

# Cultural Competence in Family Mediation

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*Family mediation includes working with peoples of diverse cultures. Mediators need to learn about other cultures and become creative in their work with clients with diverse backgrounds. Using examples from Vietnamese, Pakistani, and Ismaili communities, this article discusses ways mediators can enhance their ability to work with people from different cultures.*

Within the Academy of Family Mediators, Family Mediation Canada, and other major family mediation associations, there has been a strong movement toward enhancing the competence of mediators through training and accreditation (English and Neilson, 1995). As standards of practice and accreditation are being developed, these organizations have a unique opportunity to address the area of cultural competence.

Conflict resolution generally, and mediation specifically, are relatively new disciplines. There is a growing body of conflict resolution literature and research on issues related to diversity and ethno-specific concerns (Duryea, 1992; Duryea and Grundison, 1993; Irving and Benjamin, 1995; Lederach, 1990). One area that mediation literature has failed to address, however, is how to educate mediators about these issues. Some mediation training programs and conferences have included components aimed at sensitizing participants to ethnocultural issues. Yet ethnocultural competence requires more than knowledge and tolerance of diversity (Kavanaugh and Kennedy, 1992; Steward and Borgers, 1986), and should be expanded to include attitudinal and behavioral changes.

This article describes the process we used to educate ourselves and to develop a training program for mediators interested in enhancing their ability to work with people from different cultures. The cultures focused upon were Canadians of Vietnamese and Pakistani-Ismaili background. While the specific content about working with people from these communities is useful in and

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of itself, presenting the process as well as the content would be most valuable to researchers, educators, and practitioners who wanted to learn more about mediation with people from other cultures.

### **Our Process of Learning About Cultures**

To gain a sense of the cultural interests and needs of other family mediators, the authors conducted a focus group of mediators in Calgary, followed up by informal interviews with mediators in Vancouver and Toronto. The interviews confirmed a suspicion that most mediators had little experience or training geared toward mediation with specific ethnocultural groups. When asked about which cultures they would like training to focus on, there was consensus that Pakistani and Vietnamese populations would be valuable starting points. Family mediators perceived both of these groups as ones that would make use of mediation, provided that the mediators could offer culturally appropriate services. Some mediators had experience working with Vietnamese and Pakistani families, but had run into difficulties that they were unable to explain. The mediators considered other cultural groups (such as deaf people) too small a portion of the population to focus upon in an initial stage, preferring to gain knowledge about larger groups within their community first. They also believed that Vietnamese and Pakistani families would be useful to study because this study would involve looking at issues related to religion, race, immigration, and assimilation. In contrast, they felt that people from some cultural groups (notably Aboriginal people) would tend to use mediators and traditional helpers from within their own culture rather than formal mediation services, regardless of the mediators' training.

Once the two cultural groups were identified, the authors made contacts with people of Vietnamese and Pakistani descent working with these communities, and engaged the help of people who worked in immigration and settlement agencies, cultural centers, and religious organizations. Most of the people contacted had little knowledge of family mediation. Some others had negative experiences with mediation. For example, they had clients who had used family mediation and felt that the mediator was judgmental toward them, that the mediator allowed the other parent to do all of the talking, or that the mediator did not understand issues intrinsic to their culture. Regardless of the experience that these workers had with mediation, almost all of them were willing to educate us to work with people from their communities. A few workers expressed concern that they could not speak for all the people in their culture, nor could they speak on behalf of their agencies. The authors dealt with these concerns by noting that no culture was homogenous and that we would only identify them or their agencies with their permission. These reassurances satisfied potential advisors that we were not going to present ourselves as experts in any single culture and that we were open to learning from them. The authors appealed to them that we wanted to hear any suggestions, even if they

believed that our efforts were misguided. We asked if there were any ways in which we could reciprocate the help that they provided to us. Some accepted our offer to provide mediation training or other information from our work to their staff. Most were willing to help us unconditionally.

