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Community Mediation in the People's Republic of China

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This study investigated the mediations of ninety-seven community mediators in the People's Republic of China. The mediators' reports on two mediations each – one successful and one unsuccessful – indicated the frequency with which they use twenty-seven mediation techniques. In addition, their information revealed the strategies – assist, procedural, educate, and external reliance – they employ in their mediations. It was found that Chinese mediators utilize the same techniques and strategies in successful versus nonsuccessful mediations; yet, their techniques and strategies differ in couple (husband-wife) as opposed to noncouple disputes.

It means "to halve, to be in the middle." Derived from the Latin word *mediare*, mediation has come to signify more than dividing disputed items into equal parts. Over the years mediators have set up negotiations, separated parties, advised them, offered proposals, served as sounding boards, protected the disputants and . . . the list could continue for pages.

Mediators have applied their techniques to a wide variety of disputes. In this country, we continually and increasingly rely upon mediation to resolve international (e.g., Touval 1982; Young 1972), industrial (e.g., Kochan and Jick 1978; Kolb 1983) marital (e.g., Haynes 1981), community (e.g., Salem 1982), and judicial (Wall and Rude 1987) disputes.

As mediation has been elaborated and applied to a variety of disputes, it has come to be viewed from a Western perspective; that is, we consider the Western mediation process to be universal. For example, we typically think of mediation as a process in which a neutral third party uses logic and emotional appeasement to help disputants reach a mutually acceptable resolution.

However, it seems feasible, if not probable, that mediation in Eastern cultures differs significantly from that in our society. And given our increased

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reliance on mediation and our empirical scrutiny of the process (Kressel and Pruitt 1985), it seems appropriate at this time to examine mediation in these societies. Fortunately the largest of these—the People's Republic of China (PRC)—was, for a time, open to study.

World War II, anti-American sentiment following liberation (1949), the Korean War, the Cultural Revolution (1966-1977), and the Vietnam War eliminated any chances to study mediation prior to this time. But the latter stages of Deng Xiaoping's "reform" (starting in 1978 and ceasing in June of 1989) gave us a window of opportunity for investigating mediation in a country that has practiced and refined mediation for hundreds of years.

Taking advantage of this opportunity, we interviewed one hundred practicing community mediators in the city of Nanjing, People's Republic of China. In addition we reviewed the literature on Chinese mediation and discussed mediation with several Chinese scholars, a large number of Chinese leaders, and average Chinese citizens. From our studies we have pieced together a detailed picture of the day-to-day street-committee (community) mediation in the most heavily mediated nation on earth.

ROOTS OF CHINESE COMMUNITY MEDIATION

China has a lengthy history of community mediation. While it is impossible to determine exactly when mediation began, we are able to identify one of its roots—Confucianism. To Confucius (551-479 B.C.) harmony was the most desirable state, and once interpersonal harmony was disturbed it was best restored through compromise.

If one had been wronged, it was better to endure the suffering than to disrupt harmony by complaining. And it was "correct" to forgive, tolerate, and cooperate with others. More important, one should "persuade" the other person; that is, one needed to draw out the other's cooperation. In short, Confucianism highly valued compromise and persuasion as well as the intermediary who was able to secure them (Cohen 1966).

This preference for persuasion and mediation held up rather well through the centuries. Rulers during the Ming dynasty (1368-1644) actively encouraged village leaders and elders (*li-lao*) to solve petty disputes within and between families. The disputing parties, however, were not bound by this mediation and could take any problem to the local magistrate.

Many—too many—did so; consequently, over the years the magistrates began to suffer case overloads, and countered by encouraging community mediation. Concomitantly, the li-lao became more aggressive in ferreting out and mediating disputes in their villages. As a result, very few disputes went

beyond the village. One humorous account (Smith 1899) notes that at about 1500 A.D. the magistrate of a particular village did not have a case come before him for a decade.

Probably the most potent impetuses for community mediation came from practical quarters. China at this time was a feudal, agricultural-based society whose people lived in many villages far removed from the county where the magistrate's office (*yamen*) was usually located. Therefore, most people did not wish to travel to the distant yamen, nor could they afford to stay there, awaiting their trial (Cohen 1966; Van Der Sprenkel 1962).

