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Kathryn Jankowski is the President of Financial Divorce Services and Family Mediation. Kathryn understands that focusing on resolving differences and minimizing hostility, often allows divorcing couples to effectively co-parent and maintain family and friendships well after the ink on the separation agreement is dry. Her mediation practice puts families first!

Mediation in a Pluralistic Society

Mediation in a Pluralistic Society was the topic of a vibrant session that took place on the third floor of The Law Society of Upper Canada on an afternoon in November.

The room was packed with Dispute Resolution Professionals; most, of course, were Mediators but there were also many Family Law Lawyers, Divorce Coaches, and Financial Professionals in attendance. Everyone was eager to learn more about how we can better serve our culturally diverse clients.

The panel discussion was led by Mediators and Family Law Lawyers whose practices focus on the diverse Ismaili, Muslim, Jewish, Punjabi, Christian, and Aboriginal cultures. The panel provided their views to questions posed and discussed: "What does 'pluralistic society' mean?" "What are the opportunities for negotiating privately, within the shadow of the law?" "What are the costs?" and "What are the tools we, as mediators, can use to better understand communities?"

What is Pluralism?

It was unanimous across the panel that pluralism is a process. A pluralistic society goes beyond cultures; it's an openness to accept the differences in one another; it's an ongoing journey of acceptance and constantly assessing what you see as your norm and what you see in another person. Part of the process is the bringing together of people of different cultures, religions, and beliefs.

What are the risks of negotiating privately in a Pluralistic Society?

It was noted that it is important that we, as mediators, don't take

a cookie cutter approach in finding solutions for moving forward in mediation. People are not monolithic, e.g. not all Muslims have the same beliefs or upbringings, and they shouldn't be treated the same. One mediator wanted her Aboriginal clients to feel welcome during the mediation and called her Aboriginal friend for cultural guidance. Her friend told her that everything is done in circle so the mediator set a circular table and began the story-telling in a circle. Her clients were confused as they were Mohawks who did not adopt the circular story-telling model. This example set the stage for further discussion.

The definition of culture is really broad. Sometimes there is a culture within a culture within a culture. How people see their own identity and how they align themselves must be considered. Not only do we identify ourselves based on our heritage, but we also align ourselves professionally, with our role in the family, as a woman, a man, gay, straight, amongst other identities. Each alignment can further narrow our field of acceptable practice when mediating with our clients. It's important to be mindful that cultural differences can stem from more than our heritage beliefs and practices.

What tools can we, as Mediators, use to better understand communities?

All of the cultural representatives