CSS MEDIATION RESOURCES

Inviting the Elephant into the Room: Culturally Oriented Mediation and Peace Practice

Katrina Abatis

Foreword by Daniel L. Shapiro

CSS ETH Zürich

ETH zürich

Katrina Abatis is a senior program officer in the Mediation Support Team. She works within the Mediation Support Project (MSP), which is a joint project between the CSS and swisspeace, supported by the Federal Department of Foreign Affairs (FDFA). She is secretariat of the Mediation Support Network and editor of the MSN Discussion Points.

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Center for Security Studies (CSS)
Swiss Federal Institute of Technology, ETH Zurich
Haldeneggsteig 4. IFW CH – 8092 Zurich
Tel: +41 33 632 40 25
mediation@sipo.gess.ethz.ch
www.css.ethz.ch

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Language editing: Ally Chandler
Layout and graphics: Miriam Dahinden-Ganzoni

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Foreword

Mediating the Depths of Human Experience

Daniel L. Shapiro, Ph.D.[1], *Harvard University*

What is the *stuff* of conflict? What are the most important dimensions that mediators must navigate to help disputants achieve harmonious, sustainable resolution? Through my international research and consultation, I have identified three dimensions of human experience that are crucial to account for and that are too often overlooked, resulting in tension, impasse and violence.

The first dimension, which I refer to as *homo economicus,* taps into the rational aspects of human nature, approaching conflict as a problem to be solved. Mediators are advised to help disputants look beneath conflicting positions for underlying interests from which creative options can be formulated for mutual gain.[2] This model contends that each party's main motivation is to get its interests met efficiently, much as economists look for value-optimising algorithms. If both sides can satisfy their interests at the same time, all the better.

But humans are not automatons. My work in conflict-affected regions in Eastern Europe, the Middle East, the United States and elsewhere has helped me realise the potency of the emotional dimension of the human experience, which I call *homo emoticus.* Over the past two decades, a booming scientific literature has confirmed what human beings already know: that decision making and behaviour are strongly influenced by pride, fear, anxiety, shame, humiliation, rage, love, loyalty and dozens of other nuanced emotions.[3] In an emotionally-charged conflict, parties with every rational incentive to come to agreement often put up a fight. Accordingly, many social

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1 Daniel L. Shapiro is founder and director of the Harvard International Negotiation Program, associate professor of psychology at Harvard Medical School / McLean Hospital, and affiliate faculty at the Program on Negotiation at Harvard Law School.

2 Roger Fisher and William Ury, *Getting to Yes: Negotiating an Agreement Without Giving In.* (London: Random House, 2012).

3 See: Jennifer S. Lerner, Ye Li, Piercarlo Valdesolo, and Karim S. Kassam, *Annual Review of Psychology* 66, no. 1 (2015), 799–823, https://www.annualreviews.org/doi/abs/10.1146/annurev-psych-010213-115043; also see: Daniel L. Shapiro, "Negotiating Emotions". *Conflict Resolution Quarterly* 20, no. 1 (2002), 67–82, https://onlinelibrary.wiley.com/doi/abs/10.1002/crq.11.

scientists have constructed methods to help disputants channel emotions toward a productive outcome. For example, Roger Fisher and I developed the *Core Concerns Framework* to help parties foster positive emotions and promote cooperative relations; this model has been shown to contribute to resolution in emotionally-charged political, business and family conflicts.[4]

A new puzzle of human nature emerges: If emotions substantially affect our rational decision making, what stimulates emotion? Anger does not appear out of thin air. Something happens within us that rouses our wrath. Through my research, I have found that emotions are often a function of identity: they act as *personal messengers* that let us know when aspects of our identity appear to be affirmed, threatened or denied. This third dimension of human experience – which I call *homo identicus* – is the foundation of human existence and coexistence, and it plays an enormous role in conflict resolution. In *Negotiating the Nonnegotiable,*[5] I propose that the core challenge of conflict is a threat to identity, which triggers the *tribes effect,* a divisive mindset that is adversarial, self-righteous and insular. The mediator's challenge is to help parties shift to a *communal mindset* from which they can work side-by-side, together, on their differences.

In my view, this third dimension of the human experience – identity – has been the least studied and is the most consequential for mediating culturally complex conflicts. Herein lies the major contribution of Katrina Abatis's conceptualization of "culturally oriented mediation" and her thoughtful case analyses of mediator, Zaza Johnson El Sheikh. Culturally based conflicts are amongst the most difficult to mediate because they tend to implicate sacred values that appear nonnegotiable. Each side's worldview feels fixed and incompatible with the other's perspective. While this situation can appear hopeless, Katrina provides a tripartite system for addressing these conflicts (a method that loosely parallels the three dimensions of human experience I have just described) and delves deeply into structural aspects of conflict resolution. Drawing on the mediation work of Zaza Johnson El Sheikh, Katrina conceptualises the novel role of *culturally oriented mediators* who situate themselves within the cultural context of the disputants, facilitate dialogue, and at times evaluate and propose potential avenues forward. In this model, the third party is a cultural insider who understands the depth

4 Roger Fisher and Daniel L. Shapiro, *Beyond Reason: Using Emotions as You Negotiate.* (New York: Penguin, 2006).

5 Daniel L. Shapiro, *Negotiating the Nonnegotiable: How to Resolve Your Most Emotionally Charged Conflicts,* (New York: Penguin, 2017).

of issues, nuance, lexicon, social structures and hidden meanings, biases and norms. This is a fascinating redesign of the role of mediator.

The concept of "culturally oriented mediation" raises important questions for the field of mediation. What is the role of a mediator? In what cultural contexts might it be acceptable – even encouraged – for third parties to offer substantive advice or moral or spiritual guidance? Should the field of mediation universally define the role of a mediator, or should it be more flexible to account for cultural variation and local moral and ethical standards? How deeply should mediators incorporate their personal selves into the conflict resolution process? Should third parties be cultural insiders or outsiders, and what are the benefits and risks of each type of affiliation? How can a culturally oriented mediator guard against bias toward one party or the other – and is the whole notion of "bias" simply an outsider's label for a culturally sensitive approach to conflict resolution? How can we determine the difference, and who is best positioned to do so: the cultural outsider or insider?

In a world that is both interconnected and culturally diverse, identity-laden conflicts are bound to occur, elevating the importance of mediators who have the knowledge and insight to navigate cultural conflict at the rational, emotional and identity-based levels. Katrina's study on culturally oriented mediation opens new realms of possibility for resolving these types of disputes – and I heartily recommend all mediators to contemplate this novel methodology in the spirit of discovering new pathways to resolve cultural clashes with skill, grace and humility.

Summary

Peacebuilding in a liberal Western democracy? For a long time, peacebuilding has focused on international actors building social cohesion in mostly non-Western countries following violent conflict, rather than thinking about problems at home. Yet structural inequalities exist throughout the world and conflicts are one result of this. This paper turns the spotlight onto the United Kingdom (UK) where growing polarisation threatens to undermine past social integration strategies and the population are increasingly questioning established institutions. Societies across the world are becoming more polarised and divisive politics feeds on people's underlying fears. Culture is often invisible to conflict parties who can only view the world with their own lens, thus value clashes can seem unsurmountable.

This paper presents a new framework for considering culture in conflict and its resolution inspired by the work of Zaza El Sheikh, a mediator who places culture and religion at the heart of her work. Through six case studies based on the breadth of her experience, the paper outlines the attitude and techniques of the mediator to address conflicts where these factors play a role. The cases touch on issues ranging from female genital mutilation to right-wing nationalism.

Culturally oriented mediation examines three dimensions that may arise in any given conflict: 1) tangible issues, 2) relationships and 3) collective dimensions (i.e. culture). These three dimensions may require specific mediation approaches. While they are intertwined and the degree to which these three dimensions arise differs from conflict to conflict, culturally oriented mediation is equipped to deal with all three dimensions, while classical Western mediation theory tends to focus only on the first two. The paper locates the culturally oriented approach to mediation in the broader literature using Cobb, Federman and Castel's epoch model of conflict resolution. I argue that 'culturally oriented mediation' is one strategy in tackling problems faced within polarised democracies.

Culturally oriented mediation often goes beyond classical mediation because the culturally oriented mediator seeks out entry points for peace practice and engages with parties who may be resistant to mediation efforts. The mediator also has a closer relationship to the parties, often entering their homes or communities, and brings in other elements to their mediation, such as training or coaching as the situation demands. Underlying the peace

practice is the mediator's non-judgemental position, grounded on a deep level of self-reflection in order to recognise their own biases and gain the trust of the parties. A culturally oriented mediator employs techniques of exploring taboos, religious reality testing, exposing social hierarchies, probing worldviews and making the legal boundaries and confidentiality constraints explicit. The mediator does not judge the success of the intervention with a signed agreement. Instead, the goal is a transformation of understanding on an individual or community level to contribute to societal change.

Policy makers have a role to play in this contribution to societal change. People in a polarised environment would benefit from having difficult conversations that discuss difference, rather than making it the elephant in the room. Policy makers can promote narratives that encourage constructive discussion of difference, including culturally oriented mediation. By leveraging different initiatives and a wide range of people, it may become possible to have a different discourse in society that acknowledges problems but celebrates diversity.

Introduction

This Mediation Resources paper attempts to deepen our understanding of mediating conflicts with cultural dimensions arising in contexts of social polarisation. Conflicts such as these have proliferated in Western democracies since 2001. I argue that in certain situations, what I term 'culturally oriented mediation and peace practice' is more effective in addressing these types of conflicts as compared with the conventional mediation approaches taught by predominantly Western institutions. Culturally oriented mediation builds on the strengths of conventional mediation while expanding the frame of reference. Conventional mediation training and literature often focus heavily on issues and relationships, but sometimes neglect the cultural context in which conflicts arise. Although some mediation scholars discuss culture as a facet of mediation and conflict[6], there is a scarcity of literature that explores this aspect with a focus on case studies of conflicts in polarised democracies. In this paper, I will define the specific features of culturally oriented mediation and explore its main advantages, challenges and relevance.

This research began with an empirical exploration of mediation practice rather than with theory. By interviewing an expert mediator working with multicultural communities in the UK, I realised some of her methods were different from those discussed in standard mediation textbooks and training courses. This led me to believe that we should learn from these approaches, by drawing out insights for practitioners and policy makers working in polarised societies who are interested in how to address conflicts with cultural dimensions. Western peacebuilding literature often presents societal conflict as something far away rather than on our doorstep. However, the increasing tensions in Western democracies will continue to grow unless we find new approaches to address them. The paper focuses on six case studies, of which the first three are individual cases within families and the final three are community cases. What is common to all of these conflicts is that they are heavily coloured by a difference in worldviews[7], and the interplay

6 For example, see the work of Michelle Le Baron, Jean-Paul Lederach, Kevin Avruch, Christopher Moore and Dekha Ibrahim Abdi / Simon Mason.

7 Worldviews are defined as "shared and embodied understandings of reality orienting social life", see: https://css.ethz.ch/en/think-tank/themes/mediation-support-and-peace-promotion/religion-and-mediation/wv-workshop-mainsite.html.

between different religious, ethnic and social identities for people living in a polarised society.

In the Western world, worldview conflicts may arise within both families and communities in a multicultural society; in many cases exacerbated by harmful narratives about the 'other' that are perpetuated by some politicians and media outlets. This paper uses the UK as an illustration of one polarised Western democracy where it is useful to understand the dynamics of culture in shaping conflict and approaches to resolve it. In the UK, polarisation is mainly "affective", meaning that in-groups in society coalesce by differentiating themselves from an out-group and perceiving the world with a bias shaped through this group affiliation and the emotions that accompany it.[8] Perhaps the clearest example of this is the construction of distinct identities in the Brexit debates. Although the 2016 referendum results and rhetoric cemented a division between Leaver/Remainer identities, it is important to note this dichotomy is not a complete picture of British society. Deep-seated fears surrounding cultural identity have also been growing in response to issues such as immigration and the financial crisis. Polarised democracies, including the UK, have functioning legal and democratic systems of governance built up over many years of tradition, but increasingly more of the populace distrust that these structures are impartial or effective. As polarisation increases, there is usually diminishing trust in existing governance structures, as well as between different sections of society.

I argue in this paper that culturally oriented mediation is one method for engaging with these types of conflicts. In culturally oriented mediation, the mediator not only has a mediation role, but also acts as a cultural translator to assist the parties in uncovering and understanding what seem to be opposing worldviews or values. A skilled mediator can help conflict parties understand the point of view of the other. To do this in a multicultural context, however, requires the mediator to simultaneously put the conflict parties and their own culture(s) under the microscope, and reflect on how these cultural dimensions are shaping the conflict and its potential resolution. Throughout this paper, I will show that when conflicts in these contexts intersect with cultural issues, culturally oriented practitioners who have the necessary skills and techniques are uniquely suited to engage in a way conventional mediators are not.

8 Bobby Duffy, Kirstie Hewlett, Julian McCrae and John Hall, *Divided Britain? Polarisation and fragmentation trends in the UK,* (King's College London: The Policy Institute, September 2019), 29.

Background

To understand the culturally oriented mediation approach outlined in this paper, it is important to understand: 1) the context in which it was developed, and 2) the mediator who has developed it in practice through a trial and error approach:

The Context

Immigration has always been a contentious topic in the UK, with different views on its benefits and challenges. The UK has a long history of immigration, and UK society reflects a multi-layered social fabric built up by different generations of immigrants, not all of whom were welcomed. Historically, many official policies in the UK have also proved to be purposefully obstructive to immigrants; evidence recently revealed regarding the mishandling of the Windrush affair is a clear example.[9] Politicians trying to take a tough stance on immigration has often led to snap policy decisions like the UK's Hostile Environment Policy[10] in 2014, which marginalised sections of UK society.

After the September 11, 2001 bombings in New York, the UK immediately adopted the United States' political rhetoric regarding the 'War on Terror' and this simplified narrative damaged public perception towards Muslims living in the UK. The UK's decision to join the US invasion of Afghanistan in October 2001 and to invade Iraq in March 2003 helped to entrench an 'us versus them' mentality. This mentality further intensified with the 7/7 London bombings in 2005, the Terrorism Act of 2006, as well as

9 The "Windrush Scandal" culminated in 2018, when it publically emerged that children of Caribbean post-war migrants to the UK had suffered discrimination, including deportations, evictions and job losses, after needing to prove their right to be in the UK. The history of this began in 1948 when the Empire Windrush, came to Britain bringing Caribbean migrants to fill labour shortages. The UK Home Office changed immigration policy over subsequent years, asking for official documents that were previously unnecessary and even destroying their own documents that proved the status of Windrush children. See: Wendy Williams, March 2020, *Windrush Lessons Learned Review,* OGL, https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/876336/6.5577_HO_Windrush_Lessons_Learned_Review_LoResFinal.pdf which states "race clearly played a part in what occurred" (pg. 13). See also: David Olusoga, *The Unwanted: The Secret Windrush Files* documentary, BBC: 13 June 2020.

