Type I and Type II Errors in Culturally Sensitive Conflict Resolution Practice

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Drawing on recent, critical work dealing with culture theory, ethnicity, and multiculturalism, this article seeks to address the nexus between conflict resolution theory and practice and aims primarily to contribute to the work of practitioners functioning as third parties and intervenors in intercultural and interethnic conflicts and disputes. Two conceptions of culture are proposed and analyzed: a technical, "experience-distant" sense of the term, crucial for conflict analysis (and for education and training); and an affectively laden, often politicized, "experience-near" sense of the term, at the root of so much intergroup conflict and thus implicated in effective and ethical intercultural practice.

This article draws on recent, critical work dealing with culture theory, ethnicity, multiculturalism, and intergroup relations. Although based heavily in "theory," it seeks to address the nexus between conflict resolution theory and practice and aims primarily to contribute to the work of practitioners functioning as third parties and intervenors in intercultural and interethnic conflicts and disputes. Two conceptions of culture are proposed and analyzed in some depth: a technical, "experience-distant" sense of the term, crucial for conflict analysis (and also for education and training); and an affectively laden, often politicized, "experience-near" sense of the term, at the root of so much intergroup conflict and, thus, implacably implicated in effective and ethical intercultural practice.

The Cultural Turn in Conflict Resolution and ADR

Depending on which part of the field one considers central to it, the origins of conflict resolution as a distinct field of theory and *theory-connected* practice date back to the mid-1950s, to Kenneth Boulding, the group around him at the University of Michigan, and the founding of the *Journal of Conflict Resolution;* or the 1960s, to Johan Galtung and John Burton in Scandinavia and Britain, the *Journal of Peace Research,* established by Galtung in 1964, and the first "controlled communication" (problem solving) workshop, organized by Burton in 1965. The origins of alternative dispute resolution (ADR), coming from schools of law and legal practitioners with a reformist agenda for American jurisprudence (and supposedly overly litigious Americans), are dated by some to the Roscoe Pound Conference, "Perspectives on Justice in the Future," held in St. Paul, Minnesota, in 1976 (Nader, 1993).

However one wants to specify origins, what is striking about virtually all of the early work in conflict resolution and ADR is how little attention "theory" paid to the concept of culture and how practice, inspired by theory (or vice versa—see Avruch, 1998, pp. 78–80), seemingly ignored the importance of cultural differences among parties (including third parties) as relevant to the sources or outcomes of a conflict or dispute. In some cases, there seemed to be active resistance to incorporating culture to theory and practice (Burton, 1987); in other cases, just a benign neglect brought on by the presumed universality of rational choice theory and economistic behaviorism as templates for panhuman cognition and social relations (Raiffa, 1982). Certainly that protean classic of our field, *Getting to Yes,* in its first edition mentioned culture not at all (Fisher and Ury, 1981), and in its second edition, presumably responding to some criticism of this, lumped culture alongside gender and personality as things to be aware of without, however, affecting the basic tenets of principled negotiation (Fisher, Ury, and Patton, 1991).

In the case of ADR, there is some mild irony in its initial neglect of culture, since some of the early reformers read in the anthropology of law (for example, Gibbs, 1963) and believed that a viable template for American legal reform—namely, ADR—could be found in the more "therapeutic" nature of dispute resolution in certain "tribal societies" (Danzig, 1973). Although the recourse to what can be called "ethnographic romanticism" was never without its critics, both on conceptual (Felstiner, 1974) and political (Galanter, 1974; Abel, 1982; Nader, 1991) grounds, the practice

of ADR itself developed initially in an almost culturally sensitive-free (and class-consciously ignorant) environment (Harrington and Merry, 1988; Avruch and Black, 1996). (A partial exception to this is sensitivity to African American culture demonstrated in the work—much of it crisis-driven—of the Community Relations Service (CRS) of the Department of Justice of the late 1960s and 1970s.)

By the 1980s, beginning perhaps with P. H. Gulliver's groundbreaking work on negotiation (Gulliver, 1979), an appreciation of culture began to inform conflict resolution and ADR practice. Some of this came from anthropologists and ethnographers entering the field and engaging with some early, major theorists (Avruch and Black, 1987, 1991), or arguing with lawyers on the defects of "disputing without culture" (Merry, 1987). Some came from practitioners with significant cross-cultural experience— many of these working from within so-called peace churches (Lederach, 1991; Augsberger, 1992). Another important input came from scholars in intercultural communication (Gudykunst, Stewart, and Ting-Toomey, 1985), often building on the work on E. T. Hall (1976) or Harry Triandis (1972), or from researchers in organizational behavior (Hofstede, 1980).