Efforts to engage Pakistani workers were complicated by the fact that social and religious agencies in Calgary were not necessarily organized around country of origin. Many social workers who worked with the Pakistani community were from other countries within the Indian subcontinent (south Asia). While most Pakistanis are Moslems, most people we encountered were Ismailis, from the Shia branch of Islam. Ismailis have roots in Pakistan; however, the Ismailis of Pakistani ethnicity tend to come from Tanzania, Kenya, or other countries in eastern Africa. In making these contacts, we garnered two important lessons. Individuals must be allowed to define the culture(s) to which they belong, rather than have someone label their culture for them. In addition, cultures not only break down into subcultures, they also form a matrix of different cultures that overlap, depending on such issues as country of national origin, current residence, and religion.

Thus the impressions one gets of a particular culture depend on the viewpoint of the individual representative one speaks to from that culture. Although Ismaili faith is a religion rather than an ethnicity or culture, the community and activities are often organized around the mosque and the religion. Accordingly, we decided to focus some of our study on people of Pakistani-Moslem descent, but also look at other cultural subgroups, including people from the east-African Ismaili community and from other areas of the Indian subcontinent.

### **Core Dimensions of Cultural Competence in Mediation**

Before we set out to discuss competencies required for mediation with specific cultures, we identified core dimensions of values, skills, and knowledge required to enhance practice in any cross-cultural mediation. In terms of values, cultural sensitivity or tolerance of difference is not sufficient. Mediators need to value diversity and respect the inherent dignity of all cultural groups (Kavanaugh and Kennedy, 1992). These values conform with the notion that mediation is an empowering process, which fosters the rights to self-determination, choice, and autonomy of all clients (Bush and Folger, 1994). Although it is easy for mediators to say that they affirm these values, putting them into practice demands an acknowledgment that one always has biases and stereotypes. In order to combat these biases and stereotypes, mediators must continuously strive for greater self-awareness and identify beliefs that may inhibit effective cross-cultural practice. For example, a mediator may have certain beliefs about good or bad parenting practices, even though there is no one right way of parenting. Awareness of such biases is important, so that the mediator does not make inappropriate value judgments about the parenting practices of clients.

Two additional value premises are critical for professionals working with clients from diverse backgrounds. First, family mediators must believe that heterogeneity within cultures is as important as diversity between cultures. One of the dangers of not recognizing that differences do indeed exist within different cultures may lead to the practice of stereotyping. In working with clients, it is important that family mediators view and respect clients as unique individuals within their respective cultural group.

The final value premise to be discussed is that of cultural relativism. Cultural relativism implies that there are always different ways of viewing and interpreting phenomena. This value contends that no one world view is superior, better, or more accurate than another; the perspectives are simply different. This particular value premise is extremely important for family mediators. By understanding and accepting the concept of cultural relativism, family mediators will be in a position to learn about other cultures and become creative in their work with clients with diverse backgrounds.

In terms of skills for improved cross-cultural work, mediators can draw from their repertoire of basic communication skills, as well as special considerations for cross-cultural interactions. Intrinsic to basic communication skills are attending behaviors as well as a nonjudgmental attitude.

To identify core dimensions of knowledge required for cross-cultural family mediation, we drew from mediation literature and literature on cross-cultural practice in other disciplines (Irving and Benjamin, 1995; Kavanaugh and Kennedy, 1992; Duryea and Grundison, 1993). The authors broke down the areas of core cultural knowledge into the following topics:

- Composition of the cultural group
- The meaning and importance of family within the culture
- Life cycle
- Rules of communication in the family
- The roles of mothers and fathers
- Implications of separation and divorce
- How conflict is dealt with
- Who helps people separate and divorce
- Potential barriers to working with people from this culture (for example, language barriers, discrimination, and value differences)
- Suggestions for professionals who help separating or divorcing families (use of help).

**Composition of the Cultural Group.** Culture can be defined by different types of characteristics: nationality and language; social class or race; gender; spiritual beliefs; ability or disability; current community; sexual orientation; education; employment; and common history of experience. When working with individuals, mediators are advised to allow their clients to define the culture to which they belong for themselves. Allowing clients to identify their cul-

ture shows respect and also helps the mediator to gain an understanding of how the clients view themselves.

