



*UTAH MULTI-AGENCY
CULTURAL COMPETENCY
CURRICULUM
(UMACCC)*

**PARTICIPANT MANUAL
MODULE TWO**

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QUESTIONS/DISCUSSION

1. How often do people make judgments and predictions on the basis of insufficient information?

1. How accurate are such perceptions and predictions?

2. What cues does the practitioner use to make his or her predictions?

3. How many predictions are influenced by the practitioner's own cultural background?

CROSS-CULTURAL COMMUNICATION

Introduction

The art of effective communication can sometimes be difficult even under the best circumstances. Frequently, in cross-cultural communication, an idea can be completely lost through misunderstanding. These misunderstandings can arise because people from different cultural backgrounds can have a variety of different styles of communication.

Many juvenile offenders, for example, may not speak English well, if at all. Like people in all cultures, some may change their speaking patterns according to the situation they are in or the people they are with. In certain cultures, words can have differing meanings, or can be used simply to be polite or to understate a situation.

Nonverbal communication can also be misinterpreted. For example, some American Indians' protocol in speaking to authority figures is not to look them directly in the eyes, out of respect for the "window of the soul." Many people may misinterpret this action as rude.

We cannot know all things about all cultures. But it is a fact that in every culture, people communicate because they want to be understood, and in every culture, people respond well when they are given respect.

It is possible to increase our effectiveness as cross-cultural communicators and problem solvers. Even though there is uncertainty in diversity, with an open mind and patience, participants will be able to communicate across cultures. However, effectiveness in the process of cross-cultural communication comes through practice, knowledge and commitment. It does not happen by accident.

TECHNIQUES FOR ENHANCING CROSS-CULTURAL COMMUNICATION

To enhance your ability to effectively communicate with someone from a different cultural background, review what you know about this person and his or her culture. Be aware of differences between your culture and theirs, and of the assumptions you may bring to the situation. Actions viewed or words heard in the context of one set of social norms may appear vastly different in the context of another set of social norms. Language, behavior, and appearance that seem odd or inappropriate in your culture may be very normal or legitimate in another culture.

TIPS FOR JUVENILE JUSTICE PRACTITIONERS

- ◆ *Be patient and allow extra time for communication. Conversations between people who speak different languages or are from diverse cultures will take longer, no matter what the task. When using an interpreter, an interview may take twice as long. Thus, attorneys and others must allow extra time for the client or witness interview. The extra time spent is crucial to permit the parties to understand each other. Court personnel, including judges, must recognize that extra time will be needed to respond to the questions of, or to conduct a proceeding with, a non-English speaker.*
- ◆ *Attorneys should use the client or witness interview as an opportunity to gain understanding of the individual and his or her culture. Gathering as much information as possible will also make it possible to clearly communicate the legal alternatives to the client.*

Open-Ended Questions

- ◆ Use open-ended questions, thereby placing no limits on the length of the interviewee's answer and allowing the interviewee a chance to interpret the subject matter. These open-ended questions early in the interview may help to put the interviewee at ease.

- ◆ Emphasize the main point you want to communicate. Communicate one idea at a time. Do not overload the person with information.
- ◆ Use simple language. Rephrase your sentences and try a variety of words until you are understood. For instance, ask, "where do you live?" instead of "what is your place of residence?"
- ◆ Speak slowly and clearly, being careful not to exaggerate your speech. Be careful not to speak louder when you are not understood. Speaking *loudly* is a common reaction, but to the listener you may seem intimidating, impatient, possibly condescending or even aggressive. Recognize that the person with whom you are communicating may also attempt to make himself or herself understood by speaking more loudly to you. Try not to misinterpret his or her frustration with language as anger or frustration with you.

TIPS FOR WORKING WITH LIMITED ENGLISH PROFICIENT INDIVIDUALS

- ◆ Avoid slang, broken English, or mixed language (i.e., "Spanglish"). Usually, the use of mixed languages just confuses communication more.
- ◆ Do not use sentences with negatives, because you and the person with whom you are communicating may become confused. For instance, if you ask, "You did not see the car?" and he or she responds, "Yes," this may mean: "True, I did not see the car." An even more confusing response is "No," meaning either: "False, I did see the car," or "No, I did not see the car." For this reason, you should avoid all negative questions. In this case, phrase the question: "Did you see the car?"
- ◆ Use consistent terminology to simplify your communication. Don't refer to "the husband" at one point, "the father" at another, and "that man" in the same conversation. The listener may misinterpret and think you are referring to different people.
- ◆ It may be necessary to ask the same question several times to obtain an accurate response. Initially, the other person may respond in a way that he or she thinks will please you. This frequently occurs in the courtroom, where witnesses may be frightened or confused and may wish to demonstrate their desire to cooperate. In the Japanese culture, for example, there is a custom of speaking and acting "only after due consideration has been given to the other person's point of view" and "a habit of not giving a clear-cut yes or no answer ... a long tradition of avoiding unnecessary friction." Often a person from Japan will place greater importance on silence than their English-speaking counterparts from the United States. A Japanese speaker may say "yes," to indicate that he or she has heard and understood the speaker without necessarily agreeing with the speaker. Alternatively, the Japanese speaker may choose to remain silent to avoid disagreement.

QUALITIES IMPORTANT TO CROSS-CULTURAL COMMUNICATION

Additional information:

Approach people from other cultures with empathy and genuineness to establish trust and promote openness in the communication. A person from a different culture may be extremely apprehensive and fearful about a legal case. Your sensitive attitude will go a long way toward encouraging the person to communicate more effectively. Attorneys representing clients from other countries or from different cultures must secure their clients' trust before they can serve as effective advocates.

EMPATHY

There are two dimensions of empathy: understanding and communication of that understanding.

UNDERSTANDING THE PERSON

Ask yourself the questions, "If I were this person, given what this person has told me, how would I feel? What if I were this person in this situation?"

Imagine how you would feel if you had to appear in the court of a foreign country or in a court of a part of this country where you would not be a member of the dominant race, religion, or ethnic group. What things would you need to know and what help would you require?

Empathizing with someone whose differences seem more apparent than his or her similarities to you can be especially difficult if you know little about his or her background. When an attorney interviews a client whose background seems different from that of most of the court officials, jurors, and the judge with whom the client will interact, the attorney should invite the client to describe how and where the client grew up, or how and why the client came to the United States. This will better equip the attorney to understand the client's perspective.

COMMUNICATION OF THE UNDERSTANDING

Court officers, judges, and lawyers may need to respond both to what the individual is saying explicitly and to what is implied or hinted at. Use reflective listening to understand both explicit and implicit messages and to reaffirm what has been said:

- ◆ "Let me make sure I understand what you are saying..."
- ◆ "I want to be certain I understand you so we are not confused..."
- ◆ Do not assume that your client understands the court process; *make sure* that he or she understands.

GENUINENESS

A lawyer representing a client needs to convey to the client that speaking honestly is acceptable and desirable, perhaps by explaining the concept of the attorney-client confidentiality privilege. This may be a foreign concept to many clients. Be honest about your own knowledge. If your knowledge of a country or culture is limited, ask the person with whom you are communicating to enlighten you. Asking questions about subjects with which the other person is familiar will make the person more comfortable, and will also signal to him or her that you are interested in them. By learning more about your clients' backgrounds, you will increase your ability to deal effectively with their situations.

NOTES/COMMENTS:

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History of Asian American Immigration and Immigration Law

From a "big picture" perspective, laws designed to appease both the needs and the fears of America's non-Asian majority largely define Asian American history. These needs and fears have concerned labor and war. This legal dimension of Asian American history haunts the daily lives of many Asian Americans; many have had good reason to believe that they are tolerated, but not quite accepted into mainstream culture in the United States.

The first Asian Americans who came to America were laborers. These laborers were usually single men or married men who had to wait a decade or more before their families joined them. This policy ensured the social isolation of Asian American immigrants, which inclined them to work without complaining and to endure all kinds of abuse and exploitation. The first wave of Chinese men were brought in during the 1840s and 1850s to work on plantations in Hawaii, gold mines in California, the transcontinental railroad, and countless menial jobs. In 1882, Congress passed the Chinese Exclusion Act, which barred Chinese from immigrating to the United States because of fears in the U.S. labor force regarding the presence of limitless, cheap "alien" labor.

After the Chinese came a wave of Japanese who moved to Hawaii and the mainland. When resentment mounted against them, the Japanese government in 1907 voluntarily restricted immigration from their country in return for Theodore Roosevelt's assurance that no legislation would be passed against the Japanese in the United States. Although no legislation targeting the Japanese was in fact passed, legislation against Asian immigration in general was implemented.

The Immigration Act of 1917 and the Immigration Act of 1924 effectively stopped large-scale Asian immigration to the United States, naturalization, and the right to vote. The only exception was for people from the U.S. territory of the Philippines, who in the 1920s filled the market for cheap labor opened by the loss of Chinese and Japanese labor. This exception to Asian exclusion was closed in 1934 by the Tydings-McDuffie Act.

With the repeal of the Chinese Exclusion Act in 1943 and the amendment of the McCarran-Walter Act in 1965, Asians were finally allowed to immigrate to the United States in relatively large numbers. A highly significant part of this legislation proved to be the "fifth preference" category for highly skilled workers written into the 1965 amendment, which authorized a massive influx of highly skilled Asians into the U.S. with the revolution in high technology that began in the 1980s.

For more than a century, then, labor and immigration laws passed because of labor concerns have shaped the experience of Asian Americans. Furthermore, historically the Asian community has been most concerned with naturalizing, establishing communities in the U.S., gaining a place in U.S. society, and preserving what they have gained. More recently, with the highly mobile workforce created by a worldwide revolution in high

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technology, naturalized Asian Americans have been joined by those who retain links with their lands of origin and even plan to return there when opportunities in the U.S. have been exhausted.

Another population of Asian Americans were Japanese Americans, who first immigrated to the United States in order to find jobs. They found themselves cast as the enemy in 1942, when, without due process, over 100,000 Japanese American citizens were incarcerated and dispossessed because of their racial and cultural linkage with Japan, the Axis power whose aggression brought the U.S. into the Second World War. The horror and trauma of this experience has had a profound impact on Japanese Americans, especially since the vast majority of those incarcerated were loyal to the United States government that ruined them.

In the 1970s, the end of the Vietnam War brought a tide of refugees into the U.S. from Vietnam, Cambodia, Laos, and other areas in Indochina where communist regimes backed by China took power. Many of these people, especially the Vietnamese and Cambodians, had lived through unspeakable atrocities, and many moved in the helpless and hopeless knowledge that their families would be persecuted at home. Many of these refugees set up businesses in depressed urban areas in the U.S., where they were bewildered to find themselves the objects of hatred and resentment by poor Hispanic and black populations.

Employees of the justice system need to be aware of the history outlined above will be more sensitive to the wariness, apprehension, and fear that some Asian Americans feel about U.S. legal authorities. The United States has invited them in and excluded them, welcomed them and persecuted them in a seemingly unpredictable and irrational fashion. Many Asian Americans have no good historical reason to view the legal system as supportive, protective, stable, or friendly.

Myths and Stereotypes

Asian Americans come from so many different backgrounds and have so many different lifestyles that no generalization about them is completely valid. Nevertheless, Asian American stereotypes are common, especially in the popular media, where many are spread. Practitioners cannot completely avoid these myths and stereotypes, but they can set such preconceptions aside by coming to understand the Asian Americans' culture.

Problems Telling Asian Americans Apart

For racial, ethnic, and cultural reasons, many non-Asian Americans have trouble telling Asian Americans apart. Well-intentioned practitioners may, for instance, be tempted to view a neighborhood of Laotians, Cambodians, Chinese, and Koreans as simply "Asian," made up of people with names that simply sound alike to them.

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This misconception can be alleviated through actually coming to know a diverse group of Asian Americans. Until that is done, however, some very bad things can happen. In several instances, Asian Americans who share the same names have been confused while being processed in the legal system and have been tried for the wrong crimes. For some employees of the justice system, of course, related problems might be the interview or arrest of a person who has nothing to do with the investigation, simply because he or she has a common Asian name.

Perceiving All Asian Americans as Successful

Although this notion may seem to be a compliment, it can cause serious difficulties for Asian Americans. With the emergence of a new world economy, for instance, many Asians have immigrated permanently or temporarily to the United States to pursue studies or seek jobs. Many of them are highly motivated and disciplined workers; high technology companies actively seek out Asians with technology skills because Asians have earned a reputation for being hard-working, highly productive, detail-oriented, and committed to their work. Consequently, a remarkable number of Asian Americans have achieved a very high level of success in the U.S. workplace.

