

An Asian Perspective on Mediation

I am honoured to be in the company of the esteemed Professor Tommy Koh who wrote the forward for this book, as I have been asked to assist by writing a review of this promising book. I agree with Prof Koh's introductory comments $\frac{3}{4}$ that "the Asian perspective on mediation, as presented, (in this book) allows for sensitivity to culture, not from surface behaviour but from how the world may be viewed in the Asian context. This book is a significant contribution"

My perspective is that of a professor and mediator. I have actively mediated and trained mediators in Hawai'i since 1978, mediating professionally for federal and state agencies in Hawai'i and in our region. Years of research and practice resulted in my 2007 book titled *Culture, Conflict and Mediation in the Asian Pacific*. Since Hawai'i has an ethnic majority of Asian Americans, our practice here regarding mediation is somewhat similar to that of Singapore and Hong Kong. We have inherited Anglo-Saxon legal traditions, English language in our professional organisations and we all have contact as mediators with a majority of culturally Asian citizens who have "problems" or "conflicts" that need resolution. This new book (J Lee and HH Teh) makes great strides towards making mediation processes more appropriate to societies that are Asian in cultural orientation.

The authors have demonstrated diligence in thoroughly surveying the many diverse fields of expertise necessary to integrate a comparative work such as this, and to do so in a coherent and organised way. I am pleased that the research done for this book covers virtually all of the most important scholarship among the 160 plus sources identified in my book, and moves this comparative research to a higher level. Building on the momentum from Hofstede's cultural dimensions, Jandt and Petersen's case studies from the region, Leung and Tjosvold's work on conflict management in the Asian Pacific and my own 2007 book – Lee and Teh's book raises the level of definition, workability and clarity for an Asian mediation approach to a new high.

Describing "Asian" Values or an "Asian Perspective" in mediation is a daunting task. The authors have set out a Singapore-based, Confucian-oriented "One Asian Perspective on Mediation" model. Their approach highlights many of the key tenets of well-promoted "Western mediation" models, and then identifies the elements necessary for mediation to be appropriate and comfortable in Asian settings. A discussion on whether Asian models of mediation should follow the interest-based principles espoused by Fisher and Ury's books is featured in Chapter 2. Lee and Teh come to the conclusion that the Singapore Mediation Centre mediators are "trained in the interests-based model, but do not confine themselves only to the facilitative role of a process manager."

In chapter 4, the authors give concrete examples of how parties

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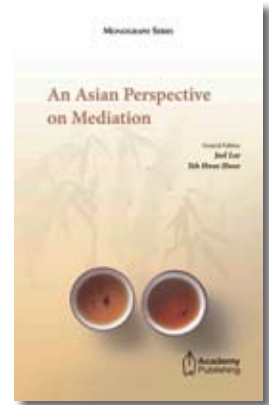
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should be brought to the table and how mediators should be selected and assigned to cases in the Asian mediation model. They integrate discussions of face and facework by all the parties in the mediation process with the important first steps of convening the mediation. Like Prof Koh, I find the two different versions of opening statements ("Western" vs "Asian") to be very useful and persuasive examples of the comparisons being made in the text. The leadership, authority and initiative expected of the Asian mediator is presented. This portion should be quite an eye-opener for most Western mediators as well as some "international mediation trainers" who may be only familiar with mediation models emanating from the West. Chapter 7 discusses the "Four Faces of Face" to amplify the practical discussion of face and facework in chapter 4. Chapter 7 answers a question that has been puzzling me for years: In North America, Asian immigrants seem to avoid using community mediation centres (or any organised mediation processes), as much as other ethnic groups proportionately, even though their countries/cultures of origin (like China) have been known to have mediation processes available throughout most institutions (schools, workplace, local government)? In commentary from Chicago, Ill to Vancouver BC, immigrants do not choose a mediation option in proportion to their numbers in the whole community. The fairly simple answer (ch 7) is that some cultural groups adhere to the idea that "one should not wash one's dirty linen in public." Chapter 6 raises important comparative distinctions regarding fundamental cultural differences regarding trust. Westerners have a "high degree of generalised social trust" whereas most Asians have a low sense of trust towards anyone not connected from family, childhood or long term relationships.

I will conclude by recommending this book for "mediators, lawyers, dispute resolution practitioners, service providers, policy makers and anyone concerned and interested in peacemaking in this part of the world."

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