**Meaning and Importance of Family Within the Culture.** The question of “who is family” is significant to mediators in a number of ways. How a client views his or her family—in the past, at present, and in hopes for the future—illustrates the difficulties that a family is going through and affects the range of possibilities that the family will consider. For example, a parent may yearn for the cultural ideal, or may feel a deep sense of embarrassment for not living up to that ideal. If so, the parents may be particularly sensitive to mediator questions or styles that may indicate that the mediator is looking down on them. Further, the clients’ definition of “family” will help the mediator decide whom to involve in the mediation process.

Family mediators often focus on issues concerning the relationship between parents and children. For both Vietnamese and Pakistani families, mediators need to be sensitive to possible issues related to grandparents—for example, conflict related to one parent sending money back home to support a grandparent, bringing grandparents to live with them because the grandparents are no longer able to care for themselves, or grandparents losing status and control in the family because the parents or grandchildren have adapted more quickly to the new language and culture.

If grandparents live with (or in close proximity) to their children and grandchildren, they often have a strong influence in family decision making. For a mediator in a divorce situation, this may present a dilemma.

The family unit, including grandparents and cousins, is also very important among traditional Pakistani families. This means that family members take care of their own, and a person who has a problem can often receive support from other family members. Some family members will protect one another as well as family unity, often to the point of tolerating wife abuse, alcoholism, or child abuse. Families may typically try to deal with these issues as a private family matter and place a higher value on keeping a couple together than on prevention of abuse (Duryea and Grundison, 1993). Ethno-specific institutions, such as the social welfare committee in the Ismaili community, have begun to acknowledge problems in these areas. In recent years, they have started to educate religious leaders and others in the community about how to recognize these problems. Support services are available in the larger centers, but domestic abuse and chemical addictions are still sensitive issues. For mediators, this means that screening for abuse and issues related to addictions may be particularly difficult. First, the mediator needs to establish trust, so that a spouse disclosing abuse will not fear being judged or being told what to do.

**Life Cycle.** Irving and Benjamin (1995) suggest that the life cycle for people of different cultures and socioeconomic groups is different. For instance, families at lower economic levels tend to have less means to support children, which has an impact on responsibilities and expectations at different ages.

Children from these families may be expected to work to help support the family and assume other adult responsibilities at earlier ages than children from families with greater financial means. Families in this latter group are more likely to be able to support children not only through high school, but also through university or college education. Mediators need to be aware of these issues so that they can help the families explore the appropriate time frames for different types of parenting and child support arrangements. For example, custody responsibilities will vary depending on the age of the child and the cultural expectations for families with children of that age.

In terms of the Vietnamese and Pakistani cultures, our informants did not identify any specific patterns in terms of life cycle for these groups. There are probably more within-group differences based on economic status than similarities within the cultures. Traditionally, both cultures display two differences from the North American norm: children may continue to live with their parents even after they are married, and family members are expected to take care of elderly parents in one of their homes, rather than have them live independently or in a supportive institution. However, these are generalizations that are also dependent on the family's socioeconomic status and level of Western acculturation.

**Rules of Communication in the Family.** Within traditional Vietnamese families, fathers take charge of communication with people outside the family. In mediation, the father may do most of the talking and the mother may appear to be agreeing. Some workers interviewed reported that female clients felt that the mediator only listened to the husband's wishes, insulting the woman in the process. It is imperative, therefore, that the mediator meet with both parents individually, so as to gain an understanding of both parties' perspectives, to help both feel heard, and to help the mother (generally) to be able to articulate her concerns in the joint session. If the mediator cannot create a fair environment for joint mediation, then the mediator may need to use *shuttle mediation*, that is, four-way meetings with lawyers or another adaptation of the process.