By the 1990s, one of the founders of the field had added the notion of "cultural violence" to his earlier and seminal insights on structural violence (Galtung, 1990). More to the point, the "problem" of culture in conflict analysis and conflict resolution had generated several edited collections (Avruch, Black, and Scimecca, 1991; Fry and Bjorkqvist, 1997) and anthologies (Chew, 2001), including discrete sections in works devoted to ADR from legal and commercial perspectives (Trachte-Huber and Huber, 1996). Today, in the Web-based distance-learning curriculum put out by the peace studies and conflict resolution program at the University of Bradford (U.K.), what Avruch and Black called "the culture question" in 1991 is addressed directly and explicitly as a crucial issue to be tackled by any peace studies or conflict resolution pedagogue, theorist, or practitioner (see http://www.brad.ac.uk/acad/confres/dislearn.html). It is the case, in fact, that nowadays any self-respecting curriculum in ADR or conflict resolution without at least a "module" devoted to culture would be considered deficient; this was decidedly not the case in 1981. Culture, it appears, has arrived, and if the struggle to integrate it into a mature conflict resolution and ADR practice is not yet won, surely the ensign symbolizing the Party of Culture is recognized on the field (and in the field) by all sides.

But how precisely is culture conceived in this "Party"? Without attending to all of the nuances that have differentiated scores of definitions of

culture from one another over the years, it is fair to say that for most who have made the "cultural turn" in conflict resolution or ADR practice, culture has been conceived generally in terms of:

• Constituting different norms, values, and beliefs for socially appropriate ways to "process" conflicts and disputes, including their management or resolution—what Avruch and Black (1991) called indigenous "ethnoconflict theories" and "ethnopraxes."

• Affecting significant perceptual orientations toward time, risk or uncertainty, affect (in self and others), hierarchy, power, or authority.

• Comprising different cognitive representations or discursive frames such as schemas, maps, scripts, or images, bound up in such metalinguistic forms as symbols or metaphors.

While the first conception (norms, values, and beliefs) refers to the broad way in which culture provides *context* for conflict and disputing (Caplan, 1995), the second two (perceptual and cognitive features) inform us about the role of culture in effective *communication* among disputants, including potential third parties. This is why so many culturally sensitive approaches to conflict resolution or ADR practice (including intercultural negotiation or mediation) appropriately invoke ideas of communicational "competence," and direct our attention to different cultural "styles" or to other paralinguistic features (such as body language) of intercultural encounters or disputes (Hall, 1976; Weaver, 1994; Cupach and Canary, 1997). Whatever else they may be, therefore, conflict or ADR professionals should be specialists in managing communicational process; this is an insight with deep roots in our field (Burton, 1969).

Culture: Experience-Distant and Experience-Near

All three conceptions, from norms and values through schemas and symbols, convey collectively an idea of culture that can be called "culture in the technical sense of the term," that is, culture as an analytical category—even, permitting the hyperbole, as a scientific category. This is the familiar sense of culture as a social scientific term, central to most anthropological writing since the 1930s but also to much of sociology and (through figures such as Harry Triandis) psychology as well. But *culture* is also a term in our ordinary, "natural" language and everyday speech—a term moreover with a complicated history and (as we shall see) bearing much political baggage

(Williams, 1976; Jenks, 1993; Kuper, 1999). So while practitioners need to be specialists in understanding the "technical" sense of culture, they also need to be aware of how disputants or other parties to a conflict might use and understand the term, especially when they find themselves working in multicultural social settings. Mostly, practitioners need to recognize the difference between the two usages. To do this, we shall introduce the distinction between "experience-near" (*e/n*) and "experience-distant" (*e/d*) concepts.

The distinction comes from the anthropologist Clifford Geertz (1983, p. 57), who in turn lifted it from the psychoanalyst Heinz Kohut (therefore undoubtedly from the experience of clinical *practice*):

> An experience-near concept is, roughly, one that someone—a patient, a subject . . . might himself naturally and effortlessly use to define what he or his fellows see, feel, think, imagine . . . and which he would readily understand when similarly applied by others. An experience-distant concept is one that specialists of one sort or another . . . employ to forward their scientific, philosophical, or practical aims. "Love" is an experience-near concept, "object cathexis" is an experience-distant one.

Geertz is careful to warn us that the distinction is not necessarily a normative one, in the sense that one concept is to be preferred as such over the other.

> Confinement to experience-near concepts leaves an ethnographer awash in immediacies, as well as entangled in the vernacular. Confinement to experience-distant ones leaves him stranded in abstractions and smothered in jargon [p. 57].