The problem with stereotyping Asian Americans as successful is that many individuals cannot support the stereotype. First, non-Asian American workers sometimes resent what they perceive as the mass encroachment of Asian Americans into the U.S. workplace. Hostility and harassment of Asian Americans can result. Second, people who are perceived as successful are often perceived as not needing help, which causes difficulties for Asian Americans who are striving to meet the challenges of U.S. society and culture.

Perceiving Asian Americans as Foreign

Asian Americans are frequently presumed to be foreign by non-Asian Americans. This is true even for those whose families have been in the United States for a century and for those who did migrate from Asia during their lifetimes but are now naturalized U.S. citizens. Compounding the basic insult of this presumption is the very real danger of being the target of racist or ethnic aggression.

During the Vietnam War, Asian Americans from many countries were harassed as enemies because they were falsely identified with the Vietnamese. A naturalized Chinese American man in North Carolina, for instance, was murdered by two young men who had lost relatives in Vietnam. The notion that this man was "foreign" and "looked like" the Chinese or North Vietnamese was the sole basis of their actions.

The justice system can play a positive role in the Asian communities by educating individuals about the perils of assuming that someone from Asia with Asiatic racial features is "foreign." This notion has caused enormous grief, as the internment of Japanese Americans during the Second World War demonstrates. It also discourages patriotism such as that displayed by the U.S. Army 442nd Division, the most decorated

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Army unit in the European theater during the Second World War. The 442nd Division was almost completely made up of Asian Americans, most of whom were Japanese American!

Perceiving Asian Americans as Threats to the United States

The United States has had many conflicts with countries in Asia, but imagining Asia as a threat is a terrible error. Asia contains countless cultures and ethnic groups, as well as many countries and regions within those countries. The vile and discredited racist concept of the "Yellow Peril"—hordes of depraved Asians swarming the world and destroying civilization—has subjected many blameless Asian American people to abuse, as in the incident in 1989 when a man known to be an anti-Asian bigot murdered five Southeast Asian children in the school yard of an elementary school.

Many Asian Americans have been victimized because of the perceived threats their countries pose to the economic or political well being of the United States. During the 1980s, when the U.S./Japanese trade war was at its zenith, many Asian Americans were physically or socially harmed by people equating their "Asian" origins with the Japanese. In one instance, a Chinese American man was murdered by two white autoworkers angry at the success of Japan's auto industry.

The justice system need to be sensitive to the needs of Asian Americans as Americans, and to assist them when they are victimized because they are unfairly stereotyped as enemies of the United States.

The Asian American Family

No general statement about the Asian American family can be comprehensive; the range of Asian American experience is too broad. On the other hand, many Asian American families share elements that, if understood, can help the justice system do better work for the communities they serve. This discussion focuses on Asian American families who are living in a relatively traditional way, rather than those who have moved completely into the mainstream.

Asian American families are often extended families, with the "nuclear" family joined dynamically to grandparents, parents, children, cousins; in-laws, close family friends, and neighbors. These extended families frequently span great distances and cross national borders; links to family in the "homeland" are frequent even for Asian American families who have seen generations pass since their predecessors immigrated.

Because U.S. mainstream culture differs from traditional Asian cultures on many levels, Asian American groups often form tightly knit, apparently insular communities that offer mutual support, protection, and cultural identification. People in Asian communities are sometimes wary of authorities in mainstream society, including members of the legal system. The justice system needs to cultivate sensitivity and respect for these

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communities and avoid stereotyping Asian Americans as secretive or "inscrutable." This need applies directly to families, who in many ways form the fundamental units of many Asian American communities.

Parents

In Asian American families, authority often moves from the top, with the father as the formal head and spokesman of the household, and the mother intensely engaged in pragmatic activity, discipline, and decision-making. Family unity is a central concern. When an employee of the justice system needs to carry out some action involving a member of an Asian American family, he or she is advised to let family members discuss the matter among themselves and give them a chance to reach a decision concurring with the justice system's intention. This helps the family to maintain pride and some measure of self-control, both of which will increase possibilities for cooperation with the justice system.

Children

Most Asian American families have two or more providers. It is common for both parents to work. For that reason, older children are often charged with the responsibility of taking care of younger siblings.

Children of first-generation Asian American families sometimes have to act as translators and interpreters for their parents. If the family accepts it, the justice system may benefit in certain situations from allowing the children to translate, even though having children act as translators is obviously not an ideal solution. As suggested earlier, practitioners who find themselves in situations where children are acting as translators need to make sure that they address their questions to the parents, in order not to insult them by bypassing them to address the children.

ABOUT THE PACIFIC ISLANDER CULTURE

ASIANS AND PACIFIC ISLANDERS ARE OFTEN MISUNDERSTOOD TO BE A HOMOGENEOUS ETHNIC GROUP. UNFORTUNATELY, FAILURE TO MAKE DISTINCTIONS AMONG THE DIVERSE ETHNIC, CULTURAL, AND LANGUAGE GROUPS COMPRISING ASIAN AND PACIFIC ISLANDERS, AND TENDENCIES TO GENERALIZE THEIR ECONOMIC, SOCIAL, AND POLITICAL CIRCUMSTANCES, CAN LEAD TO FAULTY CONCLUSIONS ABOUT INDIVIDUALS' CULTURAL BACKGROUND.

The Pacific Islands can be divided into three groups on the basis of physical and cultural identities.

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- The first group, *the Melanesian Islands*, are in the Southwest Pacific, northeast of Australia, and include New Guinea, Fiji, and the Solomon Islands. First colonized by European countries, they are now independent nations or part of Indonesia.
- The second group, *the islands of Micronesia*, are located in the middle western region of the Pacific Ocean, and are small land areas scattered over 3 million square miles. The largest island, Guam, was acquired by the United States from Spain in 1898. Guam's residents became citizens in 1952. Most of the other Micronesian islands were Trust Territories formed by the United Nations after World War II. Under the Nations Trust Territory of the Pacific Islands, the trustee of the territory was the United States. Recently, all of the Trust Territories have become either a commonwealth of the United States or independent island nations. They are now the U.S. Commonwealth of the Northern Marianas, the Republic of the Marshall Islands, the Federated States of Micronesia, and Palau.
- The third group, *the larger Polynesian islands*, in the central and eastern Pacific, have been colonized by Great Britain (New Zealand, Tonga), France (Marquesa, Tahiti), and the United States (Hawaii, Somoa). Data from the 1990 census (31:33,34) show 211,014 Hawaiians, 62,964 Samoans, 49,345 Guamanians, 17,606 Tongans, and 7,036 Fijians.

Pacific Islander Immigration

Before 1941, immigration to the United States from the Pacific Islands was minimal. As with other immigration, that of the Pacific Islanders was caused by political events, poor economic conditions, and an exploding rate of birth after World War II.

The largest migration has come from American Samoa. The United States and Germany divided Samoa into American Samoa and Western Samoa at the end of the nineteenth century, and persons born in American Samoa are United States nationals. The United States has controlled American Samoa continuously, and New Zealand controlled Western Samoa from World War I until independence in 1962. From 1900 to 1951, the Navy administered American Samoa. The naval presence ended when the Navy's base moved to Hawaii in 1951, and Samoans connected with the naval base were allowed to migrate to Hawaii. Nearly 1,000 Samoans, five percent of the 20,000 residents, moved to Hawaii.

Since then, immigration to Hawaii and the West Coast of the United States has increased. As with other Asian cultures, Samoan culture stresses the extended family and kinship system. Original Samoan immigrants, who moved to the United States through military enlistment or assignment, became the first link in a chain that eventually saw entire family units migrate. When one family unit becomes too large, adult members move out and form other kin-connected residences. Today, the number of Samoans living in the

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United States (62,964, most of whom live in southern California) is greater than was the entire population of American Samoa in 1980.

Migration from Guam is similar to that from American Samoa. Guamanians traveled to the United States for relatively high-paying jobs in the armed forces. Little is known about the migration of other Pacific Islanders, because the 1980 Census was the first actual count of Asian-Pacific-Americans by specific categories.

Social Structures

Many different political, societal and familial structures existed in the pre-contact Pacific. Most structures, however, were based on extended family units and were generally some form of chiefdom.

In Samoa, people lived in villages, the head of which was the *matai*. The matai had a council of chiefs who facilitated the functions of the village, the distribution of resources and the resolution of conflicts. Members of the community contributed to the matai in labor or wealth and the matai took care of the community. In western terms, Samoa is politically divided; Western Samoa is politically independent and American Samoa is a territory of the United States. Some Samoans, however, maintain that Samoa is really one nation. Certainly it is culturally united, and the matai system is maintained not only in Samoa, but also in overseas communities in which Samoans have lived in substantial numbers. Such places are Auckland and Wellington in New Zealand, and Hawaii and various western cities in the U.S.

Always at the base of Pacific Islander societal structures is the extended family. While this generally ties three generations together into a close unit, the extended family shares all responsibilities and resources. In such a structure, aunts and uncles are treated with the same respect and biological parents, cousins are treated as biological children or siblings, and grandparents are most revered. Children are raised and disciplined by parents, parents' siblings and cousins, and by older siblings and cousins. When parents die, the oldest son assumes the role as head of the family and the oldest sister assumes the place of family matriarch. As more generations are born, extended families may divide into separate groups forming new extended families.

It is important to realize that these societal structures continue to affect Pacific Islander Utahns today. Although they live under and acknowledge the political structure of the United States of America, they also respect island societal structures. Most Tongan Utahns, for example, still declare allegiance to the King of Tonga and the Royal Family. When members of the Tongan Royal Family visit the Salt Lake area, Utah's Tongan community comes out in full force with many gifts and speeches of respect. Most Tongans maintain close ties to relatives in Tonga and keep up with current events there. The Tongan American Society of Utah coordinates these and many other types of events in the Tongan Utahn community. Many Samoan Utahns also maintain strong ties with

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their relatives in California, Hawaii and Samoa, and tend to recognize the matai system. Utah's Council of Matais is often involved in Samoan social gatherings and issues affecting Utah's Samoan community. Many Aotearoa-New Zealand Maori Americans still acknowledge their tribal affiliations. Along with New Zealander Americans of European Ancestry and former LDS missionaries to New Zealand who currently live in Utah, they have organized the New Zealand American Society. Some of Utah's Maoris meet regularly to study *reo* (Maori language) and *kapahaka* (Maori dancing). Most are members of the LDS Church and call their *kapahaka* group Ngati Hiona, the children of Zion.

The extension of family relationships and loyalty to political and other societal structures persists in Utah to varying degrees. While many Pacific Islanders live as independent nuclear families in single-family dwellings, it is not unusual for three generations to live under one roof. A family unit may consist of any combination of grandparents, aunts or uncles, parents, children and nieces and/or nephews. Pacific Islanders tend to thrive (or, at least, are happiest) when they are surrounded by family. Formal and informal adoptions are not uncommon. Children may be raised by biological parents, grandparents, aunts and uncles, or older siblings.

Heads of households may assume without question financial responsibilities for all members of the households. Likewise, when parents die, the eldest son may assume certain financial responsibilities for his siblings and their children. A matai, living in Utah, may assume certain financial responsibilities for his *aiga* or extended family, or for other groups within the Samoan community. Under an American system of economics, this would be an awesome burden, and sometimes it is a strain on Pacific Islander families. Under the Pacific Islander system, however, this does not always result in undue stress. Essential to traditional political, social and familial structures is reciprocity. In a reciprocal system, resources are allocated according to need. When a family member or a family group enters situations of need ranging from sickness or bereavement to sponsoring celebratory events such as weddings, birthdays or graduations, other family groups share this burden by contributing money, food, and gifts for exchange with the belief that when they themselves are in similar situations, this group and other groups will help them. Reciprocity means that when the head of the household assumes financial responsibility for the entire household, or the eldest son assumes responsibility for his family upon his parents' death, members of the beneficiary group contribute in any way they can to the financially responsible head. If young people should leave their biological families to live with relatives in other areas where opportunities for employment are better, they would be expected to contribute to the welfare of that family. They may also be expected to share their income with their family at home. In Aotearoa-New Zealand, reciprocity is obvious at tribal gatherings, weddings and especially funerals. Relatives often make contributions to such gatherings in the form of money or food so that all share the responsibility.