Furthermore, discussion of feelings may be uncomfortable for traditional Vietnamese family members. Mediators should not force the expression of feelings. Because mediation is a brief intervention, radical changes in patterns of communication should not be expected.

Within the Pakistani community, workers offered varying opinions. Some informants suggested that within the traditional Moslem Pakistani family, the wife had no voice. The husband spoke for the family and the woman's role was to support the husband. In this situation, the typical Canadian or American model of mediation between spouses would be inappropriate. The husband would have all the power, perhaps to the extent of perpetuating any abuse that existed in the family. This is a difficult issue to address because of different views within the Pakistani community and because of our own biases. From one perspective in the Pakistani community (held by some women as well as some

men), roles of men and women are strictly defined by the laws of the religion and must be followed. For a mediator to try to balance power or redefine these roles would be an affront to their religion and rights to self-determination. Others in the Pakistani community believe that this so-called traditional definition of roles is repressive or even abusive toward women. They believe, for instance, that it is consistent with their religion for women to have equal voice and rights with men. Our personal bias is that a rigid definition of roles based on sex can be repressive. We also strongly believe that mediation would be inappropriate if it condones or perpetuates what current Canadian society defines as abuse.

**Roles of Mothers and Fathers.** Within the traditional Vietnamese family, fathers are responsible for external matters and mothers are responsible for internal (domestic) ones. External matters include providing financially for the family and representing the family to the community. Mothers take care of the home, husband, and children. Children (particularly boys) are often relieved of domestic chores by the mother, so that their only responsibility and expectation is to succeed in school. Children have a lot of pressure to achieve or surpass the occupational successes of their parents. Parents experience shame if the children do not succeed. Mediators can help families acknowledge and deal with these feelings, by reframing blame for what has happened to responsibility for improving matters for the future. Mediators can also educate parents about research showing that child development and adaptation is affected more by the level of conflict between parents, rather than the existence of separation or divorce.

Sons may receive preferred treatment over daughters and are more likely to be encouraged (morally and financially) to further their education. For instance, girls may be expected to help with domestic chores. The difficulty for mediators is how to help parents explore these issues without imposing the mediators' values upon the family. One way that mediators can avoid losing neutrality is to bring in a Vietnamese social worker who can tell the family his or her views on how to balance traditional parenting practices with those of their new community.

Upon separation, the mediator may be able to help the family members redefine their roles, while taking into account the cultural and historical experiences of the family. For example, as part of the father's responsibility for representing the family to the community, the father might be the one who attends or speaks out at parent-teacher meetings. The mother, however, may be the parent in touch with day-to-day educational struggles and strengths of the children. If the father expresses a desire to have contact with the school following separation, then it may be better for the father to be the one to help the children with their homework. Concerns regarding discipline also need to be considered. Traditionally, the father has responsibility for discipline. If the children are to live with the mother following separation, then she may have difficulty enforcing house rules. The father is usually more educated and is considered by the children as the smarter parent.

The children may also rebel against their mother, seeing her as the one who made their father leave. The mediator may be able to encourage the father to support the mother in matters of discipline. For example, he needs to convey to the children that their mother is the one in charge of the household and he should defer certain decisions to her. This may be difficult for the father because he has always felt that he is the one in control of the family. However, the mediator can help him focus on what is best for the children and let him decide how to change his role to meet their needs.

**Implications of Separation and Divorce.** Rates of divorce in Vietnam are very low in comparison with those in Canada and the United States. Traditionally, a wife feels that she belongs to her husband and that she owes him a number of duties (taking care of him, his home, and his children). Divorce makes the wife feel as if she has broken her vows. The mediator can assist a woman in coping with divorce by helping her to feel normal. She will be strongly affected by any suggestions of blame or fault.

Within the Vietnamese Canadian community, the vast majority of those filing for divorce are women. The woman is often looked down upon for breaking up the marriage, even though true responsibility for the problem may lie with either, neither, or both spouses. Within both Buddhist and Catholic families and communities, there is a lot of pressure to remain in the marriage. The guilt and shame that both spouses feel may be translated into hatred toward the other spouse. This makes it particularly difficult to act rationally in terms of working out custody, access, and other issues upon separation.

