Bridging the Divide: Cross-Cultural Mediation

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Abstract

The article strives to contribute to the growing field of conflict resolution by analyzing contrasting cross-cultural perceptions through insights from multiple areas to resolve intercultural conflicts and disputes. Western-centric mediation techniques are dissected in juxtaposition to indigenous methodologies in degrees of (1) substantiality and its prominence in indigenous communities; (2) connectivity in the ability for these methodologies to resonate within other cultures; and (3) determinism through application to aid in the manifestation of possible resolutions. By analyzing various global indigenous systems, we argue individualistic and collectivist mediation techniques often lack synergy between peoples in cross-cultural conflicts, which can lead to miscommunication. In this paper, we present the Cross-Cultural Mediation Model and methodology for managing conflict that incorporates a wide variety of mediation techniques found throughout the world at every level of society.

Keywords: culture; cross-cultural; mediation; collectivism; individualism; conflict resolution

Conflict is a naturally occurring process and part of the human experience regardless of one's culture. Just as there is diversity in the way conflict manifests and operates, there is diversity in how conflict is resolved. As our world continues to become more globalized, it is more important than ever to look for new and innovative ways to resolving conflict. Today, we have countless processes and tools--interpersonal, meta-level, and international--to solve conflict constructively; "learning from the ways other cultures understand and resolve conflicts is an important part of maintaining healthy relationships in our increasingly interactive world" (Stobbe, 2015, p. 30).

Conflict, as defined by the West is "an expressed struggle between at least two interdependent parties who perceive incompatible goals, scarce resources, and interference from others in achieving their goals" (Wilmot & Hocker, 2001, p. 4). Though this definition translates to just about every other part of the world, how one thinks of, reacts to, and resolves conflict varies. Even with these variances, many conflict scholars acknowledge the reliance on the concepts of neutrality, impartiality, and the existence of a "third-party" alongside a growing body in opposition to the application of these concepts in various cross-cultural situations. These concepts designate the function of conflict resolution as a concept to exist on a plane that is contradictory by attempting to provide prescriptions while maintaining distance from becoming

too involved; thus, conflict resolution practitioners act as both interventionists and non-interventionists. This proves to be an obstacle as the ability to provide structure for transforming conflicted situations necessitates removing the practitioner so that conflicted parties may determine the direction conflict proceeds, either perpetuation or resolution. While this contradictory notion exists, even insomuch that conflict is cyclical, this process cannot determine rationally based solutions without an objective third-party. This is a scholastic argument that revolves around Western-centric practices within the field of conflict resolution. Now, whereby Western-centric practices operate per this cyclical function within the field is subjective, but is there an alternative to this debate (see, for example, Cobb, 1997; Brigg and Bleiker, 2011)?

By relying on the opposite of stereotypical Western-centric notions of culture (and therefore, attributable methods of conflict resolution), one would automatically assume that collectivist cultures would provide an effective prescription to this cycle. However, the difference within the individualist-collectivist binary is determined through various modes of communication; along the spectrum from low-context - to - high-context. Therein, multiple methods of communication are exhibited along this spectrum, whereas oral methods function low-contextually, and bodily methods function high-contextually. This is not to denote a degree of ineptitude between low-context or nuance in high-context situations, but rather indicates substantially ineffective methods for communication in both contexts. By hypothetically combining multiple methods found within these contexts, we promote a cross-cultural communication model that addresses an expansive array for transforming conflicted situations, as well as integrates various modes of Alternative Dispute Resolution (ADR) techniques into the network of Conflict Resolution.

Low-context methodologies via oral communication tend to ignore nuance. Conflict resolution practitioners often utilize the function of Alternative Dispute Resolution to resolve this ignorance, and therefore debase the efforts of conflict transformation[1] (Väyrynen, 2011: 39) by restricting conflicted parties to re-contextualize in the face of (Western-centric) "third culture"/third-party structures[2] (Patel, Li, & Sooknanan, 2011). This method is designed to base conflict resolution techniques on the interests of the conflict practitioner and not on the parties; thereby subjugating the notions of neutrality, impartiality, and the essence of a third-party to institutionalized biases.