Their welcome at the magistrate's yamen was also not very pleasant. As the primary government official, the magistrate was responsible for all government activity—taxes, welfare, court system, public works, and so on—for a very large population. He had little time or patience for civil disputes. Also, since his tour of duty in the area was rather short, he seldom understood the local customs or dialect (Chang 1955; Cohen 1966). Consequently, he relied heavily on clerks, who frequently were corrupt and bribe-demanding. He always required the disputants to remain in the kneeling position when he was present. Frequently he jailed one or both disputants. And on occasion, he tortured them to obtain evidence (Ch'u 1961).

As far as we can tell, high level authorities winked at these abuses because they, as well as the K'angshi Emperor (1662-1722), wanted citizens to fear and avoid the formal system. To them, good subjects were those who settled disputes like brothers by referring them to village elders or other respected third parties (Jernigan 1905).

During the nineteenth century, the unofficial mediators tended to dominate the dispute-resolution arenas, settling disputes within the family, clan, and village. Only when informal mediation failed were the disputes taken to a formal authority.

This tradition continued through to the "liberation" (1949) of Mao Zedong. Officially the Communist Party today claims that its mediation system is fundamentally different from that in the non-Communist past, because earlier regimes used mediation to cheat and oppress the toiling classes. In reality, the Communist mediation system mirrors that found prior to liberation.

The mediation did become more formalized in the mid-1950s (Lubman 1967). As comrades were placed in "communes" in rural areas and "streets" in the cities, they were "provided" with mediation services—along with fire protection, free water, employment, law enforcement—by their governing unit.

By the late 1950s commune and street mediation services were well in place, and Mao was encouraging his comrades to use them. For example, in

1957 he strongly recommended, "Disputes among the people ought to be resolved whenever possible by democratic methods, methods of discussion, of criticism, of persuasion and education, not by coercive, oppressive methods" (Mao 1957).

Our review of the literature and interviews with Chinese citizens in 1988 indicated that community mediation has continued more or less intact through the Cultural Revolution (1966-1977) and the current Reform movement (1978 to present). This mediation is informal in that it is carried out by respected people within the community (and is outside the court), but it is formal in that the mediator is a recognized community official.

CURRENT COMMUNITY MEDIATION

Since contemporary Chinese community mediation has not been studied in detail, we felt the first logical step was to characterize, or describe, the mediation process. For instance, questions such as who are the mediators? how powerful are they? are they assertive? how neutral are they? and others, needed to be addressed.

Second, it was necessary to identify the techniques employed by Chinese community mediators. Then we were interested in their strategies; that is, the manner in which they combine their techniques as they mediate. In broaching this topic we used Kressel and Pruitt's (1985) framework as an informal starting point. In their studies of U.S. community mediation, (Kressel 1972; Kressel and Deutsch 1977; Kressel and Pruitt 1989) they identified a large number of mediation techniques and developed a taxonomy into which they can be sorted. This schema contains three basic mediation strategies: reflexive, substantive, and contextual. Reflexive tactics (e.g., developing rapport with the disputants) orient mediators to the dispute and set the stage for their later mediations. The substantive tactics (e.g., suggest specific concessions) deal directly with the issues in dispute. Contextual tactics (e.g., point out the common interests of the disputants) are those that assist the parties in finding their own agreeable solution. A task challenging us was to identify a taxonomy for the Chinese mediation tactics.

Finally, we sought to investigate the contingencies surrounding Chinese mediations. That is, we wondered if Chinese mediators vary their mediations according to the nature of the dispute. Do successful mediations differ from unsuccessful ones? And are Chinese mediation strategies roughly the same across different types of disputes?

METHOD

Subjects. The subjects in the study were one hundred street committee mediators in Nanjing, PRC. Nanjing was divided into ten sectors, and from each sector ten street committees (the urban version of the commune) were chosen at random. In each of the one hundred street committees the head was contacted and asked for permission to interview a mediator who was willing to discuss her (or his) mediations.