Neither Ismailis nor Pakistani Moslems have a formal, religious process of divorce. In their countries of origin, a divorce could be effected by saying, "*Dala, dala, dala.*" In Canada, families will use the civil divorce process. Either spouse may initiate divorce. Within the mosque and within the cultural community, individuals or couples wanting to divorce may experience strong pressures to stay together. Upon separation or divorce, they may feel guilt, particularly the one who is blamed for the breakup of the family (often the woman).

A traditional marriage contract (*nikah*) may specify what happens to property and to the children on divorce. In Pakistan, a *nikah* usually specifies that, upon separation, money or property from the dowry goes to the woman. Traditionally, custody of boys went to the father (or his parents), and custody of the girls went to the mother. In Canada, custody, support, and division of property is governed by public laws. However, mediators should be aware of the cultural expectations of the family, which may be influenced by the wording of the *nikah* or other cultural traditions. If one spouse wants to enforce a *nikah* as a legally binding domestic contract, this may need to be determined through legal advice. In practice, mothers usually retain the custody of the children and fathers accept financial responsibility. Informants from the Ismaili community report that there are few problems among Ismaili fathers in terms of paying child support, but informants in the Moslem community suggested that fathers often refuse to pay spousal or child support.



Informants from the Moslem community suggested that girls are more likely than boys to support their mothers in separating. In traditional families, boys are treated very well by their fathers. Upon separation, they are cut off from this special treatment on a day-to-day basis. Girls may see the separation as a positive step for the mother, if they believe that the father has been unfair or abusive to the mother.

**How Conflict Is Dealt With.** Vietnamese individuals tend to avoid public displays of emotion and keep anger to themselves. For mediators, this may mean that it is difficult to assess the existence or level of conflict. Denial or expressions of tolerance for a situation may not mean that no problem exists. Rather, they may indicate that the individual prefers to deal with the matter privately. These dynamics raise a dilemma for mediators since the dominant model of mediation suggests that mediators need to bring issues out into the open in order to deal with them. Individual meetings with the parties may allow them to disclose these issues in a controlled environment. The mediator can then work with each party to agree upon a sensitive way of dealing with these issues. This may include shuttle mediation, exchange of written concerns, involving community representatives in mediation sessions, or other adaptations of the mediation process.

Issues that have strong emotional implications in one culture may pose little problem in other cultures. For example, among families of European Christian background, the issue of where children spend Christmas is often emotionally laden. In both Ismaili and Vietnamese cultures, our informants suggested that separating parents rarely raise splitting holiday time as an issue. Within the Ismaili community, holidays are generally celebrated with a service or activity in the mosque. Accordingly, the focus of being together is a religious or community event rather than a family event.

In both Vietnamese and Pakistani culture, open conflict between grandparents, parents, and children is frowned upon. Intergenerational conflict, however, is likely given that children often want to take on the values, clothes, behavior, and so on of the new culture more quickly than their elders. Adolescents who believe that their parents are too strict may be vulnerable to the temptation to run away, because confronting conflict directly is not seen as possible. Stress from trying to hold conflict in may result in fights or other violence to resolve conflicts (Duryea and Grundison, 1993).

**Who Helps People Separate and Divorce.** Knowledge about common sources of help within a culture is helpful for mediators in three ways: to help family members draw upon cultural support systems, to work with these supports in the mediation process, and to provide information to these supports about mediation and how to refer appropriate families for mediation.

Within each of the cultures explored, family members may seek counseling from their clergy if they are experiencing marital problems. For example, Ismailis are likely to seek help from their clergy, the Mookie. Traditionally, the Mookie's role would be to counsel the couple to stay together. More recently,

some communities have encouraged the Mookies to refer families to the social welfare committee and to focus on their religious duties rather than become social workers and mediators. Social welfare officials from the community may provide family counseling, but will also explore issues such as abuse and make appropriate referrals. If parents have decided to separate, then the social welfare committee will refer the couple to mediators. Social welfare officials will also provide support for single parents and groups for family members going through separation. Since conflict and problems do not necessarily disappear when a mediated agreement is reached, social welfare officials from the community are available for follow-up to mediation. Some people may be embarrassed about the circumstances of their breakup and seek assistance outside the community. Others may seek help from outside the Ismaili community because they do not feel connected to it.

