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## Intercultural Competence as a Professional Skill

*Susan Sample\**

*Presented on August 8, 2011 at the 2011 Pacific McGeorge Workshop on Promoting Intercultural Legal Competence (The “Tahoe II” Conference) in Lake Tahoe, California.*

I have some general comments on the meaning and development of intercultural competence. My intention is to give everyone a small taste of the vast field of intercultural relations, and communications, in particular. In order to prepare my remarks, I began by asking myself, “What do attorneys need to know to develop intercultural competence?” Perhaps the most important thing to learn and internalize is that *different systems exist*. When you are thinking about how to develop intercultural competence in people, it is important to communicate the idea that different systems exist, and they are all functional. Given that they all are functional, we then have to learn to say, “Ah, they are functional and essentially equal.”

The internalized recognition that all cultures are essentially equal is important because it tells us that adaptation is a legitimate thing to think about doing. Without believing in that equality, people will expect others to adapt to them all of the time, and, ultimately, that simply is not fair, nor is it likely to be productive in many situations. All of this may seem to be a really obvious thing, but we all know that people do not naturally assume that systems that differ from theirs are equally effective. Therefore, it has to be reinforced, so that when people encounter differences they know to say, “Ok, this is different, this is weird; I do not like it much, but it’s functional for them. Let me try to figure out what is going on here and adapt to it.”<sup>1</sup>

I would define intercultural competence as the ability to recognize real cultural differences, in contrast to observed individual quirks among people, and to appropriately adapt one’s behavior to those differences in ways that are useful towards achieving one’s goals, whatever they are. Typically, intercultural experiences are disconcerting because many of the normal rules of one’s life do not apply. If they are not disconcerting for a person, it suggests that either that

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1. To say that cultural systems are effective or functional, and that we should adapt our behavior appropriately in intercultural situations, should not be read as a statement of ethical relativism, or a statement indicating that cultures are homogenous, undifferentiated wholes. Cultures differ in how functional they are in achieving particular goals we might consider laudable, such as economic growth, and some may be characterized by behaviors we (and some of them might) consider morally reprehensible and should not adapt to, but each has equal complexity and reality to the participants.

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person has enormous experience at crossing cultural boundaries, or more than likely, they are just missing what is going on.

When you are training for intercultural competence, it is really important to teach lay people and professionals to look for that discomfort, which can seem counterintuitive. Cultural differences can be easy to miss, however, and the recognition of discomfort can be a clue that something important is going on beneath the surface. It is particularly important for professionals because they very well may be the person with the highest status in the room, and people with higher status do not necessarily have a lot of experience at looking for cultural differences and adapting to them. For example, if a person is U.S. American, or male, or upper middle class, or European American, or any combination of those things, they may not recognize all the cultural differences in the room because they are inadvertently making everyone conform to them, and thus, their cultural norms. Alternatively, people are not conforming to them, but they may miss things that are going on, and it doesn't matter because they have the power in that setting to enforce their preferences on everyone.

I know a lot of people in this room have a lot of intercultural experience, whether through intercultural marriage or living in a foreign country for a number of years, and probably are skilled in these areas. The nice thing about intercultural relations is that it takes intuitive knowledge gained through things you have learned along the way and provides a framework that gives you the ability to say, "Ah ha, these skills I have are generalizable to other situations." While some people may develop some intercultural abilities organically over a lifetime of experience, most will not develop general skills without conscious training in intercultural communication and awareness. You can, however, teach people how to learn, how to observe, how to reflect, and how to develop the skills and knowledge and attitudes that lead to competence. That way, you and they can avoid the cost of not communicating well, as shown nicely by the video.<sup>2</sup>

One of the costs of not communicating well is lost information. People who have different communication styles may have things they want to tell their clients or other people that they are working with, but simply are not able to tell them. The clients may want to say things to the attorney, but cannot for a variety of reasons. You may think that you have told your clients something, but they did not hear it. Conversely, they may think they told you something and you are completely unaware of it, largely because of differences in communication styles. It is critical to recognize differences in communication styles, so that all sorts of lost opportunities for resolutions, that may be constructive in a variety of situations, are not missed.

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2. DVD: The Cross Cultural Conference Room (Intercultural Resource Corporation 2002) (on file with author), available at <http://www.irc-international.com/content/cross-cultural-conference-room>.

