

**Perspectives on Conflict Resolution in South Asian Families: Examining
the Role of Family Mediation**

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I do not wish to have my windows closed and my doors shut. I want winds from all cultures to blow freely about my house. But I refuse to be blown off my feet by any.
Mahatma Gandhi¹

Introduction

Almost a century ago Gandhi's words held special significance for the people of South Asia as they sought independence from British colonial rule. Today, his respect for other cultures and his pride in his own heritage strikes a cord with South Asian immigrants² across Canada. Immigrants and their families adopt features of dominant Canadian culture in their public lives but struggle to maintain their own culture in their private lives and relationships. Unfortunately, disputes arise in families when the values and expectations of the two cultures collide, particularly in regards to shifting gender roles and generational change. The resolution of family disputes is curtailed by the absence of traditional dispute resolution mechanisms and support networks.

Few people have had the opportunity to study the dynamics of culture³ and conflict⁴ resolution in South Asian families. Like many other cultures, South Asians regard their relationships as private matters and do not readily discuss questions pertaining to the home and family. However, further research is essential in order for

¹ Rabindra N. Kanungo, *South Asians in the Canadian Mosaic* (Montreal: Kala Bharati Foundation, 1984) at preface.

² The term "South Asian immigrants" refers to people who immigrated from the following countries: India, Afghanistan, Bangladesh, Bhutan, Myanmar, Nepal, Pakistan and Sri Lanka. These countries share either contiguous or close borders and share some cultural overlap in language, religion or certain attitudes and practices. However, within this group there is tremendous diversity in experiences and perspectives. Those described as South Asian tend to identify with smaller micro-communities based on religion or language.

³ Michelle LeBaron defines culture as the configuration of learned behavior, and results of behavior, whose component elements are shared and transmitted by the members of a particular society. Kevin Avruch points out that culture is not a stable, homogeneous thing and it cannot be summed up in a trait list. To know an actor's culture you must know all of his cultures and be aware that his culture is subject to generational and situational change.

Canadians and our public institutions to address and adapt to the cultural realities of immigrant communities.

Academics and practitioners in the Alternative Dispute Resolution (ADR) field have begun to address the role that culture plays in resolving disputes, particularly in regards to the practice of mediation. Mediation is gaining rapid acceptance as an appropriate mechanism for the resolution of family disputes and various court connected and community mediation programs have been established in British Columbia. British Columbia hosts a significant immigrant population and the rise in mediation programs signals an urgent need for research examining the interplay between culture and mediation. Further research will help to develop culturally responsive family mediation services.

The main intention of my research is to explore whether the North American family mediation model can accommodate the values and beliefs of a diverse population. The focus of my research is to examine the relationship between South Asian family dispute resolution processes and the North American family mediation model.

I will begin with a review of relevant literature examining mediation and how culture has been recognized as an essential component in this discipline. This will include an examination of the existing power structures within Canadian institutions and the role racism and discrimination play in achieving cultural sensitivity. Any discussion of culture must also recognize gender as one of its most important manifestations. Accordingly, I will explore the disproportionate bargaining power women possess as negotiators and the particular disadvantage suffered by South Asian women.

⁴ Michelle LeBaron defines conflict as an expressed struggle between interdependent parties who perceive incompatible goals, scarce reward or resources, and interference from the other party in achieving their

Subsequently, I will examine traditional conflict resolution methods and prevailing sources of discord in South Asian families. I hope to gain insight into cultural variations in the perceptions of conflict and conflict management in South Asian families. This discussion will largely draw from personal interviews I conducted with second generation South Asian university students.⁵

I intend to engage in a heuristic and qualitative analysis based on a limited sample of interviewees. From this analysis I hope to raise important questions that could be incorporated into a larger study involving various disciplines and community members. Through this preliminary analysis I hope to assist members of the ADR community in understanding issues related to culture and conflict and how they affect minority groups.

Mediation

*Family mediation is typically defined as a voluntary, non adversarial alternative to dispute resolution in which an impartial mediator assists clients, of relatively equal bargaining positions, to reach a mutually satisfactory agreement on issues affecting the family.*⁶

Howard H. Irving

In family mediation clients are encouraged to work out their own solutions in a spirit of compromise and the focus of mediation is generally not on the substantive issue

goals. When conflict becomes particularized concerning a specific issue, it becomes a dispute

⁵ 12 university students of South Asian descent were interviewed for this research endeavor. The group consisted of 5 male students and 7 female students from various professional disciplines. This subject group was selected for two primary reasons. First, family disputes within the South Asian community are an extremely private topic. Thus, considering my age and South Asian background, I had particular concerns about the level of candidness among first generation South Asians. Most second generation university students feel that it is important for our generation to openly discuss and address important issues that arise in our community and thus were seen as a better alternative. Second, students were better able to reflect on the issues at hand because of their unique insight into both cultures. The use of university students as a subject group limits the extent to which the research is reflective of a wider cross section of South Asian families. A larger study would contemplate a greater number of individuals, consisting of first and second generation Canadians from a diverse cross section of society.