Procedure. Having gained permission from the head and agreement from the mediator, a Chinese male conducted the interview. Initially questions were asked about the age of the mediator, the number of years as a mediator, years of schooling, and number of disputes handled each month. In addition to asking these questions, the interviewer recorded the sex of each mediator. The interviewer then asked one-half of the mediators to recall the last intrafamily dispute they had mediated successfully (i.e., an agreement was struck that resolved the dispute). After describing this dispute and their actions to resolve it, the mediators were asked to recall and discuss the last intrafamily dispute they had been unsuccessful in mediating.

The other half of the mediators were asked to recall the last intrafamily dispute that they had not successfully mediated. Then they recalled and discussed their last successfully mediated case. This reversed order of questioning was used to control for sequential bias.

For each case, the mediators were asked (in Chinese) to note the nature of the dispute and the persons involved in it. Then they were asked to note the specific measures they took to resolve the dispute and to recall the agreement hammered out.

All responses were recorded by the interviewer in Chinese and were subsequently transcribed into English.

RESULTS

Three of the interviews (six disputes) were lost in the transmission from interviewer to translator to the authors in the U.S. In addition, one mediator could not recall an unsuccessful mediation, and two mediators described unsuccessful mediations they had sent to court without any attempts at mediation. Finally, two mediators' unsuccessful cases (assaults) were those sent directly to the police. After the elimination of the above disputes, 189 remained for analysis.

TABLE 1
Sample of Mediations Handled by Chinese Mediators

Successfully Mediated	*Not Successfully Mediated*
Husband's adultery	Wife abandons husband because he is dirty
Husband's gambling	Husband suspected of murdering wife
Brothers' division of inheritance	Grandson will not support grandfather
A sister's broken flower pot	Wife treated as slave
A mother's remarriage to a man not approved of by children	Father will not approve of daughter's husband-to-be
	Husband too sexually demanding
Wife spends too much money	Mother-daughter in law conflict over money from sale of house
Wife continues to have female children	Wife's gambling
Older son is forced to live in shed	Son's poor school performance and subsequent beating
Wife drinks poison because of husband's gambling	Childless wife
Wife does not do housework	Wife's adultery

THE DISPUTES

The mediators' descriptions of the disputes proved as interesting as the techniques. To reduce the variation of the cases, the interviewer asked the mediators to recall intrafamily disputes; yet, this category proved to hold a rich variety of disputes for the Chinese extended families.

To the Western reader, many of the disputes (Table 1) seem to deserve time in court. Others are judged to be private affairs that should be handled within the family. For the Chinese, all of these go to mediation. Almost never does a civil dispute go directly to court, and rare is the dispute that escapes the mediator's assistance.

THE MEDIATIONS

Chinese mediations resemble those in preindustrialized societies (Merry 1989) and differ in very many aspects from U.S. mediations. The major difference is that mediation is a common, matter-of-fact routine for the Chinese. There are about one million mediators in China (Laden 1988), (about one for every one thousand people) and during his or her life, the average citizen is continually exposed to mediation. By contrast, in the U.S., very few citizens experience mediation. The Chinese mediators—as in

preindustrialized societies—are well known in the community and, as one would expect, they know the people quite well. As a result, they have close relationships with the disputants. This differs from mediators in the United States, who will not mediate if they know the disputing parties.

The Chinese do not play it this way. To the Chinese mediators, knowledge of the disputants is a major asset that enables them to determine who is right or wrong in a dispute. For example, in our interviews we commonly heard statements such as, "I know him. He is the worst miser I have ever seen;" "She is a lazy wife;" or "He is my cousin. I can believe him."

Neutrality, likewise, is of no concern to Chinese mediators. To them, the major goals are eliminating the dispute and keeping the anger down. No one expects the mediator to be neutral, and most mediators as well as citizens feel the mediator's decision as to who is correct simply expedites resolution of the dispute.

Another striking difference is that Chinese view mediation as a citizen's right and the state's responsibility. Chinese citizens expect to be provided with mediation services, along with police and fire protection, a court system, education, and free water.