Given the complicated connotations (the *polysemy*) of the word *culture,* it is obviously an idea that can function in both experience-near and experience-distant ways. Analysts and practitioners will want to deploy it in its technical sense, as an experience-distant concept especially useful for identifying communicational impedances in intercultural encounters. But the "players," disputants or other parties to a conflict, may well appropriate the idea of culture for their own uses. It then becomes an experience-near concept, useful to parties in at least two distinct ways. First, using notions of "culture" may help parties make sense of their own and their opponents' behavior—as a sort of "folk" social psychology and therefore

paradoxically much as the specialist might use the term. Secondly—and here the historical baggage the term carries enters the fray—the notion of culture also has moral connotations (for example, of "tradition" or "authenticity") and thus is also available for use as an ideological or rhetorical resource for parties or contestants in pursuit of their goals. This happens especially when *culture* is used in conflict around ethnic, religious, racial, or nationalist matters—conflicts around identity.

While Geertz wants to downplay any normative distinctions between *e/n* and *e/d* usages, when it comes to "culture" and conflict resolution we should be more careful. It is a problem when this technical, experience-distant idea is taken over and used by the very parties and actors it is meant to explain. The problem is greater than one of simply confusing logical types or levels of analysis—or of appearing pretentious before your dinner guests by substituting in conversation "object cathexis" for "love." For culture, given the political baggage it sometimes carries, can be a powerful idea, and thus any confusion by practitioners or third parties of *e/n* for *e/d* can turn out to be potentially deleterious for conflict resolution and, with respect particularly to some of the weaker parties in a conflict, ethically precarious as well.

In the early twentieth century, a good deal of the work done by anthropologists (starting with Franz Boas and his American students) to establish a modern, scientific, objective, and technical (that is, an *e/d*) concept of culture—the one we discussed earlier in terms of norms, symbols, and schemas—was aimed at decoupling culture from race (Stocking, 1968) and ridding it of the more mystical elements of Romantic thought—culture purged of *Volksgeist* (the eternal "spirit" of a people). Boas and many of his students were in addition politically active in liberal, antiracist, and antifascist movements (Hyatt, 1990; Lewis, 2001). In this sense, then, there was a political and moral component built in to the scientific and technical meaning of the term *culture* from the very beginning. It was meant both to describe "objectively" differences between social groups without consigning such differences to biology—race or heredity—and to assert the moral equivalence of all cultures. Some have argued that the "victory" of this liberal and relativist political understanding of scientific culture is to be found in the adoption of this sense of the concept in 1945 by the United Nations Educational, Scientific and Cultural Organization (UNESCO), reacting against the fresh horrors of Nazi and fascist racism and genocide (see Finkielkraut, 1995, who nevertheless writes in a highly critical mode).

The relationship of "culture" and "race" was born in the nineteenth century, and much of the modernist thrust in anthropology, giving us our *e/d* understanding of *culture,* was meant to disentangle them. It was also meant to drain the term of its Romantic (in the sense of "blood and belonging" spirituality) and highly subjective *e/n* connotations. Professional anthropologists were expected to write objectivist ethnographic monographs rather than *Bildungsroman,* highly subjective works of fiction. But a term so powerfully meaningful in everyday speech can at times resist "experience distancing" by academic specialists or practitioners. Culture still carries *e/n* meanings and may be used for purposes that are antithetical to its *e/d* meanings. Because of this, the relationship of *culture* to *race*—as well as its other (subjectivist and spiritual) *e/n* connotations—has never been fully resolved and therefore continues to have relevance for how "culturally sensitive" conflict resolution and ADR practitioners do their work in the twenty-first century. Now we are close to seeing why *culture* is so potentially treacherous a term for conflict resolution, and why (third-party) conflict resolution and ADR practitioners need to keep the difference between *e/n* and *e/d* senses of it clearly in mind. This latter point is especially important, as the contestants or parties to the conflict are highly likely to fuse the two senses together.

Culture, Ethnicity, and Identity

When the parties use "culture" in an *e/n* sense, it is almost always part of an assertion about collective social identity and group difference. "Identity" because, in *e/n* usage, some *selected* symbols, norms, beliefs, and so on of culture—usually the more obvious ones relating to religious practice, language, dress, commensalism or dietary rules, and the like—are used to define a social collective, to make statements about "who *we* are." "Difference," because such statements (about *we*) always imply a *they.* "Collective or communal identity," writes Steven Lukes (1993), "always requires . . . an 'other'; every affirmation of belonging includes an explicit or implicit exclusion clause" (p. 37).