Subjectivity in dialogue encourages the expansion of emotional positions that can promote self-determination; this self-determination of conflict is dependent upon the direction the parties lead the resolution process. On the contrary, Western-centric methodologies require conflicted parties to seek a re-positioning and re-telling of narratives and interests to re-contextualize conflict to mutually find compromise and communication so that discourse may occur. In this contradiction, subjective dialogue can be used as both an inhibitor and a promoter towards transformation.

The importance of the third-party is not considered moot in any respect, as its inclusion constructs an environment respective to positions and interests; and seeks to shift discourse to acknowledge narrative through balancing relationships by providing agency to disenfranchised groups (Winslade and Monk, 2000; 2008); thereby creating a "third culture" that substantiates

the importance of narrative within mediation. While Western-centric techniques ought to account for subjectivity, mediation tends not to accommodate emotion into discourse as this can exacerbate and divert objective factual-based information from communicable resolution. Further, the lack of prioritizing narrative techniques symbolically and structurally opposes alternative forms of contextual communication; thereby misconstruing basic human needs, incorrectly analyzing complex social constructs and distorts power dynamics between conflicted parties. This can be viewed as a neo-colonialist, economic interpretation of conflict, which alienates parties from specific cultural fundamentals of conduct. Such alienation makes these situations rigid, which can impede transformation (*e.g.* Indonesia-Netherlands 1945; Israel-Palestine 1949; Egypt-Israel 1979; Iran-United States 'Nuclear Deal' 2016). Therein, it is critical to involve narrative practice within mediation to remove subliminal assumptions inhibitive towards possible resolution (Cobb, 2013).

Further, such rigidity distances conflict resolution practitioners from those involved within conflict, creating an interventionist – non-interventionist dichotomy. This dichotomy seeks to penetrate the conflictual sphere with an external influence while simultaneously creating distance between the practitioner and conflicted parties to allow the situation to self-determine towards possible resolution (without direct/holistic intervention). Within this dichotomy, the distance created often separates the personal connectivity between practitioner and conflicted parties which can then manifest as a disservice to those involved, as well as towards deeper understandings of *who* and *how* we operate in societal complexes. This creates a paradox, however: conflict practitioners conduct ADR methodologies in full belief of resolution without operating under the context that the generation of a result may be inherently more complicated than the initial conflict or process (Lederach, 2010). The inability to provide a personal connection with out-group cultures limits the actualization of operable functionality; conflict resolution becomes a comical and moot process.

However, high-context cultural conflicts also need third-parties but require different training to adjust accordingly to cultural modes of conduct. The exotic sensibility of including high-context methods of conflict resolution to various conflicts are phenomenologically Western, and do not understand the importance of low-context communication apart from the exhibitionist performance of such communication. This perception of exhibitionism questions the intent of performativity, acceptability, and equitability of high-context cultures. On the other hand, the notion that neo-colonialist techniques of conflict resolution bar these methods of providing prescription towards resolution. Both practices are equally (and yet uniquely) juxtaposed towards incorporating either societal methodology. These communication formats both lack the ability to completely identify all factors in contribution to the situation; and may misappropriate conflict resolution techniques to applications that neither necessitate nor seek such mechanisms. It is the responsibility of the third-culture to identify these nuances and establish a channel of communication that is culturally-sensitive which can bridge divides based on a holistic and cosmopolitan network of conflict resolution techniques. Further, this third-culture must be constructed based upon cultural-exceptionalism that attunes itself to specific cultures yet binds the differences between each.