⁶ Howard H. Irving, Michael Benjamin, Jose San-Pedro, "Family Mediation and Cultural Diversity: Mediating with Latino Families" (1999) 16 *Mediation Quarterly* 325 at 325.

in dispute.⁷ Unlike other forms of ADR, the mediator has no power to impose or enforce an agreement on the parties. The mediator helps the party identify the underlying needs and interests at stake and facilitates the parties in finding a solution that meets those needs.⁸

Proponents of family mediation feel that the traditional adversarial litigation system intensifies family conflicts because only legal issues are dealt with and emotional issues are left unresolved. Mediation is seen as a better alternative for a number of reasons. Mediation's focus on compromise reduces hostility between parties and fosters a positive family relationship.⁹ Also, there is some evidence that mediation is less costly and provides quicker resolution of disputes. Significant time is saved by the fact that parties are unrestricted by court rules or legal precedents, which allow the parties to narrow the options for a solution.¹⁰ Furthermore, it is held that mediation provides the parties with flexibility and autonomy because they can raise the issues they feel are relevant and design a solution that meets their particular needs.¹¹ Proponents also advance that the parties are more likely to comply with an agreement they have reached on their own than a judge imposed order.

Mediation has also attracted a significant amount of disapproval. The most common criticism is the detrimental effects of mediation on the party with less bargaining power. It is held that poorer parties, minorities and women are especially

⁷ *Ibid.* at 325.

⁸ Michelle LeBaron, *Conflict and Culture, A Literature Review and Bibliography*, Revised Edition. (Victoria: Institute for Dispute Resolution, University of Victoria, 2001) at 121. [hereinafter *Conflict and Culture*]

⁹ Alberta Law Reform Institute, *Court-Connected Family Mediation Programs in Canada*, (Alberta Law Reform Institute: Edmonton, 1994) at 12. [hereinafter *Court-Connected Family Mediation*]

¹⁰ *Ibid.* at 13.

¹¹ *Ibid.* at 13.

vulnerable to disadvantageous settlements.¹² These parties may not be able to articulate their needs or negotiate as effectively because of their disadvantaged social position. In contrast, the adversarial nature of the traditional system is seen to protect against inequalities in bargaining power and uphold individual rights. Further, it is argued that, whereas a judge's decision must reflect broader social values set down in legal precedent and the Constitution, mediation's emphasis on privacy and lack of reliance on precedents neglects broader social values and avoids confronting injustices in society.¹³ Critics also maintain that mediation weakens legal precedent. Informal settlements divert cases from judicial consideration, taking away valuable opportunities to refine the law.¹⁴

Academics have criticized family mediation programs on the basis that they face a significant risk of state cooptation. Andrew Woolford maintains that the state has a particular interest in the family since "it is the primary provider of the socialization necessary for the maintenance of the social order".¹⁵ He advances that the state is searching for new strategies to regulate the family according to the principles of neoliberal governance, which include "inculcating higher degrees of personal responsibility and thereby encouraging individuals to assume cooperative and non-conflictive mannerisms in their dealings with one another".¹⁶ Family mediation, with its emphasis on private agreements and conciliation, appears to be an ideal mechanism for the state to achieve its goals. It is held that if mediation programs are usurped in such a

¹² *Ibid.* at 14.

¹³ *Ibid.* at 14.

¹⁴ *Ibid.* at 15.

¹⁵ Andrew Woolford, *Family Mediation*, (Vancouver: UBC Dispute Resolution Project, University of British Columbia, 2001) at 25. [hereinafter *Family Mediation*]

¹⁶ *Ibid.* at 47.

way they will be distracted from their focus on the needs of the family and will instead prioritize administrative goals like efficiency and predictability.¹⁷

Culture

*AND WHEREAS the Government of Canada recognizes the diversity of Canadians as regards race, national or ethnic origin, colour and religion as a fundamental characteristic of Canadian society and is committed to a policy of multiculturalism designed to preserve and enhance the multicultural heritage of Canadians while working to achieve the equality of all Canadians in the economic, social, cultural and political life of Canada;*¹⁸

The preceding quote can be found in the preamble to British Columbia's Multiculturalism Act. In enacting this legislation the government of Canada has taken a praiseworthy step to recognize the importance of equality and respect for diversity in Canadian society. However, inherent in the creation of this Act, is the fact that not everyone views diversity in a positive light. Canadian history is scarred by countless instances of injustice and discrimination against other cultures.

In institutional settings prejudice and discrimination operates in a more covert way. People may form incorrect values and judgments about immigrants and these ideas become imbedded in our institutions. In her study of the Court Mediation Practicum Project in British Columbia, Karen Bhangoo notes that mediation is a part of our institutions and it is an important arena in which systemic discrimination is present.¹⁹ She maintains that mediators need to recognize the oppression minorities face within this new social systems.²⁰ A mediator must possess a high level of intercultural sensitivity in order to become more aware of underlying oppression and in order to mediate effectively

¹⁷ *Ibid.* at 47.

¹⁸ *Multiculturalism Act*, RSBC. 1996, c.321, preamble.

¹⁹ Karen Bhangoo, *Conflict Resolution Across Cultures* (M.A. Thesis, University of Victoria 1998) [unpublished]. [hereinafter *Conflict Resolution Across Cultures*] at 6.

across cultures. Failing to attain cultural sensitivity in mediation can create significant power imbalances. A review of the relevant literature reveals various techniques mediators can be used to build intercultural sensitivity.

