



# Diversified Dispute Resolution

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## **CULTURAL DIVIDE** **Factors to Consider When Negotiating Cross Culturally**

As globalization continues to transform our world, the cultural divide has become more evident. Failure to recognize cultural differences can cause missed opportunities for resolving disputes. Culture is a complex phenomenon and must be studied deeply. The following are some fact regarding culture that should be considered when negotiating or mediating cross culturally.

### **1. Low context v. High context cultures:**

High context cultures tend to place higher value on harmony, public conformity, and therefore, avoidance of conflict. “Individualistic (low-context) cultures prefer directness, specificity, frankness in stating demands, confrontation and open self-disclosure. Collectivistic (high-context) cultures tend toward indirect, ambiguous, cautious non-confrontational, and subtle ways of working through communication and relational tangles.” [Augsburger, David W.: “*CONFLICT MEDIATION ACROSS CULTURES: Pathways and Patterns*” (Westminster John Knox Press, Louisville-London (1992), p 28].

A major factor relating to the resolution of the dispute circles around the issue how the final determination of the case will look in the public’s eyes. The public, however, may be the immediate family, the friends or even the opposing party. This may relate to saving face, pride or the need to be correct.

A mediator attempting to resolve a dispute between a person from a low context and one from a high context culture should be aware of this factor and must consider it in attempting to arrive at an acceptable resolution.

### **2. Communication Styles: Mono-chronic v. Poly-chronic Time Orientation**

C.H. Dodd, in his book *Dynamics of Intercultural Communication*, divides the communication styles of various cultures into Mono-chronic and Poly-chronic Orientation.

A Mono-chronic person processes the information in a lineal sequential order, doing one thing at a time, whereas a Poly-chronic person processes issues in a non-linear approach and is able to juggle different topics or cover various actions without difficulty. A Poly-chronic person does not need

closure of one topic before he or she goes to the next subject, whereas a Mono-chronic person feels frustrated by leaving one issue hanging while starting on the next. This is so even if the end result would be the resolution of all issues. [Dodd, C. H. *Dynamics of intercultural communication (5th ed.)*. Boston, MA: McGraw-Hill (1998)]

In my experience, most people from the Middle East are Poly-chronic whereas most Americans are Mono-chronic. Consequently, it is not unusual for a Middle Easterner to jump from one issue to the next, whereas his or her American counterpart would like to negotiate and complete one issue before grappling with the next issue.

A mediator should recognize this difference in negotiations and not dismiss it as a lack of understanding or indecision on the part of the Poly-chronic negotiator. Rather, the mediator may be able to use this difference to arrive at a resolution which may not have been obvious to a Mono-chronic negotiator who may have focused on one issue only.

### **3. High Risk Avoidance v. Low Risk Avoidance**

Some cultures generally have a concern about the unknown and an anxiety about the future. People from these cultures tend to avoid risk and are therefore more amenable to mediation and possible settlement. Other cultures, on the other hand, show less emotional resistance to change and therefore, are more litigious and less amenable to resolution of the cases through mediation.

Most Middle Easterners and Americans are among the low risk avoidance groups. This fact for the Middle Eastern person relates to his or her attempt to save face or his pride. It may also relate to the belief of a large number of Middle Easterners in fate. For the Americans, it relates to pride, and their belief in the justice system. Therefore, it is more difficult to fashion a settlement between these two groups as they would both rather take the risk of winning or losing their case in trial than reach a mediated settlement.

### **4. High v. Low Power Distance**

In a number of countries, there is a high regard for authority and obedience of the power figure. People from these cultures would abide by the wishes of the person with the power or perceived power. People from other cultures, on the other hand, consider the person's power to be one of many other factors that goes into their determination.

Most Middle Easterners are among the people with high power distance. Most Americans are in the middle of power distance. A mediator should, therefore, present himself as a power figure and if he or she is perceived as such by the parties, he or she will be able to resolve the disputes between these two groups easier.

Additionally, the mediator must be aware that he or she is expected to be an authority on the value of the case or the manner in which the case will have to be resolved. Therefore, at some point the mediation should become evaluative rather than continuing to be facilitative. The point at which the mediation becomes evaluative is very important. If it is done too early, the mediator has not allowed

the high context Poly-chronic culture to express itself and the party may not feel that he or she had been heard. If, on the other hand, it is done too late, the low context Mono-chronic party will feel frustrated and lose interest in participating and the mediation may come to an end.

## **5. Cultural Concept of Success and Failure High Individualism v. Low Individualism**

In a high individualistic society or culture, individual gain and initiative is encouraged. Self-interest is paramount and group interest is only secondary. By the same token, the public's view of a person in a high individualistic society is unimportant to the party in dispute so long as he or she is satisfied with the outcome. In a low individualistic culture, on the other hand, the outcome must be such that the disputant would save face. Therefore the measure of success may not only be the value of the item in dispute, rather, the additional factor of how the resolution of the dispute will look in public is as important and sometimes, even more important.

Most of the Middle Easterners come from very low individualism cultures and most Americans come from high individualism cultures. The mediator, should therefore, be aware of this factor and deal with it effectively before he can bring the matter to a final resolution. One of the issues that usually come up in a low individualistic culture is that the party to an action may not be the decision maker. The true decision maker may be the father, the brother, the son, the daughter or some other relative or friend. If the correct decision maker is not present, even if a resolution may be reached, it may soon fall apart because the real decision maker was not present.

## **6. Customs**

- Be careful about using gestures. Thumbs up which means a win or success in the US, has quite a derogatory meaning in Iran and some of the other parts of the world.
- In some cultures it is expected for the negotiating parties to mingle and get to know each other before they start doing or discussing business. Don't be afraid to have a cup of tea in the Middle East before you start talking about business.
- Be aware of the zone of comfort – Different cultures act differently with respect to the distance to be kept between two people when negotiating. It is not unusual for men to touch and hug in the Middle East whereas if there is a woman in the team, the men usually will not touch women. Additionally, in some cultures parties negotiate and interact with each other in closer proximity of each other and in other cultures parties are expected to keep their distance.
- Eye Contact – In the US, we consider having eye contact with the opposing side as a sign of honesty. In other cultures, on the other hand, it is not polite to look directly in other people's eyes.

Culture, therefore, can produce a broad range of differences which may cause or contribute to the creation of a dispute. More importantly, the cultural divide can be closed by a negotiator if she or he takes advantage of those cultural differences and peculiarities of each culture to help her or him to bring the dispute to a resolution and final closure.