Therein, how do indigenous practices of conflict resolution seek to transcend communal violence, and how can these indigenous practices then contribute to the larger network of ADR? Therefore, this paper seeks to illuminate a bridging technique to improve differential perceptions involving intercultural conflicts. In this effort, we strive to contribute to the growing field of conflict resolution by integrating various indigenous techniques into Western ADR through anthropological and philosophical lenses. This intercultural analysis incorporates and justifies these approaches through the capacity for cultural sensitivity and competence in the hopes to transform incompetence within conflict resolution. The combination of collectivistic- and individualistic- praxes bypass rigid structures so that conflict practitioners can be wary of miscommunication between current Western techniques and re-structure appropriately for long-lasting resolution.

Traditional, pre-colonialist notions of indigenous methods for conflict resolution revolve around the capacity for spiritual awakening and harmonious re-balancing. These notions elevate and highlight the inclusion of communitarian and familial intervention to nurture conflicted parties towards finding resolution. On the contrary, it is our belief that Western ADR techniques are influenced by secularist and individualistic beliefs that alienate low-contextual communitarian notions of re-balancing and spiritual awakening. Whereby alienation distances parties from this nexus that connotes parties involved to acquire resources or tangible interest-based objects, essentially weakening the structures implemented for conflict management.

As cultural diversity and intercultural relations continue to represent one of society's largest challenges to date, academic and non-governmental organizations are vital in addressing global issues through educating students in collectivistic-individualistic conflict resolution techniques. The importance of these organizations to engage in conflict resolution via cross-cultural techniques enables individuals to adapt to changing tides as more people choose to travel, study, and live abroad. We seek to foment institutional practice to address and bridge cultural differences in the hope of achieving accommodation, tolerance, and integration. Efficacy towards establishing peaceful transitions to resolution, in addition to modeling applications toward conflict resolution, creating dialogue and reflective practice re-balances communities through cross-cultural techniques.

We wish to note that this research does not attempt to elevate or romanticize non-Western techniques of conflict resolution, or that the mere inclusion of these methods is exotic; but rather expose how practitioners tend to rely on Western forms of conflict resolution techniques and consider non-Western techniques as exotic (and therefore, inapplicable), thereby distorting meaning and applicability into global conflicts. It is important to keep this perception in mind and to seek alternative methods. Further, we address the misconception that conflict resolution techniques are limited by geographic or cultural boundaries; but can be integrated into the network scheme at-large through an improved understanding of differential cultural practices, especially through mediation and reconciliation.

Culture is one of the most challenging processes to define. Numerous scholars attempt to explain and define culture, inter-/intra-cultural conflicts, cultural communication, and cross-cultural conflict resolution (see for example, Augsburger, 1992; Avruch, 1998; Barnes, 2007;

Black & Avruch, 1989; Cohen, 2004; Faure & Rubin, 1993; Gudykunst, 2003; LeBaron, 2002, 2003; Lederach, 1995; Oetzel & Ting-Toomey, 2006). However, for this research, we define culture as a shared pattern of behaviors and cognitive constructs that dictate how interactions with others operate in a manner that all parties can understand. Though we desire to signify methods of conflict resolution, we are conscious of the fact that culture is multidimensional with each society possessing aspects unique to itself, and we do not attempt to disregard this uniqueness. Throughout this research, we highlight the methods and practices attributable to other cultures to showcase such exceptionality within conflict resolution. G. Hofstede (2011) and Bruce E. Barnes (2006) warn that when describing particularities in relation to dimensionality and universal relativism that the latter cannot maintain a dominant narrative when discussing cultural distinction or exceptionality. The two most important dimensions of culture discussed in this text exhibit *power distance* and *individualism versus collectivism.* While the latter may seem obvious between the variances between culture and context, nuances exist insomuch perceptions and narratives differentiate per individuals within a collective culture and vice-versa. Culture presents different notions of power between conflicted parties vis-à-vis utility and mechanization. To holistically acknowledge dimensionality between Western and Eastern cultures, the extension of how far power can reach within and without cultural boundaries poses significant challenges through compare/contrast analyses for conflict practitioners.