Kevin Avruch and Peter Black suggest that in order to gain intercultural sensitivity one must be able to identify difference by self-reflecting and discovering ones own biases and stereotypes. The authors maintain that a mediator's cultural analysis must be conducted through his own metaphorical "cultural lens".²¹ The "cultural lens" is shaped by the mediator's own knowledge and experiences and is used in viewing others and their "culture". The authors prescribe that a person dealing with cultural conflict must refrain from placing value judgments on anything that strikes them as bizarre. The person should not attempt to explain away behaviour that might be considered "strange" with any previously learned theories or explanations. Rather, the person should reframe what appears as bizarre with a meaningful reference. This reference will make sense to the person who is interpreting it based on their understanding. An individual will then have reached a more interpretive stage and the parts of the culture that appeared bizarre are now meaningful in the context of his own cultural lens. This process must be under constant scrutiny and be re-evaluated numerous times before and during the entrance to the problem solving stage.²²

In addition to reframing and self-reflection mediators may also seek to learn the general psychology of different cultures. Learning about other cultures, alone, is

²⁰ *Ibid.* at 22.

²¹ Kevin Avruch & Peter W. Black, "Conflict Resolution in Intercultural Settings: Problems and Prospects" in Denis J. Sandole and Hugo van der Merwe ed., *Conflict Resolution and Theory and Practice: Integration and Application* (New York: St. Martin's Press, 1993) at 132.

²² *Ibid.* at 133.

insufficient to increase intercultural sensitivity, however it can be helpful.²³ Many theorists have used grouping methods to try and sort various cultural beliefs and values.

Edward Hall differentiates between cultures that use high versus low context communications.²⁴ A high-context communication is one in which most of the information is internalized in the person. A low context communication is where the mass of information is vested in explicit code. Asian countries are generally considered to be high context cultures and Western countries are considered low-context cultures. In high context cultures greater value is placed on family and community concerns whereas low context cultures place greater value on independence.²⁵ The following lists enumerate some of the main distinctions that are made between high and low context cultures:

High

collective identity focus
covert communication
homogeneity
ascribed status
relationships
stable/harmonious
rely on others
deductive
intuitive
time stretches
cooperation

Low

individualism
overt communication
heterogeneity
earned status
individual achievement
self reliance
independence
inductive
factual
time is planned
individual competition

The high/low distinction can be linked to a discussion of cultures as either more individualistic or collectivist. Asian societies are typically characterized as being more collectivist whereas Western societies are typically more individualistic. The

²³ *Conflict Resolution Across Cultures* at 11.

²⁴ *Ibid.* at 11.

²⁵ *Ibid.* at 13.

collectivists will tend to follow group norms more than the individualist. For the individualist, group affiliations are less important than his or her own beliefs, attitudes and principles.²⁶

It is important to remember that no culture is completely high/low or individualistic/collectivist rather the distinctions should be placed on a continuum with each category at opposite extremes. A culture may align more with one side; however, it may still possess characteristics from the other side.

The cultural difference approach can assist in achieving cultural sensitivity; however, some authors warn against the underlying racism that this approach may perpetuate. Sherene Razack suggests that the focus on differences may work to mask power relations and sustain dominant cultural norms.²⁷ Simply managing cultural and racial differences is not enough. She maintains that we need to understand how “responses to subordinate groups are socially organized to sustain existing power arrangements” and how “simple cross cultural training at the level of understanding differences will not be beneficial unless the power relations between the subordinate and dominate groups are recognized”. As such, we must try to understand the power imbalances that stem from the history of oppression minorities have faced.²⁸ Howard Gadlin maintains that racism today operates in a covert way and denial is central to how racism works. He contends that “by allowing themselves to think that diversity is

²⁶ *Conflict and Culture*, at 150-151.

²⁷ Sherene Razack, *Looking White People in The Eye; Gender, Race and Culture in Courtrooms and Classrooms*. (Toronto: University of Toronto Press) at 8.

²⁸ *Ibid* at 9.

maintained people may feel no need to take responsibility for any racism that exists and as such may not take into account the demands empowering minorities would make”.²⁹

Gender

*Women’s equality aspirations may be further eroded by family mediation services that on one hand claim to be neutral and on the other hand ignore the serious social and economic inequalities experienced by women litigants in the family justice system.*³⁰

Many feminist and Critical Legal Studies theorists argue that the promotion of family mediation, as an adjunct to the court based family justice system, has negative implications for women’s equality. In a patriarchal society, where men dominate positions of power and authority, women are socialized to play a subservient role. Accordingly, women are at significant risk of having less bargaining power in mediations. Mediation literature maintains that the process requires two parties of roughly equal bargaining power; however, the systemic nature of women’s inequality will give rise to inherent power imbalances in most, if not all, mediation settings.

In addition to the inherent nature of women’s inequality, societal values and sex role socialization influence how men and women deal with conflict. Characteristics such as “assertiveness, independence, competitiveness and rationality are highly valued traits that are commonly associated with men”.³¹ In contrast, women are socialized to learn and act out characteristics such as understanding and compassion. Trina Grillo notes that this socialization “is reflected in the tendency for women to employ a relational ethic of

²⁹ Howard Gadlin, “Conflict Resolution, Cultural Differences, and the Culture of Racism” (1994) 10 *Negotiation Journal* 33 at 39.

