can be dramatic differences in the ways people from different cultural backgrounds see and do things. And the last example reminds us that culture is a very complex[5] phenomenon and while we need to be sensitive to the real possibility of cultural

[5]Complexity can be something quite interesting, rather than a problem. As Monk et al. (2008, p. 2) noted: "... an appreciation of complexity enriches us with more possibilities for making a difference in the world ... (We should not) seek to eliminate complexity by tying the concept (of culture) down too tightly ... to do so risks discounting someone's real experience."

differences, at the same time we must understand there is huge variation in the degree to which someone's individual[6] and group identity can be understood in relation to her or his own culture.[7]

Cultural Competency

Cultural competency is about working more effectively with individuals and groups from a variety of backgrounds. It is an ongoing process as well as a goal toward which systems, agencies and/or individuals "must continually aspire" (Rorie et al. 1996). For those who are practitioners and working with people who are diverse, culture has become a central concern. If it isn't a concern, there are consequences, as Jean Moule (2012, pp. 5–6) has noted, in her "primer for educators:"

> Research consistently shows that schools (in the United States) are not welcoming places for culturally different students. On average, these students drop out earlier and achieve at lower educational levels than their mainstream counterparts . . . Only when culturally competent teaching is routinely available will culturally different students have a chance to reach their full potentials.

Cultural competency has been defined in different ways (see Vasquez 2010, pp. 128–129).[8] As the concept is used here, it refers to a set of attitudes, behaviors, policies and procedures that enable a system, agency and/or individual to function effectively with culturally diverse individuals and communities (Chung 1992; Randall-David 1994; Rorie et al. 1996; Lecca et al. 1998). The diversity can be in terms of ethnicity, race, religion, socioeconomic class, age, education, type of work, gender and/or many other factors.

Just as there are differences in the definitions of cultural competency, there also are different conceptual approaches. Sue, Ivey and Pederson (Sue 2006, p. 238), for instance, developed a "widely recognized conceptual scheme" that included three general areas: cultural awareness and beliefs, cultural knowledge, and cultural

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[6]Identity development is a dynamic – shifting and evolving – process that responds to multiple and changing cultural contexts. The idea of individual identities includes those people with "border identities" (Rosaldo 1993) who, for various reasons, do not quite fit (by their own thinking or that of a group) the definition of a group. An example might be a person with a multiracial background who is not accepted or does not feel accepted by one or both groups.

[7]According to Monk et al. (2008, p. 31): "There is wide agreement among multicultural researchers that within-group differences of an identifiable group are as great if not greater than between-group differences."

[8]Joutsenvirta and Uusitalo (2010, p. 380), writing in the *Journal of Business Ethics*, define cultural competence as "the sensitivity of the firm toward the surrounding societal and cultural changes in customer values and behavior, and the ability to transfer this knowledge into meaningful business practices."

skills. Vasquez (2010) offered an approach, based on a definition of cultural competency developed by Steng and Stelzer, that emphasized cultural sensitivity, cultural knowledge and cultural empathy.

I prefer an approach that identifies seven components. These are *cultural assessment* (a periodic appraisal of one's own individual or agency cultural background and how it may affect practice); *cultural knowledge* (information about different cultures); *cultural sensitivity* (appreciation of other cultures and subcultures); *cultural skills* (methods that are appropriate to use with people from other cultures and subcultures); *cultural encounters* (having direct interaction with people from other cultures and subcultures); *cultural empathy* (the ability to connect on an emotional level) and *initiative* (taking action in some way, if warranted, to deal with a discovered problem/oppression). Some discussions of cultural competency do not include the assessment or initiative components,[9] but I think it is important that both be included as the first raises awareness and the second encourages involvement which might be just a small step in dealing with a potential or actual problem.

A focus on cultural competency could lead to improved communication and, perhaps, changes in attitudes and behaviors. The idea has been seen as so important that a government agency or professional association might mandate that it be taken into consideration or that practitioners in a particular field should all go through some kind of training in cultural competency.

