

## Why I Left My Heart in San Francisco: California Lawyers Expand Their Cultural Awareness

In January of this year, I offered two seminars to lawyers in California about the influence of culture on conflict resolution. One of the training events was for the settlement attorneys of the 9th Circuit Court of Appeals and the other was for a group of approximately 25 lawyer mediators from various firms.

I felt very fortunate to have the opportunity to work with lawyers who were eager to open themselves up to new information and to shift old attitudes. Learning that many of our ideas are not universal but are instead a function of our culture—are “culture-bound”—can be disconcerting, and yet these lawyers were enthusiastic when working with the topics.

In learning about culture (as well as many other topics), three areas must be addressed: attitude or awareness, knowledge, and skills. The first is the threshold understanding; until we have some degree of awareness about culture, we cannot develop into culturally sensitive resolvers of disputes, or culturally sensitive citizens. Furthermore, we must have an open attitude, a desire, a readiness, to look at our own culture as one among many.

Because this first area is so critical, we spent the workshops focusing on awareness. Knowledge (factual information about other cultures) and skill (the ability to act appropriately using awareness and knowledge when in contact with other cultures) are very important, but a day-long workshop trying to teach all three is too overloaded in content and too overloading for attendees. I am going to be offering several-day residential seminars on the topic because I think more time is needed to integrate awareness, knowledge, and skill.

In our discussions by the Bay, we talked about many of the attributes of a culturally sensitive person. Before highlighting just a few below, we need to consider a word used

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### Forum on Training

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everyday in the media and in business conversations—culture. We hear talk about intercultural this and cross-cultural that and, of course, the clash of cultures.

**What is culture?** One of the first tasks at hand in the seminars is to arrive at a working definition of culture. The lawyers broke up into small groups to consider the word. After we had listened to the contribution of each group, we listed their components.

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Definitions of culture are abundant in the literature, but the definition of culture one uses must be a helpful reminder and measure. Samovar and Porter in their valuable text *Communication Between Cultures* define culture as “the deposit of knowledge, beliefs, values, attitudes, meanings, religion . . . [the list goes on] . . . acquired by a group of people in the course of generations through individual and group striving.”

I stressed to the participants that culture affects us in powerful, invisible, and subtle ways. People have likened a person's culture to a tank of water in which a fish swims; how well can that fish describe the water (if the creature could talk), and how influential is the surrounding water on the day-to-day life of the fish? Geert Hofstede has called culture the software of the mind. With that elusive concept defined, let us move on to four of the attributes of a culturally sensitive person.

**What is your own cultural heritage?** First, this culturally sensitive person is aware of his or her own cultural heritage. Until we know about our own culture, we may not recognize a cultural difference when we come upon it. For example, the distance from which we stand from another in a business setting is culturally determined. If a person from another culture stands close to us, we may be uncomfortable or make harsh judgments.

In the seminars, we did exercises to look at the richness and diversity of the cultural heritage of each of us. We also isolated values and habits we get from the various aspects of our heritage. I and others were raised Catholic, and can talk about the legacy of being taught by nuns. Fifty or so questions can be asked about any given culture (for exam-

ple, time orientation: past, present, or future), and we answered several of these questions for ourselves. Later we answered them for various synthetic cultures to which each participant was assigned. It is much easier to see differences as cultural when we have become more aware of the programming (software) of our own culture.

And we must remember that our cultural face is not static. In various situations, we will stress particular parts of our cultural melange. Sometimes my being European-American is less important than my gender or my generation or my education—even alma mater. We will tend to stress different parts of our heritage in different situations. In a large law firm, which attributes are viewed as most important?

**What is your comfort level with people who are culturally different?** Now aware of cultural differences, the culturally sensitive person is also comfortable with them. This takes another kind of awareness: the awareness of what we do when we are around difference—of people, of ideas, of culture.

Many of us have a tendency to judge that which is different than we are as deviant or inferior. In order to change that tendency, we must first become aware of it. Again, we see that awareness is critical.

We first need to become aware of what differences make us uncomfortable. Then we have to watch what we do with that lack of comfort. We can also learn to expand our zone of comfort. We looked at some exercises to do so; just as we can become more limber in body, we can become more limber in comfort with difference.

**How much do you know about the tendencies of your own mind?** A third awareness of a culturally sensitive person is of his or her biases and tendencies. Several examples of tendencies were discussed in the seminars and are the basis of my book *Triversity Fantasy: Seven Keys to Unlock Prejudice*. It can be humorous to consider how predictable we can be. An example is confirmation bias.

For many reasons, including to protect our sanity, we do not let everything occurring in our environment into our awareness; we filter much out. And this filter can work in some very predictable ways. Because of the phenomenon of confirmation bias, we tend to let into our awareness that which confirms what we already believe. This is one of the reasons opening statements in trials are so important; each side will try to get confirmation bias working for them so the jury will filter the evidence in a way that is consistent with that side's theory of the case.

It is difficult if not impossible to change these tenden-

cies unless we are aware of them. When we see them operating, we can choose to act and judge in ways that allow us to accept and value those who are different than we are.

**Do we know that the ways of our own culture are not universal?** A fourth awareness is of the non-universality of the ways of our culture. Some of this awareness is obvious and basic: all the world's people do not dress like corporate lawyers, or even like Americans. Thus, most of us do not think there is a universal dress code.

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As we learn more about culture, we will continue to be surprised at what we thought was universal and in fact is not. Since I was interacting with mediators in the California workshops, I used some of what seems to be universal truths about mediation or conflict resolution in demonstrating this point.

For example, in many other cultures:

- Confidentiality would not make sense;
- Ownership of the dispute (and the responsibility to resolve it) would not belong to the individual;
- Insight about how the problem came about would not be valued (this is especially surprising for those mediators who have a therapeutic bent to their model of mediation);
- Self-disclosure or discussing feelings would be inappropriate (particularly surprising for that same group of mediators).

The more we learn to question our assumptions about what is universal, the more culturally sensitive we can become.

In a world where we are more and more often coming into contact with those of other cultures, we have to ask ourselves whether or not we want to learn to value those who are different than we are. Unfortunately some of us will say "no." Some of us will say "sometimes" or "maybe."

For those who say "yes," there is much to learn. Last month, I was lucky enough to be with some California lawyers who seemed to be saying a resounding "yes." ■