³⁰ Status of Women Canada, *Family Mediation in Canada: Implications for Women’s Equality* by Sandra A. Goundry et al. (Ottawa: Status of Women Canada, 1998) at 68.

³¹ *Conflict Resolution Across Cultures*, at 32.

care in dealing with other people which leads to a negation of any focus on the self”.³²

As a result, women will likely over-compromise in mediation leading to unfair settlements. The effects of socialization patterns are exacerbated in a traditional relationship where the man is the breadwinner and the woman as the housekeeper. Andrew Woolford points out that where this separation “is accompanied by a sexist under-valuation of the woman’s contribution to the family unit, the woman may not receive or expect fair compensation”.³³ In addition, in a traditional arrangement, men have greater experience in the public sphere, resulting in men being more skilled in representing themselves in mediation.³⁴

Emotional or physical abuse further intensifies power imbalances in mediation.³⁵ In an abusive relationship a woman may be intimidated by her partner and the presence of the abuser may make it difficult for her to articulate her needs and negotiate effectively.³⁶ Consequently, she may agree to less attractive terms of settlement. Also, in an abusive relationship, mediation does not provide an opportunity to place blame because the emphasis is on solution building. Grillo notes that this leads to a non-recognition of fault and can impede the process of solution building and slow down the healing process for the victim.³⁷

Many critical legal studies scholars have criticized mediation from a “pro-rights” perspective. It is held that mediation detracts from any recognition of legal rights and for

³² Trina Grillo, *The Mediation Alternative: Process Dangers for Women*, (1991) 100 Yale L.J.1590 at 1601. [hereinafter *The Mediation Alternative*].

³³ *Family Mediation* at 42.

³⁴ *Ibid.* at 43.

³⁵ Some practitioners feel that an abusive relationship is inappropriate for mediation and these cases should be screened out, whereas others feel that the mediator can work to balance power through different techniques.

³⁶ *Family Mediation* at 42.

³⁷ *The Mediation Alternative* at 1565.

those who have less power in larger society the notion of rights is important. Grillo discusses how the mediation process avoids discussions of rights “in order to maximize the possibilities for reaching some compromise or agreement”.³⁸ This emphasis on informality and compromise encourages parties to mistakenly believe that there is consensus on social and political values when in actuality it is the values of the most politically and economically powerful that will prevail.³⁹ Furthermore, some scholars have argued that the increasing use of family mediation has come at a time when feminists had just begun to make progress within the court system to treat women’s rights as public not private matters.⁴⁰

Many immigrant women are subject to even less bargaining power in mediation. Men usually monopolize formal authority in South Asian families and they are accustomed to occupying positions of power, authority and financial control. South Asian immigrant women have less experience in the public sphere and are disadvantaged by significant language barriers. As a result, they may not be able to represent their interests or negotiate effectively and are at risk of being coerced into disadvantageous settlements. Furthermore, the socialization process discussed above, where women internalize values such as understanding and compassion, is significantly more marked in South Asian women. Traditional South Asian beliefs, reflected in ancient scriptures, portray the ideal woman as selfless, gentle, loyal, obedient and devoted to her family.⁴¹ Modernizing trends in South Asia and the influence of dominant Canadian society have

³⁸ Isabelle R. Gunning, “Diversity Issues in Mediation: Controlling Negative Cultural Myths” (1995) 1 *Journal of Dispute Resolution* 55 at 62.

³⁹ *Ibid* at 62.

⁴⁰ *Ibid* at 61.

⁴¹ Josephine C. Naidoo, “South Asian Women in Canada: Self Perceptions, Socialization, Achievement Aspirations” in Rabindra N. Kanungo ed., *South Asians in the Canadian Mosaic* (Montreal: Kala Bharati Foundation, 1984) at 122.

led immigrant women to question this social consciousness. However, their values and beliefs are still influenced by traditional concepts of femininity which emphasize women's subservience while simultaneously conferring on them respect and esteem.

The belief system internalized by immigrant women during their early years in South Asia has influenced their attitudes towards the socialization of their daughters in Canada. Even though their daughters valued independence and self sufficiency, traditional concepts of femininity still form a part of their consciousness and these concepts affect the choices they make. Consequently, both first and second generation South Asian women may employ an even greater relational ethic of care in mediation and further negate any focus on themselves and their rights.

Woolford points out that feminists recognize that power imbalances may operate where women have greater advantage over men; however, "cultural patterns of male dominance have led to a greater likelihood that the woman will be in a weaker position in marital relationships".⁴²

Perspectives on Conflicts in South Asian Canadian Families⁴³

*While new immigrant must adjust to life without traditional cultural support, Canadian society must adjust to an increasingly complex mix of peoples and cultures, which are changing in their new environment and reshaping and redefining our national identity*⁴⁴

Milton Israel

The first handful of South Asian men arrived in B.C. in 1903 attracted to by high wages and available work. B.C. had already put in place many social, legal and

⁴² *Family Mediation* at 42.

