

An Asian Perspective on Mediation

Phillip Hart reviews this book edited by Joel Lee and Teh Hwee Hwee.

What could you change, and still call it “mediation”? Could the mediator NOT be “neutral”, for example? As a mediator, could you offer substantive advice, as well as controlling the process? Should “open discussion” always be our aim?

These questions are most salient when one or more of the participants is from an Asian culture, which values allegiance over autonomy, collective interests over individual interests, and compliance over assertiveness. In brief, they are central to whether interest-based mediation can be used in Asia: is it suitable, effective and put simply, does it work?! Lee and Teh's answers to them are given below.

Of course, the irony underpinning the book is that mediation has long been a central part of Asian social life, well before the particular version of it that has evolved in the West over the last few decades. But what elements are common to both version, Western and Asian? And most practically, for mediators trained in the Western interest-based model, what adjustments or refinements should they make, to be effective in an Asian context?

Lee and Teh offer a comprehensive and nuanced investigation of the core dimensions that must be considered, leading to practical and helpful guidance for each of the key stages of a mediation.

Functional and operational paradigms

Lee and Teh distinguish the “functional” and the “operational” paradigms of interest-based mediation. The functional paradigm derives from the Harvard Project on Negotiation, as articulated by Fisher and Ury, and in particular, the well-known 7-Element Framework. This, they assert, is universal. It seems everybody has “interests” appropriately interpreted.

About Associate Professor Joel Lee: keynote speaker at 'kon gres 2011

Associate Professor Joel Lee from the Faculty of Law, National University of Singapore, has extensive experience as a teacher of negotiation and mediation and is a consultant with CMPartners (USA) and a principal mediator with and Training Director for the Singapore Mediation Centre.



He is a member of the ADR Advisory Council of the Subordinate Courts of Singapore, the co-editor and co-author of the book "An Asian Perspective on Mediation" (Academy Publishing, Singapore, 2009) and an Associate Editor for the Asian Journal on Mediation. Joel is also a members of the IMI Independent Standards Commission and also of its Intercultural Taskforce.

Podcast: [Listen to Assoc Prof Lee talk with LEADR CEO, Fiona Hollier >>](#)

In contrast, the operational aspects depend on culture and context. Indeed, the authors identify a range of Western-oriented assumptions, and explain why these are likely to create tensions and confusion in an Asian context.

A great deal has been written about mediating across cultures, so what do Lee and Teh offer? Into one slim and easily-read volume, they have compiled a comprehensive and nuanced investigation of the core dimensions that must be considered, leading to practical and helpful guidance for each of the key stages of a mediation.

They present insights from well-established research into cultural frameworks, Asian values and beliefs, Confucianism, collectivism and face. Complementary offerings by other authors further articulate power-distance, trust-building, face (“The Four Faces of Face”), *guanxi* (a peculiarly Chinese concept which translates approximately as “relationship”), and high- and low-context communication.

The authors’ answers to our opening questions are these:

- What could you change, and still call it “mediation”? You should adhere to the *functional* paradigm which is central and universal. You should make appropriate adjustments to the *operational* paradigm, to be effective in the Asian context
- Could the mediator NOT be “neutral”, for example? For you to be credible and acceptable to the parties, you must be “connected” to them. To establish the even-handedness, your connectedness should be to the same degree
- As a mediator, could you offer substantive advice, as well as controlling the process? In the Asian context, you will be expected to show leadership and ownership of the outcome as well as the process. Your authority is on show, and furthermore, you can offer face (*mianzi*) to parties by taking ownership of some options, appropriately
- Should “open discussion” always be our aim? Not when doing so threatens face, or privileges individual interests over collective interests.

If your bookshelf is bulging, and you have room for just one more handy text of insights and strategies, this is a good choice.

About the publication

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