10 The Hostile Environment Policy, enshrined in the Immigration Acts of 2014 and 2016, required institutions to check the nationality status of tenants, patients and employees and for them to report those without documents to the UK Home Office.

subsequent terrorist attacks in 2017 in Manchester and London. Further broad-sweeping societal changes in the same period, such as rapid globalisation and the financial crisis of 2008 contributed to the feelings of disenfranchisement of less affluent sections of UK society, further exacerbating divides. The Casey Review noted that the UK population had risen by 4.1 million between 2001 and 2011, largely due to immigration and a rising birth rate in predominantly immigrant communities.[11] Since 2020, the COVID-19 crisis has further highlighted the disparity among different cultural groups in the UK. Public Health England recently reported evidence that BAME (Black, Asian and minority ethnic) people have a much higher risk of death than amongst white British people.[12] Police enforcement of COVID-19 restrictions has also revealed disparities, as BAME people are on average fined more than white British for breaching the rules.[13] The atmosphere of mistrust between different cultural groups, exacerbated by poor policy decisions and public messaging has changed the way conflicts in and between multicultural communities can be addressed.

The Mediator

Zaza Johnson El Sheikh is a medical doctor and a lawyer, who renounced both professions to become a full-time mediator working in the most densely populated and ethnically diverse area of the UK.[14] Her approach to mediation inspired the label 'culturally oriented mediation' used in this paper. Zaza grew up in both Sudan and the UK, with a Sudanese Muslim father and a Caribbean Baptist Christian mother. After noting some gaps in her mediation training, she founded Belief in Mediation and Arbitration (BIMA), a charity that encourages dialogue across ethnic and religious

11 Commissioned in 2015 to look at integration in the UK, Dame Louise Casey, *The Casey Review,* (London: OGL, 2016).

12 Public Health England, "Disparities in the risk and outcomes of COVID-19", OGL: London, accessed 2 September 2020, https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/908434/Disparities_in_the_risk_and_outcomes_of_COVID_August_2020_update.pdf.

13 Aamna Mohdin and Vikram Dodd, "UK protesters accuse police of targeting black people during lockdown", *The Guardian,* 1 June 2020, https://www.theguardian.com/world/2020/jun/01/uk-police-accused-of-targeting-black-people-during-lockdown.

14 London is classed as the most ethnically diverse area in the UK in the 2011 Census – see: https://www.ons.gov.uk/peoplepopulationandcommunity/culturalidentity/ethnicity/articles/ethnicityandnationalidentityinenglandandwales/2012-12-11 (accessed 14 July 2017).

groups. Formative experiences such as her chastisement after making friends with a child who was from South Sudan shaped Zaza's understanding of prejudice and the irrationality of it. Rather than resenting prejudice, Zaza sees it simply as a lack of understanding which dialogue can help to untangle and resolve. Her vision for her work is to address cultural nuances in mediation, which she sees as being present but unacknowledged in many mediation processes.

Structure of the Paper

The paper is structured into four parts. I first clarify key terms and outline the conceptual framework to guide the reader through the case studies. Second, I use the conceptual framework to analyse individual cases, before going on to apply it to community cases. I conclude by summarising some of the key findings for both practitioners and policy makers working in similar contexts. UK policy makers have relied heavily on penal approaches to address social unrest, but these responses are often unsuccessful, costly and can further aggravate tensions. I argue that authorities should invest in a range of different measures, with culturally oriented mediation as one strategy to combat social polarisation. Policy makers can both support this type of mediation directly, as well as work to de-polarise the public narrative so fewer of these conflicts arise in the first place.

Conceptual Framework

In this section, I define key terms as well as develop the culturally oriented mediation framework, showing how it builds on but also differs from conventional mediation.

Definition of Culture

In addressing the issue of culturally oriented mediation, I wish to clarify how 'culture' is defined within the scope of this paper. Although this is a much-debated topic in academic literature, in this paper 'culture' has three defining features: it is unconscious, it creates a common group identity, and it affects all areas of an individual's life.

Unconscious Dimension of Culture

In Edward T. Hall's seminal text, *Beyond Culture,* he states: "Everything man is and does is modified by learning and is therefore malleable. But once learned, these behavior patterns, these habitual responses, these ways of interacting gradually sink below the surface of the mind and, like the admiral of a submerged submarine fleet, control from the depths."[15] As evoked in Hall's imagery, culture has a profound effect on systems of belief and, consequently, on choices and actions. In situations of conflict, unconscious cultural biases can hinder resolution or mutual understanding, as one party may find it impossible to comprehend how another conflict party comes to different conclusions from their own. Their understanding is that their perception is the only 'natural' way of seeing the world, denying the space for multiple realities.

Identity-creating Dimension of Culture

Culture is defined by LeBaron and Pillay as "the shared, often unspoken, understandings in a group" and the "underground rivers of meaning-making, the places where we make choices about what matters and how, that

15 Edward T. Hall, *Beyond Culture,* (New York: Anchor Books, 1989), 42.

connects us to others in the groups to which we belong."[16] Rather than operating at the individual level, culture constructs meaning amongst groups of people and leads them to identify with each other. This collective understanding builds a shared understanding of the 'rules' through a process of learning as children where the boundaries lie. Group bonds such as these can have important implications for conflicts like the ones described in the UK. The shared culture appears to connect individuals through an affiliation with other members who share the same values, but this can lead to conflict when an individual deviates from expectations or if these values clash with the ideas of other groups.

Interrelated Aspects of Culture

A third element of culture according to Hall is its interrelated nature: "you touch a culture in one place and everything else is affected."[17] As this quote implies, culture can create systems of meaning, either directly or indirectly, and it shapes all aspects of an individual's life. However, it is not the only factor influencing human behaviour and cannot be used to predict the way an individual will react under certain circumstances, despite the fact that it does play a role. Consequently, any conflict resolution practitioner must be able to recognise this complexity and understand that there is no blueprint to conflict resolution activities, but that any practice needs to be adaptable.

Definition of Mediation

Zaza understands mediation as a voluntary process in which parties engage with a third party to achieve settlement when they have not been able to resolve the conflict on their own. Mediators should be non-judgemental, unbiased and independent. She describes the role of the mediator as exploring the stories of each party, before distilling down the issues in dispute to discover if there is room for negotiation that can take them to a place of settlement. Her explanation largely accords with mediation practices as described by other scholars and practitioners, including Moore's influential

16 Michelle LeBaron and Venashri Pillay, *Conflict Across Cultures: A Unique Experience of Bridging Differences,* (Boston: Intercultural Press, 2006), 14.

17 Edward T. Hall, *Beyond Culture,* (New York: Anchor Books, 1989), 16.

definition of mediation[18], which has been reproduced in many textbooks[19] and training courses in the Western world. I refer to this definition throughout this paper as 'classical mediation' based on its prevalence. However, the following case studies show how cultural dimensions require the mediator to focus less on negotiation or problem-solving and more on developing a deepened understanding between conflict parties. They also demonstrate how a mediator can use other skills, including coaching and facilitation techniques, to move towards a peaceful resolution of conflict before, in parallel and after a more classical mediation process. Coaching is defined as "partnering with clients in a thought-provoking and creative process that inspires them to maximise their personal and professional potential."[20] For this reason, I sometimes refer to the third party role as a "peace practitioner" in the paper where the cases are not about reaching a signed agreement, but about a third party using a range of skills to assist the conflict parties in moving away from conflict and towards peace.

Styles of Mediation and Peace Practice

In situating culturally oriented mediation, it is helpful to understand the different styles of mediation and conflict resolution in terms of the literature. Cobb et al. provide a historical overview of conflict resolution, breaking it down into three epochs, under which they categorise dominant forms of discourse shaping understanding of conflicts and approaches to resolving them.[21]

"Epoch One" arose in response to the threats of the Cold War, and the dominant school of thought was premised on rational actors within a framework in which humans are inherently aggressive. The needs of the individual are central to this viewpoint and thus in the context of mediation, the medi-

18 "...a conflict resolution process in which a mutually acceptable third party, who has no authority to make binding decisions for disputants, intervenes in a conflict or dispute to assist the parties to improve their relationships, enhance communications, and use effective problem-solving and negotiation procedures to reach voluntary and mutually acceptable understandings or agreements on contested issues" Christopher Moore, *The Mediation Process Fourth Edition,* (San Francisco: Jossey-Bass, 2014), 20.

19 For example, Kenneth Kressel, J. Bercovitch.

20 The International Coaching Federation (ICF), "About ICF", 2020, accessed 14 October 2020, https://coachfederation.org/about.

21 Sara Cobb, Sarah Federman and Alison Castel (eds.) *Introduction to Conflict Resolution Discourses and Dynamics,* (London: Rowman & Littlefield, 2020), 4.

ator's role is to assist conflict parties in finding concrete solutions by helping them uncover the underlying interests and needs. Within this depiction, I categorise issue oriented mediation (meaning that the issues in the conflict are the focus of the mediation) as part of "Epoch One." The mediation process and its structure is therefore at the forefront of this mediation style.

In comparison, "Epoch Two" arose in the context of the Bosnian war and Rwandan genocide in the 1990s. This understanding of conflict focuses on humans' inability to coexist when their foundational identity is challenged, and it is here that Cobb et al. situate conflict resolution approaches based on gender, religion, culture and ethnicity. They also locate dialogue and reconciliation processes here. I correlate this with relationship oriented mediation (where relationships rather than issues are the focus), which aims to bring about relational change and moral growth through a process of conflict resolution that goes deeper than the issues themselves. The goal is that conflict parties experience empowerment and recognition through the mediation, which can continue into their everyday lives.[22] The mediation process tends to be more fluid and less structured, concentrating on specific moments where relationship patterns become visible and healing can take place. Empowerment comes from letting parties come to their own conclusions, and the mediator helps facilitate mutual recognition where parties are able to listen to each other and undergo a process of reconciliation.

Relationship oriented mediation in part seeks to address what Fisher and Shapiro refer to as the five core relationship concerns: appreciation, affiliation, autonomy, status and role. In their book *Beyond Reason: Using Emotions as you Negotiate,* they outline how each of these core concerns psychologically affects participants, and how it can hinder or help negotiations.[23] They argue that these core concerns are behind what people experience as positive or negative emotions in negotiation. When successful mediation meets all the relevant core concerns, the issues of the conflict themselves can become more easily addressed or less relevant to the parties. I use Fisher and Shapiro's five core concerns as a conceptual tool throughout the paper, as it is useful in clarifying and highlighting the interpersonal relationship issues

22 Robert A. Baruch Bush and Joseph P. Folger, *The Promise of Mediation,* (San Francisco: Jossey-Bass, 1994), 84. Here it is referred to as "transformative" mediation.

23 Roger Fisher and Daniel L. Shapiro *Beyond Reason: Using Emotions as you Negotiate,* (Penguin: New York, 2006).

across the case studies, although there are many other ways of understanding relationship oriented mediation.[24]

Cobb et al. argue that in "Epoch Three", which followed the 9/11 attacks, coexistence and cultural sensitivity become "unviable" without an identifiable state enemy. Wider social structures, rather than the individual, are central in shaping the conflict. Instead of coexistence, living in tension is more probable. Importantly, "conflict is described as a function of not just who *they* are but who *we* are in relation to them."[25] Rather than the innocuous problem-solver, the mediator becomes the intervener, who has an active presence. Cobb et al. highlight the importance of "self-reflexivity" for conflict parties and the practitioner in seeing how their own system of beliefs and resulting actions are interconnected to conflict systems on a micro- and a macro-level. Noone is exempt from culpability in perpetuating inequality or conflict. The conflict resolution practitioner thus has a more important part to play in social transformation, critically reflecting on their own role and responsibility for decreasing marginalisation and finding pragmatic solutions.

Although Cobb et al. locate cultural approaches in their conflict resolution model as Epoch Two, I would argue that culturally oriented mediation is better situated in Epoch Three, as it starts from the premise that culture shapes multiple perceptions of truth and requires the mediator, as well as the conflict parties, to examine their own belief systems and uncover prejudice. Rather than purporting to an Epoch Two coexistence model, which I understand to be advocating for societal tolerance, it asks citizens to take a step further in having difficult conversations where contentious topics (the proverbial "elephants in the room") are discussed, while acknowledging that people may continue to hold different opinions, values and worldviews. In their book, Cobb et al. mainly explore the technique of narrative mediation as a suitable style of conflict resolution in Epoch Three. Narrative mediation focuses on understanding and engaging with the discourse that underpins conflict by revealing the inconsistencies in the conflict stories we tell ourselves. The mediator assists the parties in deconstructing the dominant storylines to create alternative solution-based narratives. This model shifts the

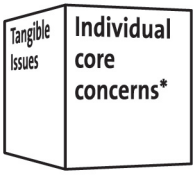
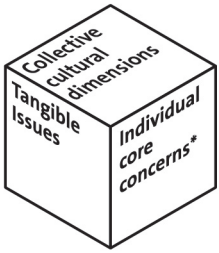
24 For example, Professor Manfred Max-Neef's model of the nine fundamental human needs: protection, affection, understanding, participation, idleness, creation, identity, freedom and subsistence: https://www.youtube.com/watch?v=6TwBtT_KRVE.

25 Sara Cobb, Sarah Federman and Alison Castel (eds.) *Introduction to Conflict Resolution Discourses and Dynamics,* London: Rowman & Littlefield, 2020), 12.

focus to include the conflict resolution practitioner themselves and the social system (or discourse) in which they play a part.

In my interpretation of Cobb, through the three epochs, the main focus shifts from a more highly structured mediation process focusing predominantly on issues, to a process which holds the relationships as central and finally to a process where the mediator and social structures underpinning the conflict are key because they provide the 'meaning-making' for both the issues and relationships. Figure 1 thus demonstrates this shift through the epochs.