A great deal has been written, particularly in the field of medicine (e.g., Lie 2009; Sue 2006; Wachtler and Troein 2003; USDHHS 2003; Sloand et al. 2004), about cultural competency in terms of steps for improvement, guiding principles and training. Good ideas (e.g., see USDHHS 2003) for programs and other activities often involve respecting diversity, profiling the cultural composition of a community, recruiting workers who are representative of the community, providing ongoing cultural competence training, ensuring that services are accessible, appropriate and equitable, and involving culture brokers (e.g., community leaders and organizations) representing diverse groups. Ægisdóttir and Gerstein (2010, pp. 177–182) think that to be competent in multicultural and international counseling, a program needs to enhance awareness, knowledge, skills and motivation for international learning and experiences.

There are a number of approaches to teaching cultural competency. Sloand, Groves, and Brager (2004, pp. 3–6) identified many of the "traditional (as well as) creative" approaches that have been used by nursing schools. These included coverage in all courses and clinical experiences; on-site experts from several cultures; technology-based curriculum; cultural immersion in national and international settings; student placements in clinical sites with diverse populations; relevant fiction and non-fiction literature is assigned; annual workshops; an annual cultural

[9]Hart et al. (2009, p. 20), for example, present a framework that distinguishes between cultural competence (person actively seeks advice and consultation) and cultural proficiency (person is respectful of cultural differences and proactively promotes improved cultural relations). The framework provided in this chapter includes initiation/being proactive as part of cultural competency.

diversity celebration and a permanent committee on cultural competency to monitor and evaluate all cultural competency efforts.

There are also a number of exercises that have been developed to call attention to and encourage the development of cultural competence in trainings and courses. Some of these are part of mediation materials (e.g., Fisher et al. 2000, p. 44; LeBaron and Alexander 2010) and others (e.g., Ring et al. 2008) come from a number of fields but can be adapted for mediator training and education.

In addition, there are some approaches to assessing or evaluating what has gone on in cultural competency workshops and courses. Lie (2009) discussed the Tool for Assessing Cultural Competency Training (TACCT) that was developed by the Association of American Medical Colleges. The tool has six domains of learning (e.g., health disparities, community strategies, bias/stereotyping, self-reflection) and 42 learning objectives (e.g., define race, ethnicity and culture; identify and collaborate with an interpreter; nonjudgmental listening to health beliefs). Lie (2009, p. 487) thinks the tool can "identify a variety of feasible and appropriate outcome measures to demonstrate curricular effectiveness." And Thom and Tirado (2006, p. 646) developed and validated a 13-statement "Patient-Reported Provider Cultural Competency Scale" that included the following:

– My doctor asks me why I think I got sick.
– My doctor talks with me about traditional healing remedies I may use.
– When discussing diagnosis and treatment, my doctor asks if I would like to include family members in the discussion.
– My doctor asks if I understand his or her instructions, and if I do not, repeats them when necessary.

While cultural competency sounds like an idea that could be very useful,[10] some think the term "competency" is problematic. They have noted that individuals may never become competent in dealing with those from a few, much less all, cultural backgrounds and/or they don't see the need to use the term competency. (Alternative titles for this area within the field of mediation could be, for instance, cross-cultural or intercultural mediation or culturally responsive mediation.[11])

Some have objected to the way cultural competency training is implemented. The critics say this training makes it appear that if you learn certain things you are competent and, the critics continue, there is the danger of reinforcing stereotyping. Anthropologists Kleinman and Benson (2006) think it is better to use an ethnographic approach (one that emphasizes the native's point of view) and ask people (e.g., clients, parties, patients) what they think about a topic (and understand that those answers may or may not be connected to their culture).

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[10]One trainer (Chun 2010, p. 616), working only in a medical setting in the United States, noted that she "opted for and continues to use 'cultural competence' because it is a term recognized by government agencies, accrediting bodies and other institutions."

[11]The characterization "culturally responsive" comes from a 1996 report by Steven Weller and John Martin that is cited by John Samiento (2000).