⁴³ The following discussion contains broad descriptions of South Asian family norms; however, it must be recognized that the following descriptions and discussions are not true of all South Asian families. Also, in outlining some of the dominant characteristics of South Asian culture I do not wish to imply that these same characteristics are not found in other cultures.

⁴⁴ Milton Israel, *The South Asian Diaspora in Canada: Six Essays* (Toronto: Multicultural History Society of Ontario, 1987) at 10.

economic restrictions on Chinese and Japanese immigrants and these were quickly extended to South Asians. In due course all South Asian immigration was banned, and South Asian men in Canada were isolated from their families overseas.⁴⁵ The ban was modified in 1919 allowing entry of wives and children and the unique family lives of South Asian Canadians began to take shape.

In the South Asian community family unity and responsibility for ones family are highly valued. Many conflicts in South Asian Canadian families surround challenges to the traditional family structures. These conflicts often result from shifting generational and gender roles, which occur when immigrants adopt Canadian lifestyles.

Generational conflicts arise between first and second generation South Asian Canadian when children seek to assume the attitudes and beliefs of the dominant culture, reflected in their peer groups and the media, and parents seek to instill traditional values and beliefs. As a result, second generation children quickly learn to negotiate two sets of cultural values – those of their peers and those of their parents. One interviewee stated that conflicts between traditional and Canadian values have an enormous impact on the parent child relationship. She felt that the tension between the two cultures filters through to every aspect of a child's life: who their friends are, social freedom, choice of study, marriage partner, and when one is to marry.⁴⁶ Most interviewees identified two main sources of tension between children and their parents: social freedom during adolescence and marriage expectations.

⁴⁵ Norman Buchignani, "Research on South Asians in Canada: Retrospect and Prospect" in Milton Israel, ed., *The South Asian Diaspora in Canada: Six Essays* (Toronto: Multicultural History Society of Ontario, 1987) at 114.

⁴⁶ Interview, 14 March 2003.

Many South Asian parents view Canadian notions about raising children as far too permissive and some parents attempt to keep their children away from social situations that threaten South Asian values.⁴⁷ The most controversial social practices in Canada are the values and attitudes affecting relationships between young men and women. Socializing with the opposite sex (dating), during adolescence and possibly even young adulthood, is a very sensitive issue. There is a pronounced difference in the standard for young girls. Adolescent girls are raised in much more protective, controlled and sheltered home setting than their peers and their brothers. Control over the behaviour of adolescent girls is bound to the importance of virginity and morality and transgressions of these values are viewed as bringing dishonor or “*sharam*” to the entire family unit.⁴⁸ Several interviewees felt that parents believed that their child’s transgressions would reflect negatively on the parents’ reputation in the community.

One interviewee observed that shame is an important factor in the South Asian community. As such, children may internalize the notion that their actions affect, not only their own lives, but a whole network of individuals around them. This socialization pattern plays a fundamental role when South Asian children make important decisions in their lives.⁴⁹ At the same time familial clashes may result when children are less mindful of the South Asian community around them.

The second major source of tension in South Asian families is the selection of a marriage partner and the appropriate time to get married. Parents may hold particular

⁴⁷ Ratna Gosh, “South Asian Women in Canada: Adaptation” in Rabindra N. Kanungo ed., *South Asians in the Canadian Mosaic* (Montreal: Kala Bharati Foundation, 1984) at 149.

⁴⁸ *Ibid.* at 149

⁴⁹ Interview, 01 April, 2003.

views on the religion, race and caste of the potential marriage partner.⁵⁰ Marrying within the community is very important for many parents and marriage outside the community is seen as shameful. Although quite rare, marrying outside the community can even result in ostracism. Second generation South Asian Canadians often internalize traditional values regarding the selection of a marriage partner. One interviewee stated the following:

*Growing up, I always knew the restrictions were there but I'm not sure at what point I internalized them – now they are more self-imposed than externally imposed.*⁵¹

Arranged marriages are still quite common for first generation Canadians and seldom occur among the second generation. However, assisted marriages are more common which involves families of the potential spouses introducing the young people to each other and providing them with opportunities to date prior to the individuals making their own decision about whether or not to marry.⁵²

South Asian parents also value access to Canadian educational and economic opportunities and tension may result when children fail to live up to their parents' expectations. Parents' expectations usually include a hierarchy of acceptable areas of study and professions. Several interviewees felt their post secondary education has helped them in understanding the peculiar position they hold as second generation Canadians. One interviewee stated that her post secondary education has allowed her to analyze the two value systems she lives and, as a result, she has a greater understanding and appreciation of her parents' views and beliefs. She felt she was able to respect her

⁵⁰ Michelle LeBaron Duryea & J. Bruce Grundison, *Conflict and Culture, Research in Five Communities in Vancouver, British Columbia*, (Victoria: UVic Institute for Dispute Resolution, 1993) at 73. [hereinafter *Conflict and Culture, Research in Five Communities*]

⁵¹ Interview, 01 April 2003.

parents understanding of the world and successfully reconcile the contradictory positions they each may hold.⁵³ Another interviewee commented that her parents have grown and changed with her and they also have come to a greater understanding of the unique set of values she has cultivated.⁵⁴