Figure 1

Epoch 1 Issue oriented mediation	**Epoch 2** Relationship oriented mediation	**Epoch 3** Culturally oriented mediation
		
- Legal arrangements - Physical security - Health	- Affiliation - Appreciation - Autonomy - Status - Role	- Value differences - Social and religious identity - Frame of reference for justice
Issue-focused mediator *Goal: signed agreement*	*Relationship-focused mediator* *Goal: changed relationship*	*Culture-focused mediator* *Goal: transformation of understanding*

* Examples of individual core concerns adapted from Fisher and Shapiro (see above)

Culturally oriented mediation builds on the conflict resolution approaches within Epochs One and Two, but has a larger scope than this. Through a mediation process, it attempts to transform understanding between all the parties, including the third party (mediator), rather than the narrower goal of

a signed agreement (issue oriented mediation) or a changed relationship (relationship oriented mediation) between the conflict parties.

Zaza incorporates elements of issue oriented mediation in the case studies to address tangible issues at stake, for example for health, physical security and legal arrangements. This is particularly true in situations where parties require a signed agreement. By following a mediation process, which gradually builds trust, Zaza can assist the conflict parties to shift from positions, which what the parties say they want, to interests, which are the underlying reasons for why they want this.[26] In classical mediation, this technique is often used to open discussions and reach agreement.

Using elements of relationship oriented mediation, Zaza is able to delve deeper into the individual psychological concerns of the conflict parties. By addressing the core concerns of appreciation, affiliation, autonomy, status and role[27], Zaza builds connection with the conflict parties and facilitates moments in the dialogue where conflict parties are able to hear each other.

In the case studies that follow, there are issues that can be classified as tangible issues and those classified as relational concerns, but there are also cultural dimensions at play that act collectively to influence a group. Mediation as traditionally practised in the West has left the mediator feeling little imperative to examine the larger collective cultural dimensions of the conflict, instead concentrating on the individual issues brought by the parties, or occasionally on the relationship between them. As the multicultural makeup of countries such as the UK shifts, these skills and an awareness of how culture can shape conflict become increasingly important. In cases where collective cultural dimensions are key to the conflict, the mediator should be rooted in a culturally oriented mediation approach. Like the elephant in the room, many mediators do not acknowledge the invisible but enormous role that culture can play, and once this is manifest, the mediator can better support conflict parties in addressing the conflict.

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26 Roger Fisher and William Ury, *Getting to Yes: Negotiating an Agreement Without Giving In,* (London: Random House, 2012).

27 Daniel L. Shapiro, *Negotiating the Nonnegotiable: How to Resolve Your Most Emotionally Charged Conflicts,* (New York: Penguin, 2017), 80.

Culturally Oriented Mediation

There are three components of culturally oriented mediation, as follows:
1. identifying collective cultural dimensions
2. adapting mediator's role and attitude
3. adapting mediator's techniques

Figure 2: Consolidated Model of Culturally Oriented Mediation and Peace Practice

Identifying Collective Cultural Dimensions
- Value differences
- Social and religious identity
- Frame of reference for justice

Mediator's Role and Attitude
- Close relationship
- Without an explicit mandate
- Active and fluid role
- Non-judgemental

Mediator's Techniques
- Exploring taboos
- Religious reality testing
- Exposing social hierarchies
- Probing worldviews
- Explaining legal boundaries, confidentiality even more explicit

Identifying Collective Cultural Dimensions

Culturally oriented mediation is particularly important in situations where collective cultural dimensions affect the conflict and its resolution. In this paper, collective cultural dimensions are categorised as value differences, social and religious identity and varied frames of reference for justice, which operate on a societal rather than on an individual level, making resolution difficult. When a mediator notes that these factors are shaping the conflict, they can apply culturally oriented mediation. A mediator who actively tries to identify and engage with cultural elements will focus on exploring value

differences, establishing how social and religious identities are constructed within the conflict between participants, the mediator, the institutions and the different frames of reference for justice that are at play.

Mediator's Role and Attitude

The role and attitude of the mediator in culturally oriented mediation are defined to emphasise and engage with different dimensions than those considered fundamental in classical mediation. The four defining attributes of a culturally oriented mediator are as outlined:

Close Relationship

Mediation as practised in the West usually professionalises mediation in the format of a mediation service run by practitioners offering their services and expertise to clients. This often results in a seemingly top-down relationship between the mediator and the conflict parties, and its resemblance to a business transaction limits the scope for any kind of relational closeness. The practitioner of culturally oriented mediation, as based on the examples in this paper, more frequently operates in a space embedded within the community (e.g. community centres or at the homes of the parties), or develops a closer relationship with the conflict parties to shift the emphasis away from a hierarchical structure. The closeness has some similarities with the United Nations Development Programme's (UNDP) definition of insider mediators, classed as "credible figures, groups or institutions internal to a conflict, who are able to use their influence to play a role – often largely behind the scenes or in undefined capacities – which directly or indirectly influences the trajectory of conflict in a constructive manner."[28] In this paper, Zaza is both an insider and an outsider, because of her wide-ranging experience (doctor, lawyer, religious teacher and mediator) and her status of trust from building networks through a variety of community services and having a mixed religious and cultural upbringing.

Without an Explicit Mandate

Classical mediation centres around a process which generally only begins with the express consent of all parties. In the case studies that follow, when

28 UNDP, *Supporting Insider Mediation: Strengthening Resilience to Conflict and Turbulence,* (New York, 2014), 8.

required, the mediator attempts to engage parties to work towards mediation without an explicit mandate from one side. This is a pragmatic decision guided by the belief that the purpose of the intervention is to bring about peace. A central idea in classical mediation is that mediation should be voluntary. It is important to note in the cases that follow that the parties still have a choice to engage or not with the mediator; they ultimately do not *have* to enter into a dialogue. Instead, the mediator finds engagement by approaching the parties in a non-traditional manner, where a more traditional approach may fail. There could be an increased risk with this approach, as the parties may be more hostile or may view the mediator as biased. However, the mediator can counter this with their attitude and use of specific techniques, such as a facilitating a longer mediation process and engaging in a non-threatening manner to build trust.

Active and Fluid Role

A culturally oriented mediator will naturally have to take an active approach to engaging with mediation participants. As described above, the mediator may even choose to engage a party without a formal mandate. From the outset, a culturally oriented mediator is less passive than a conventional mediator, particularly when it comes to setting up the mediation. In addition, the role is more fluid as the practitioner must be willing to shift roles from a mediator, dialogue facilitator, trainer and coach throughout the process as required.

Non-judgemental

While Western mediation often holds up neutrality or impartiality as a sacred tenet of mediation, in the culturally oriented mediation developed here, a non-judgemental stance and engaged impartiality is more important. Impartiality suggests a fair and equal treatment of both conflict parties, but is often associated with a certain distance and detachment by the mediator. This idea comes out of a Western approach to mediation, developed from standards within the legal profession, with the mediator as the impassive observer, removed from what they are experiencing. A non-judgemental stance with engaged impartiality, in comparison, asks the mediator to question their own culturally conditioned framework of how they consider morality and justice during the mediation process whilst remaining connected to their humanity. A non-judgemental stance is a mindset that goes deeper than simply displaying impartial behaviour in an aloof manner. The

culturally oriented mediator may identify as an insider or an outsider, but also reflects on how their own worldviews may be colouring what they hear and brings this self-awareness to the process. As the text from Cobb et al. demonstrates, the mediator themselves is included in the process and their identity clearly plays a role in how conflict parties interact and respond to the intervention, which shapes the outcome. Consequently, being non-judgemental and remaining non-biased is key because the goal of culturally oriented mediation is not a signed agreement, but a transformation of understanding for joint action or improved coexsitence. In addition, culturally oriented mediation specifically addresses prejudices and cultural practices, which conventional mediation sometimes ignores. Without a non-judgemental attitude and equitable process, the conflict parties will not see the mediator as respectful or authentic. This calls for a deep level of self-awareness, reflection and careful communication on the mediator's part.

Mediator's Techniques

The techniques of the mediator in culturally oriented mediation are designed to address the level of value differences, social and religious identity and frames of reference for justice in the mediation process. The five specific techniques of a culturally oriented mediator are as outlined:

Exploring Taboos

Taboos and the penalties for breaking them enforce 'acceptable' social behaviour, which is determined by a cultural understanding of what is defined as good and bad. This links back to LeBaron and Pillay's emphasis on how group identity is formed through culture. In classical mediation, taboos are rarely broken down into the cultural constructs that underpin them. As culture and its influence on an individual is often unconscious, exploring taboos is a way of addressing the elephant in the room directly but with sensitivity during mediation.[29]

Religious Reality Testing

Reality testing[30] is a tool often used in classical mediation, which uses a third party perspective to explore whether assumptions will hold under the strain

29 See also Daniel Shapiro *Negotiating the Nonnegotiable,* (New York: Penguin, 2017).

30 Keyao Li and Sai On Cheung, "Embracing Debiasing in Mediator's Tactic of Reality Testing", *Journal of Legal Affairs and Dispute Resolution in Engineering and Construction,* February 2020, Vol. 12 Issue 1, https://ascelibrary.org/doi/10.1061/%28ASCE%29LA.1943-4170.0000359.

of everyday life. It is particularly useful when testing agreements for their feasibility. Religious reality testing is similar, but draws upon scriptural guidance to explore how cultural perceptions, which may not have a connection to religious texts, can be measured against these standards. For example, in the case of someone who believes their actions are in line with religious motivations, showing how cultural constructions rather than a religious basis has informed their behaviour.

Exposing Social Hierarchies

As Cobb et al. refer to in their description of Epoch Three conflict resolution techniques, the mediator has a responsibility to address social hierarchies in their relationship with the parties, as well as in the relationships between the conflict parties. In some of the following case studies, the mediator makes direct reference to the power structures in place. In conventional mediation, social hierarchies are less central and the practitioner tends to note them in a surreptitious rather than explicit fashion, e.g. when they invite a less powerful party to speak first, or make a decision regarding whether to continue the mediation if the power balance is too asymmetrical.

Probing Worldviews

The decision to directly open worldviews up for discussion (not debate) is a key component of culturally oriented mediation in comparison to conventional mediation, where a problem-solving approach tends to ignore worldview differences. Discussing worldviews requires that the mediator has a sufficient level of cultural sensitivity to lay out the frames in which the conflict parties see the world, and successfully navigate through them so that the idea of one overarching reality is called into question and participants can explore multiple interpretations.

More Explicitly Explaining Legal and Confidentiality Boundaries

The issues that come up in culturally oriented mediation are more likely to be sensitive than in classical mediation. Conflict parties may have frames of reference for how they see justice that may be at odds with how justice is seen in a different cultural context, or how the justice system operates in the country they are living. This is in addition to the multiple expectations conflict parties will have for conflict resolution itself. The boundaries of the law provide a framework in which mediation can operate, which the conflict parties may not implicitly understand. Confidentiality is key in all mediation

work, despite the fact that in some cases legal boundaries may necessitate a breach in confidentiality. The sensitivity around topics that come up in culturally oriented mediation make it essential that the mediator clearly communicates the limits of confidentiality in the mediation process. In the case studies that follow, Zaza clarifies UK legal boundaries and sometimes has to breach confidentiality for this reason. The dilemmas and ethical questions of which issues to mediate and when to break confidentiality arise in all mediation processes, but are particularly prevalent in culturally oriented mediation, which would be interesting to explore in a further study.

Summary

The conceptual framework has defined 'mediation' and 'culture' in the scope of this paper, explained where culturally oriented mediation is located in the model of conflict resolution as outlined by Cobb et al. and developed an outline of culturally oriented mediation. As Figure 2 shows, there are three steps in culturally oriented mediation: identifying collective cultural dimensions, embodying a specific role and attitude (which includes four elements), and using five specific techniques. While the mediator's role and attitude is largely internalised and reflects their relationship to the parties, the techniques are methods that the mediator adopts as required during the mediation process. Parts One and Two of this paper will explore the case studies on which the model is based.

Part One

Individual Mediation and Peace Practice

All the case studies are structured in a similar way. I first elaborate on the policy setting and provide a brief background to introduce the specific case example. Second, I categorise the tangible issues and the relational core concerns. Third, I explore the identification of culture in the conflict and the mediation role and techniques as relates to Figure 2, before concluding with an overall analysis section.

The cases were selected to reflect a wide scope of issues that have arisen in Zaza's experience. In all cases, the effects of culture can clearly be seen within the conflict and in the methods for its resolution – radicalisation, shame-triggered violence (popularly known as honour-based violence) and female genital mutilation. Each demonstrates a small piece of a broader spectrum of the changing social realities of the UK, which impact and are impacted by both domestic and foreign policy changes. The outcome of the cases also demonstrates some of the breadth of possible resolution techniques.

Case Study 1: Radicalisation

Policy Setting

The British Government has grappled with the idea of youth radicalisation in the UK by launching a scheme known as Prevent, a subsection of the wider CONTEST strategy. The aim of the Prevent scheme is to stop terrorism and undermine the support for it. The Counter-Terrorism and Security Act 2015 made it a legal requirement for certain agencies to report where they perceived a threat to national security. It set out a programme called "Channel"[31], described as a multi-agency approach to identify those at risk, define the scope of the risk and to develop a support plan accordingly. Section one of the Channel guidance explains that preventing terrorism "will mean challenging extremist (and non-violent) ideas that are also part of a terrorist ideology."[32]

Case Background

Prior to the establishment of the Channel programme for cases of suspected radicalisation, Zaza's contact in the local police referred the case of a 15-year-old boy named Mustafa[33] to her. Mustafa was a British boy of Pakistani descent and the police had identified him as someone vulnerable to radicalisation because he had expressed sympathies with Islamic State (IS). His referral to Zaza came after his expulsion from school at age 12, subsequent schooling in Pakistan and finally a series of personal tutors provided by the county. He refused to engage with his tutors and Zaza became the last port of call. Mustafa's father was disabled and introverted and his mother was the head of the household. It was her decision to send him to relatives in Pakistan after his expulsion and entanglements with the police. In this case, Mustafa had already decided that he wished to join IS as soon as he was 16 and old enough to travel without parental consent. The UK police forces have come to understand through prior experience that it is impossible to prevent young people from travelling if they have firm intentions, but hoped

31 "Channel and Prevent Multi-Agency Panel (PMAP) Guidance", *GOV.UK*, accessed 14 August 2019, https://www.gov.uk/government/publications/channel-guidance.

32 "Channel Duty Guidance: protecting vulnerable people from being drawn into terrorism", *HM Government*, published April 2015, https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/425189/Channel_Duty_Guidance_April_2015.pdf.

33 Mustafa is an assumed name to protect the identity of the person involved.

that talking matters through would help Mustafa. In the end, the intervention stopped after eight sessions (five with Mustafa and three with his mother) because the police arrested Mustafa for drug dealing.

