Methodological challenges in intercultural mediation

There are times in life when the question of knowing if one can think differently than one thinks, and perceive differently than one sees, is absolutely necessary if one is to go on looking and reflecting at all.

Michael Foucault (1926–1984)

When members of various cultural groups meet the potential for both creativity and conflict arises. Mediation is a conflict management and restorative justice practice used globally and in various cultural groups to resolve conflicts and/or to transform conflict (potential) into a creative force for change and peaceful co-existence. Usually, conflict mediation follows a culture-specific process, as defined within a specific cultural context. In intercultural contexts, mediators of intercultural conflict facilitate different perceptions, expectations and realities. This requires a high degree of flexibility, ambiguity tolerance, methodological knowledge, adaptability and intercultural competence from mediators working in these contexts (Busch and Mayer, 2017).

Intercultural mediation aims to explore the culture-specific worldviews and realities of conflict partners and find win-win solutions for conflictual situations (Mayer, 2006). Conflict mediation within complex intercultural settings requires a complex intercultural understanding of the mediator, intercultural competence, as well as a conscious awareness and ability to apply mediation practices adequately. In an interactive session for the Forum of Restorative Justice in Berlin, Germany, I held a talk on intercultural mediation and introduced what intercultural mediation means and which intercultural competences are essential to mediate successfully. The session’s focus was on mediation methods and the challenges intercultural mediators may experience within their practice. While I presented in English, I also translated the main points into German throughout the presentation in case some audience members were not as fluent as others were.

The audience was very interested in the topic. Feedback following the presentation revealed some hesitance (‘This is becoming a very complex process’), interest (‘very exciting’ and ‘I would like to learn more about it’), uncertainty (‘How is this going to be applied practically’) and even dismissal (‘This is not for me’). Some people stated that they had experienced intercultural mediation sessions which they found very exciting, but at the same time, difficult to manage. After the presentation, several individuals approached me to tell me that it was very difficult for them to follow an English presentation without a full German translation. That was very interesting and a revelation for me, because I assumed proficiency in English within this context. However, the language of the presentation was already a barrier or at least a challenge for several German participants. However, they did not share this openly, but only personally after the talk (perhaps to ‘save face’). I felt that this is what we can also see and experience in intercultural mediation situations and it increased my own reflections and awareness (once more) with regard to the choice of language. It also made me wonder how we might best share information. While English is a global language, it is not always the easiest mode of communication for a diverse audience. As such, this article provides a brief overview of the presentation to overcome some of the limitations that the spoken language can present for future intercultural discourses on the topic.

Mediation often takes place in complex situations and the challenges of mediators are based on complex cultural influences and intersectional diversity inherent
in mediation processes. That means that, in intercultural mediation, we always have to work with intersectionalities, such as the intersection of age, gender, cultural origin, nationality, (dis-)ability or mother tongue which all feed into each other and thereby increase the complexity (Mayer, 2017). Thereby, mediators serve as role models in mediation sessions and can function as role models of intercultural competence, whilst using the increasing diversity within the mediation processes constructively (Mayer, 2012). Mediators need to further address intercultural methodological challenges through competent mediative leadership practice and respond to the question of which methodologies to use to lead the mediation ideally for all parties involved (Mayer, 2014). That means practically that mediators have constantly to self-reflect and meta-communicate (if possible) on their language, methodologies and the communication techniques used.

During the entire mediation process, intercultural mediators are required to (re-)think actively their own cultural concepts and methodological preferences to resolve conflicts across cultural contexts. These challenges include the reconstruction of culture-aware responses to the following questions:

1. Theoretical challenges: what is intercultural mediation, what are the methodological challenges according to culture-specific contexts?

2. Conceptual challenges: which model do we apply?

3. Applied methodological challenges: which mediation methods do we use?

4. Competence challenges: which intercultural competences do we use?

It seems to be agreed upon that mediation competences, such as cultural reflections, understanding of complex backgrounds, self-management and the development of best practices are important competences to take into consideration in mediation, thereby increasing the level of cultural awareness for all parties as well as the mediator.

Mediators need to differentiate further selected challenges in intercultural mediation, when defining culture as a coordination of meaning and action within a bounded group (Bennett, 2017), with regard to the cultural impact on the understanding and work with intersectionalities in mediation. These intersectionalities influence how concepts of gender, hierarchies, status and position, age and life circle, belonging to majorities and minorities, language, identity concepts, negotiation (styles), power and conflict are understood and defined. These intersectionalities impact on all challenges presented. In an intercultural mediation in Tanzania, for example, I worked in co-mediation with an older, male colleague. The conflict parties, both men working in the context of labour law, only addressed my male colleague as a mediator and only spoke and reacted to him. So, we changed our usual approach. He conducted the process and during break-times we reviewed how the approach was working. We thereby respected the request of the parties only to speak with a male mediator while we both still worked within the process by acting in a culturally acceptable way. Obviously, the intersectionalities of gender, status, power and negotiation styles needed to be acknowledged to proceed successfully with the process of this intercultural mediation.

Further, the methodological challenges include the decision of which kind of mediation model to use to best serve the interests of the parties. Do we use a Western model of mediation, based on Western mediation standards and principles, such as phase orientation, a certain setting and role and the emphasis on exploring the differences in cultural values and concepts and their impact on the conflict? Or do we use a mediation model which uses, for example other time frames and is based on other cultural values and concepts (so called ‘ethno-mediation’)? Or, finally, do we use a combined model which integrates a Western and ethno-model (known as synergetic intercultural mediation model, see Mayer, 2006) to serve best the interests of the parties (and the mediator) to resolve intercultural conflict?

Moreover, in intercultural mediation, we need to work with culture-specific methods and techniques and we need to know which conflict styles (e.g. denial of conflict or active discussion) are culturally and individually preferred. We need to adjust culturally-accepted or unaccepted communication and mediation techniques (e.g. active listening, reframing, mirroring or the use of I-messages). In all these instances, mediators of intercultural conflict need to be aware of these aspects and prove if they can be used adequately in intercultural mediation and conflict transformation.

Often, advanced methodologies and rituals need to be applied in mediation processes to increase the intercultural understanding and possibility of resolving conflict. These methodologies can include sculpture work (and other non-verbal techniques), physical techniques, such as breathing exercises or Aikido, arts (e.g. drawing, sculpting). Further on, in cultures in which religious and elements of faith are important, religious and/or faith-related rituals or symbols need to be considered (e.g. prayers, reference to a higher power, quiet time, mediative aspects).

Through the increased complexity in intercultural mediation processes, mediators need to take an increased application of methods and techniques in intercultural mediation into account to capture the relevant aspects to transform conflict into peaceful interactions and to build synergies across cultures. These methods need to be learned and/or trained and culture-specific knowledge needs to build up to adjust intercultural interactions.
Conclusion

Working with mediation in intercultural contexts requires a complex understanding of cultural processes, and a culture-specific way of addressing cultural differences to create cultural synergies through applied mediation methods. Therefore, reflections and adjustment of theoretical, methodological, conceptual and competence concepts of mediators are required to mediate successfully in conflict of members of different cultural groups. Besides the cognitive skills, also the affective (emotional) and behavioural competences of the mediators need to be developed over time to conduct intercultural mediation sessions successfully. This means that in mediation training concepts, mediators need to acquire intercultural competences — general and culture-specific competences on cognitive, affective and behavioural levels — to be prepared to deal with the increased (cultural) complexity of intercultural mediation processes. They can thereby take Foucault into account.

Claude-Hélène Mayer

Europa University Viadrina
Frankfurt (Oder)
claudemayer@gmx.net

References