Vietnamese people are traditionally more comfortable seeking help for physical illness rather than for psychological or social problems. They may seek help from a medical doctor and complain of physical ailments when they are troubled by family issues. Accordingly, doctors may be a source of referral for mediation or family service professionals. Although mediators tend to present themselves as facilitators rather than experts, this may pose a barrier for Vietnamese clients. They may be expecting the mediator to be knowledgeable and to provide advice, as would a physician. Mediators may benefit from being more directive than with other clients, though this will present the mediator with dilemmas about neutrality and promotion of self-determination. To remain consistent with cultural values, mediators should stress harmony rather than self-determination or independence as the goal of mediation (Irving and Benjamin, 1995).

**Potential Barriers.** Awareness and acknowledgment of potential barriers are the first steps toward removing or reducing them. Potential barriers (or challenges) to effective cross-cultural work include the following:

- Lack of familiarity with the other person's language, dialect, values, social norms, or expectations.
- Inappropriate use of stereotypes that guide our interaction with the other person.
- History of negative experiences with people from the other culture (perhaps due to some of the factors listed in the previous points).
- Insufficient resources (including time, money, and support services).
- Perceived or actual conflict in values between cultures.
- Stress and anxiety related to crisis, loss, or conflict.

### Suggestions for Mediators

This section includes a range of ideas that informants suggested for mediators.

Vietnamese individuals may not be accustomed to speaking with strangers about personal matters, and may have difficulty admitting that anything is wrong

to a helping professional, including a mediator. If the mediator asks an open-ended question such as "How do you feel?" Vietnamese are likely to say that they are fine, even if they are experiencing extreme hardships. Asking a family why they came to mediation may also be inappropriate. The family may know little about mediation, except that a lawyer or social worker suggested that they go. They already feel tentative about coming, and may conclude that mediation is not for them if the mediator does not even know why they are there. The mediator may be more effective by explaining the mediation process first, and by letting the family know that their situation is normal, in the sense that others have faced similar situations and have found mediation useful. Conversely, the mediator must show respect for the unique issues and stress felt by family members.

Because of the difficulties people from these cultures encounter in discussing the "bad side" of their lives, individual pre-mediation meetings and longer initial meetings may be desired. The purpose of the first meeting may be primarily to establish trust by showing respect and by illustrating that the mediator will not be taking sides in the dispute. The person who conducts the intake or initial interviews should be the same person who mediates, so as to foster trust. Scheduling mediation in the office has the advantage of letting the clients see that you have other clients who are using mediation. On the other hand, having an individual session in the client's home allows the mediator to do outreach to a family hesitant to walk into an office and allows the mediator to engage the family informally, before discussing difficult issues that need to be discussed in mediation.

### **Training and Resources for Further Professional Development**

Family Mediation Canada's report on standards and certification for trainers (English and Neilson, 1995) suggests that both basic and specific training for mediators must address cultural issues. This report is designed to encourage trainers to develop and provide more extensive training in this area. However, many opportunities for enhancing cross-cultural competence exist beyond mediation-specific training. Workshops, training, and readings can be used for the following purposes:

- To identify specific cultural issues that arise in your particular workshop.
- To sensitize workers to cultural issues by testing worker attitudes toward people who are different, by confronting worker stereotypes and prejudices, and so on.
- To increase worker knowledge about cultural characteristics of a specific group that they deal with.
- To establish a collaborative working rapport with different cultural groups in the community, identifying strategies to make cross-cultural work more effective.

- To develop policies and practice guidelines promoting more effective work with clients from diverse cultural backgrounds.

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