Figure 3

Tangible issues
- Domestic violence
- School exclusion
- ADHD
- Criminality

Individual core concerns
- Roles within family (mother and son)
- Autonomy of son's decision making
- Affiliation within family
- Appreciation within family
- Son's role in life

Collective cultural dimensions
- Value differences (education)
- Social and religious identity

Tangible Issues and Individual Core Concerns

This case contains tangible matters such as criminality, as the police cautioned Mustafa for riding a quad bike on the wrong side of a motorway without a driver's license. Mustafa was excluded from school after he disrupted classes and afterwards he was diagnosed with Attention Deficit Hyperactivity Disorder (ADHD), which affects behaviour and has symptoms such as inattentiveness, hyperactivity and impulsiveness. Mustafa's mother feared her son would commit domestic violence against her, as he had thrown a gift back at her and their relationship had grown increasingly acrimonious.

From Mustafa's perspective, the delayed ADHD diagnosis and his exile in Pakistan was proof of rejection by his mother. His sister, with whom he was close, was married off at a young age, as he saw it, to get rid of her. Conversely, he viewed his mother's attention towards his older brothers' academic life in stark comparison to his own. His exclusion from school and from his immediate family led him to conclude he had no role within the family or in his life. The fact that his mother sent him to Pakistan also impinged on his autonomy, as he was powerless to make a different decision. He reacted by rebelling against his mother's extended family, who struggled to keep him in the confines of their household and were compelled to ask his mother to take him back after nine months.

The case touched on the core concerns of affiliation and appreciation within the family unit, both by the mother and the son. His mother wanted her son to understand that it had not been an attempt to abandon her son by sending him to Pakistan, but she was trying to do the best thing for him. Mustafa felt discarded as a family member and due to his growing sense of disconnection, he was disrespectful in his behaviour to his mother. Consequently, she felt completely unappreciated by her son and believed his actions undermined her role as an authoritative figure with control over his upbringing.

Identifying Collective Cultural Dimensions

Collective cultural elements permeate this case, notably the value clash between Mustafa's experience at a UK school and his education in Pakistan, which came at a time when he was particularly receptive to something that could give his life meaning. The madrassa (school) in Pakistan strongly promoted the idea of the West as the enemy, thus clashing with values taught in his UK school, which he felt had rejected him. His referral to Zaza came because he was alluding to non-Muslims as "kāfirs"[34], terminology he had not been using before he went to Pakistan. Mustafa was convinced that a white English boy would not have been dismissed from school in the same manner he was and this signalled to him the antipathy of mainstream British society towards Muslims. Mustafa felt that there was not sufficient reason for his exclusion, especially because of his ADHD diagnosis. He concluded that the education system in the UK was built on lies and could not offer him anything.

Mediator's Role and Attitude

The mandate for the case came from the local police force. The Troubled Families Programme[35] funds initiatives that assist social change. In these types of cases, a member of the police was always present in the house, but in a different room, allowing for the necessary level of privacy.

In this case, Zaza combined a flexible model of both coaching and mediation skills to build rapport over time. The coaching elements were a mix of role modelling and teaching to explore Mustafa's choices in his life.

34 Meaning "unbelievers" in Arabic, but this term is often used in a derogatory manner.

35 "The Troubled Families programme (England)", *UK Parliament*, accessed 2 September 2020, https://commonslibrary.parliament.uk/research-briefings/cbp-7585.

She chose this approach because of Mustafa's vulnerability as he was in the midst of a radicalisation process and was convinced that he was doing the right thing. Mustafa refused to have a joint mediation session with his mother, so Zaza adapted her method to run parallel sessions with them both, building rapport on both sides. She developed a close relationship with the mother and son by holding eight sessions with the family without any specific expectations for the two of them. The sessions began with a wish to explore without imposing judgement as to where they would lead. Depending on what emerged in the sessions and the amount of trust built during this time, it is possible that the process could have led to a mediation between the mother and the son but there was no prescribed outcome.

Mediator's Techniques

The sessions with Mustafa were at the family home, where Zaza was explicit in stating that she would have to report anything revealed that would endanger or harm others to the police (who were present in the kitchen). Mustafa's mother did not feel comfortable doing the sessions while her son was present so Zaza used her office as a venue to explore the mother's fears around safety both from and for her son. The goal of the process was therefore not as expected in a classical mediation situation, ending in a signed agreement, but rather for Zaza to guide Mustafa to explore his beliefs critically and to assist his mother in dealing with Mustafa's attempts to find meaning in his life.

At their first introduction, Mustafa called Zaza 'auntie'. She understood this as a cultural norm for younger people when addressing older people within a Muslim tradition. Zaza started the first session by explaining to Mustafa that she did not expect cultural deference from him. In contrast, she was shocked to realise that he spoke to his mother using derogatory language, replete with expletives that were incongruous with his cultural upbringing. This initial observation provided an entry point to explore the feelings he had towards his mother in the second session and to remind him of the teachings of Islam in regard to respect for parents. She further explored relationships within Mustafa's family, when she tested how Mustafa would feel about leaving his sister, the member of his family that she knew was important to him, if he left to join IS. Mustafa rebuffed this stating that his sister had expressed an interest to help him leave due to her own experience of a forced and unhappy marriage. Zaza also offered him a trip to a local prison to see where he would ultimately end up if the police caught him due

to his criminal activities. He panicked at this suggestion, showing his vulnerability behind the confident veneer for the first time, and declined the visit.

Analysis

In stating his intention to do "Allah's work" by joining IS, Mustafa was looking for a sense of belonging as well as a new role in which he could feel fulfilled and needed. The cultural components of the case are therefore not those that come up in conventional mediation and need to be sensitively handled by a peace practitioner who understands the context and who addresses cultural issues. In addition, the sensitivity of the subject material also means that a practitioner has to tread with extreme care in reflecting on ethical issues and following the kind of self-reflexivity or reflection advocated by Cobb et al. (see Conceptual Framework).

By subverting Mustafa's cultural expectations of how he should treat an older person, Zaza was able to address Mustafa's core concern of autonomy. She removed conventional social hierarchies by placing him on an equal level to allow him to speak more freely to her. Zaza also was able to use religious references to question him on his beliefs regarding his mother, which allowed for a deeper exploration and understanding of the issues. Whilst religious references can only be used by those who have a thorough understanding of the religion (in this case Islam), for a peace practitioner it provides a unique way of reality testing by highlighting the inconsistencies in behaviour with those advocated for in scriptures.

Zaza combined mediation skills with coaching, which was appropriate in this situation due to Mustafa's unwilligness for mediation and young age. Furthermore, Zaza views mediation as two equals who have fallen out coming to the table, which in this case was not true. Mustafa's viewpoint was that his behaviour towards his mother was without reproach because she deserved this and was not a good Muslim. From the beginning, he used his interpretation of Islam to justify his actions. Understanding that Mustafa would not easily see fault in the treatment of his mother, Zaza chose to be more directive by coaching. She questioned him on his education and employment opportunities in an effort to help him develop his own ideas about what he wanted, as Zaza believed he could benefit from some direction to help him find fulfilment. IS, in its propaganda, manipulates these same needs by appealing to people's desires for a sense of purpose and affiliation within a wider community. Coaching elements and a long pre-mediation phase (several meetings) helped develop a closer relationship by building up the

substantial levels of trust needed to overcome Mustafa's barriers. Mustafa's previous experiences had left him scarred, and he believed that adults (family members and school authority figures) were untrustworthy. Holding sessions in the family home also narrowed the authority gap between Zaza and Mustafa, in comparison to the professional atmosphere of a meeting room or an office, which would have widened it.

The Prevent scheme, in its first iteration, was widely criticised by teachers, academics, NGOs and health service workers because of the way it appeared to single out Muslims for monitoring and to advocate for a style of surveillance reminiscent of Orwell's *1984*. It has subsequently been amended but continues to have shortcomings. The Channel guidance identifies ideas as a potential cause for concern, even "non-violent" ones, but this is not developed further. This lack of clarity indicates authorities are still struggling to provide clear guidance on identifying at-risk individuals. Prior to the Channel programme, Zaza's relationship with the local police created entry points for mediation and coaching which are no longer possible. Many people from the UK Muslim community distrust the Channel programme due to its tainted reputation. Consequently, Zaza can no longer informally engage with parents who have concerns regarding their children. The space for working on these issues at an early stage is now very limited. However, it is precisely at the early stages of radicalisation where peace practitioners could have a role to play, albeit treading with extreme sensitivity and with explicit reference to the limitations of confidentiality. It would also be useful for policy makers to engage with peace practitioners and people embedded within the community who have experience, to find other ways of engaging with individuals who feel disenfranchised by British society. In this case, for example, there were several signs that British mainstream systems were not serving Mustafa before he turned to radicalisation. Culturally oriented mediation and mentoring can provide a platform for listening to those who do not feel heard and can supplement other schemes that practically engage people.

Case Study 2: Shame-Triggered Violence

Policy Setting

Shame-triggered violence (STV) is the term that Zaza prefers to use for what the UK authorities, such as the UK Home Office and Crown Prosecution Service, refer to as honour-based violence (HBV). Awareness and classification of this type of violence is still in its infancy. In November 2017, the Guardian newspaper reported that only 5% of 'honour crimes' are referred for prosecution in the UK[36], although reported cases have increased by 53% since 2014[37], when forced marriage was criminalised in the UK. This issue is slowly coming into the public eye in the UK, with several high profile cases sparking national attention in the past 20 years. For example, a 2012 documentary called "Banaz: A Love Story" and a 2020 TV series called "Honour" both focused on the story of Banaz Mahmod, who was killed by her family in 2006. Banaz's sister hopes that making this story public will raise awareness of STV and stimulate a wider discussion in UK society.[38]

The Honour-Based Violence Awareness Network states: "HBV tends to be committed in communities that are 'high-context', i.e. those in which the family or community is considered preeminent rather than the individual."[39] In addition, the Guardian newspaper reports that the crime "disproportionately affect[s] women from ethnic minorities."[40] In an increasingly multicultural society, emerging issues like these, which intersect the boundaries of culture and law, need to be discussed and brought out into the open. This is not to suggest that mediation bypasses the law or criminality is negotiated, but rather that there are many cultural issues under the surface that need to

36 Hannah Summers, "Only 5% of 'honour' crimes reported to police are referred to CPS", *The Guardian,* 7 November 2017, www.theguardian.com/society/2017/nov/07/only-5-of-honour-crimes-reported-to-police-are-referred-to-cps.

37 "53% Rise In "Honour" Based Violence Cases Reported To The Police Since The Criminalisation Of Forced Marriage", *Iranian and Kurdish Women's Rights Organisation (IKWRO),* published 8 November 2017, http://ikwro.org.uk/2017/11/violence-criminalisation-marriage. Research based on sending Freedom of Information requests to every police force in the UK.

38 Flora Carr, "ITV's Honour: sister of Banaz Mahmod is 'pleased the conversation is being had'", *RadioTimes,* 14 September 2020, https://www.radiotimes.com/news/tv/2020-09-14/honour-itv-drama-payzee-mahmod.

39 "Honour Based Violence", *Honour Based Violence Awareness Network,* accessed 2 August 2018, http://hbv-awareness.com/honour-based-violence.

40 Hannah Summers, "Only 5% of 'honour' crimes reported to police are referred to CPS", *The Guardian,* 7 November 2017, www.theguardian.com/society/2017/nov/07/only-5-of-honour-crimes-reported-to-police-are-referred-to-cps.

be disentangled through dialogue. Sensitivity is also key in addressing this highly emotive subject. It is vital that the government prioritise addressing STV as the Iranian and Kurdish Women's Rights Organisation (IKWRO) note that in their seven years of research in the UK, they have seen cases "recorded in every police force across the country, which shows that it's a national problem that requires a national response."[41]

Case Background

Zaza has worked on 23 cases of STV, of which two relate to men and the rest to women. In Zaza's opinion, the cases relate to shame rather than honour, which is an important distinction to make. The word for honour in Arabic ("sharaf") is associated with courage and hospitality, neither of which are present in these shame-based situations. Zaza explains the intensity of the stigma of shame in high-context cultures, when she states "shame is perceived as a threat to the family's very survival."[42]

In one specific instance, a woman called Maryam[43] contacted Zaza because she was ostracised by her family due to her relationship with a man who was previously married to her older sister. The background to the case was that this man, originally introduced to the family with a view to marry the older sister, had met the family but found he liked the younger sister. Not wishing to upset the customary role society had placed upon him, he had agreed to marry the older sister, but the relationship broke down less than a year after marriage and the couple divorced. Two years after the divorce, Maryam formed a relationship with her sister's ex-husband and they married without the blessing of her family. In the eyes of Maryam's family, this was such an aberration of cultural norms and expectations for an eligible marriage partner that they warned her that they would kill her if she tried to visit the family home. Sometime later, Maryam learnt that her mother was seriously ill and she contacted Zaza to see whether there was the possibility of negotiating safe passage to visit her mother. The intervention ended without an agreement for Maryam to visit the house, but resulted in indirect contact with the family through Zaza, which has lasted over ten years. The family

41 "53% Rise In "Honour" Based Violence Cases Reported To The Police Since The Criminalisation Of Forced Marriage", *Iranian and Kurdish Women's Rights Organisation (IKWRO),* published 8 November 2017, http://ikwro.org.uk/2017/11/violence-criminalisation-marriage.

42 Hattie Garlick, "'I mediate to prevent honour-based violence'", *Financial Times,* 26 June 2015, https://www.ft.com/content/a6fd77b0-19e7-11e5-a130-2e7db721f996.

43 Assumed names are used throughout this paper to protect the privacy of those involved.

calls Zaza on religious festivals and passes on news and photographs, which she implicitly understands are meant for Maryam. Zaza believes this shows a level of forgiveness despite the fact that Maryam and her family are still not in direct contact with each other.

Figure 4

Tangible issues
- Security (threat to life)
- Access to mother

Individual core concerns
- Autonomy over partnership (daughter)
- Affiliation of the family unit
- Roles within family
- Status of family elders

Collective cultural dimensions
- Social identity (taboos, status in community)
- Invoking religious references
- Frame of reference for justice

Tangible Issues and Individual Core Concerns

This case was dominated by a very real threat against Maryam's security had she tried to visit the house. Zaza is aware that in situations like these, family members may kill, beat, or rape a woman due to their perceived need to express the depths of their hatred and the offence to their identity. Nevertheless, Maryam wanted to visit due to her mother's failing health.