As for the government, it thinks of mediation as a responsibility, or service, to the community—not necessarily to the individual. The state believes it should serve the masses, keeping them safe, educated, employed, and quite importantly, at peace. So, in addition to its many services, the state, via the street committees, administers mediation in order to maintain harmony in the community.

This brings us to the next fundamental difference—mediation in China is not voluntary. If a dispute—no matter how sensitive or personal the issue—exists, it *will* be mediated. Chinese mediators initiate their investigations, snoop out disputes, and launch the mediations as they see fit. Unlike mediators in the United States, they do not wait for the parties to trigger the process. Rather, they promptly find and insinuate themselves into the dispute before positions harden. This rapid intervention defuses conflicts before they escalate into disruptions of public, state-maintained harmony.

A final distinction concerns the disputants' and mediators' anticipated outcome from the mediation. In the United States, the parties anticipate disputant satisfaction. For the Chinese, the expectation is that the dispute will be settled. The disputants know the mediator will doggedly and seemingly tirelessly hammer away until there is an accord. And the mediators feel that conflict resolution is the responsibility of the street committee. Since this responsibility has been delegated to them, the mediators view each conflict as a personal responsibility. It is a loss of face for the dispute not to be settled

or to move into the court system. So, as the disputants anticipate, the mediators conscientiously apply their tactics. Who are these mediators and what are their approaches?

THE MEDIATORS, THEIR TECHNIQUES, AND STRATEGIES

Of the ninety-seven mediators, eighty-eight were female and nine were male. This ratio is consistent with Lubman's (1967) report but came as a surprise to the first author. Authorities pointed out that this was not atypical, and that females play the dominant role in community mediation. Why is this? The answer is speculative, but it seems that women are more likely to be unemployed in China, and thus to have more time to serve as mediators.

Because elders are respected and somewhat obeyed in China, the mediators were expected to be of a somewhat advanced age. This proved to be the case: The average age was 58 (SD = 5.2 years). The youngest mediator was 45 years old and the oldest was 70.

Most were rather experienced as mediators, having been on the job for an average of 8.1 years (SD = 5.7 years). The range again was quite large, with some mediators having worked for only 1 year, and one venerable lady serving at the helm for 30 years.

The low level of the mediators' education—6.6 years (SD = 3.9 years)—was at first surprising, but simply reflected the fact that prior to 1949 universal education was not offered in China, and that schools were generally closed during the Cultural Revolution (1966-1977).

The workload appeared to be modest, with the average mediator handling only about two cases per month (mean = 1.8, SD = 1.3).

Finally the reported settlement rate was 82% on average (SD = 13.8). It is possible that the mediators were boasting or reporting inflated figures to build face. On the other hand, these figures are consistent with our interviews of scholars, residents, and mediators. All pointed out that Chinese mediators are committed to agreement.

They perceive themselves as an arm of law, charged with keeping the peace, and they view failure to obtain agreements as analogous to a policeman's failure to enforce the law. Their motivation is high; what are their techniques?

Mediation Techniques

To answer this question, two (Western) raters read the mediators' reports of the actions they took to resolve each dispute. Then they independently

scored all the mediation techniques using the categories outlined in Table 2. This classification scheme (Table 2) is a modification of one supplied by Pruitt that has been developed, refined, and employed by his teams while studying U.S. community mediation (e.g., Pruitt, McGillicuddy, Welton and Fry, 1989).

The interrater reliability in scoring each of the mediators' techniques was 87%. When differences occurred, the raters conferred and arrived at mutually acceptable classifications for these techniques.

After the techniques were scored, the average use of each technique per case was determined, (i.e., the number of times a technique was used divided by the number of disputes). The usage for all cases (Table 3, column 2) provides some insights into the Chinese approach to mediation. After learning of the dispute, the mediator—invited or not—enters the arena and gathers information from disputants and other relevant parties. Once the information is gathered, the mediator frequently initiates a persuasion and education campaign. The parties are educated, persuaded, and advised as to how they should think or act. They are told to consider the feelings of others, to cherish harmony in their families or community, and not to undermine the respect of the neighbors or the reputation of the family. The mediator is also quick to argue for concessions that the parties could make, and to present the other side's point of view.

