

Institution: University of Nottingham
Unit of Assessment: 28
Title of case study: Improved mediation outcomes through an enhanced understanding of the cultural aspects of translation and interpretation.
<p>1. Summary of the impact A series of cross-sectoral workshops brought together for the first time professional mediators and translators with academics to share knowledge and experience of the cultural aspects of mediation. The workshops addressed the question of how better outcomes might be brought about through a deeper understanding of the significance of cultural differences in the mediation process. The knowledge shared in the workshops materially changed practice in three global mediation organisations. In doing so it has begun to bring about a transformation in relation to translation and the cultural challenges in the process of conflict resolution across borders.</p> <p>2. Underpinning research Key researcher: Dr. Xioahui Yuan, Lecturer in Translation and Interpreting (Nottingham 2010-)</p> <p>The research underpinning the findings described below has focused on four areas:</p> <p>The first area of research concerns how people use verbal and non-verbal language to manage interpersonal relationships and to negotiate their face needs (the management of their public self-image) in inter/cross-cultural contexts. In addition, it analyses the influence of cultural variables on people's interactional behaviour. It was developed with a view to investigating how politeness/face phenomena, which embody interpersonal relationship management behaviour, are characterised in Chinese and English films respectively and how they are represented in audio-visual translation (AVT). A key aspect of the research was to gauge the effect of translation on viewers' interpretation of interpersonal dynamics presented on screen. That effect was examined via audience response experiments. The research carried out at Nottingham after 2010 built on Yuan's doctoral work and, in the preparation of her book in which this area culminated (3.1), significantly strengthened the theoretical framework. In particular, two of the book's core aspects – her composite model of Face Management and her analysis of politeness in the Far East – were substantially developed in Nottingham and inform the whole book.</p> <p>The second major area has been research on translating cultures in international mediation. In this area, Yuan has been leading an AHRC-funded interdisciplinary research network investigating how to manage translation and cultural challenges in international mediation (3.2). The network is composed of scholars in translation, communication, business studies and intercultural studies, and professional mediators and interpreters.</p> <p>The third area of research, emanating from the first, has been a project on face management in literary texts and readers' response to its representation in translation (presented in a forthcoming publication: X. Yuan, 'Face Management in Literary Translation', in <i>New Voices in Translation Studies</i>). In this research, interdisciplinarity is reflected not only in bridging intercultural studies and translation studies, but also in applying research methods drawn from psychology to translation studies via the use of reader response experiments.</p> <p>The fourth and most recent research area has been a project on the interpreter's role in political communication and focuses specifically on how face management is manipulated by interpreters in the context of press conferences to enable them to align themselves with the institutional employer and to achieve professional effectiveness.</p> <p>The key research insights produced by the four areas of research highlight the following points:</p> <ul style="list-style-type: none"> • The importance of effectively representing face features in subtitling to enable audiences' full comprehension; • The importance of educating mediators in the cultural impact of language use in conflict

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management;

- The importance of educating mediators and interpreters in their overlapping functions in coordinating interactions;
- The importance of educating interpreters in the use of face management strategies for professional effectiveness.

3. References to the research

3.1. X. Yuan, *Politeness and Audience Response in Chinese-English Subtitling* (Peter Lang, 2012). ISBN 978-3-0343-0732-1. (Peer-reviewed) Listed in REF2

3.2. X. Yuan, 'Face Revisited – Negative Face in Chinese Culture', *China Media Research*, 9:1 (2013), 90-101. ISSN: 1556-889X. (Peer-reviewed) Listed in REF2

The quality of the underlying research is demonstrated by the following:

- Yuan was awarded an AHRC networking grant (£24k), which ran from 14/2/12-17/12/12, for 'Translating Cultures in International Dispute Resolution'. The network involved researchers, translators and mediators from Canada, Australia, Singapore, UK, US, Switzerland, Mainland China and Hong Kong, Netherlands, Germany and Belgium and investigated the management of the translation and cultural challenges facing professional practitioners in international mediation.
- Yuan was invited as a keynote speaker at the Union Internationale des Avocats' World Forum of Mediation Centres in Prague in June 2013. She addressed the issue of how professional mediators should most effectively interact with interpreters and influence their practice with the aim of achieving successful co-working with interpreters for the benefit not just of mediators but also of the parties in disputes.
- Yuan has been invited to edit a special issue in 2014 of the leading, peer-reviewed journal in the area of Chinese media studies, *China Media Research*. This will be entitled 'Managing Language and Cultural Challenges in Cross-border Negotiation and Deal-making'.

4. Details of the impact

This early-stage impact narrative describes the effect of Yuan's research on changes in practice amongst key figures within large global mediation organisations (representing many thousands of practitioners). The early changes in practice described here will continue to yield benefits in the future, and progress with the collaborations will be regularly reviewed in line with UoA policy, as described in its impact template. Yuan's 2011 AHRC Networking Grant (section 3) allowed her to facilitate knowledge exchange between academics and mediation/conflict resolution practitioners that has helped the latter groups improve the quality of their practice. She embedded insights from outputs 3.1-3.2, and from as yet unpublished work on face management in translation into workshops organised in 2012, from which the following impacts have arisen.