Others have objected to the kinds of questions that have been asked after completing cultural competency sessions. As Monk et al. (2008, p. 46) have noted:

> Stereotypical generalizations can still persist, and these perspectives are granted authoritative status in the multicultural literature. For example, in multiple choice licensing exam questions, examinees might still be asked to identify how you would counsel a newly emigrated Egyptian client or a gay client recently infected with AIDS or choose the best approach for counseling African American clients. The simplistic and naive nature of these questions can be deeply offensive. It is as though candidates were being asked how to treat a particular character disorder or psychological problem rather than a person.

Maria Chun (2010, pp. 615–618) described, in detail, problems she had implementing a cultural competency training module as part of a postgraduate training curriculum in a department of surgery. The postgraduate surgery trainees strongly disliked the evaluation component which they thought was "judgmental and hierarchical." There was resistance to self-reflection and many felt the training about cultural competency was a waste of time. The students wanted fewer role plays and less "political correctness." Many trainees and faculty members "had difficulty viewing culture beyond race and ethnicity." The trainees "wanted to simplify culture into concrete "dos and don'ts" for use with patients. The trainees thought if they had "good interpersonal and communication skills, there was no need to learn specific cultural skills." Chun concluded that medical students need to be introduced to culture by discussing their own culture in medical settings, you need institutional and trainee "buy-in" to have effective cultural training, the training initiative has to have a long time frame (not just be a module) and it is helpful to use a validated and standardized assessment tool.

Even though some assessment is taking place, the lack of assessment and evaluation of cultural competency initiatives has been noted. For instance, Frisby (2009, p. 855) wrote:

> that an overwhelming majority of cultural competence articles (across a variety of disciplines) reflect little more than print advertisements for why cultural competence is important . . . , how it is defined . . . , how it should be measured . . . , what professional organizations are doing to make sure you get it . . . , how to address barriers to getting it . . . , how to know if you have it . . . , and problems that are likely to occur if you don't have it . . . There is a virtual absence in the literature of critical analyses that evaluates evidence for the construct validity of the cultural competence concept.

And, according to Maria Chun (2010, p. 613)," The glow of cultural competency training initiatives is fading in the light of higher expectations for an evidence base prior to acknowledgement that their introduction has had a positive impact."

Cultural Competency and Mediation

Many experts in the field of counseling have suggested that all of counseling is, "to some extent, multicultural" (Monk et al. 2008, p. 30) and professor Allen Ivey (2008, p. 51) has even said that "all counseling and therapy is ultimately

multicultural and that failing to be aware of and being unwilling to deal with culture is literally unethical." These authors are using the "more inclusive definition of culture (that) considers lifestyle, gender, and socioeconomic factors in addition to ethnic and racial differences" (Monk et al. 2008, p. 30).

All of mediation can also be said to usually be multi-cultural. As Kaushal and Kwantes (2006, p. 9) have noted, "a person's cultural background will influence every aspect of the conflict process ranging from the goals that are considered incompatible, why they are seen as so, what one chooses to do about it" and the outcome. LeBaron and Zumeta (2003, p. 464) also said that "naming disputes is a cultural act (and) deciding how to frame and respond to them is also completely bound up with culture." And Chia et al. (2004) described mediation practices in the Chinese and Malay communities in Singapore and found that culture affects the design and emphasis of those mediations.[12] For the field of mediation, then, a broad definition of culture is appropriate (including factors such as age, work type, and training), cultures are seen as complex,[13] mediators think culture is a very important consideration[14] and mediation, whether one is dealing with two parties or many groups of people, almost always involves cultural differences.

Research findings have underlined the importance of culture in relation to mediation outcomes in international conflicts. Bercovitch and Elgström (2001, p. 16), for instance, indicated that there is "a very strong relationship between cultural differences and mediation outcomes." The researchers noted that cultural differences led to fewer successful conflict management outcomes in international conflicts and that "cultural differences present some of the most formidable challenges to mediators" (Bercovitch and Elgström 2001, p. 17). And Leng and Regan (2003) analyzed 725 mediation attempts in militarized interstate[15] disputes that occurred between 1945 and 1995. They found mediations were more likely to succeed when parties had similar social (religious) cultures and if parties shared similar democratic political cultures.

