

# Kluwer Mediation Blog

## Time Frames

Ian Macduff (NZ Centre for ICT Law & School of Law, Auckland University) · Friday, October 25th, 2013

“If only as much were known about the human passions as is known about the production of grain or the sales of soap, world maps could be drawn showing the regional distribution of attitudes and temperaments, fears and hopes, and where one finds the people who can laugh at the same joke.” Theodore Zeldin, *The French*, (Collins Harvill, 1983, 1997), 4

For those of you who like playing with words, think of the ways in which you can give different meaning to the two words of the title of this blog, depending on whether you’re looking at verbs or nouns.

Moving right along, what I want to do here is revisit a puzzle I explored a few years ago in an article in *Negotiation Journal* on culture, time and negotiation [Negotiation Journal 22: 31-45]. I want to revisit this, in part, as the puzzle hasn’t gone away – not that I expected it to; and in part as the number of “hits” on this article suggest that others have at least an interest in the role that time plays in mediation and negotiation, especially when it’s clear that time is itself mediated through a cultural lens. The puzzle, in brief, is that time appears to be both something we all share, whether it’s the precise marking of the passage of time through watches, smart phones, public clocks, or the broad rhythms of the days marked by sunrise and sunset; and, it’s also something that we do not share or perceive in the same way, whether those differences are as large as a reading of history or as precise as frustrations over punctuality.

The provocation for my previous exploration of this came from the otherwise wonderful group of Italian NGO members in a training programme in Cetona, in Tuscany: while most of them managed to arrive on time for the workshops, our real challenge was getting agreement on when to meet for dinner and, having gained agreement, awaiting their arrival. Research on this incommensurability of time perceptions revealed information that has been both liberating (at least I have some insight into why people might be late); and frustrating, in that it seems an almost impossible cultural barrier. The essence of the difference is a simple one – there are two types of time: “clock time” (we’ll meet at 8.00pm), and “event time” (we’ll meet for dinner).

A more recent example of this occurred just yesterday (no doubt prompting this blog) when one of the young women in one of my classes, scheduled from 12 noon to 3.15, got up and left the class after about 15 minutes. Now, I understand the imperatives of bathroom breaks, but she returned some 10 minutes later carrying a packet of lunch. When I interrogated her on her purpose and priorities, it was clear that we had utterly different agenda: she, it seemed, was obliged to be in class during **lunch**, and it was the event that took priority (and this is, after all, Singapore, where

one grazes all day); but I, clearly, was operating on a class **schedule**.

The further difficulty with this apparent incompatibility of time perceptions and the framing of priorities that goes along with it, is the judgment that we add. Even the simple use of a word like “late” carries with it an interpretive weight: we’re framing the other’s conduct not merely in descriptive terms but also in normative terms; and, I suspect, implying an interpretive primacy – my view of “clock” time is right; your following of “event” time (or some other non-chronological priority) is clearly wrong. There is, overtly or covertly, a degree of moral weight added to our use of and assumptions about such a seemingly obvious thing such as time.

But of course time isn’t a “thing” in a usual sense of cultural artefacts. The “work” that time has to do is richly caparisoned with symbolic values of history and meaning (one thinks of those accounts of contemporary conflict that hark back to real or perceived conflicts and losses centuries earlier); with the orientation of daily life towards present busyness or future payoff, which in turn is a matter of how conversational or disputing parties prioritise their lives and tasks; with the (fiscal) value of efficiency against the interpersonal value of impact and engagement. Brislin and Kim [R W Brislin & E S Kim, “Cultural diversity in people’s understanding and uses of time,” *Applied Psychology*, 2003, 52(3) 363-382] identified at least 10 ways in which time matters and perceptions of time can make difference; and all of these can trip us up when dealing with people from other cultural – and dare I say, temporal – worlds.

For the purposes of mediation, I think we can narrow these to four categories of time perception and usage, though in saying that I’m aware that this, too, is a way of managing information and time! These categories are:

1. **Time management:** central to the mediator’s task, at least on the “standard” model, is an indication to the parties as to how the action will unfold, if not in substantive terms then at least in temporal terms. The very idea of a sequence and flow of inquiry which most of us will be familiar with is time-bound.
2. **Time and memory:** One of the conventions of mediation, though probably honoured as much in the breach as observance, is that mediation is forward looking rather than (like litigation) backward looking. But there are bound to be ways of understanding the present that can only be mediated through the past, and sometimes the quite distant (even mythic) past. We have culturally different ways of telling our stories, either across time or abstracted from the weft of history.
3. **Readiness and time:** Drawing on the work of Bill Zartman and colleagues, we have a clearer sense that mediation can happen too soon or too late; and a culturally informed understanding of time might tell us that this readiness involves more than a descriptive account of the level of overt intensity of conflict.
4. **The mediator’s understanding of parties’ perception of time,** in managing pace of conversation: this is linked to, but not quite the same as the first point. Whereas the first point is about managing the flow and sequence, this element of time is about understanding the pace of time. If I could draw a parallel, it would be with the Slow Food Movement which, in addition to suggesting a level of moral and life-quality superiority in mode of food sourcing and preparation also offers as a **virtue** the very notion of “slowness” (which has caught on, in modern viral ways, through the Slow Cities and Slow Tourism movements). This too is likely to be associated with response to the idea of efficiency in the use of time, and culturally-weighted expressions about

time and money or – more judgmentally – the greater importance of my time than yours.

There isn't a resolution to be offered here: channeling Søren Kierkegaard, it's less of a problem to be solved than reality to be experienced. And I'm sure that will take time.

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The graphic features a dark background with white text and a circular icon. The icon depicts a group of stylized human figures, with one figure in the center being magnified by a magnifying glass. The background is accented with horizontal lines in blue and green.

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