At any point the mediators may rely on the distinctly Chinese approach of bringing in third parties. Most often these parties—parents, children, factory leaders, Party members, police—are used to persuade or "educate" one or both parties. Somewhat less often they are asked to provide assistance (such as a new apartment), and they are less frequently used to criticize the disputants or to express openly their own personal shame from the dispute.

The relatively low use of logic by Chinese mediators is also noteworthy. Note that the mediators quite frequently (0.55 times per case) tell the parties how they should think or behave (educate); whereas, they less frequently (0.11 times per case) give a logical explanation as to why (educate with logic) the disputants should think or behave in a certain manner.

The same relationship is seen between the argue-for-concessions technique (mediator proposed specific concessions) which is used 0.47 times on average and the argue-for-concessions-with-logic technique which is used only 0.21 times. This is also the case with educate-argue used 0.24 times on average and educate-argue with logic, employed only 0.07.

These comparisons, along with the frequent quoting-a-law technique, reveal that Chinese mediators are quite apt to be authoritative, and to tell citizens what they should do rather than nudging them along with logic.

TABLE 2
Chinese Mediation Techniques

Technique	*Description*
Gather information	Mediator collects or asks for information from the disputants or others.
Educate	Mediator educates, persuades, or advises one party as to how he or she "should" in general think or act.
Educate-argue	Mediator suggests or argues for a vague concession or settlement point.
Argue for concessions	Mediator argues for or proposes a *specific* concession or agreement point.
Educate with logic	Mediator uses the educate technique and backs it up with logic.
Educate-argue with logic	Mediator uses the educate-argue technique and backs it up with logic.
Argue for concession with logic	Mediator uses the argue-for-concessions technique and backs it up with logic.
Criticize	Mediator criticizes a party's person, attitude, and behavior or uses a specific label, such as "You are rude."
Threat	Any threat from the mediator.
Provide objective data	Mediator provides objective data about the dispute or the environment (e.g., inflation is 20%).
State other's point of view	Mediator presents or argues the other party's point of view. Also includes asking a party to see the other party's point of view.
Cite dependency	Mediator expresses similarities or interdependence in disputants' goals, fates, and needs. Includes mentioning *personal* costs of disagreement and benefits of agreement.
Control agenda	Mediator sets an agenda, makes procedural statements, or sets ground rules. Includes holding group meetings, separating parties bringing them together, saying who is to speak.
Obtain forgiveness	Mediator asks one party to tolerate or forgive the other.
Get apology	Mediator has one party apologize or acknowledge his or her faults.
Praise parties	Mediator praises the party that is being addressed. A "stroking" approach in which the person, or behavior is said to be good.
Mediator assists	Mediator personally offers or gives assistance.
Quote law	Mediator quotes a specific law.
Cite moral principle	Mediator points out a specific moral obligation or societal norm.

TABLE 2 Continued

Technique	*Description*
Call for empathy	Mediator enhances the other party or calls for respect of the other. She puts a positive face on the other party, noting he or she is a good person.
Written agreement	Mediator has the parties sign a quasilegal written agreement governing their future behavior.
Relax	Mediator makes specific statements to calm the disputants.
Treasure feelings	Mediator requests that one or both parties treasure the feelings or relationship with the other party.
Have third party educate	Mediator has a third party to educate, persuade, or advise one or both parties on how they should think or act.
Have third party assist	Mediator offers or gets a third party's assistance for the disputants or the mediator.
Have third party criticize	Mediator has a third party criticize a disputant's person, attitude, or behavior.
Note cost to third party	Mediator points out the costs of dispute to others, cites an obligation (to others) not to dispute. Includes noting benefits of agreement to others.

Underpinning such behavior is the Chinese mediators' conviction that they are society's monitors, who possess the right to prescribe the ingredients for harmony.

Mediation Strategies

Having determined the frequency with which the mediation techniques are used, we performed a factor analysis with varimax rotations upon the techniques to uncover the taxonomy of tactics (i.e., the strategies) that the mediators employ.