Irini Stamatoudi (2009), an attorney who has been a legal advisor about issues related to the illegal trafficking of antiquities, sees culture as a possible "bargaining chip" in negotiations and mediations when countries have culture as an important value. In an article about mediation and cultural diplomacy, Stamatoudi noted that the majority of cases that return artifacts to their place of origin are not

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[12]In working with Chinese parties, for instance, Chia et al. (2004, p. 461) noted that mediators "use proverbs and ancient idioms to remind parties of the code Zuo Ren, which tends to defuse hostility and pave the way to an amicable resolution."

[13]According to Monk et al. (2008, pp. 49–50), "there are always competing axes of cultural membership and ... we cannot reduce these to singular dimensions without creating distortions."

[14]Sociologist Margaret Herrman et al. (2001) identified "cultural and diversity competency" as one of 13 skill areas and "cultural issues" as one of 18 knowledge areas that are important for mediators who intervene in "interpersonal disputes (e.g., community, employment, family or smaller commercial disputes)."

[15]According to Wiegard (2011, p. 6), "interstate ... disputes occur when there is a disagreement between government officials (in) two or more sovereign states ... ."

settled through judicial decisions, but, instead, are resolved through negotiation and mediation. Stamatoudi noted that mediation, by institutional or non-institutional agents, is not a rigid process and so even if a state does not want to return an artifact, agreements may be made, for instance, about "exhibition exchanges, cooperation in research and excavations (or the) creation of museum annexes" (Stamatoudi 2009, p. 116).[16] Stamatoudi (2009, p. 117) also said that "one could argue that mediation and cultural diplomacy (the exchange of ideas and other aspects of culture to foster mutual understanding) are the most promising tools in the area of return of cultural treasures to their countries of origin."

For many mediators, culture is a central concern but they also indicate this can be a very problematic area. A very serious problem, noted by physician/mediator Eleanor Nwadinobi in her discussion of the treatment of widows in Enugu State, Nigeria (Chap. 10), is harmful traditional/cultural practices. According to Kouyaté (2009), there are "thousands" of harmful traditional practices and these include "early/forced marriages; female genital mutilation[17]; massage of the clitoris; lip plates; food taboos; force-feeding; breast ironing; kidnapping/abduction; domestic violence against women; sexual exclusion of wives; sororate and levirate; dry sexual intercourse; trokosi[18]; and widowhood rites." Mediators need to be aware of harmful traditional practices and have approaches to deal with them. Many have noted the importance of seeing these harmful practices as human rights issues. Nwadinobi also notes the "crucial" importance of having traditional rulers, "the custodians of culture," involved in helping "change the status quo."

Cathleen Kuhl (personal communication, September 12, 2011), a court mediator in the United States, mediates different kinds of situations than Nwadinobi, but she also is concerned about cultural matters:

> The issue . . . (of) cultural competency is an important one, and one that has flummoxed me for years. In the past, I have asked others to attend . . . training(s that I give) and address this topic, as I do not feel I am qualified to (be a trainer) in this area . . . . Warning: I am now about to ramble on with many thoughts I have about this topic – (with) precious few conclusions, and I will risk you concluding that I'm a cultural coward. This topic has soooo many angles, and there is so much that could be said, I frankly get overwhelmed just thinking about it . . .
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> For example, if the two disputants (have) different cultures, that, in and of itself, may contribute to the conflict; that's fairly obvious. If the mediator (has) a different culture

[16] According to Stamatoudi (2009, p. 118), mediation is preferred by parties (rather than going to court) for a number of reasons including the diversity of legal traditions in different countries, high cost of a court case, difficulty of enforcing court decisions, difficulty of providing proof and belief that cases may not be heard because of time limitations.