Since at least the late 1960s (Barth, 1969), most social scientists have argued that when culture is "enlisted" in this way by members of social groups, it is culture in the guise of *ethnicity,* and the social groups constituted from it are *ethnic groups.* (In fact, ethnicity may be thought of as an *e/d* term for the *e/n* usage of culture.) When many intergroup conflicts, especially those around identity issues, are analyzed in terms of ethnicity

rather than culture, it brings into sharp relief the fact that culture and ethnicity are hardly isomorphic. It takes very little "cultural content" (say, a specific religious belief or practice) to manufacture a great deal of ethnicity. To make ethnicity, small bits or traits of culture are "objectified," and these objectified bits are then projected—often as performances—onto public domains, such as festivals, rituals, remembrance days, or marches. Ethnic groups are constituted out of linkages among members based upon ties of shared "culture": language and religion as well as putative ties of kinship or history. But the actual cultural content matters less than its ability to differentiate one group from another: "*We* march today, *they* do not." Ethnicity is about difference that is socially or politically significant; ethnic groups are defined by the boundaries between them, while culture is used to constitute and maintain the boundaries.

The research literature on the problematic relationship of culture (in the *e/d* sense) to often virulent ethnic conflict is impressive, and growing (for example: on "manufacturing ethnicity," see Roosens, 1989; for detailed comparative case studies, see Eller, 1999; on Northern Ireland, see Akenson, 1991; on former Yugoslavia, see Eriksen, 2001; and for the argument extending from ethnicity to nationalism, see Gellner, 1997). The point to these studies collectively is that the parties themselves will see their conflict in "cultural" terms: protecting tradition, preserving identity, keeping the faith; indeed, often in the starkest terms of cultural survival in a full-blown "clash of civilizations." Here, tied to identity and conceptions of authentic self for the parties engaged in the struggle, culture is a profoundly experience-near idea. To someone standing outside the conflict, impressed, say, by the cultural similarities between Protestant and Catholic working class in Northern Ireland, or among Serbs, Croats, and Muslims in Sarajevo in the 1980s, it hardly makes sense to see the conflict in cultural terms. Eller (1999) has said it best: "When it comes to ethnic conflicts, such groups are not fighting *about* culture . . . but fighting *with* culture" (p. 48; emphasis in original). The distinction between "fighting about" and "fighting with" is another (instrumental) way to approach *e/d* versus *e/n* conceptions of culture. Conflict analysts, third parties, and practitioners need to keep this distinction in mind because it has potential consequences for all the parties in ethnic or identity conflicts, especially for weaker parties.

One reason why the distinction is consequential has to do with how ethnic identity is experienced phenomenologically by individuals, in Ignatieff's phrase (1994), as "blood and belonging." As criteria of group membership, symbols and rites—even a shared past—may suffice to signal "belonging";

but "blood" entails something else. Blood implies ties of kinship and shared ancestry, of heredity and metaphysical biology. When belonging is linked with blood as criteria for group membership, then its expression as (*e/n*) "culture" takes on greater force. For now "culture" as tradition and customs—as heritage—becomes in addition "culture" as heredity and biology. In this way (in a return to nineteenth-century Romantic conceptions of the term that undoes the Boasian antiracist sense of it), "culture" can become a cipher for race and, in certain sociopolitical settings, its functional equivalent.

Culture, Race, and Multiculturalism

In what sorts of sociopolitical settings can "culture" (*e/n*) become a stand-in for race? One answer, not surprisingly, is in overtly racist settings where for some reason outright "biologism" has become politically costly or embarrassing—a matter of public relations. Kuper (1999), for example, begins his critical discussion of the culture concept by noting how the term was used by many in the later years of Apartheid South Africa as a substitute for race and as a sop to South African liberal sensibility. Balibar (1991) has described this "neo-racism" as "racism without race":

> It is granted from the outset that races do not constitute isolable biological units and that in reality there are no "human races." It may also be admitted that the behaviour of individuals and their "aptitudes" cannot be explained in terms of their blood or even their genes, but are the result of their belonging to historical "cultures" [. . . .] *Culture can also function like a nature . . .* [pp. 21–22; emphasis in original].

But overtly racist societies are not the only ones where culture can stand in for race. The substitution can occur with a great deal more subtlety in sociopolitical settings characterized by an explicit commitment to racism's ostensible antidote, *multiculturalism.*

Multiculturalism is one possible political response to societies characterized by recognized cultural (read: "ethnic") diversity. It does not refer to the mere fact, the existence, of such diversity. Analytically, one can reserve the more neutral term "polyculturalism" for that. But polyculturalism as an analytical concept says nothing necessarily about the social context of diversity. It says nothing about the political implications of diversity; that is, that relations between individuals and cultural/ethnic groups are

necessarily characterized by socially recognized asymmetries of power or privilege, by forms of dominance and subordination. Of course, such a conception of a polycultural society is rather like the physicist's assumption of a perfect vacuum or a frictionless plane—or the economist's of a free market—fine for heuristics, but tricky to find in the real world.