Four groupings—none of which were complex—emerge (Table 4) from the analysis. The first group is the assist strategy. Here the mediators have a third party provide resources or services (e.g., a job for an unemployed husband) in order to reduce the conflict. Also in this strategic group is the mediators' own assistance. Examples include finding a new job for a depressed wife, helping a son convert a shed into an apartment, replacing a broken flower pot, or carrying a child to the doctor. As can be seen in Table 4, when the mediators employ the above techniques they tend to avoid the

TABLE 3
Use of Mediation Techniques

Technique	*Average Use Per Case for all Disputes*[a]	*Average Use Per Case for Couple Disputes*	*Average Use Per Case for Noncouple Disputes*
Educate	0.55	0.55	0.54
Gather information	0.48	0.47	0.48
Argue for concessions	0.47	0.44	0.49
State other's point of view	0.44	0.26	0.54
Have third party educate	0.43	0.40	0.44
Control agenda	0.35	0.32	0.37
Quote law	0.31	0.27	0.33
Criticize	0.29	0.27	0.29
Have third party assist	0.28	0.34	0.25
Educate-argue	0.24	0.34	0.19
Obtain forgiveness	0.22	0.15	0.25
Call for empathy	0.22	0.18	0.24
Note cost to third party	0.22	0.44	0.11
Mediator assist	0.21	0.29	0.17
Argue for concessions with logic	0.21	0.19	0.21
Cite moral principle	0.20	0.08	0.26
Get apology	0.15	0.15	0.16
Provide objective data	0.13	0.17	0.11
Educate with logic	0.11	0.08	0.12
Treasure feelings	0.07	0.18	0.01
Educate-argue with logic	0.07	0.03	0.10
Cite dependency	0.06	0.10	0.05
Written agreement	0.05	0.10	0.02
Have third party criticize	0.05	0.06	0.04
Praise parties	0.05	0.06	0.04
Threat	0.04	0.05	0.04
Relax	0.02	0.00	0.02

[a]Average use per case = number of times a technique was used divided by the number of disputes. There were 189 total (all) disputes; 62 couple disputes; and 127 noncouple disputes.

techniques of stating the other side's point of view and persuading the disputants with logic.

TABLE 4
Chinese Mediation Strategies

	Factor 1	*Factor 2*	*Factor 3*	*Factor 4*
Assist strategy				
Have third party assist	0.71	–.07	0.04	–.15
Mediator assists	0.65	0.25	0.10	0.12
State other's point of view	–.33	–.08	0.31	–.15
Educate with logic	–.31	–.15	0.00	0.14
Procedural strategy				
Control agenda	0.01	0.64	0.13	0.05
Gather information	0.15	0.47	–.21	–.34
Cite moral principle	–.08	0.30	–.12	0.14
Educate-argue with logic	–.08	–.58	0.07	–.18
Educate strategy				
Educate	0.06	0.02	0.58	0.01
Obtain forgiveness	–.41	0.05	0.45	0.09
State other's point of view	–.33	–.08	0.31	–.15
Argue for concession with logic	–.10	0.06	–.62	–.13
External reliance strategy				
Have third party criticize	0.19	–.10	0.17	0.68
Have third party educate	–.07	0.14	0.02	0.44
Quote law	0.37	–.21	–.31	0.42
Provide objective data	0.25	–.24	0.15	–.49
Gather information	0.15	0.47	–.21	–.34
Eigenvalues	1.68	1.47	1.42	1.41

The second cluster is a procedural strategy in which the mediators control or set the agenda by holding group meetings, separating parties, or dictating who is to talk. As the mediators control the agenda, they also gather information from the disputants and available outsiders so they can better understand and resolve the dispute.

When using these tactics the mediators also call upon the disputants to observe or live up to various moral principles of their society while simultaneously eschewing logical arguments.

Education stands as a strategy as well as a technique. Frequently mediators advise or educate one or both parties as to how they should behave and concomitantly defend the opposing side's point of view. Once the "educated" party has capitulated, the mediator asks the other side to forgive the offender. As can be seen in Table 4, when this indirect strategy—somewhat vague by

Western standards—is used, the mediator does not argue logically for specific concessions or agreement points.