Power directly relates as society normalizes its adherence to such structures. This presents an obstacle to creating dialogue between cultures that might otherwise perceive the social Other as distinct and overt. By remaining within the structures that are naturally constructed as per cultural distinction, a note must be given here to operate within the confines between respective cultural operation. This is an appreciative inquiry only insomuch as to become competent and sensitive with respect to differences--and in respect to the intersection of cultural-structural sets.

By connecting culture through conflict resolution, it is imperative to simultaneously enculturate and acculturate with cultural competency. *Enculturation* encompasses understanding internal culture--colloquialisms, linguistic remarks, tonality, mannerisms, and other forms of nonverbal communication to holistically create in-group identity and norms. *Acculturation* encompasses understanding the external culture as well as adapting to such cultural-exceptionality through long periods of time for holistic empathy (Patel, Li, & Sooknanan, 2011). Interaction with others must be performed in such a way to remain culturally competent, sensitive, and aware in such respects to operate appropriately within external cultures. While acculturation cannot be fully realized without full immersion, inter-cultural adaptation and adjustment begins the process towards understanding cultural differences (Matsumoto & Juang, 2012).

Within this paradigm, Western conflict resolution techniques often lack the structure to understand intercultural adaptation by implementing rigid communicative methods that result in impeding interaction between groups. Physical, social, psychological, and physiological aspects of mediation operate variably within conflict resolution methods; and each is crucial in providing agency, equality, and dialogue. By limiting any one of these factors, conflict resolution

practitioners (albeit unknowingly) may therein inhibit holistic communicative devices that would otherwise uncover resolutions. Brigg and Bleiker (2011) note the centrality of conflict resolution and the techniques involved as phenomenologically Western, specifically contending that (neo)colonialism distorts indigenous techniques, and often denotes such techniques as invasive to the (neo)colonialist agenda. De-colonization has not returned the exceptionality of indigeneity to these cultures to reverse the distortion.

      Kevin Avruch and Peter Black (1991) also contend this notion by claiming that the false approach to conflict resolution is to solidify and foment Western techniques. Indigenous techniques are necessary to recognize and actively include cultural concepts to become competent, thereby providing agency to conflicted groups. By engaging in dialogue, conflict resolution practitioners prioritize cultural differences and contexts, and promote inclusivity in lieu of implementing Western-centric structures. On the contrary, conflict practitioners become invasive to conflict resolution and remove group agency and cultural-exceptionalism.