In the real world, the fact of diversity is typically correlated with forms of inequality and stratification, and dominant groups can relate, both ideologically and in terms of political praxis, to subordinate ones in a variety of ways. Apartheid, or some other form of caste-like social organization, is one such way. A second way is for the dominant group to insist on complete assimilation by others to its version of "culture"—not so likely, of course, if the dominant "culture" has been itself "naturalized" in a neo-racist manner. A third way, the ideal for secular liberal democracy, is to recognize diversity but privatize or individualize it, rendering it irrelevant politically. Here is a *civil society* wherein "civic" group membership trumps "ethnic" affiliations in public spheres. Multiculturalism is a fourth possible response to diversity. Here the fact of diversity is both recognized and found virtuous; it is celebrated. A "soft" form of multiculturalism may be virtually indistinguishable from the liberal ideal noted above, perhaps with the addition of support for explicit government policies ensuring tolerance and protection of minorities or otherwise subordinate cultural groups. So-called hard or radical multiculturalism "goes further, conceiving of the nation [or society] as a confederation of ethnic groups with equal rights and construing ethnicity ['culture,' *e/n*] as the *preferred* basis of one's political identity" (Citrin, Wong, and Duff, 2001, p. 77; emphasis in original).

Both soft and hard multiculturalism give rise to a host of positions on social issues of importance in polycultural settings—for instance, on immigration, affirmative action, or bilingual education—that put it in conflict with other possible responses, conservative or liberal, to these matters. But it is the hard form that has generated the most heated polemics, both in the United States (Schlesinger, 1992, for example) or Western Europe (Finkielkraut, 1995). What are the implications of either form for conflict resolution practice?

The hard form is typically evident in more deeply rooted or protracted social conflicts around issues of identity, including racial, ethnic, and nationalist ones. But even if we set those, perhaps more emphatic or dramatic conflicts, aside, we find that conflict resolution third-party professionals—ADR specialists attached to courts or community centers, or ombudsmen working in universities, hospitals, corporations, or other institutions—will find

themselves in polycultural settings wherein some version of at least "soft" multiculturalism (in the form of EOE, affirmative action, or other legal or quasi-legal workplace regulations) predominates. Furthermore, conflict resolution and ADR professionals, in the twenty-first century, are now likely to be "culturally sensitive," and surely wish to make their practice as responsive to culture as possible.

But to *which* culture ought they direct their sensitivity; to which do they owe response?

Experience-distant culture is a technical concept in the social sciences that refers to shared norms, beliefs, and values; to public symbols and metaphors; to schemas, images, and cognitive maps. Experience-near culture is a political idea found in polycultural settings. It refers to shared identities and demarcated group boundaries. Viewed by outside analysts, this version of culture is sometimes called *ethnicity*—even (under certain circumstances) *race* or *nationalism.* When privileged as a source of identity (social or political), this version of culture *is the culture in multiculturalism.*

Moreover, practitioners will end up as interlocutors with *parties* in intercultural disputes or conflicts who will have this privileged, "ethnic" or "identity," sense of culture in mind. For the political *actor* involved in a dispute in a multicultural setting—the ethnic politician, broker, or entrepreneur; the nationalist ideologue or cultural chauvinist; the immigrant- or refugee-rights activist—the distinction between *e/n* and *e/d* meanings of culture is almost certainly invisible and irrelevant. Worse, the distinction is potentially heretical or treasonous, particularly if asserted publicly by a dissenting member of the group, since merely by introducing *e/d* culture analytically in this situation one essentially threatens to deconstruct ("unmask") the *e/n* variety.

What, then, is to be done? First, there is the question of what is to be done in the real world of conflict resolution or ADR practice, and then the more theoretical question of what is to be done with the culture concept itself.

Type I and Type II Errors in Intercultural Practice

Let us imagine that you, as a third party of one sort or another, are called to intervene in a dispute or conflict in an intercultural setting: the parties appear to be from different cultural backgrounds or communities. Having been trained or educated to take culture seriously, how do you factor it into your understanding of the conflict or dispute and then into your process?