[17] According to a 2004 (p. 5) World Bank report, "Every year, two million girls are subject to mutilation, which traditional communities call 'female circumcision' and the international community terms 'female genital mutilation' (FGM) or 'female genital cutting' (FGC) . . . It is estimated that 98 % of Somali women and girls have undergone some form of genital mutilation."

[18] Girls "are surrendered to fetish temples to live there and be used as domestic servants or sexual slaves. They are being made to pay for crimes which are said to have been perpetrated by a member of the girl's family or for some social wrongdoing generations before the birth of the girl" (Kouyaté 2009, pp. 4–5).

> than the disputants, that could give rise to difficulties in the resolution - mediator just doesn't get it, party/ies distrust of mediator; that's understandable, but how does a mediator know when that is happening as this can be subtle and hard to identify, parties may be reluctant to identify this, etc.? How (can we) create a non-adversarial mediation process in an adversarial legal culture– this one is something I think about and strive to do with various degrees of success. How (do we) respect each disputant's cultural needs when those needs may conflict with a basic tenet of mediation? For example, how (should we) deal with the mediation principle of empowerment when a disputant holds cultural beliefs that appear to run counter to that principle? Then there is the daunting task of learning the multitude of cultural "earmarks." In which culture is it considered improper to make eye contact? In which culture does nodding mean "I'm listening," not "I agree." In which culture is hand shaking not acceptable?

Kuhl is not a "cultural coward," but one who knows this is an important and complex issue and is concerned that cultural matters are being addressed appropriately. This mediator isn't asking for a list of do's and don'ts, like the post-graduate surgery trainees who went through the cultural competency training; this mediator is asking for guidance.

After all, mediators can deal with cultural differences at all points of the mediation process. This includes their trainings, their preliminary conversations with the participants in a mediation and any conflict analysis that might be developed before beginning a mediation. Cultural differences are found in the mediation itself,[19] seen in specific phases of mediations (Brigg 2003, p. 304), need to be considered in drawing up of an agreement, and can even be a factor in the moments after the signing of an agreement.[20] Culture also can be very important in the follow-up (if any) to an agreement[21] and in the mediator's thinking about every action. After a mediation is completed, mediators frequently go over (and over) the specifics of the completed mediation process and its outcome. Culture is frequently a big factor in their thinking. They are concerned, for instance, about whether the process

[19]Some mediation settings may be inappropriate or inhospitable to some parties for a variety of reasons including cultural ones. Weller et al. (2001, p. 195), for instance, noted that few Spanish-speaking litigants entered family mediation in one particular US city and the authors thought that one reason might be that the mediations were held in an "imposing" downtown courthouse rather than in a community setting. Settings also may be comfortable but may be used to influence behavior during a mediation. In the Malay community in Singapore, for instance, a mediation would be held in the home of a wealthier member of the extended family. According to Chia et al. (2004, p. 455), the host "acts as an observer or authority figure" for the mediation and "any misbehavior (violence or verbal abuse) is considered impolite and disrespectful to the host."

[20]For instance, depending on the cultural background and/or emotional state of mediation participants after a mediation agreement has been signed, there are some who may want to hug the mediator. There also may be some people in the room who think, based on their cultural background, that this is a business arrangement and it is not appropriate for the mediator to accept hugs from anyone.

[21]Weller et al. (2001, p. 197) studied Latino families and mediation in one particular city in the US. The researchers noted that Spanish-speaking participants in mediation might want the mediator to help them for a period of time after a mediation agreement is written: "The mediator may serve as an institutional connection for the parties, helping them tie into other social agencies in the community."

was respectful of everyone, whether power issues were addressed[22] and whether the process could have been handled in a better way.