Finally an external reliance strategy emerged from the factor analysis. This distinctly non-Western strategy is one in which the mediators rely on third parties to criticize or educate the disputants. These same mediators also rely on a more structured external resource—the law—to win the disputants' cooperation. Understandably, as these mediators depend on the external auxiliaries, they are less likely to depend on their own inputs.

CONTINGENCIES IN CHINESE MEDIATIONS

After examining the mediation techniques and strategies, we looked for contingent differences in the mediations. In the interviews, we asked mediators to recall successful and unsuccessful mediations, expecting to find differences between these cases. No differences were detected. Chinese mediators, it seems, use the same techniques and strategies in both circumstances.

On the other hand, as we examined the mediators' reports we found that sixty-two of the disputes were between husbands and wives. Furthermore, it seemed that mediators were handling these intimate rifts somewhat differently from the noncouple ones. A closer look at the couple versus noncouple mediations confirmed our initial conclusion.

By looking again at Table 3, one notes several differences. The strongest comes with the note-cost-to-third-party technique. In the couple disputes, the mediators pointed out the cost of the dispute to others (usually a child) 0.44 times per mediation, while in the noncouple disputes the average usage was only 0.11, $F(1, 186) = 21.58, p < .001$. This technique is quite significant for Chinese couples. In China, children are highly valued because they provide future security for the parents, and because they carry forward the family name. As one father told me, "The major sin in our country is the failure to carry forward (with a child) the family name. With no children, we fail our ancestors." Currently, this appreciation for children is concentrated upon one child because each couple is allowed only one by the government. The two parents value this child; the four grandparents (with only one grandchild) cherish it.

The couples were also told more often (0.18 versus 0.01 times) to treasure their feelings, $F(1, 186) = 18.31, p < .001$, and the mediator was more apt to argue for moderate concessions (educate-argue) from the couples, $F(1, 186) = 3.75, p < .05$.

Because the mediators placed more emphasis on the interpersonal relationships and obligations with the couples, it is understandable that they were

TABLE 5
Husband-Wife Written Agreement

Under the mediation of Nanjing Cigarette Factory, Nanjing Beer Factory, and the Street Committee of An A Bui Road, the couple (Ye Ree Yun and Xi Be Sui) reached this agreement.

1. The husband and the wife should look after each other and keep their family working properly. They should negotiate to solve problems when meeting with difficulties. Tolerance is the principle of solving problems instead of quarreling. They can ask for help from the street committee. They must not come to blows.
2. Both the husband and the wife should respect their parents and give them necessary concern.
3. The couple should arrange the household properly and share the responsibilities of their daughter's education.
4. When meeting with difficulties, they must not go wrangling, but should ask for help from their leaders.
5. The conflict between the couple should not expand to the other members of the family in order to prevent the conflict from becoming more serious.
6. The couple should arrange the income of the family properly. The total income is the common property of both the husband and the wife. The couple is expected to use the money after an agreement.
7. The couple should give help to each other's work and try hard to build up a harmonious family.
8. This agreement has its effect the day it is reached. The agreement has its power to define the makers of the agreement. The makers should obey it since they signed it. If they break it, it's for the leaders of both of them to advise them.

The couple's signature _____

The mediator and leader's signature_____

also less likely to cite moral principles (societal obligations and conventions) in these disputes, $F(1, 186) = 6.52$, $p < .01$. Quite surprising, however, was the stronger reliance on written agreements between the disputing couples, $F(1, 186) = 4.93$, $p < .03$. Chinese mediators, it seems, feel that harmony between husbands and wives is much more important than their privacy. Consequently, the mediators feel sanctioned to hammer out enforceable contracts between them. This approach was so intriguing that we obtained a copy of one such agreement (Table 5; all names and places have been changed).

Turning to the mediation strategies in the couple versus noncouple disputes, we find moderate differences. In both types of disputes, the mediators used an assist strategy. In the couple disputes the mediators also employed an external-reliance strategy, but not the procedural or the educate strategy.

On the other hand, for the noncouple disputes (e.g., one between a wife and mother-in-law) the mediators used the procedural and the educate strategies as well as assist approach.