Your first task is essentially a diagnostic one. You must decide which sense of *culture* is mainly relevant here: the technical *e/d* sense or the political *e/n* sense. Of course, the real world complicates matters immediately. Thus far, *e/d* and *e/n* have been presented as mutually exclusive categories, in complementary distribution (when one is present, the other is absent). Semantically this may be true. But the pragmatics of the thing—concerning the semantics as actualized by real persons in social intercourse—are different. Moreover, especially as *e/n* conceptions of culture connect (in persons) with social identity and conceptions of self, it is the case that *e/n* culture may penetrate *e/d* culture in significant ways. This is why, for example, it makes sense analytically to speak of a social setting characterized by inequality and a highly racialized discourse of *e/n* cultural identities as an *e/d culture of racism.*

Right away, then, the real world conspires against simple binary thinking. Nevertheless, it is the case that so-called intercultural encounters will be differentially *e/d* or *e/n,* that one sense or the other may predominate, and that the job of the third party is to disentangle them. For heuristic purposes (that great elider of the real world of practice!) let us assume that they are more or less mutually exclusive, and that means that at least two sorts of diagnostic errors or mistakes are possible. As a third party, and thinking analytically of culture in the technical, *e/d* meaning of the term, you may decide that there are no significant cultural differences among the parties and that therefore culture will have no significant impact on the processing of the dispute or resolution. Let us say that you are wrong, that cultural differences exist and they impact the contours of the dispute and the processes of resolution. If culture (*e/d*) is significant and you thought not, then you have made a Type I error. Culturally speaking, you have a tin ear.

Alternatively, let us say that you decide that there are significant cultural differences between the parties to the conflict or dispute and that therefore culture will have a significant impact on dispute processing and resolution. But let us say that you are wrong. You have mistaken expressions of cultural difference by the parties (or have imputed them yourself) as representing *e/d* culture when, in fact, they are manifestations of *e/n* culture. *You have mistaken ethnic differences for cultural ones.* The antagonists really all do "speak the same (cultural) language," in effect fighting *with* their culture, not *about* it. If culture (*e/d*) is not significant and you have decided that it is, then you have made a Type II error. Culturally speaking, you are hearing voices that aren't really there.

Type I errors undervalue culture, underestimating its significance in a conflict or dispute. A Type I error means that you are "culturally insensitive."

Table 1. A Heuristic for Cultural Analysis and Conflict Resolution

Third-Party Intervenor Decision Regarding Cultural Impacts	*Actual Extent of Cultural Impacts*	
	Cultural Impacts "High" or "Strong"	*Cultural Impacts "Low" or "Weak"*
No significant cultural impacts on conflict or dispute	Type I error ("tin ear")	Appropriate decision
Significant cultural impacts on conflict or dispute	Appropriate decision	Type II error ("hearing voices")

Note: Culture in this heuristic is used in its *e/d* sense.

Type II errors overvalue culture, overestimating its impact on a conflict or dispute. Since the general cultural turn in conflict resolution, there is a growing literature of the cautionary type warning against Type I errors, especially for intercultural negotiation. There has been much less said about Type II errors. One can begin by saying that Type II errors by third parties will probably occur under at least these two conditions:

> Where the conflict or dispute involves parties from self-evidently different identity groups; that is, the conflict is self-evidently interethnic or interracial.
> In a social setting with an institutional bias or emphasis on multiculturalism as a legal prescription and/or a valued ideal.

Now, our goal as practitioners is of course to avoid or minimize errors of all sorts, and generally to practice in efficient, equitable, productive, and ethical ways. We wish to avoid both sorts of mistakes. But speaking again heuristically, and with reference to efficiency, equity, ethics, and so on, which do you think is the worse error: underestimating culture's impacts or overestimating them?

Assuming that both sorts of errors will affect the efficiency of the intervention—affect the ease of communicational flow, perhaps—your practitioner common sense (as well as a liberal's tendency toward enhancing cultural sensitivity in the multicultural settings in which most of us do our work) might hold that in the end, underestimating culture's impact may be the worse error of the two. What harm, after all, can a little oversensitivity to culture do?

Overvaluing Culture: Some Consequences of Type II Errors

The most obvious case for harm occurs in such settings as Apartheid South Africa, where, as Kuper (1999) notes, *culture* was simply a crude stand-in for *race*. Racism operates according to a deficit model, where relations among cultural (that is, ethnic, racial, or national) groups are hierarchical, diversity entails disparity, and cultural differences, from the perspective of the dominant group, become indices of deficiency—intellectual, moral, or human.

Multiculturalism, operating with a notion of relativism that valorizes all cultural groups, avoids this more obvious danger of racism. However, as long as ideological valorization of all is still accompanied by structural socioeconomic disparities among the groups, then the danger or harm is not so much avoided as driven underground, further from critical view.