Maryam's autonomous decision about her marriage partner meant that she forfeit her affiliation within the family, who no longer recognised her as a legitimate family member and broke all ties with her. From the family's point of view, Maryam had not respected the authority (role and status) of the older members of the family and did not assume the required role of an obedient daughter and trustworthy sibling.

Identifying Collective Cultural Dimensions

Most of the primary issues in the case are intricately bound to the wider societal norms that influenced relationships within the family structure. The deviation from cultural norms was perceived as a threat to the identity of their community, and accordingly prompted intense emotions of shame and fear. As Shapiro notes in his book, the sacred nature of taboos mean that breaking them incurs the risk of being "... *disproportionately* punished.

Because taboos protect a community's values and norms, the stakes involved are especially high."[44] The loss of the family 's status within the wider community would have been hard to bear when people discovered what had happened. As previously mentioned, this is especially true in high-context cultures, as the community is the cornerstone of life. The interconnectedness means that decisions are less likely to be made in response to individual needs, but instead always with regard to how they may affect the wider community.

Although the Muslim faith does not prohibit marrying the ex-partner of a relative, the family invoked religious references and frames of justice to bolster their belief system. In terms of both Islamic and UK law, however, there was no legal basis for opposing Maryam's decision.

Mediator's Role and Attitude

Breaking with the established tradition of most classical mediation cases, Zaza turned up on the family's doorstep after receiving Maryam's mandate instead of calling or emailing beforehand. This had the element of surprise and Zaza admits to being a strong believer in turning up somewhere unexpectedly. She ran the risk of the family being reluctant to commit to the process and indeed the family did not initially open the door. However, she held her ground and after persevering, the family hauled her into the house to remove her from the doorstep.

Zaza used respectful persistence in her dealings with Maryam's family. This necessitated taking a non-judgemental stance. Initially, she focused on explaining that she was coming in the name of Islam and in the name of peace, in order to build affiliation with them and presenting her purpose as unthreatening. When Zaza first mentioned Maryam's name, Maryam's brother denied any knowledge of having a sister of that name, calling her dead to him. Maryam's brother took the position that Maryam's decision to marry her sister's ex-husband was a betrayal of Islam and thus accused Zaza of not being a true Muslim by approaching the family at Maryam's behest. Zaza nevertheless persisted in staying to invite dialogue.

Zaza judged her success in this case not by a signed agreement, which would be the outcome of most issue oriented mediation cases, but by the fact that Maryam is still alive. Despite the case having occurred more than ten

44 Daniel L. Shapiro, *Negotiating the Nonnegotiable: How to Resolve Your Most Emotionally Charged Conflicts,* (New York: Penguin, 2017), 80.

years ago, there is still contact between Zaza and Maryam, as well as between Zaza and Maryam's family. Unlike in classical mediation, the connection between mediator and participant is much deeper, continuing into a long 'post-mediation' stage.

Mediator's Techniques

The mediation process took eight hours in total. At the beginning, Zaza accepted the need to hear and absorb some of the family's anger and vitriol. For two and a half hours, she let the expressions of rage and shame flow until she had heard and acknowledged all the emotions. It was only then that she began to question some of premises underlying the family's positions and invite discussion. For example, Maryam's brother accepted the fact that he may go to prison for committing a crime when Zaza probed his view of it being right in this circumstance to kill a family member. When she asked who would look after his children, he said his uncle would be able to care for them. Zaza was then able to make the point that looking after someone else's family in addition to your own is a huge challenge with significant financial and emotional consequences.

It was only much later in the process that Zaza chose to gently but firmly challenge Maryam's brother when he stated it was his Islamic duty to inflict harm upon Maryam because of the harm that she had inflicted on her family. While expressing understanding of his perspective, that his sister had wronged the family and exposed them to scorn in the community, she reminded him of the principle of proportionality in Islam and asked about his accountability to God. After his conscience had been triggered, he broke down in tears, expressing his grief that he felt as if he was in a living hell, so going to hell in the afterlife was not important. Here Zaza countered with the Prophet Muhammad's teaching that people are responsible only for their own deeds, rather than those of others so Maryam was only accountable to God.

Analysis

Zaza was able to understand the depths of emotion on both sides of the conflict and allow sufficient time for their expression. Rather than reacting to the comment where Maryam's brother accused her of not being a true Muslim, she appreciated the need to respond without judgement and build trust gradually. The method used to do this is common to all mediation cases and involves listening with empathy. However, the extent that this is required is particularly relevant in culturally oriented mediation. There is a much more

antagonistic reaction to a mediator who turns up unexpectedly at the family home and addresses the fact that one family member is proposing to harm another. Therefore, the reaction of the conflict parties is more personal when they accuse the mediator of not being a true Muslim. Understanding the cultural context in this case helps the mediator realise the extent of the deep hurt and shame felt by the other family members, which otherwise may seem like an extreme overreaction to the situation.

Zaza was able to expose the taboo (marrying the sister's ex-husband) as a cultural construct by reality testing using a religious lens of whether the action and consequence would be justified in God's eyes. Untangling the narrative of this cultural construct relies on similar techniques to the ones described in Cobb et al.'s Epoch Three styles of conflict resolution. Zaza worked to open the family's eyes to different versions of 'reality', in this case contrasting cultural traditions with their supposed religious basis. Understanding that the situation is a culturally constructed concept does not lessen the emotions of feeling rejected by your community, but does bring an outside perspective on whether it is right to commit violence against another person. Zaza had the knowledge required to delve deeper into the justice of the intended punishment, in terms of both UK law and Islamic frames of reference. Taking inspiration from the Prophet Mohammad's wife, Aisha, who was a judge, Zaza has been teaching jurisprudence and conflict resolution in mosques since 2006, which gives her the expertise to address such issues with deep understanding.

Seeking direct entry into a mediation process by turning up on a doorstep carries some risk for the mediator, even the real possibility of violence. In many of the STV cases that Zaza has dealt with, neighbours have called the police in response to the noise levels from shouting, banging furniture, etc. However, Zaza has always insisted to the police that she can handle the situation and will call them if she needs them. She understands that her demeanour as mediator can mitigate negative judgements about a stranger interfering in personal affairs. Zaza also argues that her gender makes conflict parties more willing to accept her intervention, as women are stereotypically viewed as unthreatening.[45] By showing up unannounced and without payment, the mediator demonstrates their commitment to wanting to see issues resolved in a peaceful manner. Zaza explains that she feels that a

45 Zaza Elsheikh, *"Woman Mediator",* Religion and Mediation YouTube video filmed in Oberhofen, Switzerland, in 2016, accessed 14 March 2019, https://www.youtube.com/watch?v=5Zrqp64RC4s&index=5&list=PLnsvsCwLIyaXf-H_FSoYX3REBDU8i07Tv.

mandate from even one of the parties is enough to secure her involvement, particularly in cases where otherwise the conflict is unlikely to be resolved. She does so keeping her purpose clear; her intent is to bring about peace, rather than trying to gain advantage for one party over the other.

Case Study 3: Female Genital Mutilation

Policy Setting

Immigration from countries where harmful cultural practices remain customary has forced policy makers and legal practitioners in the UK to provide clear guidance on unacceptable cultural practices under UK law. The issue of female genital mutilation (FGM) in the UK has come to the fore in recent years. To address this, there have been poster campaigns in UK airports in the last ten years, indicating that FGM is illegal in the UK.

The Female Genital Mutilation Act 2003, which outlawed the practice of taking girls abroad to undergo FGM procedures, was expanded in 2015 to place greater responsibility on parents and carers. The legislation made failing to protect a girl at risk of FGM its own offence. In 2016, the government also published statutory guidance. The guidance recognises that "... as FGM is often an embedded social norm, engagement with families and communities plays an important role in contributing to ending it."[46] Despite this, the government does not have an integrated strategy to deal with the problem, instead assigning the responsibility to local authorities, the National Health Service, the police and schools[47] in the same manner as with many other general 'safeguarding' issues. In 2015, the Manor Gardens Health Advocacy Project in North London was heralded by the Home Office as a best practice case for a multi-agency response[48] to FGM. The project brought together many different organisations, for example, health professionals, human rights activists and community leaders, to organise a cohesive and culturally-sensitive approach to the issue which focuses on training and advocacy.

Case Background

Zaza was involved in mediating the case of a husband (Ibrahim) and wife (Nuria)[49], who had opposing views on whether their daughter should be

46 HM Government, "Multi-agency statutory guidance on female genital mutilation", published October 2018, https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/746560/6-1914-HO-Multi_Agency_Statutory_Guidance_on_FGM__-_MASTER_V7_-_FINAL_-_Amended081018.pdf.

47 Ibid, pg.4.

48 "Guidance: Taking a multi-agency approach", *GOV.UK,* published 24 November 2015, https://www.gov.uk/government/publications/fgm-case-studies/taking-a-multi-agency-approach.

49 Assumed names are used throughout this paper to protect the privacy of those involved.

circumcised. Nuria passionately believed that her daughter should be circumcised, whilst Ibrahim viewed this as child abuse. The couple were reluctant to provide their names at the beginning of the mediation because they were aware that FGM is illegal in the UK. Zaza consented for them to remain anonymous in order to use mediation as a tool to discuss the otherwise taboo issue. Ibrahim requested mediation because he wanted custody of his daughter in light of the circumstances, although the couple were still married and attended the session together. The case ended with a signed agreement, though further complications occurred afterwards.

Figure 5

Tangible issues
- Custody of child
- Law
- Health of child

Individual core concerns
- Autonomy in decision-making
- Roles within family
- Affiliation within family

Collective cultural dimensions
- Social and gender identity
- Frame of reference for justice

Tangible Issues and Individual Core Concerns

The practical issue at stake in this case was the daughter's health, with both short-term and long-term health risks posed by FGM. Another tangible issue was the illegality of FGM, as a person can be sentenced to 14 years in prison for carrying out FGM or assisting in the act. In the background was also the legal issue of who would retain custody of the child if they could not reach agreement and if a marriage breakdown resulted.

Needs that touch important identity aspects often elicit the strongest reactions from the parties of the conflict and thus are a rich avenue for mediation to explore. From Nuria's viewpoint, this cultural practice connected her with a long tradition of females in her family, defining their identity. The autonomy of the parents to decide events that will shape the rest of their daughter's life become critical in the case of a young child, who does not have the autonomy to make their own decisions. As each parent had opposing views on the issue, their role as carers and their roles within the family structure came into conflict.

Identifying Collective Cultural Dimensions

Cultural aspects have an influential role in shaping individual identity and wider legal frameworks evolve in response to changing social norms shaped by culture. Gender-based cultural expectations played a critical role in this case, where both parents had opposing views of whether to conform to traditions. Both parents are Somali and UNICEF figures from 2013 estimate that 98% of Somali women between 15 and 49 years old have undergone FGM despite the fact that FGM is banned in the constitution.[50] This mainstream cultural tradition connects an individual with their homeland and is therefore not easy to relinquish, even after moving to a new country where FGM is both illegal and has no part in dominant cultural traditions.

Mediator's Role and Attitude

Zaza chose to share her own personal story of FGM with the couple, explaining how from age six to age nineteen she remained resentful towards her own mother for preventing her circumcision. Zaza's mother is Caribbean, but Zaza spent her childhood in Sudan and was the only uncircumcised girl in her class due to her mother's strong insistence against it. She described feeling "deprived" of something, especially when her cousin who was a year younger had a party to celebrate her own circumcision. It was only when she entered medical school and discovered the biological realities of the process and the damage it causes that she was suddenly immensely thankful for her mother's strong opposition to FGM.

As a trained obstetrician/gynaecologist, Zaza could also point Nuria to diagrams that indicated what complications come with FGM, which Nuria had perceived as merely the normal problems of being a woman, similar to having a menstrual cycle. As all the women in the family had these problems, they did not seem unusual to Nuria until explained to her in biological detail. Zaza understood the cultural narrative of FGM as a "little cut" to "keep (a girl) clean." Despite her personal and professional experience, she was careful not to betray any dismay even in her non-verbal behaviour to maintain a non-judgemental approach.

50 "Prevalence of female genital mutilation", *World Health Organization,* accessed 8 July 2019, https://www.who.int/reproductivehealth/topics/fgm/prevalence/en.

Mediator's Techniques

By using the skills of reframing and inviting a different perspective, Zaza was able to explore the worldviews and recast Nuria from the "abuser" that Ibrahim saw to the loving mother, who viewed the issue as an integral and crucial part of her daughter's identity and a way of protecting her. She chose to conduct most of the mediation session jointly with both Nuria and Ibrahim, in the belief that it is best for each party to hear directly from the other and witness the emotions that arise. As the third party, she was able to take on the role of cultural translator, to reframe what was said so that each could more easily hear the other.

The mediation process in this case took over three hours and resulted in a signed agreement that the couple would not circumcise their daughter. Zaza began with 15 minutes with them both to explain the mediation process and ground rules, then they had 15 minutes each with her separately for one-to-one sessions. After they had reached an agreement not to circumcise their daughter, they signed a document and recorded their names.

An added complication in this case was that although the parties signed a binding agreement, Zaza found that she felt uneasy about the resolution afterwards. As a week of school holiday was approaching, this might provide a window to travel to Somalia for an FGM procedure. After a period of reflection and prayer, a day after the mediation Zaza informed the police that she had seen the couple regarding FGM. She understood that the police would not break confidentiality unless there was an urgent cause. In fact, shortly afterwards the police notified Zaza that they had stopped Nuria at the airport on her way to Somalia with her children. Although Nuria furiously asserted to Zaza that her reason for travel was due to the illness of a family member, this had not come up in the mediation and she also became defensive when Zaza asked whether her husband knew she was going.

Analysis

This case shows that even within a similar cultural tradition, the views of those in conflict may be divergent. While both Somali, Nuria identified strongly with FGM and Ibrahim did not at all. In addition, the legal framework of the UK, which made clear the fact that FGM was illegal, shaped the framework of the mediation.

The medical advice and personal storytelling described here goes beyond the boundaries of the behaviour of many mediators due to the norm in classical mediation for the mediator to be neutral. Zaza's role in this case is

closer to the Epoch Three conflict resolution of Cobb et al., whereby the mediator has a responsibility to examine power relations, which in this case placed the child without a voice. Zaza saw it might be helpful to share her own point of view of FGM as a child, particularly the switch in her own mind-set from early dismay to a later sense of relief that she was not circumcised. She never comes to the point of saying that FGM is wrong or criminal during a mediation session, but dwells on the health benefits of not having had the procedure. Her expertise as a doctor and her understanding as a female from a cultural tradition where FGM is the norm gives her a privileged position in being able to refer to the issues with sensitivity and medical authority.