When reciprocity breaks down, as it may do when Pacific Islanders move into U.S.

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society, stress and financial strain may result. Pacific Islanders not raised with traditional values may tend to become selfish and take advantage of the extended family system. Although they may be taken care of by relatives, they often do not contribute back to the family group. As western economic values infiltrate Pacific Islander societies, societal structures are compromised. Capitalism, which is based on individual accumulation of wealth, is diametrically opposed to Pacific Islander communalism.

Extended family values, reciprocity and communalism have affected relationships with non-Pacific Islanders throughout history both in and out of the Islands. When friendly relationships were established between explorers, settlers, missionaries or visitors, Pacific Islanders were very giving. Families converted to Christianity often gave very valuable possessions and gifts to missionaries. Missionaries and other visitors returned home with items that were valuable then and are priceless now. Even today, both here and in the Islands, when a visitor admires something in a Pacific Islander household, that article is given to them. Families have been known to give away their children to admiring visitors. Here in Utah, Pacific Islanders tend to be very kind and giving. It would not be unusual for a child to bring home a non-Pacific Islander friend and that child be treated with the same kindness as anyone in the family.

As Pacific Islanders move away from the islands, they tend to take with them their values and beliefs. Consequently, they tend to develop new support systems. Pacific Islanders tend to be open to developing friendships with most people. Most like to welcome other people into their homes and try their best to be hospitable. Some may be puzzled when non-Pacific Islanders do not reciprocate and show the same kindness, but rarely would they say anything about it.

Communalism may also account for the fact that some Pacific Islander children shy away from being too successful in academics. Such success may be perceived as one thinking himself or herself better than others. Pacific Islander parents seem to be supportive of their children's academic pursuits, but among peers this may be seen as "selling out" or becoming "too white." More and more Pacific Islanders are entering universities, and this is met with differing response throughout the community. Some feel that success in a university and maintaining a traditional Pacific Islander identity are not compatible. Others, however, rejoice when Pacific Islanders succeed in mainstream society, especially when that success is used to help the community.

Family ties remain strong even as Pacific Islanders strive to adapt to life in Utah. Pacific Islanders tend to be fiercely loyal to extended family groups. Utah's Pacific Islander communities are not free of conflict, and from time to time altercations erupt. To outsiders, these conflicts appear to operate along ethnic lines, usually Samoans fighting Tongans. Families, rather than ethnic groups, might be in conflict.

Often, children born and/or raised away from the Islands do not have the same sense of connection to their families and communities. They may feel alienated by their family's

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culture and may resist it. Many times, these same children will be alienated by modern American society in schools and in the greater society, and yet their need for a support group similar to an extended family continues. Finding no refuge at home, in school, or in the greater society, such children often turn to gangs. Also, even children who do connect with their families may turn to gangs because they believe that this is the only way to survive school and street. In traditional societies, children were often raised and acculturated by their older siblings and cousins and by their peers. In fact, peer relationships were commonplace. Gangs certainly have the potential to replace peer groups.

Individuals, families, and family groups consciously or unconsciously try to renegotiate their individual and collective identities in this new society with its different values and different ways of doing things. Many understand the need for change and try to make wise choices as to which traditional ways need to be abandoned and which ones kept. Often, immigrants make the mistake of believing that they must give up all of their traditional ways. Fortunately, culture is resilient and may survive attacks from both outsiders and those within it.

Language and Occupations

Although language, improved education, and occupational training have made acculturation somewhat easier for the more westernized Hawaiians, Maoris, and Tahitians, the westernized Pacific Islanders are also smaller in numbers and more removed from their own traditional cultures. This leads some to seek ways to recover their own traditions. Conversely, less westernized Tongans and Samoans may struggle somewhat to fit into the society that surrounds them, but their traditions still form an integral part of their daily lives.

Pacific Islander languages are still spoken and are often heard at home, in church, at social gatherings, and in other public places. The most prominent languages heard are Tongan and Samoan. There are several congregations of different Christian religions in Utah where services are conducted in Tongan or Samoan. Consequently, families immigrating to the United States from Tonga or Samoa may speak little or no English. There are also native speakers of the Hawaiian, Tahitian, Maori, and Fijian languages. In the case of the Hawaiians and Aotearoa-New Zealand Maori, they represent groups who are minorities in their own home islands. Families moving from Hawaii or Aotearoa-New Zealand usually speak English as their first language and seldom experience language difficulties in the classroom. Both Hawaii and New Zealand are involved in efforts to revitalize their languages. Tahitians are often trilingual, speaking Tahitian, French, and English. Although Fijians are in the minority in their home nation, Fijian is spoken by most Fijians and by many non-Fijians. Even in Fiji, most Fijians are bilingual, speaking both Fijian and English.

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Different families handle language maintenance in different ways. In some homes only the traditional language is spoken. In others, parents speak mostly the traditional language and children speak mostly English.

The Importance of Food

Any Pacific Islander would probably agree that food is a very important part of Pacific Islanders' cultural experiences. Food is the most important part of any occasion. It is always considered an appropriate gift in gift exchanges, and represents the height of hospitality and unselfishness.

Although Pacific Islanders enjoy the different types of foods that the United States has to offer, traditional foods remain the favorite. Many traditional foods are available, but they are often more expensive than the foods that make up the average American diet.

Kava

A Tongan legend states that a couple once cooked their daughter because they had nothing else to offer a visiting chief. The chief perceived this and refused to eat, instead advising them to take the head and bury it in one place and the body in another, and to watch these two spots carefully. In time, a kava plant grew in one spot and sugar cane plant grew in the other. When the plants were both almost fully grown and the couple observed that when a rat gnawed at the kava plant, its behavior became erratic and uncontrolled and when it gnawed on the sugar cane, its behavior became normal. From this, Tongans learned that partaking of Kava made one act silly, but that this could be counteracted by chewing sugar cane.

Kava, known as *awa* in Hawaii and *Yagona* in Fiji, refers to a beverage that is made from powder pounded from the root or stem base of a pepper plant and mixed with water. It has an effect similar to alcohol, but is non-alcoholic. It numbs the tongue and relaxes the muscles. The imbiber may lose control of his or her muscles, but the mind is not clouded. In some groups, men would partake of kava to relax after working all day. Kava is also a part of ceremony, and is often served when chiefs meet together in council or when visitors are being welcomed. Casual kava drinking occurs with regularity, and kava can be purchased at several stores in the Salt Lake area. Often, long Kava parties are complemented with much discussion.

Clothing

At the time of contact, Pacific Islanders did not encumber their bodies with excess or unnecessary clothing because of the tropical climate in which they lived. Everyday attire generally consisted of simple wraparounds draped securely around the waist. These were made from woven fabrics, finely woven mats, or *tapa* cloth. Tapa (or *kapa*) was common through much of Polynesia and parts of Melanesia and Micronesia. Paper-like mulberry

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bark was stripped and pounded into thin sheets. These were glued into larger pieces and wrapped around the body as clothing or used to decorate furnishings of the walls of houses. Generally men and women went topless.

Early Christian missionaries in the Pacific affected dress and morality. They taught many Pacific Islanders that the body needed to be covered. The Christian sense of modest dress, however, was very out of place in the tropics. Pacific Islanders were not used to covering their bodies with restrictive clothing. Wearing such clothing made them susceptible to disease and death. The Hawaiian muumuu developed as an item of clothing that met Episcopalian modesty standards but allowed ease of body movement and air circulation under the garment. Dress in Tonga was also affected by the nation's conversion to Christianity. In Tonga, it is to see men without shirts and women with bare shoulders except when traditional dances are being performed. The Sulu or Lavalava, a piece of clothing wrapped at least one and a half times around the waist, is very popular in the Islands and may be seen here.

Gift Giving

Pacific Islanders rarely go to social gatherings empty-handed. At weddings, funerals, birthday parties, graduations and other celebrations, it is unusual to see a variety of gifts exchange hands. Formal gift giving will usually include the exchange of fine mats, large pieces of tapa, decorated quilts and crocheted blankets, money and food. Money and food are often used to defray the cost of sponsoring the event. Fine mats, tapa, and quilts and blankets may be retained by the family group or given away as gifts at this or future occasions. In this way, resources circulate throughout the community.

Not long ago, there was an altercation in the Salt Lake area between a Tongan family from Utah and a Samoan family from California visiting relatives here. The head of the Samoan family presented a fine mat to the Tongans, as a token of regret and respect, and the incident was resolved. In Samoa, conflicts between families are often resolved in similar ways.

Social Gatherings

While food is an important part of Pacific Islander gatherings, so is ceremony. Gatherings often go beyond rhetorical handshaking, exchanges of greeting, and refreshments to include formal speechmaking and gift exchanges.

At weddings, it is not unusual to see both the bride's and the groom's families involved in wedding preparations. This often goes beyond just the immediate family and the extended family to include other related family groups. It is considered important by some people that immediate families on both sides respect the wishes of related family groups to participate. It is possible for the bride to be given a wedding gown by more than one family group, and so she may change more than once during the reception.

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There may also be more than one wedding cake. Both the bride's and the groom's families often need to pay careful attention to the selection of the wedding party; such choices are often very sociopolitical. Often, such sociopolitical needs are resolved by having large wedding parties.

Bereavement for Pacific Islanders is not satisfied by the two-hour wake, funeral service and burial that is typical for many Americans. Both here and in the Islands, funerary rites begin as soon as the news of a death begins circulating through the community. Even before the viewing, people go to the home of the deceased to pay their respects through formal speeches and gift exchanging.

The Hawaiian concept of the luau, which describes the feasting and entertainment that goes with celebrations such as weddings or birthdays, has been co-opted by other Pacific Islanders. *Luaus now have become occasions to perform Polynesian dances and serve Polynesian food.*

AFRICAN AMERICANS AND THE JUSTICE SYSTEM

ABOUT THE AFRICAN AMERICAN CULTURE

Knowingly or not, the justice system working with African Americans has to cope with more than three hundred years of terrible history. African Americans have good reason to remember this history and to regard EJS with caution: until the mid-1960s, the American justice system was openly and vigorously used against them, first in the years of slavery, and then in the century of racial injustice following Reconstruction. Whenever practitioners communicate disrespect to African American members of the public or cause them harm, many members of the African American community cannot help but view such incidents as the aggressions of an ancient enemy. For this reason, the justice system has much to gain by understanding the history and culture of African Americans as thoroughly as possible, *demonstrating respect for that history and culture, and striving to protect the peace of African Americans to the best of their abilities.*

African Americans comprise 13.8 percent of the population of the United States, at approximately 34.8 million people. They share urban areas primarily with Hispanic and Asian Americans. An African American middle and upper class exists and has slowly grown, creating class differences that may seem to neutralize racial identity, but many African Americans in all social classes claim commonality with each other in the face of continuing racial hostility.

Most African Americans are descended from people kidnapped from Africa and enslaved in North America beginning sometime in the early seventeenth century. Other African

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Americans have descended or immigrated from black populations in Jamaica, Trinidad, Belize, Haiti, and Puerto Rico, all of which share the history of enslaved African peoples. No amount of denial can obscure the hideousness of the slavery system or the depth of its effects on the present. Enslaved Africans and their descendents were shackled, whipped, driven like cattle, and forced to work in inhumane conditions; the women were regularly raped by white men and forced to breed with men they did not love to provide more slaves for the owners; enslaved families and tribal members were systematically separated to keep them from forming dangerous alliances; the enslaved were denied basic property rights under the law and humane services such as adequate housing and health services; and after slavery ended, discriminatory laws in all regions of the United States forced black Americans into degraded situations. Less than 35 years have passed since major civil rights legislation began to protect and promote African Americans in the United States.

Despite this horrific history, African Americans cultivate strong cultural traditions, family ties, civic responsibility, and religious affiliations. They deserve and demand protection by justice system, and despite the opinions of some individuals in the justice system embittered by contact with black criminal elements, most black Americans desire such protection: a *Los Angeles Times* poll taken after the Rodney King riots, for instance, actually reflected a 60 percent approval rating of police performance in the African American community! Indeed, aside from complaints about real and perceived police abuses, the most common complaint about the police among the African American population is the *absence* of police in critical situations.

African American Culture

African Americans have inherited a very rich and complex culture, enduringly influenced by their ancestors' origins in Africa. Employees of the justice system needs to understand this culture if they wish to avoid serious communication problems and conflicts while investigating crimes that affect African American citizens.