This is the core of Howard Gadlin's critique (1994) of cultural approaches to conflict resolution in multicultural, multiracial societies where racism (as structural inequality and domination) is nevertheless an existential fact of social life. An experienced practitioner, Gadlin focuses on the United States and African American and white conflicts in the workplace, often in university settings where the normative commitment to multiculturalism and nondiscrimination is quite strong. He points out that (since conflict resolution studies and practice have take a cultural turn), "Cultural background is usually referred to as one of the contributing factors" to these interpersonal workplace conflicts (p. 36). He cites Kochman's study (1981) of contrasting African American and white "cultural styles" in communication as evidence of this approach. His point is not so much to deny the existence of such styles (differential aggressivity, eye contact, and face-saving, are three things he mentions; p. 37)—a point we shall return to later—but rather to think that one can abstract a notion of, say, African American (or white) "culture" separate from the total context of black-white relations in a structurally racist society. Moreover, this context is what African American and white Americans *share.* Rather than thinking of culture mechanically as something that sets the groups apart and marks their difference, Gadlin argues that this context,

> [P]rovides the framework within which cultural differences assume the significance that they do. . . . When intercultural conflict (conflict between members of different races in a racist society) occurs, it cannot be understood by looking only at the cultural differences between the

conflicting groups because these differences, themselves, in part, constitute the very racism of which the conflict is one of many expressions [p. 39].

An even more scathing attack on the misuse of culture comes from the Norwegian social anthropologist Unni Wikan, writing about the lives of immigrants and refugees (mainly from Muslim countries in the Middle East and South Asia) in Norway, and to some extent other Scandinavian and Western European countries (Wikan, 2002). Her book is called *Generous Betrayal* (also the title of a chapter in Finkielkraut, 1995), her name for the "welfare colonialism" of liberal, even progressive, European states that sustains immigrants and refugees but insidiously so, at the cost of their ever attaining equality and independence. The main culprit, for her, is a slavish commitment to multiculturalism, to "preserving" and "respecting" the "cultures" of their immigrants—along with a fear (at least among public figures or intellectuals) of being labeled a "racist" for any action deemed disrespectful of "culture." But whose "culture" is being preserved, at what costs—and who pays the price? Who are the principal victims of generous betrayal?

Wikan argues that the most marginalized and disempowered in the immigrant/refugee communities pay the price, particularly women and children. Involuntary arranged marriages, forcible repatriation to their (or their parents') countries of origin, beatings (and worse) for bringing "shame" or violations of family or clan "honor," or simply behaving too much like their Norwegian teenage classmates, have been egregiously ignored by Norwegian authorities (social and child welfare workers, the courts, and police) reluctant to appear racist and disrespectful of "culture." Once again, the question arises: whose culture? Wikan notes that it is almost always men (elders, sages—patriarchs) from the immigrant groups who represent the groups to the authorities. When they seek to prevent the Norwegian authorities from interfering in their community's affairs, they speak passionately of "preserving their culture." Here, culture is a profoundly experience-near concept, representing faith, tradition, morality—identity. As political spokesmen for their communities, as ethnic politicians or brokers, they represent the community as having one voice—a perfectly shared culture, in effect. But this is not so. It is, Wikan (2002) recounts, a Bosnian male who asks an assembled group of politicians: "Why is it that if a Norwegian won't let his daughter marry an immigrant, it's called racism, but if an immigrant won't let his daughter marry a Norwegian, it's called

culture?" (p. 45). In the end, nevertheless, it is the voices of her female inter-locutors, the heart of the book, themselves members of these communities and victims of abuse (not all have survived . . .), that are the most striking with respect to questioning a single and monolithic definition of culture. A Norwegian-Pakistani woman, Nasim Karim, survived a forced repatriation and marriage and severe beatings before she found asylum in a Norwegian embassy. Having returned to Norway and become an activist on behalf of immigrant and refugee women and children, she addressed the Norwegian Parliament: "When a man is subject to violence, it is called torture, but when a woman is subject to violence, it is called culture" (p. 107).

For Wikan, the question of who gets to define culture is ultimately a political one, meaning that it comes down to issues of power and privilege. The question of who pays for culture so defined is a moral one, indeed, a question of individual human rights. Here she cites the Indian anthropol-ogist Veena Das: "Culture is a way of distributing pain unequally in popu-lations." If this is the case, then Wikan concludes, "respect for 'the culture' is a flawed moral principle" (p. 28).