The second major source of conflict in South Asian families is shifting sex roles among spouses. As discussed earlier, traditionally men dominated positions of authority and financial control in the family and women were expected to be self-sacrificing and devoted to their family and husband. South Asian women in Canada are caught between this expectation and the dominant culture's emphasis on independence and self-achievement. Working wives are exposed to cultural influences contradictory to their traditional role and, as wage earners many demand greater equality and authority. In some families this shift in gender roles has led to conflict and even spousal abuse.⁵⁵

Conflict Resolution and South Asian Culture

During my first visit to my mother's village in India I noticed that villagers were describing me as belonging to "Kaadqooqe". It was explained to me that this was the name of my great, great grandfather and all of his descendents identified themselves and were identified in the village by his name. Moreover, all of his descendents (my family members) lived in a group of seven connected homes. There were no walls between most homes and if there were, there was a passageway through which all was heard and shared. When they were growing up in India family disputes were monitored and dealt with amongst this large group with everyone offering advice and the eldest grandfather and grandmother acting as the mediators. I realize how difficult it must have been for my parents and other immigrants to move from their homes, where they were surrounded by a great support network, to Canada, where they live in their individual home with their nuclear family.⁵⁶

⁵² *Ibid.* 73.

⁵³ Interview, 21 March 2003.

⁵⁴ Interview, 21 March 2003.

⁵⁵ In focusing on conflicts in South Asian families I do not wish to undermine the fact that often the opposite is true. Many parents have shifted their traditional notions of male and female socialization patterns. Also, many partners have seamlessly adapted to the new gender role they came to assume in Canada and many partners value equality in their spousal relationship.

Traditionally, there are two primary methods used to manage or resolve conflict in South Asian families: through the extended family and elders and forbearance.⁵⁷ First and foremost the family is relied upon for advice and support when disputes arise. Family conflicts are dealt with within the family, where an elder acts as mediator, and outside help is only sought when all attempts at reconciliation have been exhausted.

Immigrant families may attempt to recreate traditional family settings and conflict resolution processes. Unfortunately, the traditional dispute resolution techniques used in the home country are seriously deficient when implemented in Canada. This is because the extended family network has been seriously fragmented. Not all family members have immigrated to Canada and those who have do not live in such close proximity. Even if they do, in many families the stresses of immigration, economic pressures and competition among family members has resulted in fractured family relations. Even elders lack the respect and esteem they would have held in their home country.⁵⁸ In the village a dispute would not be left unresolved or there would at least be an attempt at resolution considering the proximity and openness between the extended family. In Canada often there is no intervention and a dispute may be left unresolved, reemerging over time when tensions are high. Interviewees commented that, rather than seeking help from the extended family, disputes are kept within the nuclear family.⁵⁹ Outside help is not sought because family members feel their reputation in the community may be harmed and they wish to avoid gossip. Michelle LeBaron has observed that family

⁵⁶ Personal Reflection

⁵⁷ *Conflict and Culture, Research in Five Communities*, at 77.

⁵⁸ *Ibid.* at 78.

⁵⁹ Interview, 22 March 2003.

members may feel powerless and alone because they lack networks for support and advice.⁶⁰

The second main conflict resolution method use in South Asian families is forbearance. On the subject of forbearance one interviewee made the following comment:

*Generally this is a culture of silence. My mom has said to me many a times “chup ee palay” meaning there is betterment in silence. This is a safety zone, better not to get into conflict, avoid it and maybe it will go away.*⁶¹

LeBaron notes that forbearance is traditionally used by those in a disadvantaged position.⁶² This would include children, younger siblings, elders, and most often women. LeBaron found that a person is likely to forebear where: they lack socio-economic power in the family, if there is a threat of gossip or shame attached to the potential dispute, or if one felt they must forbear in order to respect an elder. Forbearance is important among South Asian families because it “accommodates to those with more status or seniority; it promotes harmony and calm; it avoids the potentially destructive effects of anger and overt conflict including damage to relationships, hurt feelings, grudges, estrangement and even physical violence”.⁶³ Forbearance is also consistent with preservation of family unity. Potential disputes are not aired because of the negative implications they may have on other family members and harmony in the family.

LeBaron comments that it is not always necessary to determine the root or the solution for every conflict, rather, it is important not to establish positions from which it

⁶⁰ *Conflict and Culture, Research in Five Communities*, at 78.

⁶¹ Interview, 21 April, 2003

⁶² *Conflict and Culture*, at 148.

⁶³ *Conflict and Culture*, at 149.

may be hard to back away.⁶⁴ Adopting this view of forbearance is extremely problematic especially where immigrant women and new brides are concerned. These women may tolerate all kinds of abuse and remain “*chup*” in order to keep the family together. One interviewee noted that women may fear that they will be blamed or looked down upon for stirring trouble. He also felt that women might not want to bring shame to the family by disclosing the way they are being treated.⁶⁵ Immigrant women lack traditional support systems and new immigrant brides are often isolated from their family and friends. In their isolation and alienation they may feel they have no alternative but to forebear. Once again family unity is paramount and a breakup of the marriage must be avoided. One interviewee noted that marriage breakdown is very stigmatizing and because of the patriarchal nature of the culture, it is seen as a failure on the part of the women regardless of why it happened. She also commented that many women are economically dependent on their spouse and especially where the needs of children are in issue the women may feel they have no other option.⁶⁶ As such, forbearance allows men to maintain their dominant position within the family and characterizing it as a legitimate dispute resolution method reinforces the cycle of oppression immigrant women face in their families.