      Further, Western conflict resolution techniques tend to fall short of appropriately integrating indigenous conflict resolution methods, insomuch that Western techniques do not derive a sense of cultural competency and negate the very cosmopolitan essence of its foundation. Brian Bloch (2009) criticizes conflict practitioners as residing within positions of power that neither understand aspects of conflict nor the conflicted parties, thereby leaving residual notions of conflict that fester. Vivienne Jabri (2007) further notes that "The local [conflicted individual] is in these [conflicted] circumstances [as] the exotic, the private, the traditional, the parochial, the non-democratic, the non-political. Culture… [constitutes] that which is associated with the other of the modern, the progressive, the universal" (p. 267). This draws upon the belief that conflict resolution progression should not be dominated by Western methods, but rather diverts attention to an integrative approach. Western conflict resolution cannot provide appropriate frameworks to holistically account for cultural competency, social complexity, and communicative differentials; it is thus imperative to integrate various techniques to the current framework to ensure appreciative inquiry.
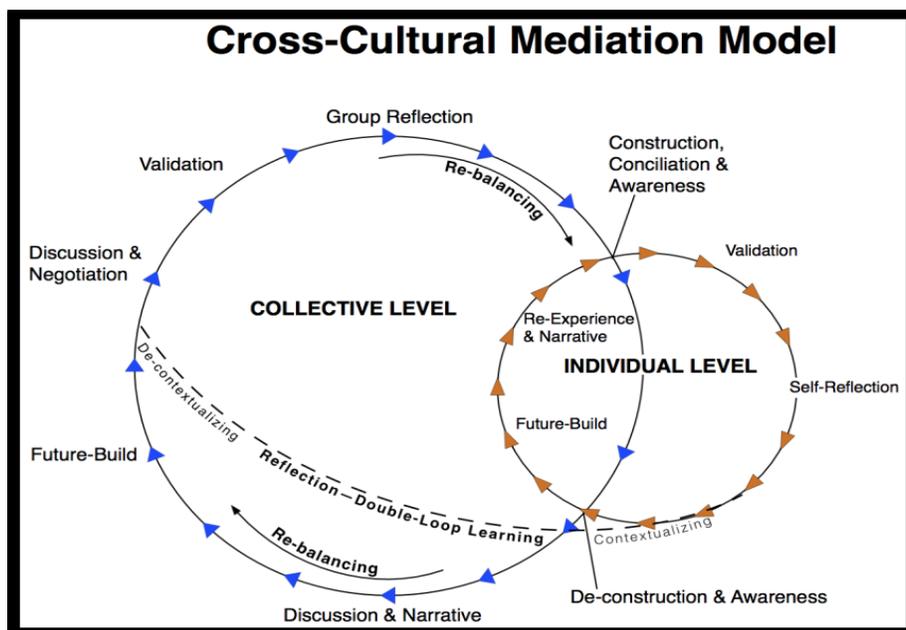
      Operating through current institutions and structures provides a system for integrating indigenous techniques into Western practices. Indigenous systems are built upon a connectedness and rootedness to itself in the sense that such systems create the nucleus of collective societies. Through these similarities, indigenous communities capture fundamental beliefs throughout different indigenous societies. The impetus for harmony and peacebuilding exists from understanding the gravitas of sanctity; peacemaking is a process for re-establishing "sacred justice" (Meyer, 1995: 30) as the priority re-focuses on harmonizing individuals and groups for restitution, apology, and forgiveness. This presents a linkage between indigenous groups to conflict resolution by perceiving social order through cosmological and communitarian lenses. Therefore, this linkage applies to a multitude of different techniques for conflict resolution. Through integration, conflict resolution can become a globalized network of possible applications; the very idea that conflict resolution is phenomenologically Western is unethical and debased insomuch that culture derives society and thrives based on various modes of conflict resolution. Sacred justice cannot be sought after from the rigidity of Western techniques

insomuch that secularization, individuation, and objectivity negate cosmological connectivity between conflict and resolution. We contend that by incorporating various indigenous methods, Western conflict resolution can adapt (and therefore be applied) to several other types of conflict.

Therefore, to combine the cautions through applying various conflict resolution methods to a conflict, we propose the utilization of the Cross-Cultural Mediation Model (Model).[3] By utilizing this method of conflict resolution, the Model proposes an in-depth communication technique that derives validation and legitimacy from emotional subjectivity and storytelling to determine holistic information for intense discussion and analysis. The Model is reservedly generic from the point that a multitude of indigenous conflict resolution methodologies can be applied to its framework to configure its unique properties towards various cultural conflicts. This promotes the wide usage and applicability towards all conflicts rather than resorting to rigid frameworks institutionalized by Western-centric notions of conflict resolution.

As exhibited in Figure 1, the Model is comprised of three procedures that incorporate mediator(s) into the midst of conflicted parties while guiding each individual conflicted party towards determining separate narratives: (1) the *individual level*, (2) the *reflection – double-loop learning* curve, and (3) the *collective level*. The first procedural is processed through *construction, conciliation, and awareness*. By encouraging communication ADR application is folded into the scheme for transformation. Mediator(s) and conflicted parties construct new narratives and re-contextualize the conflict in and of itself. A similar process follows along the second procedural, *contextualization – de-contextualization*, through which mediator(s) and parties determine context for former and newly constructed narratives. It is important to consider exclusionary narratives as violently inhibitive towards imagining constructive resolutions, especially that the mediator must destabilize narrative to improve and enhance re-contextualization of the Other. Both processes combine within the third procedural as

Figure 1
Cross-Cultural Mediation Model

mediator(s) and parties *compromise* towards the *realization* of the conflict and seek to *actualize future-building* goals in the transformative, *re-balanced* relationship. The procedure is complex as the determination of conflicted parties within positionalities negate transformation; but only through this transformation and negation can the mediator(s) definitively refine processes to change positions to interests and seek alternative methods for development.

