

## **THE DISCURSIVE INTERVENTION OF A MEDIATOR IN THE INTERCULTURAL MEDIATION PROCESS**

**Codruța-Diana Simionescu**

**PhD Student, West University of Timișoara**

*Abstract: Lack of communication and miscommunication are the most frequent causes for generating conflicts. Martin Luther King once said that „men often hate each other because they fear each other; they fear each other because they don't know each other; they don't know each other because they cannot communicate; they cannot communicate because they are separated”. For this kind of conflicting situations it is vital the intervention of a mediator. His/her essential role is to re-establish communication between parties and, at the same time, the relation between them. Any mediator who works with people who are different from each other by gender, ethnicity, age, sexual orientation, religion, nationality is an intercultural mediator. When two or more persons, coming from different cultures (different ethnical, religious background, geographical areas) communicate, there is generated a new space called by Professor Stefan Prutianu "cultural ex-change area".<sup>1</sup> It manifests as an interference area in which the interacting cultures are constantly blending and separating from each other, at the same time. This space undefined by specific norms and rules creates the context for a risky and unclear communication. All those rising differences can be discussed, examined and understood, even if they are not resolved in the end. The process involves assessing arguments and examining the reasons given to support them. Thus, critical thinking skills can facilitate the conflict resolution. In this paper I intend to closely examine how the discursive intervention of a mediator can facilitate conflict resolution in an intercultural context.*

Keywords: communication, mediator, discursive intervention, intercultural mediation, critical thinking

During the mediation process, when a mediator meets for the first time with the parties, he/she has to establish as soon as possible “the perspective of the party over the world”<sup>2</sup>: norms, values, beliefs and aspirations governing the modality in which that person relates with the others. According to Palmer, the worldview is the fundamental cognitive orientation of an individual or society encompassing the entirety of the individual or society's knowledge and point of view. It can include natural philosophy, fundamental, existential, and normative postulates or themes, values, emotions, and ethics.<sup>3</sup> In order to survive daily encountered uncertainty we assign a specific significance to our experiences, create value systems and beliefs. Trying to protect and maintain our self-esteem we create aspirations and ambitions. Consequently, our choices are related to our value system. When confronted with a change in his/her value system, the individual changes the perspective over the world.

In colloquial language, communication means only verbal communication. A formal definition of communication takes into account the other two components, beside the verbal communication: Para verbal and non-verbal communication. When we make a reference to the verbal language we have in mind the entirety of words from a certain language and the

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<sup>1</sup>Prutianu, Ștefan, „Manual de comunicare și negociere în afaceri- Comunicarea”, Editura Polirom, Iași, 2000, p.149-158

<sup>2</sup>Strasser, Freddie; Randolph, Paul, *Medierea- O perspectivă psihologică asupra soluționării conflictelor*, fmmm.ro, București, 2012, p.33

<sup>3</sup>Palmer, Gary B., *Toward A Theory of Cultural Linguistics*, University of Texas Press, 1996, p. 114

symbolic language. Written communication is as well a verbal communication, the sound being replaced with the graphic symbol of the word. The Para verbal language includes all that is communicated through voice (volume, inflexion, rhythm, accent, pauses) and through a vocal manifestation such as: laughing, coughing, sighing, etc. The non-verbal language transmits messages easier and quicker than speech through posture, physiognomy, gestures, voice, distance, mimicry.

In mediation, verbal communication is more than a simple exchange of knowledge and information. The mediator communicates to build a relation with the others, to rebuild the relation between parties, using words as means of expression and to sort out the tension. He/she is extracting the maximum of information from each party. A mediator pays distinct attention to the content of the message to grasp its significance. When a conflict bursts out, the parties hold certain positions, forgetting most of the times their essential interests and needs. Consequently, the role of the mediator is to clarify those interests and needs and help parties generate options and useful solutions to resolve the conflict. He/she is not only a good communicator, but also a good listener. More important, a mediator needs the capacity of listening actively, meaning to fully concentrate on what is being said rather than just passively "hearing" the message of the speaker. This is where he/she makes a conscious effort to hear not only the words that another person is saying but, more importantly, try to understand the entire message sent by the other party. The proper use of active listening results in getting people to open up, avoiding misunderstandings, resolving conflict, and building trust.

Active listening is a useful tool for a mediator when he/she has to identify the source of argumentation. Aristotle developed a universal model for argumentation and persuasion. According to this model, discourse acts on three levels: pathos (subjective, affective, emotional and instinctual charge), logos (addressing the rational, logic, and objective part) and ethos (moral behaviour, cultural values, traditions, beliefs, habits and equity). In mediation, parties start by opposing each other divergent positions regarding a situation. They support their positions with conflicting arguments. In order to help the parties move closer to resolution, the mediator tries to align those divergent positions.

The mediator is also asking questions and clarifying, from time to time, the ambiguous aspects raised during the mediation process. He/she probes issues and confirms understandings to ensure that the participants and the mediator himself/herself have a full understanding of the situation. A useful technique is to sum up the facts presented by the parties in neutral, positive and impartial language. It is recommended the summary to contain information rather than emotions. The mediator rephrases the harsh language used by the parties in a neutral one. Consequently, he/she encourages the parties to tell more about the situation by asking clarifying, neutral and open questions.

It is essential that the verbal and non-verbal messages to be in sync. Our face and the eyes transmit the most part of the non-verbal messages. A good communicator knows that he/she should look his conversation partner in the eyes, but not more than 50-60% of the conversation. During the mediation sessions, a mediator should maintain the eye contact with the parties, paying an equal attention to each participant. At the same time, he/she gives his/her undivided attention to the non-verbal behaviour and participants' reactions.