From the civil rights and Black Pride movements of the 1960s and 1970s to current movements of cultural awareness within the African American community, African American culture has emphasized a number of values reflected in the day-to-day life of African Americans, including respect for elders, the importance of the extended family, and community. These values are evident in mass events like 1995's Million Man March, a morally charged affirmation of African male responsibility sponsored by a coalition of the Nation of Islam and various Christian churches, and in an increasing number of neighborhood renewal programs sponsored by African American men and women working in outreach to young people and young families. In addition, increasingly popular festivities such as Kwanzaa increase awareness of positive spiritual and aesthetic dimensions to the African American experience, dimensions that have long been evident in the extraordinary influence of African American music throughout the world.

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Sensitivity to African American culture will help employees of the justice system to understand conditions absolutely essential to effective community, especially the social and material conditions affecting African American families, as well as widespread patterns uses of language and social gesture. Understanding these conditions and acting on that understanding can only result in goodwill and increased trust between the justice system and the African American community.

The African American Family

African American extended families are often extremely strong. Family members, especially women, frequently help each other out, and the justice system when in contact with African American families may find a full range of family members—parents, siblings, grandparents, aunts, uncles, cousins, in-laws—who will be happy to assist in an investigation. Taking advantage of this family unity, and demonstrating respect for it, may help the justice system a great deal in their work.

Male and Female Household Roles

A widespread stereotype of African American families is that women dominate them, and that the women speak for the families. This stereotype has been reinforced by a tendency for the justice system to view African American women as less of a threat to the status quo than African American males. African American males may fear reprisal by the police if they seem aggressive or uncooperative. As a consequence, they may stand back, as the women do the talking.

The fact is that African American fathers and other male family members in authoritative roles usually perceive themselves as leading the family. The justice system needs to remember to respect and acknowledge husbands, older sons, and other senior male family members in the course of investigation.

Single Mothers

The stereotype of the woman-dominated African American household sometimes gains credence because of the fact that single mothers head many such households. At this point in history, single mothers lead nearly 50 percent of African American households, and the figure in some urban areas is closer to 90 percent. Many factors contribute to this situation, most of them unfortunate and some of them tragic. African American single mothers neither deserve nor need more grief at the hands of disrespectful public officials, including law enforcement. Once again, the justice system can achieve much trust and good will in the African American communities they serve by simply showing due respect for single mothers and their families.

Ondra Berry, a lieutenant in the Reno, Nevada, Police Department, has drawn up a useful list of suggestions for justice system interactions with the families of African American single mothers. After discussing historical tendencies of the justice system to treat

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African American single mothers with contempt, Lieutenant Berry points out that "since you are dealing with history, you have to knock down barriers and work harder with this group than with any other group." Berry's suggestions for this important aspect of community relations include the following:

- **SHOW WARMTH TO THE CHILDREN AND A WILLINGNESS TO HELP THEM.**
- **OFFER THE CHILDREN SOMETHING SPECIAL, SUCH AS TOY BADGES OR OTHER POLICE SOUVENIRS.**
- **GIVE YOUR BUSINESS CARD TO THE MOTHERS IN A PROFESSIONAL MANNER.**
- **MAKE FOLLOW-UP VISITS WHEN THERE ARE *NOT* PROBLEMS, SO THAT THE MOTHER AND THE CHILDREN CAN ASSOCIATE THE EMPLOYEES OF THE JUSTICE SYSTEM WITH GOOD TIMES.**
- **CAREFULLY EXPLAIN TO THE MOTHER HER RIGHTS.**
- **OFFER EXTRA ASSISTANCE TO POOR WELFARE MOTHERS.**

If a minor's first, petty offense (such as shoplifting) is involved, use the same discretion you might use with other minors, such as simply bringing the child home and talking with the mother and child, rather than sending the child immediately to juvenile hall (State of Texas, Commission on Law Enforcement Officer Standards and Education).

Children

Family problems and economic difficulties place a large number of African American youth at risk, especially in depressed urban areas. Those in constant contact with young criminals in African American communities may, against their better judgment, become convinced that African American youth are more likely than not to be criminals. This temptation must be resisted. After all, stopping and questioning a youth simply because he or she is African American and appears "out of place" may help to alienate a perfectly law-abiding person. It may also help to aggravate an existing community sentiment that law enforcement are "guard dogs" defending a hostile white establishment.

In many situations involving "at-risk" African American youth, compassion and restraint by the justice system can have strong positive effects. Young African American teenage boys growing up without fathers, for instance, sometimes feel compelled to be the "fathers" of their households, and can feel tempted to try out new domineering behaviors inappropriately, especially with their teachers in school. Lacking role models to help them learn appropriate behavior, these boys often find themselves placed in special education programs used to control and subdue them. The justice system employees dealing with such African American youth are often in a good position to refer them to

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positive role models whom they can respect and emulate. Gentle intervention tends to promote goodwill between justice system organizations and their communities.

Language and Communication Black English (Ebonics)

Black English, a dialect sometimes called Ebonics, has received considerable attention from linguists and other social scientists in the past few years. For a long while, Black English was considered to be a sure sign of ignorance, social ineptitude, and even malicious rebellion against the mainstream, standard English that most Americans use to communicate in social situations. Gradually, however, many people have come to realize that Black English is a dynamic, flexible dialect often used by well-educated African American persons in conjunction with standard English. Historic African American speech usages like the nonstandard use of the word *be* ("You *be* looking good") actually reflect West African grammatical patterns maintained for strong communication by African Americans.

Individuals who do not speak Black English need to cultivate an understanding of it, without imitating it in a "streetwise" fashion. Understandably, such imitation can come across as mockery to speakers of Black English.

Verbal Emotionalism

The justice system unfamiliar with African American culture often have a much more serious challenge facing them than the phrasings of Black English, however: deep cultural differences sometimes exist between African Americans and others in emotionalism, verbal intensity, and use of threatening language. These differences are the ones with the most potential to cause unnecessary conflict.

Two widespread expressive differences are emotional intensity in speech and the perceived threshold between verbal aggression and violence. Where white Americans tend to restrain themselves verbally, starting out with calm speech in an argument and then building to intensity, many African Americans follow exactly the opposite pattern, beginning with emotionally intense speech, and then moving to a more conciliatory tone. Also, for many Americans, "fighting words" lead to violence, whereas for many African Americans, violent words do not always suggest violent deeds.

This difference in verbal emotionalism can have catastrophic consequences if a justice system employee who is unfamiliar with African American culture interprets an African American person's verbal intensity as aggression, then builds to an aggressive stance at exactly the moment when the other person is prepared to wind down. This volatile situation can be made even worse by a perception that an African American person's verbal intensity is about to lead to physical violence, when the individual does not have the remotest intention of violence.

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Derogatory Language

African Americans are understandably sensitive to derogatory language. Naming themselves and shrugging off old, degrading names has, in fact, been part of their process of achieving proud, independent group identity.

Employees of the justice system who adhere to negative, racist stereotypes of African Americans may feel tempted to use derogatory language, in private communication with acquaintances and colleagues. For justice system organizations wishing to establish trust and open communication with the African American community, such language is completely unacceptable in any situation. The fact that African Americans sometimes use these terms among themselves in an "insider" manner does not change the fact that these terms are *never* acceptable coming from an "outsider." In your role as a representative of the justice system, given the history of African Americans, the use of such language, even jokingly, amounts to an act of aggression. The justice system and their organizations need to be vigilant in fighting the use of such language through education and the enforcement of internal policy.

When in doubt about what African Americans should be called, be sensitive to acceptable forms of naming used in particular communities; you may even to ask African Americans what they would prefer to be called when they are identified as a group.

Similar misunderstandings may occur in the nonverbal communication of style and stance. A young African American man speaking in an insolent manner and swaggering in an outfit easily mistaken for a gang uniform may be perceived as menacing by a culturally misinformed justice system officer, when in fact the youth's style may simply be a "cool pose," a posture of strength and pride. Misunderstanding of the style and stance adopted by African Americans can also affect employees of the justice system at times when they feel that they must maintain control of a situation. Strong awareness of the difference between swagger and defiance, or at least willingness to give the benefit of the doubt, is essential at these times.

Differential Treatment of African Americans by Employees of the Justice System

One of the most common complaints by African Americans against employees of the justice system is that they are stopped and questioned because they are African American. In cultural awareness seminars, the justice system frequently deny that this is a major problem and complain that African American people who claim that they are stopped for the color of their skin are usually breaking the law.

Undoubtedly, some African Americans who make this complaint are trying to sidestep something they are doing wrong. On the other hand, race-based stops do occur, and their most common result is ill will toward the justice system in the African American community. On an episode of the television news program *20/20*, Al Joyner, an Olympic

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track and field champion, reported being stopped twice in one day by law enforcement in Los Angeles, once because they suspected that he was driving a stolen car and once because they suspected him for a hit-and-run. In the first incident, the EJS held their guns on him and forced him to his knees while they checked his car registration. In the second, they explained to him that they were looking for an African American man in a baseball cap, and Joyner was wearing one, but the suspect was driving a different type of vehicle from the one Joyner was driving.

Appearing on the program with Joyner was Chief Williams of the LAPD, who expressed sympathy for Joyner and said that his teenage son was stopped three times in a seven-hour period "because he was a young man in a nice-looking car...and he was black." Williams pointed out that many African American men are stopped simply because they are in white neighborhoods, and said "*this is never a justifiable reason to make a stop, and law enforcement should never ask the question 'Why are you in the neighborhood?'*" (Shusta, Levine, Harris, and Wong, pp. 184-85).

This is only one example of friction between African Americans and the justice system. To earn the trust and support of the African American community, justice system must make sure not to treat them as though it were illegal to be black.

Excessive Force and Brutality

It is easy for a police officer cracking under stress and facing constant danger to commit brutal acts under the alibi of necessary force. Many African Americans fear this tendency, and for good reason. Most law enforcement personnel do not commit brutal acts against African Americans, but historically many have done so, and those who do create enormous distrust in the African American community.

Since 1992, when a number of highly publicized acts of police brutality against African American people aroused public concern, police departments around the nation have been required to educate law enforcement in stress management and self-control as soundly as they educate law enforcement in self-defense, and to make sure that their employees conduct themselves appropriately by rigorously enforcing internal policy. For practitioners who work in poor urban or not urban African American communities, these skills are absolutely essential.

The Justice System in Poor Urban African American Communities

A terrible vicious circle can arise for the justice system in poor urban African American communities. There may be those who are tempted to "write off" such communities, especially those plagued with crime, due to a combination of fear for their lives and a sense that their services are not wanted. Members of those communities, for their part, fear "black on black" crime and resent inadequate policing, but are also cautious of encouraging the police to intervene because they fear that harm will come to them and their neighbors at the hands of the police. Employees of the justice system who are trying

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to assert authority may encounter resistance from many in the African American community who distrust that authority, leading to tension even in situations where the police and most people in the community both want to keep the peace.

African Americans in problem-ridden areas badly need an effective justice system. All employees of the justice system must continually keep in mind that most African Americans want to live in a stable, hopeful, humane world. In 1992, a group of African American social scientists compiled the following list of statistics about the most stigmatized group of African American people in poor urban communities—young men:

- About one in four African American men aged 20 to 29 is in prison, on probation, or on parole.
- The unemployment rate for African American men is more than twice that for whites.
- The leading cause of death among African American youth is homicide.
- For African American men in Harlem, life expectancy is shorter than that for men in Bangladesh; nationally, they die at a higher rate than any other group except those aged 85 or older) (State of Texas, Commission on Law Enforcement Officer Standards and Education).

This grim list of facts is but one reminder of the necessity of helping African American communities to keep the peace. Many victims of "black on black" crime in these communities do not deserve to suffer harm, by any stretch of the imagination. What they deserve is the assistance of professional, well-educated, and socially responsible justice system in making their communities safe, prosperous, and filled with bright futures.