I will use one of these areas – training – as an example of the challenges of dealing with culture. Training can take place in a workshop, course or program. Sometimes trainers have introduced culture as a separate module while others have integrated it throughout the training. The training also might be prescriptive (frequently the case in shorter trainings based on expertise), elicitive (approaches are developed that “respect and build from the cultural context” of those involved in the mediation training) or some combination of the two (Lederach 1995, p. 68, 120). I teach a course in mediation that discusses culture throughout the course. Prescriptive and elicitive approaches are covered and the students are exposed to different mediation models as well as encouraged to combine models and develop new ones.

The 10-week mediation course begins with a discussion of cultural competency and it is a thread that runs through the whole course. Here is a brief description of the cultural competency experience:

> Students each write a short autobiography (including a focus on their experiences with people from different cultural backgrounds) and are introduced to the idea of cultural competency and its seven components. Students are then asked to choose an organization or event that will, based on what they had written in their autobiographies, put them with those who have a culture or subculture that is unfamiliar to them. Some students choose, for instance, religious experiences, union or political meetings, programs for young children, high-level ballet classes, visits to assisted living facilities, or attending self-help (e.g., Alcoholics Anonymous) or advocacy groups. All students write reflective essays about their experiences. At the end of the 10 weeks, those who would like to discuss their experiences do so with the others in the course listening and participating to the extent that they would like to do so.
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> Some students agonize over which new experience to try. Some pick something very personal (e.g., a drug recovery program) and appreciate that they won’t have to discuss their selection with the others in class. Others pick something very personal and absolutely want to discuss this with the class.[23] I was surprised (at first) to find that some students describe this experience as the best learning experience they have had during their university career. Several students have said that this should be a requirement for all college students. I think why this may work (for many students) is that the experience takes place over a fairly long

[22] As Monk et al. (2008, pp. 49–50) have noted, “cultural identifications always exist in the context of cultural power relations that are constantly shifting and changing.”

[23] One student, for instance, thought her mother was a recovering alcoholic but this had never been mentioned or discussed in the family while she was growing up or after she had moved away from home. She told her mother that she was going to go to a recovery meeting for alcoholics in the city where her university was located. Her mother told her (for the first time) that she was a recovering alcoholic and invited her to come home and attend the regular meetings with her. She met people her mother had known for years and the mother discussed everything with her daughter. I thought for sure that the daughter would not want to discuss this experience with the class. On the day of the discussion, this student was the first to speak about her experience and was actually leaping out of her chair to get the chance to tell the others. The daughter wanted to tell everyone in the class that the exercise not only helped her learn about culture, but how grateful she was for the open discussion that had taken place in her family.

period of time, culture is a thread that runs through the whole course, no one is forced to talk or share experiences and there are no tests to see if they had, in fact, understood more about a group or changed their attitudes or behavior.

The difference between this course and some of the cultural competency approaches used in the medical school training is basically that the students/trainees in this course are not tested for their growth in competency. They are encouraged to try new cultural experiences over a 10-week period, write about them and then, near the end of the course, there is a discussion of their activities. Courses in a medical setting could be similar in terms of having a longer time frame and encouraging new cultural activities, but medical courses also may include testing for competency.

Training frequently involves the use of role plays. Sometimes cultural differences can make the role plays problematic and ineffective. Here is an example based on a real situation that has been provided by Michelle LeBaron and Nadja Alexander (2010, p. 151):

> Laura and Marie, two newly-minted PhDs in conflict resolution, are engaged by a major international development agency to design training for a court-connected mediation project in Michadja, a fictitious country somewhere outside the west . . . They want to be sure to deliver a training course that is engaging, clear and so compelling that their Michadjan hosts clamour for their return.
>
> At the outset of the training, they invite a participant, Moses, to participate with them in a role play to demonstrate the dynamics of mediation. Moses had been identified by the hosts of the training as a 'natural mediator' – someone people trust to solve problems. Several of his community members are participants in the training, all from a local indigenous group, along with other non-indigenous participants. Laura asks Moses to play her husband while Marie mediates a dispute about where the two will go on summer vacation. Moses is willing, and both trainers are pleased with his obstinate portrayal. They are elated at this animated start to the training, and ready to keep up the momentum after a break.
>
> But during the break, it becomes clear that all is not well in Michadja. Several of Moses' community members cluster around him, demanding to know whether things are off balance between him and his wife in real life. Faced with his denials, they express disappointed surprise that he chose to take on the identity – even make believe – of another's spouse. It was both disrespectful and inappropriate, they opine, and he realizes he had not thought carefully enough about community norms.