The communication context has a direct impact on the content and the manner of communication. There is a visible influence and conditioning between the following four dimensions of the communicational context. The first dimension is the physical surrounding: the room, the environment, the sound, the light and the colour. The second one, cultural context takes into account mentalities, value system, beliefs, traditions, life styles, respect for the law and ethics. The social and psychological context, the third dimension, refers to the social status of the parties, the formal or informal character of their relation. The last

dimension is the temporal context, respectively the moment and the chronological order in which the message is delivered.

The skills of active listening, clarification and reflection may help but the skilled communicator also needs to be aware of the barriers to effective communication and how to avoid or overcome them. The most common barriers to effective communication are: the use of jargon, lack of attention, interest, distractions, or irrelevance to the receiver, emotional barriers and taboos, differences in perception and viewpoint, physical disabilities such as hearing problems or speech difficulties, physical barriers to non-verbal communication, language differences and the difficulty in understanding unfamiliar accents, expectations and prejudices which may lead to false assumptions or stereotyping, cultural differences.

As I stated at the beginning of this paper, any mediator who works with people who are different from each other by gender, ethnicity, age, sexual orientation, religion, nationality is an intercultural mediator. Each day mediators provide third party services along a broad spectrum of cultural differences. Jon Townsend, university professor and practitioner with over 30 years of experience in diversity and cross-cultural conflict resolution depicts five basic intercultural principles and mediation practices, designed to help intercultural mediators. An intercultural mediator should cultivate: flexibility, tolerance, hope, respect and inquisitiveness.<sup>4</sup>

Equally important is to learn how to avoid misunderstandings in an intercultural communication situation. Professor Prutianu identifies twelve concrete and immediate sources of misunderstanding in an intercultural communication context: taboos, gender equality, the manner of showing respect, perception of time and space, etiquette in business, non-verbal messages, translation and retroversion from a certain language, clothing, the use of arguments, political and religious environment, prejudices, and the importance of the written agreements<sup>5</sup>.

The competences necessary for intercultural dialogue are not automatically acquired. “*The White Paper on Intercultural Dialogue*”<sup>6</sup> issued by the Council of Europe- Romania being a member of the Council- states that those competences need to be learned, practised and maintained throughout life. Public authorities, education professionals, civil-society organisations, religious communities, the media and all other providers of education –working in all institutional contexts and at all levels – can play a crucial role in furthering intercultural dialogue.

Based on the ideas introduced above, all the rising differences between parties can be discussed, examined and understood, in mediation sessions, even if they are not resolved in the end. The process involves assessing arguments and examining the reasons given to support them. This process is called critical thinking. Donal O’Reardon states that *there is a clear link between being a good critical thinker and being skilled at conflict resolution*. Critical thinking skills are helpful in mediation when the mediator is examining assumptions and the way parties are supporting their reasons; is aware when someone is trying to manipulate, spin the truth, or avoid key difficulties; identifies the manner in which beliefs, values and traditions influence people’s points of view, and recognizes the outcomes of reasoning processes.

<sup>4</sup>Townsend, Jon, *The Intercultural Mediator: The nexus of practice and theory*, December 2002,online: agreementswork.com

<sup>5</sup>Prutianu, Ștefan, „*Manual de comunicare și negociere în afaceri- Comunicarea*”, Editura Polirom, Iași, 2000, p.149-158

<sup>6</sup>\*\*\* *White Paper on Intercultural Dialogue “Living Together As Equals in Dignity”*, Launched by the Council of Europe Ministers of Foreign Affairs at their 118th Ministerial Session, Strasbourg, 7 May 2008, p.29-32

In O'Reardon's opinion, parties often arrive at embedded opinions and conclusions, during a conflict, on the grounds of unchallenged assumptions. Critical thinking helps the person in conflict to identify and navigate assumptions in the service of a positive and creative resolution. Also, critical thinking studies the supporting reasons people offer to defend their point of view. In conflict resolution, practitioners look not only at people's positions but the reasons *why* they hold these positions. Being able to locate, identify and explore the interests, the reasons "why" someone holds a position, is at the heart of good mediation and is very much a critical thinking skill. When in a conflict or when mediating one, it is not uncommon for one or both parties to try to make the issue about something else (avoidance), to use passive language or terms that avoid responsibility ("a mistake was made", "hurt was caused") or to try to win someone over through manipulation (playing the victim, playing the friend and so on). A clear training in critical thinking in this area is, at the same time, a training to see and to address these tactics. Our thinking and our opinions are influenced by our history and they have a direct impact on our lives. When someone invokes a belief, value or tradition for holding a point of view is not the *end* of a conversation, but only the *start* of it. It is valid, legitimate and appropriate to ask *why* these beliefs are held and whether any other interpretation of these beliefs would be just as faithful, but would help avoid or resolve a conflict.<sup>7</sup>

According to Starkey<sup>8</sup>, an individual possessing strong critical thinking skills:

- makes observations,
- is curious, asks relevant questions and finds the resources he/she needs,
- challenges and examines beliefs, assumptions, and opinions against facts,
- recognizes and defines problems,
- assess the validity of statements and arguments,
- makes wise decisions and finds valid solutions, and
- understands logic and logical argument.

To sum up, the discursive intervention of a mediator, using the above described techniques can facilitate conflict resolution in an intercultural context. His/her essential role is to re-establish communication between parties and, at the same time, the relation between them.

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<sup>8</sup>Starkey, L., *Critical Thinking Skills Success in 20 Minutes A Day*, Learning Express, New York, 2004, p. VIII

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\*\*\* *White Paper on Intercultural Dialogue “Living Together As Equals in Dignity”*, Launched by the Council of Europe Ministers of Foreign Affairs at their 118th Ministerial Session, Strasbourg, 7 May 2008

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