Reflecting on Gadlin and Wikan, it is clear that the simple—and per-haps, for practitioners, commonsensical—impulse to say that a little over-attention to culture (our Type II error) can't hurt, is problematic. This is so because overvaluing cultural impacts can be deleterious for the weaker, dis-empowered, or subordinate parties in the conflict or dispute. It can affect the equity of the intervention's outcome, its justice. But what must count here is, yet again, the sense or conception of culture that we mean. Ignor-ing the difference between culture *e/n* and culture *e/d,* or mistaking one sort for the other, is problematic. For practitioners at the point of diagnosing the cultural part of the dispute or conflict, it is the difference between pur-suing *cultural analysis* and *culturalism.* Analysis aims to get at culture as an experience-distant idea—*and this includes plumbing the experience-near aspects of it.* In contrast, culturalism is a politico-moral stance, a statement about "identity politics mobilized at the level" of the ethnic group or nation-state (Appadurai, 1996, p. 15). Overvaluing culture (*e/n*), cultural-ism, can result in a practitioner's understanding of and approach to a dis-pute or conflict that proves harmful to some of the parties because it will:

- Mask or efface underlying structural issues such as gender, class, ethnic discrimination, or racism in favor of attention to individu-ating or communication-biased issues such as "communicational styles"

- Reify culture as an agent capable of action on its own terms
- Essentialize culture toward a single and unified expression
- Homogenize all group members toward invariant behavioral stereotypes
- Risk replacing older, nineteenth-century notions of essentialized racial differences with twenty-first-century ideas of cultural ones: Balibar's "racism without race" (1991)

This final point is especially acute. We have gained nothing—on the contrary, promulgated much harm—if we embrace the cultural turn and end up replacing racism as a way of dealing with diversity with a culturalism enlisted for the same ends.

Writing *for* Culture

Even as the importance of paying attention to culture has gained legitimacy in the conflict resolution and ADR community, the very concept has come under the most acute criticism among scholars and theorists from fields ostensibly devoted to its study and elucidation: anthropology and cultural studies. Some have written explicitly "against culture" (Abu-Lughod, 1991) or have advised doing away with the term completely (Kuper, 1999). But even among the strongest critics of the notion, there is ambivalence, reflecting the fact that if we do away with culture we will just need to invent some other term to take its place.

The reluctance to lose culture entirely can be explained if we look carefully at the two works featured in this article that have been most substantively critical of it, Gadlin (1994) and Wikan (2002). Gadlin, even as he cautions us against overdeploying culture in our understanding of interracial conflicts in America, readily notes that such stylistic elements, important for interpersonal communication, as aggressivity, eye contact, and face-saving "will be manifested differently in different groups, and expectations of the mediator will also differ for different groups. For that matter, noticeable differences emerge from one culture to the next in the preference given to group versus individual identity" (Gadlin, 1994, p. 37). These are hardly trivial matters if one is concerned with conflict or dispute resolution process or, more generally, communicational competence. More profoundly, the entire point of Gadlin's critique of cultural analysis is to further the conception of a "culture of racism" as fundamentally structuring

black-white social relations in the United States. In the end, therefore, even as Gadlin criticizes culture he falls back on relying crucially on the term for what it represents.

Unni Wikan, declaring on the one hand that culture is a "flawed moral principle" and demonstrating with great passion the many ways that invoking its authority has served to foster the abuse of immigrant and refugee women and children in Scandinavia, later writes: "Can we then throw the 'culture' concept overboard? No, in my opinion. . . . But we can use the concept with sensitivity and care" (Wikan, 2002, p. 82). The concept of culture is not so easily jettisoned because, as one reads Wikan's book it so obviously permeates the very core of her analysis and critique. How else can one describe (and deconstruct), as she does, such notions the immigrants or refugees bring with them as honor, shame, clan (solidarity), patriarchy—or ethnic identity and the liberal European state's "welfare colonialism," for that matter? In the end, paraphrasing Appadurai, as culture *e/n* is "consciously shaped" out of the "archive," the raw material, of culture *e/d,* then—as critical theorists or as self-aware practitioners—we will always need a conception of culture "in the technical sense" in order to do our critical, analytical, diagnostic, and interventionary work. We cannot proceed otherwise.

Still, I conclude with a series of cautions for thinking about culture in the technical sense of the term:

- Cultures do not possess agency, individuals do.
- Cultures are not things (nouns) but analytical categories.
- Individuals are bearers of multiple cultures (another reason to regard Table 1 as merely a heuristic!), not a single one.
- Individuals *acquire* their cultures as part of ongoing social life; they are not eternally deep-coded in the gene or the *Volksgeist.*
- Cultures are "passed down" to individuals, and in this sense one can speak of "traditions"; but cultures (as acquired by individuals throughout their lives) are also emergent and responsive to environmental exigencies (among other things).
- Cultures are not monolithic, integrated, and stable "wholes" but rather are fragmented, contestable, and contested.
- Cultures do not "cause" conflict—or much of anything else; they are however the "lenses through which the causes of conflict are refracted" (Avruch and Black, 1993)—and none the less crucial for that.

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