The critical question of confidentiality comes up in these cases because mediation is usually a confidential process, but cannot remain so when there is a risk of harm to the parties or others outside of the mediation session. The fact that Zaza is legally obliged to report harm (to the self or others) is explained in the ground rules of the mediation session. Thus, there was a burden of responsibility on the outcome of the mediation in one sense, but despite this mediation provided a space for issues to be discussed and understood in more depth. In this case, the presence of a third party allowed each to hear the other's viewpoint and see its connection with their own worldviews. In the end, Zaza decided to report to the police due to her safeguarding responsibilities. The complex ethical questions require self-reflection on the part of the mediator and a support network of experienced professionals to provide a trusted space for discussing issues.

The case highlights the need for UK policymakers, educators and activist groups to raise awareness of the topic. Ending the practice of FGM can only be achieved through a broad approach, in which culturally oriented mediators, educators and influential figures within the community can advocate and work to resolve the issues in a sustained manner. This needs to be in cooperation with agencies such as the police and courts to highlight that this is an illegal practice with consequences for offenders.

Part Two

Community Mediation and Peace Practice

Part Two is structured in the same way as Part One, to allow readers to draw comparisons across the cases, but the focus shifts from individual to community examples. Shapiro's five core concerns of appreciation, affiliation, autonomy, status and role become more complex in community situations, because it is harder to identify the core concerns at play in a group as opposed to in an individual. However, I believe that applying the core concerns to institutional level conflicts, or analysing key group concerns through that lens is still a useful analytical tool.

The three community cases selected reflect Zaza's varied work in schools, in the community and even on the streets responding to conflict she witnesses. These all unfold as a direct response to political drivers (the Grenfell Tower fire, the Parson's Green bombing and beheadings by Islamic State of Iraq and the Levant). Diverse actors, from children, parents, teachers, bereaved people, volunteers, worshippers and right-wing nationalists all have different responses to the political events of the day and varied forms of culturally oriented peace practice are used, which demonstrate the flexibility of Zaza's practice.

Case Study 4: Islamophobia in Schools

Policy Setting

Anti-Muslim sentiment has been a growing problem in the UK since 9/11 with clear spikes after significant and politicised media events. In 2018, a project called "Tell MAMA", that tracked instances of anti-Muslim hatred verified 1072 reports of Islamophobia, as well as 1891 anti-Muslim hate crimes reported by 20 UK police forces in the same year.[51] This is likely to be much higher in reality due to the distrust of the project as well as the fact that some victims do not wish to report abuses. The same project reported that in the week following Boris Johnson's derogatory comments about Muslim women while in office as Foreign Secretary, they registered 38 incidents of hate crime.[52] Al Jazeera also reported on the rise of hate crime in general after the Brexit decision, as well as the specific targeting of Muslim women.[53]

Case Background

The Islamic State of Iraq and the Levant (ISIL) kidnapped 21 Christians between December 2014 and January 2015 from Egypt. In February 2015, they released a video of the murder of all 21 Christians on a beach in Libya. Following the beheadings, a WhatsApp version of the ISIL video started circulating amongst Year 7 students (11–12 year olds) at an all-boys' school in Kent, spreading fear amongst the boys with the statement that those who did not forward the message to five more people would be killed in the same manner. Several sets of parents complained to the school authorities as their sons were petrified and did not want to come into school, even whilst they pretended in front of their schoolmates that they were unfazed by it. The school responded by calling the local police, who said they did not have time to investigate the source of the video. The police advised that it was better that parents spoke to their children and the school addressed the children to ensure no one else forwarded the video. A day later, however, seven parents

51 "Tell MAMA Annual Report 2018: Normalising Hatred", *TellMAMA,* published 2 September 2019, https://tellmamauk.org/tell-mama-annual-report-2018-_-normalising-hate.

52 Ibid.

53 David Child, "Hate crimes rise around Brexit vote, recent attacks", *AlJazeera,* published 18 October 2017, https://www.aljazeera.com/news/2017/10/hate-crimes-rise-brexit-vote-attacks-171018110119902.html.

had withdrawn their sons from Religious Education (R.E.) classes, which were covering Islam that term. The following day, the school contacted Zaza to request mediation after she was recommended by the local police. In this type of setting, the intervention took the role of a third party (Zaza) leading a meeting with parents to see whether the issue of children not attending classes about Islam could be resolved. The case ended with an agreement made between Zaza and the parents that their children would rejoin the classes and that Zaza would teach in some of them.

Figure 6

Tangible issues
- Security threat
- Disruption to classes

(Institutional) core concerns
- Affiliation of school (with Christian values)
- Role of school as educator

Collective cultural dimensions
- Social identity of Christian education
- Social identity of Islam
- Islamophobia

Tangible Issues and Institutional Core Concerns

Parents were concerned about the wellbeing of their children and wanted the school to appreciate the gravity of their worries. They were also worried about their sons' focus on their phones, rather than their lessons and ultimately their education. For the boys, the mental disturbance from the video images as well as the fear of what might happen if they ignored them, was significant. The school was concerned about the disruption to the children's education in missing their R.E. lessons as well as damage to their educational reputation. Whilst parents were still sending their children to school, some parents decided to remove their children from R.E. classes specifically, and came to the school premises to supervise them while they were not in class.

The role of the school itself came into question when parents started doubting the quality and implicit values of their children's education. Affiliation of the school with a Christian ethos shaped the parents' cultural expectations of the curriculum and the values taught there. The parents in this case had no affiliation with Islam, and demonstrated a lack of knowledge of the religion and how it is practised within different UK communities.

Identifying Collective Cultural Dimensions

Based on the horrific video and wider publicity about attacks purportedly carried out in the name of Islam, the parents decided that "Islam is a wicked, evil religion" and they did not want their children to learn about it. They were under the impression that Islam was violent by nature and condoned the violence of ISIL, so that their children would be exposed to violent philosophies through learning about Islam in R.E. classes. Increasingly, British politics end up scapegoating cultural minorities to win approval, and some within British society believe that there is a significant threat to their way of life. For example, Nigel Farage's invocation of the image of an influx of refugees in the lead-up to the Brexit referendum played right into many people's fears about how their own culture is changing. In this case, unfamiliarity bred fear. After getting to know Zaza, some of the parents told her "but none of the other Muslims are like you", despite the fact that they had no contact with any other Muslims. Christian schools in the UK have a syllabus that usually includes lessons that reflect the principal religious traditions in the area.[54] This school had a quota system that included students of non-Christian faiths. Despite accepting pupils from multi-faith and multi-ethnic backgrounds, the institution nevertheless was still connected with a British Christian identity. For some parents, the school appeared to be prioritising 'Islamic values' over the Christian values they expected to see prioritised.

Mediator's Role and Attitude

Parents had already refused a meeting with the head teacher as they felt they had nothing to say to her. After securing Zaza's assistance, the school contacted the parents who had removed their children from R.E. classes to organise a mediation session at the school. Zaza had recommended that the Head should allow her to see how the session progressed without anyone from the school being present. Depending on what happened during the meeting, she would then decide whether to report to the Head separately, or while the parents were present.

Initially, the choice of Zaza as mediator proved to be problematic for the parents. When Zaza entered the room, three of the eleven parents present immediately walked out and Zaza heard various expletives directed to-

54 "Religious education (RE) and collective worship in academies and free schools", *GOV.UK*, published December 2012, https://www.gov.uk/government/publications/re-and-collective-worship-in-academies-and-free-schools/religious-education-re-and-collective-worship-in-academies-and-free-schools#re-syllabuses-for-academies-with-a-religious-designation.

wards the school. Zaza wears a hijab, and the reaction to her entrance shows that some parents were outraged that the school chose a Muslim mediator. She did not react with dismay to the parents' behaviour, but understood that she had to make herself small so that all the parents felt that they were in a safe space. Zaza employed mediation skills in a group setting to make sure the parents felt heard. To ensure they were not affronted, she explained that she understood that they found the school's choice objectionable, but that she wanted only to listen to them and understand their concerns. She built rapport gradually in this manner.

Mediator's Techniques

Zaza has had prior experience of working in schools all over Kent and as part of her work with the charity Converge, she has experience addressing issues of diversity and religion in school assembly formats as well as through mediation work. After first listening and empathising with the concerns raised, Zaza explained that there are scriptural verses in many major religions which on the surface appear to promote violence. Violence itself is often triggered by difference. Zaza checked with the group whether they thought that R.E. classes should avoid talking about difference and its relation to violence altogether, or whether it would be better to explain that Islam is clear about accepting other cultures. She outlined the centrality of diversity and the importance of pluralism within the Muslim faith by giving the example of a simple psalm, which would also be ideal to use in the classroom. As a result of discussions such as these, the group realised that their worldviews on condemning violence were not in opposition. They therefore agreed that teaching religion, including Islam, was a useful platform to discuss issues of diversity. Based on her experience of teaching diversity in schools, the parents requested that Zaza contribute to three of the five remaining R.E. lessons that term.

After the first hour of the session, one of the parents who had walked out came to the door of the room and then called the other two parents to join them. Zaza wondered whether it was time to invite them into the room, but she made the decision not to as she sensed a "no" would upset the dynamic she had created with the rest of the group. However, for the majority of the time these parents listened to what was going on. At the end of the meeting, which lasted two and a quarter hours, Zaza was surprised when they were not the first people to leave, but waited to say thank you and one told her "yeah, you're alright." In this way, even the most resistant parents overcame their objections through dialogue.

Zaza reported to the Head separately as the session had taken longer than the time initially allotted for it. They discussed the next steps together and identified the dates in which Zaza would contribute to the R.E. lessons. The Head wrote to the parents inviting them to see her if they had any further concerns and Zaza also suggested that they be invited to one of the R.E. classes in which she would be present to hear what was being discussed.

Analysis

Representatives of the school were not directly present in the meeting, which therefore more closely resembles shuttle mediation (where conflict parties meet the mediator separately and are not brought together). Zaza checked the agreement with the school representative afterwards in a way which had been mutually agreed beforehand.

The choice of the third party is crucial in any mediation, as the conflict parties must feel that the mediator is not favouring one side over the other. In this case, upon learning that Zaza was Muslim the parents did not feel she was impartial and assumed that the school was not taking their concerns seriously. Zaza was able to counter this impression by demonstrating that she was ready to listen and understand their concerns. There was a cultural assumption at the outset based on Zaza's appearance, which could easily have become the elephant in the room. Instead, Zaza addressed it from the outset and with compassion, building acceptance rather than leaving the process. She did not deny the legitimacy of the parents' worries regarding the video, but created an atmosphere of trust and explained the core Islamic values of acceptance of diversity. Breaking prejudice is similar to breaking down the positions of conflict parties to get to the interests and needs at the crux of the matter; it takes time and empathy. Zaza extended the mediation time to be able to build trust gradually. Only after the parents had a chance to express their frustrations and she had acknowledged the legitimacy of their worries regarding the videos as well as the violence in certain religious verses, did she then draw on her expertise of religion and of working in schools to provide explanations and to work towards solutions. This meant that the parents gradually appreciated her insights and were satisfied enough through her explanation of concepts and justifications that by the end of the session they wanted her to be part of the R.E. classes.

Her stance was always respectful, rather than challenging. When the parents told her that other Muslims were not like her, she responded that they might be surprised. By allowing the three parents who had walked out

to stay in the room and making an intuitive judgement about how to involve them, she recognised the need for a longer trust-building stage. Through her behaviour, she showed that she respected their autonomy and demonstrated her role as someone who would listen. She also respected their roles by inviting them to monitor the mediation 'agreement' by suggesting to the Head that the parents should be invited to one of the R.E. classes to observe. In fact, only one member of the group decided to take up the offer, proving that she had managed to build a high degree of trust. She was able to draw on her roles as an insider and outsider through her experience in working in other schools and as a Muslim scholar to demonstrate her capability to understand the concerns as well as to break through the prejudice and be part of the solution.

Case Study 5: Grenfell Fire

Policy Setting

On 14 June 2017, a fire broke out in a tower building in west London. Seventy-two people died as a result and over 70 were injured. The disaster of Grenfell Tower was well-documented in the national media and one of the central issues that was investigated was whether the building had cladding which was flammable and installed because the local council found it was a cheaper option.[55] The disaster starkly illuminated the division of the 'haves' and 'have-nots', taking place as it did in a social housing tower block in a deprived part of an otherwise very wealthy borough. Though the choice of building materials for the tower block became a focal point in the aftermath of the fire, the response from authorities to the disaster further exacerbated the tensions within the community, who felt that the local council did nothing to aid them.[56] The overwhelming support from voluntary and community organisations starkly contrasted with newspaper headlines of authorities' mismanagement of the situation, including having survivors forced out of their hotel accommodation at the last minute due to bad planning. The official inquiry started by former Prime Minister Theresa May is still ongoing in 2021, with Phase 1 complete after 123 days of hearings and Phase 2 still in progress. The inquiry will look into whether Kensington and Chelsea Council are responsible for negligence or corporate manslaughter.

Case Background

Zaza engaged with the community in the wake of the disaster in two ways, via a mandate and by her own investigation into whether there was scope to use mediation more broadly. In the first instance, a Muslim burial service under an umbrella charity of a Muslim Response Unit approached Zaza for workplace mediation following the fire. The service provides advocacy and support to the Muslim community and had increased their team from 8 to 41 volunteers in response to the disaster. The burial service they provided was particularly in demand; due to cultural norms regarding washing bodies,

55 Rob Davies, Kate Connolly, and Ian Sample, "Cladding for Grenfell Tower was cheaper, more flammable option", *The Guardian,* 16 June 2017, https://www.theguardian.com/uk-news/2017/jun/16/manufacturer-of-cladding-on-grenfell-tower-identified-as-omnis-exteriors.

56 Mark Lobel, "Grenfell Tower fire: Government staff sent in to Kensington and Chelsea Council", *BBC News,* 18 June 2017, https://www.bbc.com/news/uk-40316812.

someone from the community is required to carry out these tasks if there is no family member available. After the fire, there were deceased people without family members, either because they had also been killed or were in hospital with injuries. This put a considerable strain on the service, which had previously been a much smaller organisation. Zaza and her colleagues provided support over three sessions.

