

Kluwer Mediation Blog

Who gets to talk; who gets to be heard?

Ian Macduff (NZ Centre for ICT Law & School of Law, Auckland University) · Saturday, January 26th, 2019

“Within a multicultural democracy, debate within our own groups and communities must always be balanced by constructive engagement with members of other groups and communities. Citizens of a multicultural democracy must learn how to speak and be heard across difference . . . “

Alison Jaggar, “Multicultural Democracy,” *Jnl of Political Philosophy*, 7, No. 3, 308, at 323, (1999)]

This blog arises from a [recent news item](#), commenting on research showing that processes of public participation in local government (in New Zealand) tend to privilege older, rich, urban, European voices over minority, indigenous, youth and migrant voices. Auckland City Council sought public input into the long term vision and plan for the next 30 years of this sprawling, diverse, [multicultural city](#), to seek input on housing, transport, environment and well-being. [As an aside, some of you might have heard comments at the World Economic Forum from the New Zealand Prime Minister, Jacinda Ardern, that her government has specifically instructed Treasury and other agencies to take account of well-being as one of the measures of policy success. Predictable snorts of indignation and derision have emanated from those who take more restricted view of what counts as having value in social and economic policy.]

While the plan for public input was well-intentioned, the subsequent research shows that, in a city where the median age is 35, where there is a huge and often visible income disparity, and with an demographic mix that ranges across Pacific, Asian, European, migrant, refugee, indigenous Maori, and long-term white settler populations, an evaluation of the actual participation shows predominance of white and wealthier voices.

On the one hand, this should hardly surprise us: if we think of the modes of participation (filling forms, attending and speaking at public meetings, responding to web-based questionnaires, even having the time to do any of this), the modes are likely to favour certain sectors. Some sectors of the population are simply likely to be better at accessing civic resources or shoulder tapping local body politicians. On the other, these results underscore the challenges of ensuring that participation and access really are as open and representative and we hope they might be.

In reading this report, I recall my involvement as co-facilitator in a 2-3 day workshop following revelations of [medical practices](#) that had increased risks for women with early stages or risk of cervical cancer (subsequently the subject of a damning [report](#)). As facilitators committed to the idea of keeping all participants engaged in all phases of the process, we were initially taken aback by the insistence by a group of Maori women that they would have their own caucus, without input

from us or others in the working group, and would report back at a plenary session. After some conversation about the interaction of the whole group – and some resistance from some in the wider working group – that is what happened. At the end of the whole process, the Maori women’s group reported back and did so with a richer, more nuanced, more authentically “owned” contribution than might have been the case had we insisted on keeping the group together. The lessons taken from that included the recognition that Maori women’s experience of the medical system was not (and probably still is not) the same as for other sectors of the population; that their need to have their own conversation was vitally important, before rejoining the rest of the conversation; and that their strength in providing a voice to the overall conclusion came from being able to do so as a distinctive caucus rather than as individual participants in a wider group. And, of course, as facilitators we could not – should not – insist on the sanctity of our expectations of a process over the values of diverse needs of participants.

This last part was significant: if the assumptions of the facilitators was that all of those involved in the planned conversation would speak as individuals (or in some cases as organisational spokespeople), the Maori women’s concern and huge contribution was to speak from collective and shared experience.

In process terms, it was also important to understand – or to be reminded – that there will be those who, not for reasons of modesty or shyness, but rather of history and experience, don’t expect to be heard in the same way as others. This, of course, is not uniquely a cross-cultural experience: women will be well aware of the historical struggles to be heard and taken seriously.

There’s a personal reminder in this too, for the mediator, teacher and trainer: am I, despite my best intentions and all the exposure I’ve had to diversity, the politics of culture and gender in communication and so on, more likely to hear and pay attention to people more like me than others? On the eve, more or less, of my departure for the ICC’s mediation competition in Paris, where there will be participants from around the globe, the lesson in civics can be brought home to a very tangible setting – and all the more so when many of the participants will come from more socially hierarchical societies where there is less willingness to challenge any perceived bias of an older mediator or to correct any misperceptions by the mediator.

Given the founding aspirations of participation, autonomy, access, engagement, capacity building and inclusion of the modern mediation “movement”, it remains important to ensure not just participation but also recognition of different values of participation; to acknowledge potential biases at systemic and personal level that shape what gets heard, and who gets included; to recognise variations in articulation and language ability (all the more so when we’re working with second language users); and the need for diversity of strategies and processes.

“No multicultural society can be stable and vibrant unless it ensures that its constituent communities receive both just recognition and a just share of economic and political power. It requires a robust form of social, economic and political democracy to underpin its commitment to multiculturalism.”

B Parekh (2006) *Rethinking Multiculturalism: Cultural Diversity and Political Theory*, 2nd ed., New York, NY: Palgrave Macmillan; p.271


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The graphic features a black background with white text and a circular icon. The icon depicts a group of five stylized human figures, with a magnifying glass positioned over the central figure. The background is accented with horizontal lines in blue and green.

This entry was posted on Saturday, January 26th, 2019 at 9:00 am and is filed under [Cognitive Bias](#), [Communication](#), [Cross-cultural](#), [Dialogue](#), [Language](#), [Practical Challenges for Mediators](#). You can follow any responses to this entry through the [Comments \(RSS\)](#) feed. You can leave a response, or [trackback](#) from your own site.