LeBaron and Alexander (2010, pp. 156–157) cite research that indicates that role playing may encourage student interest, increase motivation and result in favorable attitudes, but that it does not result in a significant difference in learning when compared to a more traditional lecture approach. Given the cultural problems that also may be involved in prescribed role playing, LeBaron and Alexander (2010, pp. 158–159) suggest other activities such as real experiences (e.g., taking a field trip for lunch and having the group choose a menu) rather than fictitious ones. Role plays also can be adapted for culturally diverse settings. This approach might involve having the participants identify an appropriate dispute for discussion, asking participants to modify a prescribed role play or designing a role play as close to real life as possible. The bottom line for LeBaron and Alexander (2010, p. 166) is that trainers from the West who are working in other regions of the world should be very cautious in using role plays and supplement any role plays "with a wide variety of experiential activities."

We have only discussed training, one of many possible areas of interest for mediators regarding cultural differences. It still is possible to make a few general points. Culture is a very important topic for mediators, but a difficult one. Mediators understand that culture is a part of our consciousness and does not come in neat boxes.[24] Mediators do not expect to understand everyone's culture, but seek to improve their understanding of cultures and subcultures and the possible (but not inevitable) influence of culture on attitudes and behavior.

Beyond Cultural Competency: Cultural Diplomacy

The field of mediation covers the full range of disputes – from individuals with differences of opinion to international conflicts. For the field of mediation, it may be that "cultural competency" is not the best choice of words as we want to focus on the benefits of enhanced understanding of the complexity and richness of culture. The word "competency" may set the bar too high[25] and without a necessary reason. And as John Paul Lederach (1995, p. 129) reminded us more than 15 years ago, "culture should not be understood by conflict resolvers and trainers primarily as a challenge to be mastered and overcome through technical recipes." Training about culture doesn't lend itself easily to testing to see if one has increased competency and the testing does not seem to be something that has been well-received by at least some trainees.

One concept that we might consider is *cultural diplomacy*. Cultural diplomacy[26] is a broad term that can be defined as the exchange of ideas, information and other aspects of culture between and among individuals and groups in order to foster mutual understanding.[27] And culture is a "vast resource . . . for producing a multitude of approaches and models in dealing with conflict" (Lederach 1995, p. 120) Cultural diplomacy can help create trust, encourage the development of relationships which can last beyond changes in governments or heads of organizations, and is a vehicle for discussion when formal relationships between

[24] As LeBaron and Zumeta (2003, p. 471) have noted: "Cultural competence in process design and practice helps make mediation a welcoming process marked by flexibility, inquiry, sensitivity, and the awareness that in contemporary multicultural society one size does not fit all."

[25] Sue (2006, p. 244) noted, for instance, that "it is difficult to be fully culturally proficient in working with the clients from many diverse groups."

[26] Cultural diplomacy has been considered by some to be "the linchpin of public diplomacy" (US Department of State 2005).

[27] This definition is a variation of the one provided by Cummings (2003, p. 1): "the exchange of ideas, information, art and other aspects of culture among nations and their peoples in order to foster mutual understanding."

groups don't exist or are strained.[28] Because mediators work at all levels (individual through international) and mediation tries to facilitate improved cross-cultural and intercultural understanding and communication, mediation should be considered an important effort in cultural diplomacy.[29]

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[28]These points are based on ones made by the US Department of State's (2005, p. 16) Advisory Committee on Cultural Diplomacy.

[29]However, as LeBaron and Zumeta (2003, p. 471) have noted, mediation is not a "substitute for efforts to address the systemic inequities and injustices that must be ameliorated if fairness and justice are to be part of our multicultural mosaics."

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