Challenging cultural values and assumptions through cross-sectoral dialogue

Professional mediators and translators participating in the workshops found the interdisciplinary and cross-sectoral participation (academics, mediators, translators) innovative and highly productive (5.1). It allowed them to **develop new networks and to challenge some assumptions underpinning their own practice**. They felt that cultural aspects of mediation had previously been under-researched and often overlooked professionally, and that there was much to be gained in terms of improving their practice by this bringing together of practitioners (mediators and translators) with theorists (academics): 'Many of the issues neglected so far have now been put on the table. Many other conferences look at the same sort of things but the interdisciplinarity is missing most of the time'; 'Serious academic research... [gave] one confidence that there is some substance to the way one looks at culture in these mediations'; 'Really valuable data [came] out of the research for a wide variety of people (not only mediators and facilitators but also in management and other professions)' (5.2).

Changing the approach and practice of professional mediators

Senior figures in three global mediation organisations who participated in the workshops have embedded the new knowledge (about the intercultural aspects of mediation and use of interpretation in mediation), to effect **practical changes** in their practice:

1. The **Centre for Effective Dispute Resolution (CEDR)** (5.3) was the partner for Yuan's research project. The Centre was launched in 1990 with the support of the Confederation of British Industry (CBI) and leading law firms, business and public sector organisations. It is the largest independent alternative dispute resolution body in Europe, has access to over 5000 mediators and neutrals worldwide. CEDR Skills offers high-level expertise in consultancy, mediation training, and coaching, including the leading, internationally-recognised Mediator Skills Training programme. A legal adviser at the CBI and a senior mediator at CEDR says that the exchanges with academics facilitated through Yuan's network have **improved his understanding of Chinese cultural characteristics that can affect Chinese people's negotiation behaviour, and have changed how he approaches negotiation in his professional practice**: 'From the academics' work, I can appreciate for example that when a Chinese person says 'yes', it does not necessarily mean that he or she is agreeing with the other party. It could merely be a filler, like 'well' in English, used to communicate their understanding of what the other says. Now when I mediate with Chinese parties, I try to explore with them whether they genuinely agree or just intend to elicit more information when they say 'yes'. Moreover, In China, the person who attends the mediation does not always possess the necessary authority to settle, which can be different from his or her European counterpart. Now I try to explain to the other party that this cultural difference may change the pace of mediation to help them adjust their expectations' (5.4). He also commented on the 'costly and difficult' process of trying to resolve cross-border commercial disputes through a court process, and the increasing reliance on mediation as a way of mitigating this. As such, the **commercial impact of improvements to mediation in cross-border disputes is very considerable** (5.4).
2. The **International Mediation Institute (IMI)** is the only organization in the world to transcend local jurisdictions and to develop global, professional standards for experienced mediators, advocates and others involved in collaborative dispute resolution and negotiation processes (5.5). Through her presentation of the key findings at the IMI's workshop on intercultural mediation (7-8/07/12), and at CEDR's mediation skills training courses in London (5-11/12/12), Yuan provoked fruitful discussions amongst other participants who found the research findings 'enlightening', 'stimulating' and 'empowering'. The research led them to rethink their approach to the intercultural aspects of mediation and the use of interpretation in mediation. Mediators reported that 'the research had provided them with a **powerful tool to understand the cultural challenges in international mediation**, and helped them **reconsider how to handle the challenges with informed intellectual knowledge and skills**' instead of from an instinctive basis. The Director of the Netherlands Mediation Institute (NMI) expressed his determination to 'take what he had learnt from the researchers back to Holland and further stimulate discussion and collaboration there' (5.2).
3. The **Union Internationale des Avocats (UIA)** (5.6) is the oldest global association of lawyers in the world, formed in 1927. Most bar associations and solicitor organisations around the world are members. The UIA has various commissions, including the Mediation and Conflict Prevention Commission. In 2001 the World Forum of Mediation Centres was formed as a sub-commission of the Mediation and Conflict Prevention Commission. In June 2013, Yuan was invited as a keynote speaker to their annual forum for professional mediators and lawyers on the topic of 'Using Interpreters in Mediation'. The President of UIA Mediation Centres says that Yuan's work 'informed the practitioners of the major social roles and powers that an interpreter possesses in conflict management, challenging mediators' preconceptions of interpreters as mere language conduits. This served to **influence their practice and helped them to improve and achieve successful co-working with interpreters** for the benefit of not just mediators but also parties in disputes' (5.7).

5. Sources to corroborate the impact

5.1 Translating Cultures: *Language and Cultural Aspects of International Mediation* at <http://translating-cultures-networking-development.com/home> including speaker list and biographies for the August 2012 Symposium: <http://translating-cultures-networking-development.com/list-of-participants>

5.2 Transcript of video feedback from personnel including: Managing Director of Titlebild Subtitling and Translation GMBH; legal adviser at Confederation of British Industry (CBI) and senior mediator at CEDR; Director of Netherlands Mediation Institute; a Mediator for CEDR, MATA and Resolex at <http://translating-cultures-networking-development.com/video-archire> (available as pdf transcript)

5.3 CEDR http://www.cedr.com/about_us/

5.4 Factual Statement from legal adviser at Confederation of British Industry and senior mediator at CEDR, and correspondence between legal adviser/senior mediator and the Arts & Humanities Research Council (available on file).

5.5 <http://imimmediation.org/>

5.6 <http://www.uianet.org/>

5.7 Factual statement from the President of UIA Mediation Centres (available on file).