Mediation and the South Asian Community

Traditional conflict resolution methods used in South Asian families encounter significant challenges when implemented in Canadian society. South Asian immigrants encounter conflict when the two value systems they carry with them prove irreconcilable. Most second generation South Asians value the commitment to family unity their parents

⁶⁴ *Conflict and Culture*, at 149.

⁶⁵ Interview, 22 March 2003

have instilled in them; however, the central socializing force in their lives is structured by the dominant cultures beliefs and value. Consequently, they find themselves balancing the interest of the family with aspirations for independence and self-sufficiency. At the same time spousal sex roles are shifting as South Asian women become wage earners and come to value the economic independence their Canadian counterparts enjoy. Spousal conflicts may arise when women seek to take their rightful place as equals to their husbands. When generational and spousal conflicts arise the South Asian family can no longer rely on an extensive extended family to intervene and mediate disputes. This may lead particular family members in less powerful positions to feel they have no option but to “put up” with a problem in order to avoid a dispute that might damage family relationships.

Considering the growing popularity of family mediation it may be looked to as a possible alternative for South Asian families. Mediation could allow family members to address the underlying issues unique to their culture and shape a solution that reflect their particular needs. Some proponents acknowledge that there may be concerns about cultural differences between mediation and South Asian dispute resolution techniques. They maintain that these concerns can be dispelled because the process envisions an acknowledgement of the inherent value difference between individualist and collectivist cultures as part of the exploration of underlying interests and positions.⁶⁷ Furthermore, mediation’s commitment to privacy can allay concerns parties may have about damage to their reputation in the community. Moreover, the power imbalances inherent in spousal relationships can be addressed through frequently used power balancing techniques such

⁶⁶ Interview, 14 March 2003

⁶⁷ *Conflict and Culture*, at 146.

as: caucusing, providing information, bringing out the weaker party's views through direct intervention and openly addressing the issue of power.⁶⁸

However, many scholars warn against the export of the North American mediation model to other cultures. When family mediation first gained prominence proponents espoused its universalistic qualities and it was believed that the flexibility of the process would allow for it to be easily adapted to all disputes. More recently, mediation's universalistic claims have been abandoned. Andrew Woolford maintains that mediation is predicated upon "an idealization of the family as a realm of harmony in which conflict can be resolved through rational processes".⁶⁹ This image of the family corresponds to broader Canadian cultural beliefs that are rooted in the eurocentric philosophies of democratic participation and individual empowerment.⁷⁰ John Paul Lederbach also identifies several culturally bound assumptions in mediation, including: the assumption that face to face communication is the best way to resolve conflict, the analytical rather than the relational method used, the assumption of a large degree of autonomy and individualness, and the requirements of neutrality which separate the intervener from the process.⁷¹ The assumptions Woolford and Lederbach identify all reflect western, white, middle-class values.

The assumptions underlying mediation are not culturally universal and may cause problems when implemented in the South Asian community. First, the collectivist nature of South Asian culture does not view individuals as independent and autonomous. The emphasis in mediation on autonomy and individualness may be seen as a threat to family

⁶⁸ *Conflict and Culture*, at 131.

⁶⁹ *Family Mediation*, at 48.

⁷⁰ *Family Mediation*, at 48.

⁷¹ *Conflict and Culture*, at 62.

unity. In addition, the mediator's attempt to probe underlying interests may prove inadequate or futile because "needs are influenced by culture in ways that are not yet fully understood". It may be difficult to articulate differences relating to individual world views some of which are likely to be outside the conscious awareness of the parties.⁷²

The requirement of a neutral intervener may also be inadequate in the South Asian community. Traditional South Asian dispute resolution processes reflect a preference for a partial intervener, from within the family unit who has persuasive authority and will recommend a solution. The efforts of a neutral third party outsider may be inconsequential because the mediator's lack of authority will diminish the effectiveness of the process. There is also an ambivalence to outsiders being involved in resolving disputes in the family for fear that the outsider may damage family and community unity. South Asians may feel that the outsider may not understand or respect the culture.

Often time the mediator will not possess the cultural sensitivity required in a cross-cultural setting. Karen Bangoo notes that professional mediator training sessions place little emphasis on building cross-cultural sensitivity and anti-racist practices. Cultural issues are not integrated into the core courses and virtually no training materials address the systemic problems of racism in the dominant culture.⁷³ Accordingly, it cannot be assumed that mediators possess the skills necessary to achieve greater cultural sensitivity. The result of little cultural analysis in training is detrimental to South Asian participants. If mediators are simply taught to use methods of North American conflict

⁷² *Conflict and Culture*, at 147.