HISPANIC AMERICANS AND THE JUSTICE SYSTEM

ABOUT THE HISPANIC CULTURE

The U.S. Census Bureau coined the term "Hispanic" to refer to all Spanish speakers and people with Spanish surnames in the United States and in Puerto Rico. It is the official term used in federal, state, and other governmental documents involving demographics, and for that reason it is the term used here. Resistance to the term by "Hispanic" people, however, tells us much about the complexity and diversity of this large group of people. Terms like "Latino" and "La Raza," which affirm the full richness of people originating in Latin America, came about because "Hispanic" calls to mind Spanish colonialism and oppression, much as "Negro" reminds many black Americans of slavery and post-

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Reconstruction oppression. In addition, not all Latin American people speak Spanish—the Brazilians speak Portuguese, and there are French-speaking Latin American populations as well. Whatever this large demographic group is called, however, one thing for sure is that they are not "aliens" in any real sense—their historic ties to North America and the United States are longstanding and profound.

The largest Hispanic populations in the United States originated in Mexico, Puerto Rico, and Cuba. A look at their respective histories, and at the historical backgrounds of smaller populations, will clarify how intimately the peoples of Latin America are linked to the United States, culturally and politically.

In 1848, at the end of the Mexican-American War, a defeated Mexico received \$15,000,000 for what is now Texas, New Mexico, Arizona, and California, a huge area in which over 100,000 Mexican people still lived. Texas, in fact, included many Mexican people with Hispanic surnames who fought for Texas independence in battles such as the battle of the Alamo. As a result, many Mexicans can claim descent from families who have lived in what is now the United States since the 1800s. In 1910, many more Mexican people became U.S. citizens after the Mexican Revolution. These historical facts must be considered by anyone inclined to think of Mexican Americans as "aliens." Many legal and illegal immigrants do cross back and forth between the U.S. and Mexico, but for many of these people, national boundaries created only 150 years ago have little meaning. In fact, the Rio Grande Valley region of Texas is widely regarded in the Mexican American community as "the disputed zone." Mexican Americans are a powerful social, cultural, and political force in all of the states formed from annexed Mexican land in 1848.

The U.S. claimed Puerto Rico in 1898, following the Spanish-American War. Puerto Ricans were made citizens of the U.S. in 1917, and Puerto Rico itself became a commonwealth in 1952. Its politics are largely shaped by tensions between people who want to make Puerto Rico a U.S. state and those who desire the country's full independence. The East Coast of the United States has been the traditional destination for migrating Puerto Rican people. Two million Puerto Ricans live on the U.S. mainland, and 3.3 million live on the island.

Cubans migrated to the United States in three waves: in 1959-1965, primarily upper middle-class people fleeing Fidel Castro's consolidation of power; in 1965-1973, middle- to lower-class working people, including many white adults; and in 1980-1982, a flood of destitute and desperate people seeking a better life than they could have in an economically depressed Cuba. Many Cubans have settled in Florida, where they exert vast cultural and political power, especially on Florida's electoral ballot in presidential elections.

More than twenty-one Latin American countries have also contributed to the U.S. Hispanic population, especially from the 1980s on. The U.S. has left its mark on the history of most of these countries, especially those in which the U.S. government has

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supported repressive regimes (such as El Salvador, Chile, and Guatemala) and those, which have long been exploited by U.S. corporate interests (such as the Dominican Republic).

Not including Puerto Ricans, the Hispanic population of the U.S. numbers approximately 22.4 million, or 9 percent of the population, and it is rapidly growing. It is a young population, centered in urban areas, with large families and immense buying and political power. Spanish remains the first language of many Hispanic people, especially recently immigrated ones, but English is accepted in the Hispanic community as a necessity for living within a largely non-Hispanic environment.

Myths and Stereotypes About Hispanic Americans

Viewing Hispanic Americans as Illegal Aliens

Much attention, both valid and invalid, has been paid in recent years to "illegal aliens," a stereotyped group of people who supposedly swarm over the United States' southern borders, take jobs away from citizens and draw social benefits from the U.S. government, elevate the crime rate and depress the general standard of living, and then go back to Mexico in U.S. government deportation vehicles.

Illegal immigrants undoubtedly exist, but most Hispanic Americans are U.S. citizens or legal residents. Many suffer discrimination from authorities who mistake them for illegal aliens. The practitioner needs to take care not to assume that Hispanic Americans are illegal immigrants, and needs to avoid using derogatory language and stereotypical imagery to that effect.

Perceiving Hispanic Americans as Uneducated

Until very recently, educational opportunities for Hispanic Americans have been very limited, either through enforced segregation (which continued into the 1940s) or, more recently, through economic adversity affecting school districts and regional colleges. Some Hispanic children are still forced to fragment or forfeit their public school education as their families migrate to do farm work. When Hispanic Americans do earn degrees in higher education, the degrees are sometimes from community or regional colleges, which may have little perceived credibility in the society at large.

The stereotype of the uneducated Hispanic American is gradually changing, especially with the increased number of Hispanic Americans in professions such as employees of the justice system.

Viewing Hispanic Americans as Dishonest and Untrustworthy

Stereotyping Hispanic Americans as dishonest is an obvious concern for the practitioner; such prejudice can produce nothing but conflict with the Hispanic community.

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A common example of this error is the fact that some employees of the justice system have a tendency to view young urban Hispanic American men as gang members because of their styles of dress and speech and their tendency to "hang out" together. In a tough urban neighborhood suffering from gang violence and related crime, it is easy to make this mistake. Jumping to the conclusion that young Hispanic American men are gang members can result in inappropriate actions by employees of the justice system.

The Hispanic American Family/The Extended Family System

The justice system can benefit from understanding certain characteristics common to the family life of many Hispanic Americans. Family is of central importance in much Hispanic American culture, and members of the family tend to have highly specific roles. In addition, the concept of *la familia* extends to relatives outside of the nuclear family, as well as neighbors, friends, and key members of the community. The complex heritage of obligations created by this family structure shapes the behavior of all family members.

The parent-child relationship is primary in the Hispanic American family, with children bound in obedience to the will of both parents. The father's traditional role is that of decision maker and disciplinarian for the household. The firstborn son is often regarded as the secondary decision maker, especially in the father's absence. The mother, who traditionally defers to the father's authority, generally provides the emotional center of the family, nurturing and supporting its members with the help of extended family members such as grandparents, godparents, *compadres*, aunts, and uncles.

Learning how to communicate with the Hispanic American family and having a strong sense of how to speak with its members in particular situations can greatly assist employees of the justice system serving the Hispanic community.

Traditional Roles of Men and Women

The dominant gender codes in traditional Hispanic culture are *machismo* and *marianismo*. *Machismo*, "manliness," confers on the male the responsibility to be strong, decisive, and protectively authoritarian with the women and children in his care. *Marianismo*, which refers to Catholic reverence for the Virgin Mary, elevates women as superior spiritual beings subject to the superior worldly guidance of the male. These gender codes are not consistently followed, of course, but it is good to keep them in mind when dealing with Hispanic American families.

For example; generally, when questioning a Hispanic American family, law enforcement are advised to speak with the father or paternal figure first, while according due respect to the mother and other members of the family. Even if the family does not adhere to the traditional roles, such an approach will often help and will usually not hurt.

The justice system employees who respect Hispanic American families can make their jobs much easier. If a Hispanic American father is being questioned or apprehended in

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the presence of his family, for instance, it may be best to let him save face with his family and minimize any negative reaction from them by allowing him to discuss the matter with them privately. Often, if treated in this manner, the father will arrive at a conclusion that concurs with the demand while letting him maintain his authority within the family. If he is being arrested and agrees to come peacefully, for instance, the officer may agree to handcuff him only when he is out of sight of his family. In a less critical situation such as a noise complaint, the father will usually prefer to announce that the party is over rather than have the police break it up. On the other hand, if EJS are not respectful of male authority, the Hispanic male may try to save face by putting up resistance or posturing aggressively.

Children

Children and youth are expected to be respectful and to obey parents and other elders. Often, this takes the form of silence or shyness when an authority figure is speaking, such as during a police interview with one or both of the parents. Many in Hispanic American culture also accept physical punishment of subordinate family members by superior ones. These cultural issues need to be negotiated when protecting members of the family against spousal and child abuse.

At times, younger members of the Hispanic American family are granted quite serious responsibilities, such as caring for little brothers and sisters when the parents are at work. In recently immigrated families, younger members with English skills are sometimes used as translators and interpreters between their elders and public representatives such as state employees. Also, it is best to avoid using children or family members as translators, but sometimes there is no alternative. When doing so, state employees are advised to follow these guidelines:

When a child is acting as a translator and interpreter for parents, direct all questions to the parents. Not doing so may cause offense.

Pay attention to the conditions under which translation is taking place. A child who is the focus of police questioning, for instance, will probably shape the translation process to his or her purposes.

Language and Communication: Hispanic American Group

Orientation Communication Style

Due to the profound importance of family and community in Hispanic American culture, employees of the justice system need to be aware of common group identification styles. Under questioning, for instance, a Hispanic American family member may "eye-check" family members before coming up with a question, and may follow this action up with what seems to be an inappropriate use of the pronoun "we" when the practitioner expects to hear an "I." This behavior may seem to be evasive or misleading to some employees of

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the justice system, but it often simply reflects the fact that no individual in the family can separate his or her affairs from the family's larger concerns.

Language Limitations

When under stress, as in police interview situations, Hispanic Americans with limited English skills often begin to speak Spanish in response to English questions. Employees of the justice system need to keep in mind that this is not necessarily an attempt to hide information. In fact, when a Hispanic American interviewee turns and speaks Spanish to family and friends during an interview, he or she may well be gathering information. The justice system need not assume a lack of comprehension when in contact with a Hispanic American who does not speak English well; listening and reading skills often far exceed those required in speech.

Be patient with Hispanic Americans whose English skills are extremely limited, and make sure that relevant information is gathered despite the language barriers involved. Historically, the Hispanic American community has suffered from employees who have inadequate skills, at times because some of these employees were unwilling to summon the time and resources to listen.

Establishing Trust with the Hispanic American Community

Throughout their history, Hispanic Americans have suffered much prejudice and *discrimination at the hands of the white majority*. Trusting employees of the justice system and other officials, then, is not easy for many Hispanic Americans. On the other hand, as has been discussed above, many Hispanic Americans are taught to show respect for figures of authority in the family and community.

Employees of the justice system do well to distinguish between demonstrated respect for their authority and trust. Trust must be established through caring and consistent community policing.

Communicating Context During Contact with Hispanic Americans

Because of a strong emphasis placed by many Hispanic Americans upon the personal quality of communication, the practitioner can greatly enhance his or her skills by taking care to establish the context of his or her inquiries. Most interviews will benefit from a friendly greeting and a handshake. In interviewing or speaking with a person who is dealing with the justice system, the practitioner should explain why the information is needed and what kind of work he or she does, any bond or common interest he or she shares with the people being questioned, and the legal and procedural background of the interview. Providing relevant background information and sincerely demonstrating common interest signifies goodwill and cooperation between the practitioner and the Hispanic American community.

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Issues in Nonverbal Communication

Nonverbal communication presents many challenges for employees of the justice system making contact with Hispanic Americans. When interviewees avert their eyes, for instance, employees of the justice system may interpret the action as dishonesty, but some Hispanic Americans are taught to avert direct eye contact with figures of authority as a sign of respect.

A common misunderstanding occurs when Hispanic Americans exhibit fear for no apparent reason, claim not to speak English, and balk at presenting identification. In some Latin American countries, being stopped by employees of the justice system is indeed a fearsome thing. Latin American governments that are notorious for "death squads" and random brutality against citizens produce people who are terrified of the police.

In instances where the justice system has no reason to believe that a fearful Hispanic American is a threat, it can rarely hurt to reassure the person through word and deed that the information requested will not lead to their being harmed.

Emotional Expression

Employees of the justice system dealing with Hispanic Americans may be taken aback by what they perceive as over-emotional speech, tone of voice, and gesture. Individuals may feel compelled to calm or confront Hispanic Americans when, in fact, nothing is wrong. In Hispanic American culture, emotional expression tends to be viewed as permissible, and extreme emotional restraint may even strike them as alarming. Employees of the justice system who recognize this fact, and adjust their behavior accordingly when in contact with Hispanic Americans, will find that their job is easier.

Key Issues Regarding Employees of the Justice System in Contact with Hispanic Americans

Derogatory Language

Employees of the justice system who adhere to negative stereotypes of Hispanic Americans may feel tempted to use derogatory language—in private communication with acquaintances and colleagues. For practitioners in justice system organizations wishing to establish trust and open communication with the Hispanic American community, such language is completely unacceptable. The justice system must be vigilant in fighting the use of such language through education and development of internal policy.