Construction, conciliation, and awareness necessitate legitimacy from four procedural advances: (1) Validation of narratives, norms, and the definition of conflict: *What are the definitions of conflict and context, and how do these concepts form the narrative presented?* (2) Self-reflection to determine positionalities and interests: *What were the determinations mechanized in this narrative to produce the current positionality? Is it possible to shift this positionality towards an interest-based argument? What incremental construct can be utilized to ensure this process of a newly constructed narrative?* (3) Future-building to seek goals beyond intermittent or gradual accommodative/integrative processing: *How is resolution perceived? What are the incremental steps towards realizing that resolution?* (4) Re-experience and narrative re-construction to re-determine the new confines approached through the integral constructive processes: C*an the narrative be changed to accommodate these newly determined aspects of the conflict?* Through this, the mediator(s) and conflicted parties (separated in deliberation) construct alternative definitions and conceptualizations of these concepts to nurture positions for detailed negotiations.

Once the mediator(s) determine(s) that each conflicted party is essentially prepared for the collective level procedural, the mediator(s) initialize(s) a reflective, double-loop learning practice so that each conflicted party may determine for itself the priorities and necessities for what possible outcomes the conflict may result in from whence resolution is found. Contextualizing the narrative, and further de-contextualizing such narrative, accounts for fluctuation through re-determining and re-constructing alternative viewpoints towards reconvening with conflicted parties occur: *From the individual level procedural, how can this be integrated into the future-building construct from contextualizing and de-contextualizing individuality towards a collective a futuristic collective response?* Double-loop learning promotes a re-convening technique to cooperatively alter context to prepare for a collaboration within the collective level procedural.

This process is similar with the first procedural whereas all parties re-define the concepts of context and conflict, and then re-negotiate the nuances of these terms for each application in the determination of conflict and resolution. All aspects of the conflict are revisited through a future-building lens that allows more complex, collaborative narratives to emerge for "...new angles, opportunities, and unexpected potentialities that surpass, replace, and break the shackles of historic and current relational patterns…" (Lederach, 2010: 37). The process integrates seven different nodes of communication and determinism (discussed below) so that the mediator(s) convenes parties in to further determine the root causes of conflict. Much in the way of peeling back the layers of an onion (Meyer, 1995), the conflict is uprooted to determine *what the conflict is* and how it manifests into the quandary which is then present.

The following nodes are vital to the transformation of the conflict, each determined with the mediator(s) and parties in collaboration: (a) Discussion and Negotiation: *What are the individual narratives and how can these be negotiated to fully determine the course and construction of the conflict?* (b) Validation: *Through peeling back the layers of the conflict, how can emotional subjectivity enhance the narratives and understanding for negotiation to further individual future-building?* (c) Group-Reflection: *What does each narrative provide during the conflict and relationship stabilization? Are there aspects to each narrative, validation, and negotiation that benefit or decrease the vitality of the relationship?* (d) Construction, Conciliation and Awareness: *How can these aspects construct a reconciliatory response for the construction of a contextual narrative? Further, what needs to be addressed for conflict sensitivity and competency?* (e) De-construction and Awareness: *Take (4) a step further—how can this context be de-constructed so that alternative aspects can be discovered, addressed, and determined for a collaborative, personable, and enhanced awareness?* (f) Discussion and Narrative: *How can a new narrative be constructed given the recent points of discussion? What is that new narrative, and does it account of all points of importance for each party?* (g) Future-Building merges with the last aspect of the Model: Re-balancing—each dependent upon the other insomuch that spirituality, cosmology, and harmony dictate the necessity and functionality of conflict resolution within communitarian means (individually and collectively). The merger of these two concepts for social function initiate a convergence of multiple ADR methodologies for various futuristic goals. Each party in conflict describes the determinations and goals for what the future may look like once the conflict is *managed*. This allows each party (separately and collectively) to imagine determinations for what transformation may look like, and then the mediator(s) may help the parties to realize these goals. The function of the mediator(s) is to support conflicted parties to realize futuristic goals by imagining alternative methods in which these parties can initialize futuristic ideas of what they desire and to actualize these processual steps. It is not the function of the mediator(s) to create a path for these conflicted parties to avoid or end conflict, but rather to create a possible framework to constructively and actively engage with future conflicts.