⁷³ *Conflict Resolution Across Cultures*, at 5.

theory the dominant perspectives will continue to sustain the racism and inequality in our institutions. Subordinate group values will not likely ever be given equal weight and will not be regarded as significant methods for resolving conflict.⁷⁴

Mediators will also encounter obstacles in balancing the inherent power disparities between men and women in the South Asian community. In a culture where forbearance is considered an acceptable dispute resolution technique, the mediator cannot begin to probe the extent of the power imbalance between the spouses, let alone implement the appropriate technique to combat the problem.

Presently, implementation of family mediation programmes among South Asian immigrants is not a workable option. First generation Canadians are struggling with a functional though inadequate system of their own and should not be urged to use community mediation services. However, mediations viability in the South Asian community is directly related to the parties' degree of assimilation into dominant Canadian culture. Mediation may prove an appropriate option for second generation South Asian Canadians. Second generation Canadians share the dominant cultures appreciation for individualism and autonomy and they will likely be educated about their options and make an informed decision. As family mediation gains popularity we will undoubtedly see second generation Canadians taking advantage of this non-adversarial process on par with the rest of the population. In most instances they will turn to their families for support first; however, if a problem proves irreconcilable, second generation South Asians are more likely to benefit from mediation than their parents.

⁷⁴ Ibid. at

Conclusion

We should not operate on the supposed, self evident basis that conflict resolution, as we understand it in North America, is a good thing worthy of wide dissemination.

John Paul Lederbach⁷⁵

North American mediation theory and practice as it stands cannot successfully accommodate the values and beliefs of diverse cultures. The values underlying the mediation process reflect individualist orientation that will be of limited relevance to members of minority cultures with a more collectivist focus. Mediation's focus on autonomy, individualism and neutrality may be problematic for South Asian Canadians for whom family unity and collectivist ideology is paramount. It would be inappropriate to simply modify the process to attempt to meet the needs of different cultures because of the ideals the process is premised on.

Rather than implemented programs like mediation from the "top-down" members minority community should be given the resources necessary to build their own processes from the "bottom up". However, important research needs to take place for considering embarking on such an endeavor. The following questions must be addressed: What are the traditional dispute resolution process in any given culture? What factors are impeding their application in the dominant culture? Are these processes appropriate or are they designed to maintain certain power structures?

The most important question would be to ask members of the community what their concerns are and how they would like family conflicts to be addressed. Further research is not required to help develop culturally responsive family mediation services. Further research is required to help develop dispute management processes from within minority cultures.

⁷⁵ John Paul Lederbach, *Preparing for Peace*, (New York: Syracuse University Press, 1996) at 119.

Appendix

Interview Questionnaire

Intergeneration Conflict

1. Name a few of the most common sources of intergenerational conflict (conflict between children and parents or other extended family) in South Asian families in Canada? Are you relying on personal experience or knowledge outside your personal experience?
2. Have you experienced difficulty in trying to balance the two cultures you live in? Has your post secondary education helped you to minimize or overcome such conflict?
3. In South Asian Canadian, families to what extent do conflicts between parents and children result from clashes between traditional family values and Canadian values? Please elaborate on the nature of these types of conflicts.
4. Are the gender roles of sons and daughters different? If yes, please elaborate.
5. How common are arranged or assisted marriages within the South Asian community around you?
6. In choosing a marriage partner are there restrictions/expectations as to the religion race or caste of a partner?
7. Do South Asian parents attempt to keep their children away from situations that they perceive may threaten South Asian moral values – particularly so for young girls?

Spousal Conflict

8. Name a few of the most common sources of conflict between spouses in a South Asian Canadian family setting? Are you relying on personal experience or knowledge outside your personal experience?
9. How do South Asian Canadians view the breakdown of a marriage?
10. Do you think the role of husbands and wives in a South Asian Canadian family are based on gendered assumptions?

Conflict Resolution

11. How is conflict dealt with in the South Asian community?

12. What factors may prevent a person from freeing themselves from the negative impacts of a conflict?
13. Focusing on conflicts between spouses, conflicts between parents and children, and conflicts among the extended family, what are the traditional approaches to dealing with conflict in South Asian Canadian families? In answering this question direct your mind to the following:
 - 1) How is the process initiated?
 - 2) What are the roles and responsibilities of the people in the conflict?
 - 3) Is there a third party who intervenes to help resolve the conflict?
 - 4) Who is this person? Are they from outside the South Asian community?
 - 5) What role does the extended family (grandparents, aunts, uncles etc.) play in the resolution of family disputes?
 - 6) Does the third party propose a solution?
 - 7) How is the process concluded?
 - 8) How long is the process?
Prompt: Is it fluid and flexible without a time limit?
 - 9) What are some of the typical outcomes?

Are your reflections on each of the above a result of personal experience or learned from others?

14. Do you think this is a fair process?
15. Do you think the process you described earlier is compatible with the norms and values held outside the South Asian Canadian community.
16. From your experience, to what extent do family disputes involved persons from outside the Indo Canadian community as either parties to the dispute or as interveners.
17. In a family conflict what is valued more: the goals and interest of each individual, of the family, or of the community as a whole?
18. What recommendations would you make to reduce family conflict in the South Asian Canadian community or to improve the way conflicts are dealt?
19. What would you say are some of the misconceptions dominant culture holds about the SA community in B.C.?

Additional Comments:

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