When in doubt about what Hispanic Americans should be called, employees of the justice system are well advised to be sensitive to acceptable forms of naming used in particular communities, and even to ask Hispanic Americans what they would prefer to be called when identified as a group.

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Differential Treatment of Hispanic Americans by Employees of the Justice System

Under reporting of crime is currently one of the biggest challenges facing employees of the justice system trying to serve Hispanic Americans. Sometimes the failure to report criminal activity is due to internal community pressures, such as a fear of retaliation or a desire not to harm extended family members who are connected in some way to the criminal activity. Other factors include a perceived indifference on the part of the employee, a lack of experience with and hence a lack of confidence in the practitioner, a belief that employees of the justice system in the community will probably be either ineffective or harmful, and prior experience of discrimination against Hispanic Americans by employees of the justice system.

Hispanic Americans from countries with politically repressive governments—such as El Salvador, Guatemala, Chile, and southern Mexico—will often be hesitant to report crime, because they may fear the justice system more than they fear criminals. As suggested earlier, the employees of the justice system need to reassure such people that they need not fear the justice system.

Underreporting of crime can aggravate already sluggish or cynical efforts by the justice system agencies to serve the Hispanic American community. Employees of the justice system working for such agencies need to work with their colleagues through education and community outreach to reverse such negative tendencies and affirm the desire of most Hispanic Americans for effective justice.

Victimization

In 1990, the Bureau of Justice Statistics published a report on victimization in the Hispanic American community. The study covered an estimated 100,000 persons age 12 or older, in 50,000 households, interviewed twice a year. Its findings should provide incentive for conscientious employees of the justice system to serve the Hispanic American community in a more vigorous and caring manner:

- For the period 1979 to 1986, Hispanic Americans experienced more victimization from violent crime than other American population. For every 1,000 Hispanic Americans age 12 and over, there were 12 aggravated assaults and 11 robberies (compared to 10 aggravated assaults and 6 robberies for all other populations).
- Hispanic Americans suffered a higher rate of household crimes (such as burglary, household larceny, and motor vehicle theft) than all other populations; this came to an annual average of 266 household victimizations per 1,000 households headed by a Hispanic American (compared to 205 crimes per 1,000 households for all other populations).

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- The street was the most common place for violent crimes to occur: 45 percent of the robberies of Hispanic Americans occurred on the city streets. This crime rate would necessarily be lower with increased police patrol activity.
- Hispanic American victims of violent crime were more likely to be accosted by a stranger (65 percent) than were black American victims (54 percent) or white victims (58 percent).
- Hispanic American and black American victims were more likely to face an armed offender (57 percent for each group) than were white victims (43 percent) (State of Texas, Commission on Law Enforcement Officer Standards and Education).

Increasing Community Policing Services for Hispanic Americans

Among many possibilities for improved community policing in the Hispanic American community, a particularly effective approach may be the use of bilingual community service. Spanish-speaking practitioners, with their insight into the language and culture of Hispanic Americans, can help employees of the justice system agencies provide essential "informational, referral, educational, and crime-reporting services" (State of Texas, Commission on Law Enforcement Officer Standards and Education).

Employees of the justice system who lack Spanish skills but who have frequent contact with Hispanic Americans may become jaded and resigned after ineffective crash-courses in Spanish that leave them with little more than useless practice phrases. Some rudimentary knowledge of Spanish can go a long way toward helping state employees do their jobs, however; using courteous everyday Spanish phrases such as greetings ("Buenos dias") and terms of honor for individuals ("señor, señora") will probably be appreciated as signs of respect and goodwill.

AMERICAN INDIANS AND THE JUSTICE SYSTEM

ABOUT THE AMERICAN INDIANS

American Indians originated from many distinct tribes of indigenous American peoples with their own cultures and languages. Tribes sometimes shared cultural values, but they did not identify themselves collectively. The colonizing Europeans did that. "Indians" comes from the phrase "los Indios," the name Columbus gave natives of the West Indies when he mistakenly thought he had made landfall in India. Even some apparently official names, like "Sioux," are not based upon the names the tribes claimed for themselves—"Sioux," a word meaning "enemy," originated with a rival tribe and was adopted by

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French colonists. Most tribes refer to themselves in their own languages as "The People," "The Allies," or "The Friends."

The current concept of "American Indians" as one group is based upon the fact that they have been so reduced through war, mass murder, disease, starvation, and degraded reservation lifestyles that the tribal distinctions they still claim are easily ignored by those in the majority. At approximately one percent of the population, American Indians' low social visibility also obscures their current troubles for many people who, on principle, are favorably disposed toward American Indians. American Indian traditions regarding ecology, family, community, and individual responsibility have gained much admiration and acceptance in the mainstream, but this general friendliness toward their culture has not helped them much.

Many tribes suffer from economic distress, high unemployment, and problems with the educational system. In addition, nearly 400 years of broken treaties and the destruction of their world at the hands of white people continue to this day; tribal rights to cultural expression and rights of property on reservations are continually under assault by members of the majority. When employees of the justice system deal with American Indians, they must understand that American Indians have had very few favorable encounters with the justice system in their history. The role of the justice system, in fact, has often been to oppress American Indians and deny them the respect due to sovereign peoples.

American Indian Identity

Determining who is or is not an American Indian is a perplexing matter for many employees of the justice system. Individuals may claim "Indian blood," but that does not mean that they are recognized as members of tribes by the tribes themselves. In these cases, practitioners can defer to tribal authorities. On the other hand, there are tribes that for one reason or another are not recognized by the federal government and thus have no tribal authorities who can verify their identity. People who fraudulently claim to be American Indians in order to claim government or tribal benefits are also not hard to find.

Other uncertainties complicate American Indian identity even more. For instance, the U.S. Bureau of the Census estimated in 1990 that there were 2 million American Indians and Alaska Natives living in the United States, but these findings were questioned because the Bureau had few ways to verify people's claims to be American Indian. This does not even take into account the complex relationship of American Indians to Hispanic Americans:

Some Native Americans have Spanish first or last names (because of intermarriage) and may "look" Hispanic or Latino (e.g., the Hopis). Identification can be difficult, so he or she should not assume that the person is Latino just because of the name. Many Native Americans do not want to be grouped with Latinos because (1) they are not Latinos; (2) they

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may resent the fact that some Latinos deny their Indian ancestry and, instead, only identify with the Spanish part of their heritage; and (3) many tribes have a history of warfare with the "mestizo" populations of Mexico...The majority population in Mexico and Central and South America is of "Indian" ancestry, but adopted or were given Spanish names by the "Conquistadores" (conquerors). Many Hispanics in U.S. border communities are really of Indian, not Spanish heritage, or at the very least, a mixture of the two (Shusta, Levine, Harris, and Wong, 246).

In general, the best way to identify American Indians is by the tribes to which they belong, which can often be verified through tribal authorities. Practitioners working with American Indian communities will find that they can promote much good-will by learning the ways of those communities and respecting them.

Tribes and Reservations

The federal government officially recognizes 500 American Indian tribes or "nations." Approximately 100 are not recognized. Recognition of a tribe means that the federal government has a legal relationship with it and that it is entitled to certain benefits extended to American Indians under the present system. Recognition of new tribes has become a somewhat contentious issue, as more and more tribes are vying for fewer benefits.

A reservation is land to which an Indian tribe has rights according to a treaty or treaties, or land held in trust for a tribe by the federal government. Sometimes this is "ancestral land," associated with that tribe for centuries, and sometimes it is land onto which American Indians were driven during the late nineteenth century. Reservations are self-governing, often with their own tribal police, which raises issues of justice system jurisdiction which we will discuss later.

Many American Indians remain on or near the reservation in order to maintain their tribal roots, but because of poverty and a desire for positive change, many others migrate between the reservations and urban areas, seeking employment and a change in lifestyle. Educational and employment opportunities are still scarce on many reservations, but adjusting to urban life is hard. American Indians who find themselves in urban areas, for instance, can find themselves typecast as "Indian" or "Native American" rather than being identified with their specific tribe, as they would likely be by the justice system on or near their reservations.

Every tribe has evolved its own culture, and each perceives itself as unique, despite confederations that link tribes together in common interests. Some similarities do exist between American Indian cultures and individuals, however, and these similarities can help employees of the justice system apply their past experience with American Indian tribes to present and future experience with other tribes.

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SIMILARITIES AMONG AMERICAN INDIANS

Religious and Philosophical Perspectives on Humanity and Nature

In the Western tradition, humanity tends to be the center of the universe, and the universe is humanity's for the taking. For the early European settlers of North America, for instance, the land was "waste" and "wilderness," not because it had no people on it, nor because it wasn't rich and beautiful, but because the people were not "civilized" and the natural world had not been conquered and tamed for human use.

American Indians never experienced an Industrial Revolution, a systematic separation of human experience from nature and a dependence on high technology. All Native American tribes lived in closeness with the natural world reinforced by religious beliefs that the Earth and Sky are living things, are that human interaction with the natural world is spiritual. American Indian religious ceremony tends to affirm the natural world's supremacy and the individual's limited place in it, a notion that carries over to an individual's place in his or her community.

American Indian religious ceremonies can strike outsiders as primitive, alarming, and even worthy of contempt as "uncivilized." Such a response is a mistake; American Indian cultures are extremely sophisticated and filled with profound practical insight regarding humanity's relationship to nature.

The justice system in contact with American Indians practicing traditional rituals need to pay them the greatest respect. Such respect especially includes not interrupting prayers and sacred ceremonies, and not expressing scorn or skepticism about them.

American Indians and Mainstream Society

Psychosocial problems such as dysfunctional families, depression, alcoholism, and suicide are relatively prevalent among American Indians. These problems have made them the target of much contempt in mainstream society, as in the stereotype of the drunken or uneducated Indian. It is important to remember, however, that many American Indians live between two worlds—the tribal reservation and the usually urban, mainstream "outside" world—which are hard to reconcile. They may feel stifled on the reservations and unable to identify with their tribes' traditions, but to find that they are unable to fit in elsewhere. A study published in 1989 found that few of these terrible problems were common among American Indians living in nurturing tribal environments separated geographically from the social mainstream (Shusta, Levine, Harris, and Wong, 249).

American Indians are working vigorously to expand their horizons while keeping their traditional cultures intact. Educational, political, commercial, and other forms of civic participation are helping them to enhance their cultures by bridging them with the world

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"outside" the reservation. Employees of the justice system need to encourage these efforts by working to replace their own negative stereotypes of American Indians with acknowledgement of the enduring vitality of American Indian cultures.

Language and Communication

The following guidelines regard individuals of the justice system interacting with American Indians. As such, they need to be taken with at least a grain of salt; the diversity of tribes limits their applicability, as does the fact that they have to do with American Indians exhibiting *traditional* perspectives.

Openness in Communication

American Indians are frequently reserved when dealing with strangers or casual acquaintances. Personal information, especially family information, is not offered easily, and when such information is shared, it tends to have been earned. The justice system, when interacting with American Indians, may have to work hard at establishing trust and confidence, but when trust and confidence are earned, the change will usually be evident.

Silence and Conversational "Turn-Taking"

American Indians are often raised to assess their thoughts and understand their situation before speaking. Impulsive verbal behavior, like other impulsive behavior, can bring shame to American Indians and those they hold dear. For that reason, the justice system need to understand that silence does not necessarily mean uncooperative or impudent behavior. On the contrary, it can mean that an American Indian takes the situation seriously and is thinking and listening before speaking.)

The American Indian attitude toward silence discussed above extends to the time given to a reply. Any individuals working with American Indians should ask non-talkative open-ended questions, allowing as much time as possible for a reply. Rushing a reply can cause offense and harm an interview.

Another extremely important element of conversation for many American Indians is "turn-taking." When someone speaks, they are to be allowed their say. Consequently, employees of the justice system need to work hard not to interrupt American Indians while they are speaking. Interrupting someone's speech is often interpreted as a grave and insulting act of aggression.

Eye Contact and Touching

Many, but not all, American Indian tribes view direct eye contact between strangers or acquaintances as a sign of aggression and disrespect. An American Indian who avoids direct eye contact, then, should not be interpreted as being guilty, suspicious, or evasive. Sometimes, such avoidance is a nonverbal signal that the justice system employee is

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being too overbearing. Any individuals working with American Indians may, when appropriate, minimize direct eye contact in interviews with American Indians if eye contact seems to be disturbing them.