In the second instance, Zaza set up a stall at a community centre event in the neighbourhood to assess the interest and willingness of residents for a mediation process in the wake of the disaster. There was an initial agreement for her charity, Belief in Mediation and Arbitration (BIMA), to engage as long as they could provide their own funding for this. As the inquiry is still ongoing at the time of writing and BIMA were not able to start the mediation before the inquiry started due to unforeseen circumstances, they are still waiting to see if it is possible to offer mediation after the inquiry to help repair the deep rift that developed between the residents and authorities.

Figure 7

Tangible issues
- Injuries
- Psychological damage/trauma
- Loss of homes
- Loss of life
- Burials

Individual core concerns
- Appreciation (acknowledgment) from council
- Role (purpose as volunteers)
- Appreciation (volunteers) from management
- Status in society

Collective cultural dimensions
- Ties to religious (conspiracies)
- Social identity of community
- Burial rituals

Tangible Issues and Individual Core Concerns

Residents' security, particularly in relation to loss of life as well as their homes, possessions and finances, was central in the Grenfell Tower case. People lost family members, friends and neighbours and suffered from physical and mental injuries including bereavement and Post Traumatic Stress Disorder (PTSD). Those volunteering as part of the Muslim Response Unit were dealing with these same issues and simultaneously had the practical task of burying a large number of bodies.

The Muslim Response Unit volunteers were mostly survivors of Grenfell, who were able to gain a new sense of purpose in a fulfilling role by helping others. Later, a perceived lack of appreciation from the management team left the volunteers feeling devalued because they wanted more investment in their training and recognition of their tireless efforts reflected in the employer's duty of care.

In the community as a whole, there was a lot anger, as they perceived that the council valued their existence so little that they had compromised their safety for the sake of economics.

Identifying Collective Cultural Dimensions

The social and communal identity of the survivors of Grenfell and those around them was a key dimension in the disaster. A report in the Guardian newspaper in 2017 found that, both within survivor populations and the deceased, British Moroccans were represented more than any other nationality.[57] Some community members even theorised that the disaster may have links to right-wing extremism, as there was an overwhelming majority of Muslims living in the building. In July 2020, a lawyer representing 23 of the victims reminded the court that "... investigating issues of race and poverty can garner the confidence of the local community, encourage their engagement and feeling of inclusion in the procedures in order to improve the investigation by learning the lessons on the importance of social, cultural diversity and poverty."[58] This highlights the need to recognise the collective cultural dimensions of the Grenfell case before addressing the tangible issues.

Zaza found it heartening that in the wake of the disaster, people of all ethnicities and religious beliefs came forward to offer their help. Community cohesion was in fact so strong that neighbours wished to continue to stay close to one another in the council rehousing scheme.

Mediator's Role and Attitude

When working with the Muslim burial service volunteers, Zaza adapted her focus and role to the changing needs of the group as they evolved over time. The first session lasted two and a half hours and focused on promoting

57 Emma Graham-Harrison, "Grenfell fire: 'The community is close knit – they need to stay here to recover'", *The Guardian,* 9 July 2017, https://www.theguardian.com/uk-news/2017/jul/08/grenfell-fire-british-moroccans-hit-hard-rehousing-decisions.

58 Leslie Thomas QC, "Grenfell Tower Inquiry Day 16", published 7 July 2020, transcribed by Opus 2 International – Official Court Reporters, pg.8, https://assets.grenfelltowerinquiry.org.uk/documents/transcript/Transcript%207%20July%202020.pdf.

recovery by dealing with the shock and grief of participants. The second was a three-hour session based entirely on scripture. The final session was seven hours in total, including one-to-one discussions as well as group work, to deal with divisions in the workplace. The Muslim Response Unit funded the sessions and they were held at Tower Hamlets in the East London Mosque and the Osmani Centre, where the group felt most comfortable.

Zaza found extremely low levels of trust when she became involved with Grenfell survivors in the second process (which had no mandate) due to the scale of the disaster and mistrust of those perceived to be in collusion with the authorities. Since BIMA has many well-educated members who are legal professionals, and therefore equated with those in authority, demonstrating authenticity and commitment to the community was a barrier. Furthermore, scepticism was already high among residents; 27 charities had rushed in after the disaster to capitalise on funding bids using the name of Grenfell, but many did not sustain long-term commitment to the community and disappeared before the community felt any benefit from them.

The mediators for the proposed sessions were a mixture of Muslim, Christian and atheist practitioners to provide a range of perspectives in the mediation. Zaza attributed her non-judgemental stance as particularly helpful in this case, and noted how her own worldviews were shaken by the events and their aftermath. The shocking statistics published in the Race Disparity Audit of 2017[59] proved ethnic minorities are overlooked in many aspects of life in the UK, and after reading this Zaza chose to put more credence into the victims' theories regarding the nature of the disaster. While she did not believe right-wing extremism was responsible for the fire, she did deeply question the systemic failures towards predominantly Black, Asian and Minority Ethnic (BAME) communities affected by the fire.

Mediator's Techniques

Zaza sees injecting hope into a dire situation as one of the tasks of a mediator. The Muslim Response Unit volunteers came to the first session feeling despair, which translated into some resentment and resistance to the mediation process. In response to this, Zaza choose an introductory exercise, bringing in training skills before attempting to facilitate a dialogue. She asked the participants to research and present the meaning of their names. With this

59 Cabinet Office, "Race Disparity Audit: Summary Findings from the Ethnicity Facts and Figures", published October 2017, https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/686071/Revised_RDA_report_March_2018.pdf.

small action she was able to overturn the expectations of the hostile participants. She also asked them to focus on a positive outcome of the disaster, before turning to examine their grief more deeply.

At one point in the process, after most of the group had said they were able to cope with the personal challenges of their work with surprising ease as the work needed to be done, one of the group admitted that although he had been viewed as a juggernaut, his faith had been shaken in the trauma. Recognising that this was a cultural taboo and involved loss of face in front of a group, Zaza was careful to be a steward of these deeply-held feelings, ensuring that a safe space was created to protect his disclosure and explore it with care.

In the second process involving Grenfell Tower residents, the community had no idea what mediation was and were sceptical of the motives in offering such a service free of charge. In the light of the disaster, BIMA members had agreed to mediate on a pro-bono basis seeing it as part of their Christian, Muslim and Buddhist charitable duties. This, however, was not convincing for the residents. BIMA members joined a one hour and 45 minute meeting at a local mosque, near the site of the fire, with representatives from Grenfell to discuss potential mediation with the community. When Zaza mentioned that the BIMA members' travel would be funded by a large Muslim charitable organisation, she received a negative reaction. Representatives from Grenfell said that they wanted to see how long BIMA would come without this funding.

Analysis

The team who mediated the workplace tensions understood the processing of grief and its phases in their conflict analysis and were able to adapt the process to the transforming needs of the group. Participants were initially motivated to volunteer in the face of the tragedy, but they increasingly felt overworked and used by their management. By sensitively reading these shifting nuances, the BIMA staff were able to adapt the focus of the sessions, the format and their role in them (as trainers, group or one-to-one facilitators, or mediators). They did not choose to stick to the single approach of mediation, which would have limited the scope of what they could achieve. Management told them their intervention provided a backbone for the service not to crumble, demonstrating its success. Aspects such as the need to respect face-saving measures and to offer scripture-based training touched on important cultural elements. Creating a safe space in which to voice

doubts and a focus on scripture training allowed the BIMA team to address the issue of faith, which had been shaken for some volunteers from the scale of the tragedy. Although there was a mandate for mediation, there was still some reluctance, which Zaza overcame by shifting the expectations from the outset. A mediator's worldview can shape how they receive information from the parties, which is important to reflect upon and Zaza did this by recognising more deeply throughout the process how discrimination affects minorities in the community.

The second mediation process, if it goes ahead, will require an extremely long pre-phase of building trust between the council and residents because it is even more contentious. On most other occasions in her experience, Zaza has been able to show willingness to come and listen and that has been sufficient to convince people that she has no ulterior motives other than wanting to achieve peace. However, in this case, the level of mistrust is in line with the scale of the tragedy and intensified by the way local authorities and some charities handled the situation. Residents' misgivings regarding BIMA's funding highlights this, while also justifying the reason why BIMA is consistently apolitical and usually raises its own funding. The community is innately more distrustful of outsiders, and can quickly identify those from outside the area by the way they dress and speak. This shows the need to take into account cultural implications in the sources of funding for mediation and in selecting the most appropriate venue. Mediation may or may not go ahead after the inquiry and it is important to realise that mediation is only one method in dealing with societal conflict, which is dependent on many factors.

Case Study 6: Right-Wing Nationalists

Policy Setting

Right-wing nationalism has been on the rise throughout Europe[60] as a response to a number of factors including social inequality, the refugee crisis, media focus and the wish to define national identities in a rapidly globalised world. The Prevent programme discussed in the first case study saw an increase of over 28% in referrals related to right-wing nationalism from March 2016 to March 2017.[61] In 2016, the group National Action was the first right-wing nationalist group to be proscribed as a terrorist organisation and banned in the UK.[62] Britain First, which features in this case study, states that they are opposed to "the increasing colonisation of our homeland through uncontrolled, mass immigration"[63], positioning themselves in a stance of reclaiming the UK for the 'British'. Membership to the United Kingdom Independence Party (UKIP) has grown in recent years based on their anti-EU agenda and membership is approximately 29 000 members.[64] UKIP have also proposed nationalist policies such as the removal of the classification of hate crime and suggested that the word Islamophobia is designed to silence criticism of a particular religion.[65] The murder of Member of Parliament (MP) Jo Cox in the run-up to the Brexit referendum vote was perpetrated by Thomas Mair, who had extreme right-wing views.

Case Background

On 15 September 2017, a teenager detonated a bomb containing nails and shrapnel at Parson's Green Tube Station in London, leaving 22 people

60 Gregor Aisch, Adma Pearce and Bryant Rousseau, "How Far Is Europe Swinging to the Right?", *The New York Times,* 23 October 2017, https://www.nytimes.com/interactive/2016/05/22/world/europe/europe-right-wing-austria-hungary.html.

61 Jamie Grierson, "Far-right referrals to Prevent programme up by more than a quarter", *The Guardian,* 27 March 2018, https://www.theguardian.com/uk-news/2018/mar/27/far-right-referrals-prevent-programme-up-by-more-than-a-quarter-counter-extremism.

62 "National Action becomes first extreme right-wing group to be banned in UK", *GOV.UK,* published 16 December 2016, https://www.gov.uk/government/news/national-action-becomes-first-extreme-right-wing-group-to-be-banned-in-uk.

63 "Principles of the Britain First Movement", *Britain First,* accessed 20 September 2020, https://www.britainfirst.org/principles.

64 "Membership of UK political parties", *UK Parliament,* published 9 August 2019, https://researchbriefings.parliament.uk/ResearchBriefing/Summary/SN05125#fullreport.

65 "UKIP Policies: British Culture", *United Kingdom Independence Party (UKIP),* accessed 26 September 2019, https://www.ukip.org/ukip-policies/british-culture.

injured. That day, when leaving the mosque following Friday prayers, Zaza heard a commotion outside and instinctively ran towards it. Four members of Britain First dressed in their uniforms and with a recording device live-streaming to Facebook had confronted the Muslim men leaving the mosque by questioning why it was always Muslims carrying out these attacks and why these mosque-goers were not protesting against the violence. Around 150 to 200 men leaving the mosque joined the argument and some of them countered that it was due to the UK's foreign policy as they had bombed Afghanistan. An Afghan explained that the English were doing the same thing in bombing Afghanistan and was met with the retort that he should then return to Afghanistan. The situation grew increasingly hostile and Zaza positioned herself and her daughter between the parties to the conflict in an attempt to prevent any use of force, understanding that the Muslim men were being deliberately provoked in order for Britain First to use this as propaganda on their Facebook page. After some discussion, the police arrived and the discussions ended. It was Zaza's wish to engage in mediation between the Britain First members and the male mosque-goers, but Britain First, although not opposed to a mediation, rejected Zaza as a choice of mediator.

Figure 8

Tangible issues
- Violent threats
- Arrests

Individual core concerns
- Affiliation in society (Muslim/British)
- Role in society (disaffection)

Collective cultural dimensions
- Social identity: 'Britishness'
- Perceived value clashes

Tangible Issues and Individual Core Concerns

The situation revolved around the provocation of violence by Britain First and the engagement of the mosque-goers who got into an angry exchange with them. This relates to the wider issues of public security in the UK as well as to hate crime, which is a growing problem. Also at play is the right to worship without harassment, which led to the arrest of the British First members by the police the following day for aggravated religiously motivated harassment.

The core concerns relate to issues of affiliation within UK society – from a group of British nationalists who see their role in society and way of life increasingly threatened, to a group of Muslims who want to feel as if they are valued members of the society in which they live. For both groups, their role within society is critical to the conflict. Whether they perceive a shrinking space for people 'like them' in a multicultural British society with increased immigration, or they belong to a religious community living in a society perceived to be increasingly intolerant of diversity, having a voice to define their role is paramount.

Identifying Collective Cultural Dimensions

Britain First, even by their moniker, demonstrate a cultural identity crisis, which is also reflected in the arguments of UK policy makers defining 'Britishness' in a global world. British cultural values are placed in opposition to the values of other cultures, to purposefully create divisions such as secular/Christian vs. Muslim or permissive vs. traditional. In this case, the bombing perpetrated by one individual associating himself with the Muslim faith was used by Britain First as evidence that it was only Muslims who committed this kind of violence (as they stated that it was never Sikhs, Christians or Buddhists that were behind these attacks).

Mediator's Role and Attitude

By inserting herself in the middle of the fray, Zaza took an extremely active role in the conflict. As she attempted to calm the Muslim men down, they told her "Sister, this is really not the place for you, you know, there may be violence." Despite this she persisted, in the knowledge that her presence would prevent any exchange of blows. The Britain First men wanted to get a soundbite for their Facebook page from her, so they asked for her opinion on why Muslims were using violence. When she started to say that perhaps they wanted to be heard, just like Britain First members, they cut her off to scoff at the remark, flipping the emphasis to imply that Muslims were "blowing people up" simply to be heard. They labelled her a "smiling hijabi" on their Facebook page, a remark which caused no offence, as Zaza had been encouraging the Muslim men to also engage in dialogue with a smile on their faces rather than with violence. By engaging in dialogue with both sides and attempting to become involved without a mandate to do so, she showed commitment to a non-violent way of resolving the conflict.