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You cannot just simply give somebody a book and make them culturally competent. It really is a complex process of cognitive learning—learning the theory, learning the variety of variables on which cultures can be compared, and having a range of experiences. Culture is a large and complex thing. You can potentially send people to other countries to have that experience, or if you know your students well, you can often send them to neighborhoods full of people with whom they are completely unfamiliar in their own city as long as it is framed correctly. In other words, as long as the student has the training to say, “Okay, this is why I am going here, and this is what I can probably learn from this experience.” The third leg of this training, beyond study and experience, is reflection, because it is entirely possible to be in the vicinity of events without really experiencing them.

You can be in the midst of an incredible experience and have no real development from it if there is no reflection. If you are not reflecting on it, you are not thinking about what you are seeing. Therefore, the reflection piece is critical to long-term development. An example that comes to my mind involves a friend of mine who was on her honeymoon in Phuket, Thailand when the tsunami hit.<sup>3</sup> They were forced to escape, and luckily they survived. However, my friend had no real recognition of the enormity of the situation she was in at the time and so she was not particularly traumatized. As an outsider, it is difficult to imagine. You think, “But this is a shocking experience!” For her, however, the experience was just something she went through and then she went home from her honeymoon. How you experience events is quite complex, and the meaning they take on is complicated, thus the reflection piece of intercultural competence is as important as the experience itself.

The most critical skill in developing intercultural competence, I think, is probably observation—letting people know that these things exist and that they have to watch out for them and constantly say to themselves, “What is going on here that I do not understand? What is going on here that I do not understand? What is going on here that I do not understand?” It must be a constant question in a person’s mind. After observation, people have to know intercultural theory and practice generally, how it relates to law in particular, and have an idea of the variables on which cultures can be compared. This includes variables that exist in business relationships. The business relationship that comes to mind is the relationship that arises in contracts.

Contracts mean something completely different to the Chinese than to Americans, especially in terms of what it means for the long-term relationship. For example, what it means in terms of how strict one is about the rules of the contract, because the contract is developing a relationship. There are any number of things that one needs to know if one signs a contract, such as what people

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3. *Sea Surge Kills Thousands in Asia*, BBC NEWS (Dec. 26, 2004), [http://news.bbc.co.uk/2/hi/south\\_asia/4125481.stm](http://news.bbc.co.uk/2/hi/south_asia/4125481.stm).

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think that contract means in the first place. Although the contract may look the same, the meaning may be different. People have to be aware of conflicting meanings. One cannot necessarily know this for 193 countries' systems of law, let alone all the other ways that people organize their societies; however, one can be aware that one has to look for it. If you know you are going to be doing most of your business in China or most of your business in Namibia, you can say, "Ah ha, I have to do a lot of research on this place to be able to operate here," but for a more general skill, you have to be aware enough to look for the difference.

One also has to know differences in communication styles, as well as differences in conflict resolution. So, I am going to spend a few minutes on communication styles. I find them fascinating because it is an enormously wonderful puzzle of systems of things that when you learn about the theory of it, you suddenly slap yourself in the forehead and say, "Well, that explains so many situations I have been in." The reasons why things went awry or why relationships developed the way they did was because the communication style differences were very different. As we know, people communicate in a variety of ways, verbal and non-verbal, and communication styles vary enormously. One dimension on which they vary is direct versus indirect communication. In direct communication, what you say is essentially what you mean. With indirect communication, the specific meaning of the message is not typically carried in the specific words that are spoken.

I am going to give a couple of examples of what this can lead to. If you give me a proposal and I respond, "I have one small suggestion," what does that actually mean? It means incredibly different things to direct and indirect communicators. To a direct communicator, "one small suggestion" means one small suggestion. They infer that it is a pretty good proposal, but that I have a small idea. Fundamentally, the proposal is fine. To an indirect communicator, "I have one small suggestion" means, there are fundamental problems with the proposal. And this difference is extremely important. If you are the direct person and someone says this to you, you do not understand that they just said, "Hey, there is a big problem here." So, you are going to go blithely on your way. On the other hand, if a direct person says, "I have one small suggestion" to the indirect person, the indirect person is thinking, "Oh no, what is the problem with this? Clearly this is a much bigger problem than I thought it was." All around, no one actually intended the conversation to end with what people are assuming is now the situation. And that's just one small statement.

Things like changing the subject, saying yes, or saying nothing in response to a proposal may all be indirect ways of saying, "No, this is a big problem." And this may not be recognized at all by a direct communicator. This is only one dimension on which communication differences can be compared. In many situations, attorneys are going to be working in high-stress environments. They might not be terribly high-stress for you if you are the professional, but it is likely to be high-stress for the clients. They may be in really difficult conflict situations.