Physical contact, like sustained eye contact, should also be considered with some American Indians during any law enforcement contact that does not require touch. "Keeping one's distance" is a common rule in most American Indian cultures, and an officer who respects that rule will experience more cooperation during contacts.

Language

Some American Indians speak one or more native languages fluently, and speak English as a second language. Embarrassment and difficulty in formulating phrases may cause these persons to speak halting English. Employees of the justice system need to cultivate patience in these situations; frequently, difficulty in finding words indicates a "translation" process from an American Indian language into English, and such translation is often difficult. In addition, practitioners need to show respect for the speaking of Indian languages. These languages are rich and deeply sustaining for American Indian culture. During years of forced assimilation into mainstream U.S. culture, many American Indians were denied the right to speak their languages; respect for those languages now can do much to create trust and goodwill in the American Indian community.

The American Indian Family

Respect for Elders

American Indians tend to value aging because experience brings wisdom. Elders are respected in all tribes. Their counsel is valued, and older people do not try to hide physical signs of aging out of shame or a fear of mortality. This is in marked contrast to mainstream U.S. society, with its common separation of young people from "retired" older people, who are disengaged from the life of the young.

Employees of the justice system need to accord elder American Indians the respect they command in their tribes. Ignoring or disrespectfully speaking to the elder relative of an American Indian can enrage younger members of the family. In general, when addressing an American Indian family, employees of the justice system need to acknowledge elders, even if they are not an expected part of the interview. In tribes such as the Cherokee, grandmothers have great power in the household, including decision-making power, and they tend to have vast influence on the enforcement of good behavior in their families.

In some cases, American Indian elders will shy away from contact, deferring to other members of the household. In those cases, employees of the justice system might do well

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to acknowledge the elders formally, and then converse with only the other family members.

Extended Family

In traditional American Indian cultures, individuals are defined in terms of their family and tribe. The "nuclear" family of parents and children is reinforced by the extended family, which in turn works in tandem with the tribe. This concept can be bewildering to people raised in mainstream U.S. culture, with its widespread individualism and very limited notion of the nuclear and extended family. Practitioners who arrive at an American Indian home to find children cared for by fellow tribe members who are not even related to them need to know that such a situation is not abnormal, and that the children are not being neglected by their parents.

Similar concerns should be kept in mind when an officer has to refer someone for counseling. Referring individuals rather than groups of individuals for counseling is a strange and alarming thing for many American Indians. Practitioners who are bound to make such a counseling referral need to be ready to refer more than one person.

Separating Children from Parents

A terrible piece of history which many people in the United States do not know, and which American Indians cannot afford to forget, is the forcible separation of American Indian children from their parents. Beginning in the nineteenth century, the Bureau of Indian Affairs (BIA) separated thousands of American Indian children from their parents and put them into boarding schools, where their language and culture were forcibly torn from them. More than 30,000 children were enrolled in such boarding schools at one time, and the practice continued until as recently as 1974.

Horror stories from this history still circulate in American Indian communities. Early in the twentieth century, for instance, a group of Hopi fathers were ferociously prosecuted and sentenced to terms in high-security prisons for the crime of hiding their children from the BIA.

Knowingly or unknowingly, employees of the justice system interacting with American Indians carry the weight of this history on their shoulders. For this reason, American Indian parents need to be consulted about any action that will involve one of their children. We cannot erase history, but can treat American Indian children decently and earn trust in the present.

Derogatory Language

As with any other social minority, derogatory language concerning American Indians is completely unacceptable on the part of employees of the justice system. American Indians suffer much stereotyping, which is often based upon one-sided teaching of

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American history and imagery in the popular media. The problem here is that many non-Indians may not even know if a term they are using is offensive. A prime example is the term "grandfather," a term of respect used for a male elder by American Indians that sounds mocking or disrespectful when coming from someone who is not American Indian.

Obviously derogatory terms include "chief," "buck," "redskin," "skin," "brave," and "squaw." These terms should never be used, and use of such language should be discouraged through peer pressure and the development of internal policy.

Jurisdictions of Civil and Tribal Justice Systems

American Indian tribes have sovereignty in their reservations, which means they have their own employees of the justice system organizations within the reservations. The justice system are advised not to interview or arrest an American Indian within a reservation without the consent of the tribal police. Whenever possible, it is important for the justice system to give tribal police prior notice of any civil action within the boundaries of a reservation.

Fortunately, many civil and tribal employees of the justice system organizations have established strong working relationships with one another, including cross-deputization agreements and other cooperative efforts. Such agreements not only aid employees of the justice system, but also help to heal the historical distrust separating those inside and outside of American Indian reservations.

Peyote and American Indian Religious Freedom

The ritual use of peyote has been part of much American Indian practice for as long as 10,000 years. The Native American Church (NAC) is the present-day religious organization which claims the right for its members to use peyote on the constitutional basis of religious freedom. Since the early 1990s, anti-drug advocates who have passed federal legislation restricting the ritual use of peyote have eroded laws protecting the right of NAC members to use peyote. On the other hand, some state governments have challenged such legislation and have passed laws affirming the ritual use of peyote as a religious right.

The justice system employees bound to enforce laws against ritual use of peyote are in a bind. They are obliged to enforce the law without exception. At the same time, if they are wise, they will be sensitive to the needs of American Indian communities and will try to avoid disrupting the traditions of those communities. The NAC has extremely strict rules regarding the use of peyote: it condemns as sacrilegious the drug's recreational use. Interrupting the church's services to catch peyote users in the act of handling the drug is a gross act of disrespect against the American Indian community.

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The justice system in all cases are encouraged to consult with the NAC and with tribal authorities before taking any actions against American Indians engaged in ritual peyote use. By doing so, they will signify a sense of duty, rather than a desire to disrupt American Indian culture.

The Handling of Medicine Bags

Many American Indians wear small pouches of sacred medicine called "medicine bags." These bags are not stashes of illegal drugs. The justice system needs to treat these items as sacred objects; rifling through them is an act of desecration. These items need to be treated as social objects.

Desecration of Burial Grounds and Sacred Indian Sites

One of the more despicable crimes committed against American Indians is the raiding of burial grounds and other sacred sites for profit or personal souvenirs. Some individuals employed by the justice system in some states have actually seen human remains from American Indian burial grounds mounted as souvenirs in non-Indian homes.

The justice system needs to be vigilant in responding to complaints of such desecration and in prosecuting perpetrators. Congress has passed a law, the Native American Grave Protection and Repatriation Act, which makes burial ground desecration a federal crime. EJS proceeding in such investigations can gain essential advice from agencies formed in several states to protect American Indian sacred sites.

Disputes Over Fishing Rights

The justice systems are placed in a terrible position when enforcing laws that contradict treaties between American Indian tribes and the federal government. Over-fishing, pollution, and silt run-off from deforestation are profoundly reducing fish yields, especially for salmon, in the Pacific Northwest. Several American Indian tribes of the Northwest were granted perpetual rights to fish the rivers. As the fish supply decreases, commercial fishers and state fish and wildlife officials increasingly are prosecuting American Indians for what they perceive as illegal fishing practices.

American Indians have seen hundreds of treaties broken. From their perspective, many treaties have simply been instruments of land-theft by non-Indian peoples. EJS who find themselves caught between civil and tribal laws must constantly work to approach fishing rights and other contentious legal issues with patience, courtesy, and respect for everyone involved.

White American Values/Practices

Family Culturally, the traditional White American family is predominantly nuclear; composed of a husband, wife, and children with the husband as the breadwinner. Mothers sometimes stay at home or work outside the home. Both husband and wife play active roles in raising their children.⁵³ Historically, the White American family was extended, but modernization has provided younger adults with opportunities to declare economic and social independence from their parents.⁵⁴ At age 18, many children leave the family home and strike out on their own. Although a three-generation family is not common, intergenerationally, there is still a high degree of closeness and willingness to help one another.

Communication Style The communication style of White Americans is linear and direct; characterized with direct eye contact. Lack of eye contact may signify deception, rudeness, defiance, or indicates the end of a conversation. White Americans are generally honest, open, and frank in their communication. Often, they call a person by his or her first name. A comfortable distance for a social conversation is about 2 feet.⁵⁵ Greeting consists of a handshake.

View of Individualism/Social Interaction "One of America's trademarks is the concept of individualism—a belief in individual rights and dignity inherent in such principles as capitalism, democracy, and religious liberty."⁵⁶ With this philosophy, White Americans believed that they were responsible for their own lives and possessed powers within them to overcome any obstacle. "Rugged Individualism" according to J. H. Katz, is a major component of white culture. The individual is the primary unit. Independence and autonomy are highly valued and rewarded. Furthermore, White Americans are generally action

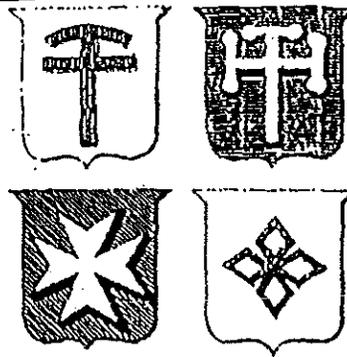
53 See note 52 above, p. 173.

54 Kathy Archer, et. al., *A Journey of the Aging Across Culture: A Three-Part Lecture presented at the 40th Annual Meeting of the American Society on Aging, San Francisco, CA, May 19-22, 1994.*

55 See note 7, p. 4.

56 Nelson Hultberg, *Individualism Strengths America, AMERICAN VALUES: OPPOSING VIEWPOINTS*, 1995, Greenhaven Press Inc., in Diego, CA, p. 29.





oriented. They believe that they must always do something about a situation.⁵⁷

The idea of individual liberty began with the signing of the Magna Carta in 1215. Personal independence for all Americans became the envy of other countries, luring many people from all over the globe to immigrate to the U.S.⁵⁸

White Americans follow rules of privacy and consideration; they are concerned about not disturbing others. This extends to their attitudes about private property, which they treat with great respect.⁵⁹

Materialism/Success Another value is a strong work ethic—commonly called the Protestant work ethic. Historically, America was built by religious people—Scottish Protestants, Italian Catholics, enterprising Jewish immigrants, and others. Work ethics “drive people to work harder, to be productive, to create, and to accumulate the results of their labor.”⁶⁰ Economic possessions, credentials, titles, and positions are considered measures of status and power.⁶¹ Material possessions are considered to be the benefits of hard work.

Concept of Time Time is considered as a valuable commodity that can be saved, lost, and wasted. White Americans take deadlines and schedules seriously. Schedules are planned and followed in detail. This has enabled Americans to be extremely productive.⁶²

Volunteerism To many White Americans, volunteerism is an important aspect of life. Many of them do volunteer work before and after retirement. Many nonprofit organizations rely on volunteers to achieve their goals and objectives.

The next section compares the values held by White Americans with those held by other ethnic groups.

57 See note 50.

58 See note 56, p. 34.

59 G. Harry Stine, *The Alternate View, Cultural Differences, ANALOG SCIENCE FICTION/SCIENCE FACT*, September 1987, p. 3.

60 Charles Colson and Jack Eckerd, *America Has Lost Its Work Ethic, AMERICAN VALUES OPPOSING VIEWPOINTS*, Greenhaven Press Inc., San Diego, CA, pp. 63-64.

61 See note 50.

62 Robert Carter, *Cultural Values: A Review of Empirical Research and Implications for Counseling*, *JOURNAL OF COUNSELING AND DEVELOPMENT*, September/October 1991, Volume 70, p. 165.

Cultural Values/ Beliefs/Practices

These values may apply to most but not to all White Americans and minority groups. Certain factors such as immigration, history, location, place of birth, education, socioeconomic status, etc., have produced differences between ethnically similar communities and even members of the same community. This information may serve as general background to help understand general beliefs of people from diverse groups.

4

References for this section include:

J. H. Katz, *The Sociopolitical Nature of Counseling*, *THE COUNSELING PSYCHOLOGIST*, 13 (4), 1985, p. 618.

Robert Kohls, *Values People Live By*, Meridian International House, 1984, p.16.

Jane Lin-Fu, MD, *Comparison of Common Cultural Values*, *ASIAN AMERICAN AND PACIFIC ISLANDER JOURNAL OF HEALTH*, Autumn 1994, Vol. 2, p.295.

Tulin DiversiTeam Associates, *Diversity Without Adversity in a Time of Turmoil*, San Francisco, CA, March 11-14.

Chareundi Van Si, *Understanding Southeast Asian Cultures*, Asian American United Press, OR, 1992, p. 26-27.