DISCUSSION

The goal of this article was to investigate grass-roots mediation in China. All disputes there, any and every one – trivial or serious, simple or complex, sensitive or not – are mediated. In the dispute resolutions, the mediators seem to tread in the steps of their ancestors. Considering themselves a quasi-arm of the law, they aggressively "persuade" the disputants to return to a proper harmonious relationship. Assertively, they snoop out disputes, and they tirelessly impose their mediation.

This mediation operates very much on a subtle, seemingly nebulous plane. While Chinese mediators have few qualms about entering any dispute and aggressively telling the disputants how to think and behave, they steer away from specifics. For example, instead of telling a son to contribute ten more *yuan* a month to his father's support, the mediator prefers to dictate that the son be more generous to his father.[1]

The Chinese techniques and strategies have a distinct mediator-knows-best flavor. As noted earlier, Chinese mediators tend to preach (their term is "educate") to disputants rather than to convince them with logic or help them to resolve their disputes.

Our examination of the couple versus the noncouple mediations indicates that Chinese mediators, like their U.S. counterparts, do modify their mediations to fit the situation. However, their mediation strategies remain quite distinct from ours. Unlike U.S. mediators, the Chinese rely heavily on (a) assisting the disputants with resources, (b) educating them, and (c) bringing in resources of additional third parties.

The differences we have found between Chinese and U.S. disputes, and between mediation in the two countries caution us against viewing mediation

1. It is also worth noting that Chinese mediators seldom use their legitimate or "state" power. The state has the power to set up and carry out community mediation, and one goal of this structure is to consolidate and strengthen the socialist system (both the political and economic facets). In addition, citizens acknowledge that the state has the right to mediate (just as it has the right to charge them $.001 for parking a bike outside a park). They seem willing to give up self-determination to the mediator. In spite of all this, the mediators almost never rely on their "state" (legitimate) power. They might have five years ago, but today they rely strongly on persuasion, personal criticism, logic, and assistance in their mediations.

from a Western perspective. Mediation, to Westerners, is a social aberration—a conflict reduction procedure in which an outsider is visited when a dispute arises. This outsider—mediator—is accustomed to parties who behave as adversaries and look after their own interests. To resolve their dispute, the mediator assists the parties in hammering out a negotiated agreement. When the dispute is settled, the mediator exits; if the dispute continues, it goes to court.

This process is analogous to Western medicine: The doctor is visited when someone is ill; a cure is administered for the patient's disease; and the physician, usually a stranger, is not seen until the next illness. If the cure does not work, the patient goes to a specialist.

For the Chinese, mediation is integrated within their society. The mediator is present, in good times as in bad, seeking societal harmony. Today as in earlier times, the mediator is viewed as *shuo ho ti*, one-who-talks-harmony (Pruitt 1978). She (or he) feels the parties have a moral obligation to get along (they do not have the right to be adversaries) and the mediator serves as a persistent guide toward that harmony. She does not impose harmony, rather she fine-tunes it. She is expected to speak for society, to serve as a moral force, and to advise people on their legal obligations as well as the consequences of their behavior (Cloke 1987).

If you like, Chinese mediators can be characterized as a live-in aunt. She is always present, sometimes overbearing, but usually well intentioned. She tries to head-off family problems before they arise and brings a moral backboard to the discussions. If her persuasion fails, she, perhaps shifting tacks, tries again.

The authors hope we can learn from this mediation. The Chinese grant more power—formally and informally—to their mediators, and as a result have a high rate of settlement and very few court litigations. Perhaps too, the Chinese approach of advancing concomitantly along the persuasive and logical planes would prove useful in Western mediations. That is, it seems that convincing the disputants to focus upon (a) the feelings of the other, (b) the emotional payoffs of harmony, (c) respect and empathy for the other, and so on, in coordination with assessments of material benefits could prove beneficial in any mediation.

Yet our differences may preclude a fruitful assimilation of Chinese approaches. We write, talk, walk, dress, run, eat, drink, sleep, bathe, drive, ride, smile, point, sit, think, read, laugh, cry, play, entertain, parent, observe, and interact differently from the Chinese. Perhaps we should be content to mediate differently.

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