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The indirect-direct divide plays out in really important ways in gathering information and comparing normal conversation with high stress or conflict situations. For instance, in high conflict situations, an interrogation if you will, the standard practice of information gathering and communicating tends to reverse itself.

If you want to get information from a direct communicator, the best way to start is with a big, broad, general question such as, “Tell me about what happened?” Then slowly move to more specific questions. You spiral inward from big questions to little ones. That is going to make them feel supported and make them reveal information. If you are speaking to an indirect communicator, you want to go the other way in normal course of events. In a normal conversation, start with small questions that anyone could say “yes” or “no” to and move outward in a spiral and end with, “Is there anything else you want to tell me?” That will make them feel supported, and they are more likely to tell you things.

When people are in conflict situations and are emotionally charged, they tend to reverse their normal communication styles. People will often interrogate direct communicators in an indirect manner. This shuts them up and makes them feel terrified—which might be their intention, but probably was not thought through, and vice versa. In high-stress conflict situations, the very process of information gathering typically reverses itself, in fairly predictable ways, based on different communication styles.

Attorneys are most likely to be the people who are best able to adapt because they are the professional in the situation and are not the ones under threat or the ones who have something at stake. Their position makes them the ones that are most likely to be in a situation where they can learn intercultural competence and adapt to differences to better serve their clients. It is important that they learn to do so; otherwise, as I said before, lost information and lost opportunities for resolutions will result.

The quintessential communication tragedy in my mind is actually a medical one. It’s a book that some of you may have read: *The Spirit Catches You and You Fall Down*.<sup>4</sup> The book is about a little girl in the Central Valley of California<sup>5</sup> who had epilepsy—really serious epilepsy<sup>6</sup>—and the doctors are thinking, “What a beautiful child, let us do what we can to save her and help her family<sup>7</sup>—she is the light of her family’s life.”<sup>8</sup> A hard-working, well-meaning social worker translates for the doctors and the family,<sup>9</sup> and even though they have perfect language translation, they

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4. ANNE FADIMAN, *THE SPIRIT CATCHES YOU AND YOU FALL DOWN* (1997).

5. *See id.* at 6.

6. *See id.* at 20.

7. *See id.* at 57.

8. *Id.* at 22-23.

9. *See id.* at 91.

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are completely unable to communicate well enough to save the little girl. The family and the doctors conceptualize the disease and the whole illness in profoundly different ways, and they never realize it.<sup>10</sup> They never understand that they have two fundamentally different views as to what is going on with the child.<sup>11</sup> And in the end, the doctors are frustrated with the family because they will not follow the appropriate medical treatment for her care.<sup>12</sup> At the same time, the family is frustrated with the doctors because they feel that the doctors do not understand their daughter at all,<sup>13</sup> and in the end, the little girl ends up with profound brain damage.<sup>14</sup> This is a tragic tale of well-meaning, good, decent people who simply cannot hold a conversation, even though they understand the words being spoken. It is a good example of just how important communication differences are in professional situations.

I am giving these examples as an indication of theoretical and practical knowledge that simply does not come naturally to most people. Like I said, if you are living interculturally, you may instinctively have some of these skills. Whether they are generalizable beyond your normal environment without some sort of training is another question. But they can be taught.

Evidence suggests that doing formal training for intercultural competence, in conjunction with a person having experience and reflecting on that experience, does help develop competency. You cannot assume that people will naturally develop it. I get frustrated by people who say: "I do not need to learn this because I moved here twenty years ago and I am fine." I am sitting there thinking: "Yes, but every time you open your mouth no one takes you seriously because you are communicating in your own national style that turns Americans off so quickly that it is almost impossible to have a conversation. So, you are not that good at it." A little training would be a useful thing even though we are not training scholars studying cultures for prolonged periods, and we cannot send people off for ten years and say, "Come back and give us your preliminary analysis." You are training attorneys, and you have only three years in which to do it.

It is possible to teach attorneys some of the attitudes, skills, and knowledge in three years that will help them develop intercultural competence for their professional practice. It is also possible to do so with humility, in the sense that if you have a developmental framework, you can teach the formal theory, offer some experience, and encourage reflection. You can convince people that once they leave law school they have to continue the cycle of experience and reflection that will lead them to competence. They will get better at it over time and think of it as ongoing development rather than merely one moment in time.

Thank you.

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10. *See id.* at 28.

11. *See id.*

12. *See id.* at 53.

13. *See id.* at 48.

14. *See id.* at 55.