Note: The numbers are applicable to:

- 1 - American Indians
- 2 - African Americans
- 3 - Asians and Pacific Islanders
- 4 - Hispanics/Latinos

White Americans

Minority Groups

• Individualism and independence	Family/group orientation and interdependence (1,2,3,4)
• Personal control	Fate (2,3,4)
• Personal privacy	Openness, accessibility (1,2,3,4)
• Time is to be controlled "on" time	Time is fluid, malleable "in" time (1,2,3,4)
• Equality/Egalitarianism	Hierarchy/rank/status (1,3,4)
• Emotional expressiveness	Emotional restraint (1,3)
• Future orientation	Present/past orientation (1,2,3)
• Competition	Cooperation (1,2,3,4)
• Informality	Formality (1,2,3,4)
• Active involvement	Passive, observation, emulation (1,3)
Communication: linear, direct, explicit	Circular, indirect, implicit (2,3,4)
• Man should conquer nature	Man is part of nature (1,2,3,4)
• Hopeful, optimistic	Accepting, fatalistic (1,2,3,4)
• Task emphasis	Social emphasis, human relations (1,2,3,4)
• Change (improvement, growth, progress)	Tradition/continuity/stability (1,2,3)
• Youth	Elders (1,2,3)
• Self-help	Birthright inheritance (1,3,4)

Growing Up in Multicultural Families

Ohio State University Extension Fact Sheet
Family and Consumer Sciences

Campbell Hall 1787 Neil Avenue, Columbus, Ohio 43210

Available at: <http://ohioline.osu.edu/hyg-fact/5000/5222.html>

HYG-5222-96

There are more than 700,000 interracial married couples in the United States and an estimated hundreds of thousands to almost five-million interracial or multicultural children. Statistics on children of multicultural families are difficult to obtain because no official U.S. Census category exists for people of mixed parentage. Even on official documents, such as birth certificates, no classification is available for children whose parents are not of the same race or culture. Some interracial parents would like to do away with classifications altogether, while others believe the classifications should recognize the children's dual heritage.

What is it like to grow up in one of these multicultural families? Evidence from several studies shows that biracial children are developing as healthy, strong individuals. Most of the young people interviewed for these studies were of Black/White heritage and appeared to be high achievers with no major social or psychological problems. According to one of the researchers, multicultural young people who have learned to cope in a racist society often have high self-esteem and a strong sense of personal identity.

This positive development can often be attributed to the parents' view of the world and the way they handle their cultural differences. Parents who are comfortable with their own cultural heritage can help their children understand and embrace both cultures as they are growing up. Even though individuals in a family may at times be victims of racism within society, it does not have to be a reality of their family life. How parents communicate these differences to their children greatly influences their growth.

Differences in interracial and intercultural families can lead to conflict as to how children are reared and which culture they follow. However, many families use their differences as learning tools. When cultural differences, such as using both languages in Hispanic/Anglo homes, are respected, children learn to accept and be proud of both cultures. When conflicts do arise in multicultural homes, as in other homes -- such as food customs, parental roles, and rules for dating -- parents may develop creative ways to solve the problems showing equal respect for both cultures. Resolving serious conflicts is not an easy matter in any family, but children whose multicultural families successfully solve problems of cultural differences usually exhibit pride in their dual heritage.

How others or people outside the family view multicultural families is also important. Sometimes these families are termed unstable and peculiar even though they may be "normal" and strong. When children of multicultural families have problems, many people often blame those problems on the interracial makeup of the family. Parents may also begin to view their children's problems as race-related when they may actually result from developmental stages or other areas that have nothing to do with race or culture.

Support groups for interracial families are being started in many large cities across the U.S. They have been formed to provide positive settings for education and multicultural

social activities. The groups serve both adults and youth and help them deal positively with bigotry and prejudice from others. Group members also strengthen each other as they strive to raise their families to be loving, strong, responsible adults.

Parents and educators who acquire a broad knowledge of diverse cultures can use that knowledge to broaden a child's awareness and respect for differences in race, culture, gender, etc. This in turn will increase the child's security, his or her sense of belonging, and his or her self-confidence. All of these life skills help enhance the child's ability to learn and adapt to school and culture in general.

Learning to live and help others, especially children, live in a multicultural society is not an easy task. Children who grow up in strong multicultural families can learn, however, that cultural diversity is an integral part of life.

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If you want to help me with what happened to me as a kid, then you've got to know about my background, and my religion, and about how people treat me when they see the color of my skin or hear my accent. You've got to really understand where I'm coming from, or we're just wasting time." – Puerto Rico psycho therapy client who experienced incest as a child.*

Cultural practices that may seem unfamiliar**

1. Initiation into Afro-Caribbean or Brazilian religion of Santeria – small crosses made on their shoulders or faces.
2. African children are given facial scars to distinguish their tribe.
3. During the first 10 days of the Muslim New Year, some Shi'ites beat themselves and may have bruises.
4. Dominican Republic – it's acceptable as a form of affection to bite your children.
5. Chinese, Sikhs and Somalis and others expect a mother to stay in the home with the child for 40 days. Bad things will befall the child if s/he is brought into the world.
6. Vietnamese mothers may not shower or take a bath for a month after a birth.
7. Some Native American cultures throw a party for the child's first laughter but walking isn't important.
8. Many cultures do not recognize or celebrate birthdays.
9. In many cultures, including the French, a man may have two families (Venezuela, African countries, some Muslims).
10. Some cultures may have excuses "A witch put a hex on me", "In our culture, we can't control ourselves" for behavior that's illegal in the US.
11. Women coming from countries like Congo, Rwanda, Somalia, Serbia, Croatia and other areas of ethnic cleansing may have been raped by the enemy during war. In some cultures, having been raped means that the woman can't marry.
12. Japanese tend to have less facial movement and can be mistaken for being uncaring or uninvolved.
13. Some languages depend on tone of voice for the meaning of a word. It can sound like shouting or being angry.
14. In the US, talking a lot is acceptable. In many cultures, including Korean, speaking fewer words but choosing them carefully is more respectful.
15. Many cultures have a sense of their own energy as being as important or more important than physical health. Chinese – Chi/Qi, Korean – Kibun
16. Some cultures tell time differently – Ethiopia – 6 a.m. is 12 and 6 p.m. is 12 again.
17. Some cultures use different calendars – Israeli, Chinese, Islamic – we're in a different year and months/days may be tracked differently. The British use Day/Month/Year.

*Quote taken from Child Abuse and Culture, Working with Diverse Families by Lisa Aronson Fontes, The Guilford Press, 2005.

**Examples adapted from the same book as well as life experience.

Recommendation: Multicultural Parenting Educational Guide: Understanding Cultural Parenting Values, Traditions and Practices Edited by Stephen J. Bavolek, Ph.D. Family Development Resources, Inc. 1997

Cultural misinformation examples

1. Laotian child who went through a sexual abuse prevention class and reported her father as having “slept” with her. The father had poor English skills and answered “yes” to questions about whether he touched his daughter’s private parts, etc., thinking that he was saying something positive. After some confusion and an investigation, a judge finally realized that there was an error and told the father that he would still have to go to one more hearing to have the charges dropped. The father was so desolate and shamed that he killed all his children and himself.

Adapted from Child Abuse and Culture, Working with Diverse Families by Lisa Aronson Fontes, The Guilford Press, 2005 p. 75-6

2 American Peace Corps worker in North Africa who asked a local friend to go to the beach with him. The local man responded “Insh’allah” – if Allah wills it. The American was hurt thinking that the friend didn’t think enough of their friendship to say definitely that he would come. The friend was simply being a devout Muslim. The ability to get to the beach might be impacted by many actions all attributable to Allah. It wasn’t within his control. (adapted from “Building Bridges: A Peace Corps Classroom Guide to Cross-Cultural Understanding” – available at <http://www.nafsa.org/Document/building.pdf>)

ACHIEVING AND UNDERSTANDING CULTURAL COMPETENCY
PARTICIPANT MANUAL - MODULE ONE

COMMON MYTHS ABOUT CULTURAL COMPETENCY

1. *Please read each myth and write a brief response to the myth.*

1. Myth #1: There are too many cultures. I cannot possibly learn what I need to know about all of them.

2. Myth #2: I have examined my preconceptions about the various cultures in my jurisdiction, changed some of my thoughts, and now feel culturally competent to deal with any and all people who might appear in court or related programs.

3. Myth #3: As a person of color, I know what it means to be culturally sensitive. I don't need any special training on how to practice cultural competency.

4. Myth #4: I need a more concrete way to achieve cultural competency. This process is too "touchy feely" in asking me to become more aware; becoming aware will not make a difference in my cultural competency.

5. Myth #5: There are only a couple of cultures that are different from the dominant (American) culture in my jurisdiction.

PLEASE ANSWER THE FOLLOWING QUESTIONS

2. *Introduction to Cultural Competency*

1. How can we create proactive strategies for eliminating barriers where inter-group differences exist?

2. How can we learn the interpersonal skills necessary to work effectively on diverse cross-cultural teams?

ACHIEVING AND UNDERSTANDING CULTURAL COMPETENCY
PARTICIPANT MANUAL - MODULE ONE

DEVELOPING AWARENESS

3. *Answer the following questions.*

- What are my preconceived ideas about..... culture? (i.e., what have I heard, observed, discussed, or otherwise perceived?)

- How have I obtained these beliefs?

- How might these beliefs affect my evaluation of:

- Evidence from a person who appears to belong to the culture?
- Evidence from a person who claims expertise about the culture?

- How might my preconceived beliefs influence my actions with a client?

- Am I open to listening and learning from others who challenge my thoughts, attitudes and actions?

Source: 74 ABA Model Code of Judicial Conduct (1998), Canon 3B(5).

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ACHIEVING AND UNDERSTANDING CULTURAL COMPETENCY

4. *Brainstorm a definition for cultural competency.*

DEFINITION OF CULTURAL COMPETENCY (I)

The process of cultural competency means that a person learns to recognize and reject his or her preexisting beliefs about a culture; focuses on understanding information provided by individuals within the context at hand; and foregoes the temptation to classify or label persons with cultural misinformation. *Source: Maria D. Ramos, Esq.*

DEFINITION OF CULTURAL COMPETENCY (II)

Cultural competency includes an ability to work with people from all cultural identities in a way that promotes respect and dignity. *Source: Utah Task Force on Ethnic and Racial Fairness in the Legal System*

CULTURAL COMPETENCY MUST BE ORGANIZED

5. *Add more strategies to improve the cultural competency within your organization or community.*

1. Is characterized by actions, as well as attitudes, which seek to facilitate community empowerment.

2. Emphasizes ways to facilitate the involvement and participation of diverse cultural groups and communities.

3. Recognizes, values, respects, and builds on the cultural diversity within a community.

ACHIEVING AND UNDERSTANDING CULTURAL COMPETENCY
PARTICIPANT MANUAL - MODULE ONE

STEPS TO DEVELOPING CULTURAL COMPETENCY SKILLS

6. *Review the information and provide additional strategies if necessary.*

1. **Destructiveness:**

Attitudes, policies and practices destructive to other cultures; purposeful destruction and dehumanization of other cultures; assumption of cultural superiority; eradication of other cultures; or exploitation by dominant groups.

2. **Failure:**

Unintentional cultural destructiveness; a biased system, with a paternal attitude toward other groups; ignorance, fear of other groups and cultures; or discriminatory practices, lowering expectations and devaluing of groups.

3. **Blindness:**

The philosophy of being unbiased; the belief that culture, class or color makes no difference, and that traditionally used approaches are universally applicable; a well-intentioned philosophy, but still an ethnocentric approach.

4. **Pre-competence:**

The realization of weaknesses in working with other cultures; implementation of training, assessment of needs, and use of diversity criteria when hired; desire for inclusion, commitment to civil rights; includes the danger of a false sense of accomplishment and tokenism.

5. **Competence:**

Acceptance and respect for differences; continual assessment of sensitivity to other cultures; expansion of knowledge; and hiring a diverse and unbiased staff.

6. **Acquired skills:**

Cultures are held in high esteem; constant development of new approaches; seeking to add to one's knowledge base; advocates for cultural competency with all systems and organizations.

ACHIEVING AND UNDERSTANDING CULTURAL COMPETENCY
PARTICIPANT MANUAL - MODULE ONE

“It takes two to
speak the truth—
one to speak and
another to hear.”

—Henry David Thoreau