Once the conflicted parties have re-imagined these futuristic steps, there are finally means for which each party may rebalance the health and harmony of re-constructed relationships. Rebuilding and rebalancing is a constructive process that cannot wholly ensure peaceful transitions from conflict - to - peace. There is no guarantee that the process secures transformation, but rather the process allows a discussion to take place to engage in future conflict constructively. Before conflict turns to direct violence, by engaging in this framework, conflict may divert from any degree of violence towards peaceful resolution via in-depth communication and understanding. By allowing these forms of communication through this framework, empathy and recognition enable the conflicted parties to constructively assure peaceful encounters for communitarian development rather than instigating residual conflict.

This stage of the conflict Model is where the conflicted parties have already cooperated to determine the future that they both agree on (albeit the most difficult phase). They have cooperated to create a path parties have agreed upon. Once they have reached an agreement and

have processed through this entirely--where each party desires to be--it is time for reparations to be made where parties can openly acknowledge (empathetically) the tragedies and losses experienced (by all parties) through the conflict. Only then can conflict transformation take place. Though we do not argue that once this transformation takes place that this will stabilize the situation. The goal of working through this process via the Model is to provide conflicted parties with the necessary education and tools to engage future conflicts constructively without engaging in direct physical violence.

The Model should not be considered, in this case, as a definitive framework for ADR to adhere to one single alternative for conflict transformation, but rather initiate an alternative form of communication so that residual conflict does not imitate economic transactions as is indicative within Western-centric techniques. We argue that the field of conflict resolution relies too heavily on Western phenomenological structures of ADR; and we encourage the incorporation of indigenous methods of conflict resolution into the larger network scheme of the field. It is imperative for conflict resolution to depend on numerous alternative methods of contextual forms for communication within all conflicts to expand the possibilities of peaceful transformation to diminish the possibility of residual conflict from occurring.

It is imperative that cultural competency and sensitivity not be regarded as inferior or non-applicable to the field of conflict resolution, but rather that current Western-centric structures views conflict as transactional and impersonal. By incorporating various methods into the Western structure, we believe that the larger network of ADR and conflict resolution may be applied to a broader range of conflicts, especially those that concern cross-cultural miscommunication/misunderstanding. Within this framework, we hope to provide alternative methods for conflict resolution that continue to promote exceptionality of indigeneity and conflict resolution methods, and such significance within the network for ADR. The field of conflict resolution must consider its current lack of cultural competency and sensitivity education for its practitioners and theorists; and prioritize the necessary instruction to bridge the divide.

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Notes

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[1] Rather, from irrationally deposing the organic socio-psychological structures between individuals to communicate and organize rationally based on dialogue.

[2] "Third culture" and "third-party" are essentially similar, but the notion of a "culture" in mediation does not equate to neutrality, whereas a "third party" equates neutrality.

[3] Stemming from the "Integrated Scaffolding and Maturing Practices Mediating Informal Learning at Work" from the Learning Layers Project from the European Commission within the 7th Framework Programme under Grant Agreement #318209, under the DG Information society and Media (E3), Unit of Cultural Heritage and Technology-Enhanced Learning--we incorporate original conceptual workings into the scaffold structure.