Mediator's Techniques

Zaza spoke to the police after the incident and requested that they should not arrest the Britain First members. However, they were arrested the next day. She wished to offer her services to mediate a dialogue between the sides with the option of a joint protest against the bombings. Male representatives from the mosque agreed to enter into the dialogue with her as mediator. Zaza also consulted the police, who agreed to the mediation, as long as a police officer was present as an observer. The next step was for Zaza to write a letter to Britain First offering the mediation. Britain First were amenable to the idea of mediation because of their arrest and subsequent court hearing. However, they disagreed with Zaza as a choice of a mediator, believing that she was biased, despite the fact that she had offered a co-mediation with someone of their choosing. The mediation has therefore not gone ahead, as they have not appointed a mediator. Nevertheless, Zaza believed it would have been unlike a normal mediation, as a joint protest highlighting the commonalities with the Muslim community would probably not serve Britain First's political agenda.

Analysis

As with the some of the cases already discussed, this case is also an instance where being present in the community provides an entry point for mediation. By being at the mosque, she was able to choose to intervene in the ensuing conflict without a strict mandate to do so. Again, Zaza used gender and cultural dimensions to her advantage, as she understood that the presence of herself and her daughter would prevent an escalation of violence. For both conflict parties, there is a higher cultural stigma attached to the taboo of women being hurt in public. By coming in between the two groups of men, Zaza was aware that she was as close to the Muslim men as it was permissible for a woman to be. This meant that she was respectful of the cultural boundaries while still pushing the limits of when it is usual to intervene.

Similar to the radicalisation case, this is another case where policing and mediation work can be coordinated, although each have very distinct aims. Here, Zaza understood the need to consult the police when envisioning a process that would provide space for discussion of the key issues and disentangle prejudice, while operating within legal boundaries concerning hate crime and prosecution. The arrest and hearing even gave some leverage for mediation, as Britain First members were more open to a different route to resolution if it avoided punishment within the justice system. Zaza's label-

ling as a "**smiling** hijabi" also hints at the fact that she was able to overcome some of the prejudice against her, although ultimately it was not enough to convince the members of Britain First to allow her to mediate the conflict further. By not entering into a debate and by attempting to prevent violence with a smile on her face, a calm manner and respectful language, Britain First did not get the response they expected from a Muslim woman. With a lot more time and trust building, Britain First may have been willing to engage with her. This case demonstrates the challenges of entry points into mediation when there are pre-existing prejudices and the importance of the choice of the mediator, as conflict parties must believe that the mediator will act in a non-judgemental manner for the mediation to have a chance of succeeding.

Discussion

In this final section, I will discuss key recommendations for incorporating insights from culturally oriented mediation and peace practice into the work of both policy makers and practitioners. Though these recommendations are specific to the UK context, they could be adapted for use in other polarised democracies.

Policy Makers

I outline four key recommendations for policy makers. These measures all attempt to create encounters between people from various cultures and worldviews, to move society beyond the idea of simply coexisting with those from different cultural backgrounds to engaging and discussing difference in a respectful way.

1. Policy Messaging of Pluralism

The first recommendation calls on policy makers to promote messages of pluralism and constructive discussion of difference. Public discourse must move beyond 'integration', as it is currently conceived, towards cohesion based on respectful encounters with the 'other'. In this era of social media and instant communication, the importance of actively shaping public narratives is critical. Too often, messaging is released without due thought to its potential consequences. Polarisation flourishes in conditions where public figures stoke hatred by creating simple 'us versus them' stories and the consequences touch every aspect of society, from family dynamics, to community interactions and even spills over into national divides. People often fear the unknown and a public narrative that re-enforces the idea that differences can be dangerous undermines the possibility of bringing people with opposing political views or even different cultures together. When social segregation is openly advocated for, democracy can come under threat, as evidenced by the January 2021 United States Capitol riots. Institutions such as the Global Centre for Pluralism in Canada, in partnership with the Canadian government, send a timely message about the need to promote the benefits of inclusive societies. In the uncomfortable spaces of addressing difference and conflict, people are able to learn and grow so that disagreements can remain respectful and productive.

2. Linking Initiatives

Policy makers need to promote both bottom-up and top-down approaches to foster cross-cultural understanding with links between local, regional and national levels. Practitioners using culturally oriented mediation, like Zaza, work at the community level but messaging about working with differences needs to be clearly laid out at all levels and sectors of society. Cross-parliamentary initiatives are needed to model issues from the top-down. For example, "Compassion in Politics" is an initiative that aims to put inclusion at the heart of politics from a variety of different perspectives.[66] When the British public see politicians fighting each other across party lines to advance personal agendas, rather than on issues to find the best national solution it is unsurprising that society feels fragmented. Without enough diverse voices in institutions such as parliament, courts or police, it also becomes very easy to dismiss alternative viewpoints. Networks of actors working towards addressing value differences in a constructive manner are much more powerful than actors working in isolation and can help link local and national level efforts.

3. Include a Range of Actors and Approaches

Policy makers can work with a range of actors to enlarge the pool of approaches to discussing difference, e.g. through conflict resolution, media, the arts and education. To achieve the goal of decreasing polarisation, a range of individuals in society committed to discussing differences peacefully who possess different skills and competencies is key. One approach alone will never have the impact needed to reach everyone, nor will it be enough to change a dominant narrative in society. Practitioners like Zaza bring multi-competencies from her work as a lawyer, doctor and educator in mosques and schools. Mediation skills are vital in engaging with people because mediation inherently examines the nature of conflict and brings people together to discuss differences in a non-violent manner. However, there is also a role for media professionals and filmmakers in engaging the public imagination and shaping narrative with critical discussions on nationality and difference. Deeyah Khan, a Norwegian British filmmaker, is a good example of this. Deeyah, born in Norway to immigrant parents of Pashtun and Punjabi ancestry, and discriminated against for her looks and cultural identity, decided to engage with right-wing nationalists. Her documentary, "White Right: Meeting the Enemy", filmed in the US, led to two neo-Nazis

66 *Compassion in Politics,* accessed 21 February 2021, https://www.compassioninpolitics.com.

leaving the movement after her personal engagement with them through the documentary.[67] Engaging with those sidelined in mainstream society in different ways (e.g. documentary, dialogue, mediation, classroom/workplace discussion) to investigate the deeper fears behind the prejudice follows the Cobb et al. analysis of how we can operate in a new era of living in tension. People from a variety of backgrounds, who are skillful in exploring cultural nuances respectfully, could contribute to conflict resolution in multiple roles. Schools and broader professional training courses could have a role in educating people in cultural sensitivity, deep listening and self-reflection.

4. Support Initiatives Addressing Difference

The final recommendation is that policy makers should provide support, including funding, for initiatives that encourage the discussion of societal difference in a constructive manner. Supporting initiatives such as those outlined above, in a non-politicised manner, will increase the range of their impact. As demonstrated by the cases presented here, Zaza's community work is mostly pro-bono. To have a greater number of skilled mediators may require funding or other forms of support. Referrals from the police, where there is a trusted relationship already in place with the mediator, is another example of "soft" support for this kind of work. It should be noted, however, that politicisation and confidentiality challenges need to be fully explored for this to work effectively.

Practitioners

I outline four key insights for peace practitioners in polarised democracies from the model of culturally oriented mediation and peace practice presented in this paper. Whilst every context is different, particularly in light of different cultural factors, these insights provide a broad picture of some considerations for those practitioners addressing conflict with collective cultural dimensions in polarised democracies.

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67 "Deeyah Khan, UNESCO Goodwill Ambassador, won a Second Emmy Award", *United Nations Educational, Scientific and Cultural Organization,* last modified 2017, accessed 17 September 2020, http://www.unesco.org/new/en/media-services/single-view/news/deeyah_khan_unesco_goodwill_ambassador_won_a_second_emmy_a.

1. Deeper Non-judgemental Stance

Macduff points out "…the values of "Western" mediation – such as the neutrality of the mediator, the confidentiality of the process, the importance of the participation and autonomy of the disputants, the norm-creating function of mediation, and the reliance on a broadly problem-solving methodology – are themselves all culturally-grounded values."[68] Culturally oriented mediation moves away from a problem-solving methodology and expands the role of mediator to also act as a cultural translator who lays out the differences for discussion and exploration so that the parties can understand each other. Neutrality (as advocated by an Epoch One response) is exchanged for a closer 'insider' relationship and active impartial involvement, coming from a non-judgemental stance. In classical mediation, this specifically involves being non-judgemental on interests and positions. When conflict parties and the mediator share a worldview or common understanding of value systems, it is somewhat easier to suspend judgement and to uncover interests. In culturally oriented mediation, however, the mediator includes the exploration of the value systems or worldviews themselves, which may be vastly different for the mediator and the conflict parties. Culturally oriented mediation therefore calls for mediators to go another step deeper in their non-judgemental approach, whilst balancing this within structures of the legal context they are operating in and their own boundaries of what they are willing to mediate.

To facilitate this, the mediator continuously reflects on their own intentions and role throughout the process to bring out multiple realities and to address imbalances of power (an Epoch Three response). The mediator examines their own belief systems, as well as those of the parties, and uses a cultural lens to uncover prejudice, whilst trying to connect to the humanity within others.

A peace practitioner can disentangle prejudice from the other issues, by exploring where the fears stem from and creating the conditions for parties to vent their emotions before assisting them in obtaining a greater understanding. Culturally oriented peace practitioners need to have a deep awareness of issues that touch on culture and must not shy away from bringing them into the open. A mixed cultural and religious upbringing can be an asset for a peace practitioner in this respect, but open-mindedness and au-

68 Ian Macduff, *An Asian Perspective on Mediation,* eds. Joel Lee and Teh Hwee Hwee (Singapore: Academy Publishing, 2009), 194.

thenticity are the most critical factors. The way practitioners engage with particular communities will be the most influential factor in determining how they are received, and although insiders may be more readily accepted, there are some cases where an outsider may be able to build trust gradually. Gender roles and their cultural construction can also influence these conversations, and it is useful to be aware of these. Particularly in cases of shame-triggered violence (STV) or female genital mutilation (FGM), an understanding of the cultural and gender dynamics in the conflict is crucial. An insider position within multiple communities or a deep understanding of the cultural context is useful, but it is even more important that the practitioner is self-reflective and aware of how their own cultural perceptions shape what they are hearing. Yet, a long mediation background is not necessary to engage in some forms of peace practice, as Deeyah Khan with her "White Right: Meeting the Enemy" documentary shows. Those who have experienced prejudice themselves can sometimes be best placed to explore that prejudice with others because of the forgiving and compassionate stance they embody. The stance of a non-judgemental practitioner is focused around understanding and humility.

2. Balance Within Legal Boundaries

Where cases touch on the intersection of peace practice and law, different cultural frames of reference for values and justice can prove a significant complicating factor. The specific context will be critical in seeing how much 'room' there is for culturally oriented mediation. For example, in the UK all suspected radicalisation cases need to go through the Channel programme. As this programme's reputation is tainted for many within the British Muslim community, this reduces the opportunity for coaching or mediation. With the FGM case, the safeguarding issues and legal standpoint is clear, therefore, a peace practitioner has to be clear as to the limits of their involvement. Due to the legal and ethical issues, while there is a case to be made for dialogue paving the way for a deeper understanding of the issues, involvement in these cases needs to be weighed carefully. To protect the peace practitioner, relationships with law enforcement agencies need to be fostered and it is good practice to have both self-reflection built in as an essential part of practice, as well as a peer group support, where difficult cases can be discussed.

3. Scope for Inventiveness

Within legal boundaries as outlined above, it is important to have some scope for inventiveness. An open interpretation of peace practice depending on the context can be useful, e.g. the mix of mediation with coaching in the radicalisation case and the combination of mediation, training and dialogue facilitation in the Grenfell Tower case. This is because mediation alone will not be suitable in every circumstance.

Actively seeking to open engagement with conflict parties without an explicit mandate carries some risk but also reaps benefits in some cases that would never otherwise be resolved, or would have broken out into violence without intervention. The entry points to culturally oriented mediation and peace practice come less from waiting for phone calls and emails and more by being on the ground or being part of the community, for example, Zaza running towards the commotion at the mosque or choosing to approach the Grenfell residents. This spontaneity (as in the mosque case) is uncommon in classical mediation, which often needs a mediation plan or design before implementation. As the number of societal conflicts grows with increasing polarisation, this ability to adapt quickly to respond to a conflict situation may become more important. Zaza explained during interviews that she has realised the need to walk towards conflicts, rather than waiting for an invitation that may never come. In some cases, even her presence is a strategy that builds trust, as she shows she has nothing to gain personally from being there but still cares enough to get involved. Therefore, the traditional idea of needing consent from both parties to start mediation is different in culturally oriented peace practice, although trust is still key in the process. It should be noted that building trust gradually may necessitate a long pre- and post-phase of mediation. For example, Zaza was in contact with the family for ten years after the STV case.

In the STV and radicalisation cases, mediation took place in people's homes and sometimes on the street. This closes the distance and social hierarchy of the traditional expert-client relationship and distinguishes culturally oriented mediation from classical mediation. The more informal atmosphere creates a more intimate and vulnerable setting for the participants as well as the mediator (who has less control over the space, without being able to plan seating arrangements etc.). The location is therefore not neutral in the way that classical mediation advocates. In the STV case, the location provided some leveraging power for an entry point to mediation as Zaza was in the public gaze on the doorstep of the family home and cultural norms

dictated that the family could not leave her there. In culturally oriented mediation, there is a greater blurring of boundaries between the public and private spheres of the mediator's life. In the right-wing nationalists' case, Zaza was not 'on duty' when conflict broke out. This can allow for a greater range of entry points to mediation, but also introduces risks; mediators must have strong self-awareness before initiating in this manner as it may backfire.

4. Goal of the Intervention

The theory of change in culturally oriented mediation and peace practice goes beyond that of classical mediation. Challenging prejudices, and overturning cultural and gender stereotypes, requires a greater vision of societal change, which is necessary as a response to a polarised environment and pushes the practitioner to deeper self-reflection. Greater persistence and motivation is inevitably required to build trust, as demonstrated by Zaza's decision to stand on doorsteps until someone opens the door.

The goal of culturally oriented mediation and peace practice is often not a signed agreement, for example, success in the STV case was measured by the fact that Maryam is still alive. One third of the STV cases Zaza has mediated have resulted in the acceptance of an estranged family member back into their families. The cases presented in this paper do not necessarily have a 'neat ending', but can be ongoing like the Grenfell case. Building awareness and taking the first steps to overcome prejudice are more important than a 'quick fix', which is unrealistic. The goal of culturally oriented mediation is a transformed understanding for all involved, achieved through addressing the elephants in the room and allowing the conflict parties to see there is more than one way of looking at the issue.

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