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Author(s): Dong-Won Sohn, James A. Wall and Jr.

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# Community Mediation in South Korea

## A CITY-VILLAGE COMPARISON

DONG-WON SOHN

JAMES A. WALL, Jr.

*University of Missouri*

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This study complements and replicates an earlier one by comparing Korean community mediation in the city with that in the village. Reports from 34 city and 19 village mediators indicate that village mediators do handle more disputes. However, the techniques employed—both the types and frequency of use—differ slightly between the city and village.

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**I**n an earlier article (Kim, Wall, Sohn, and Kim 1993), we investigated community and industrial mediation in South Korea. Now we extend our knowledge with a comparison of community mediation in the city with that in the village. Differences in the mediation of intrafamily and interfamily disputes are also examined.

### ROOTS OF KOREAN MEDIATION

Korea's mediation, like its language, literature, and legal institutions, has drawn heavily from the Chinese. As Chinese civilization evolved in the Yellow River basin (Vohra 1987) and subsequently became more feudal, the Chinese developed laws and informal methods for handling social relations. For example, in the Early Chou period (1100-722 B.C.), land boundaries were established and laws were passed regarding property ownership and transfer. Concomitantly, rural inspectors assisted peasants in settling land disputes (Gernet 1968).

Philosophies also developed as to how people should manage their interactions. Conflict or strict laws were options. Yet harmony, Confucius

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(551-479 B.C.) maintained, was the best route. His philosophy—of seeking harmony in interpersonal relationships—developed a strong following and served as a major cornerstone for many of China's, and subsequently Korea's, social institutions. One of these was community mediation.

A second base for the mediation was the concept of "face." Most societies develop conventions to facilitate social interactions, and for the Chinese as well as the Koreans, face saving became a paramount code. Face saving is derived from the Confucian dictates to build harmony with and pay respect to others. To cause another to lose face is the ultimate discourtesy. Also, to lose face is humiliating (Latourette 1964).

The Confucian dictate of harmony and its derivative, face, underpinned Chinese and Korean mediation. For China, there are records of mediation in the T'ang (618-907), Sung (960-1127), Ming (1368-1644), and Qing (1644-1911) periods (Huang 1990; Latourette 1964; Rowe 1984, 1989; Shiba 1970).

The study of Confucian thought and the development of mediation in Korea paralleled that in China. The major advances came in the Yi dynasty (1392-1910). In this period, Kwon Kun's Confucian teachings, the Code of Justice, the Village Code, a strong development of guilds, and the preference of the feudal villagers to settle their own disputes enhanced mediation practices (Chung 1985; Kim 1986; Lee 1984; Osgood 1951; Pak 1983).

#### **CURRENT KOREAN MEDIATION**

As noted above, there is adequate evidence that mediation was practiced both formally and informally prior to 1910, when Japan annexed Korea. The social institutions that served mediation roles were eliminated by the Japanese (Osgood 1951). Nevertheless, the use of community mediation remained amazingly strong (Hahm 1986).

As Hahm (1986) notes, the underpinnings for community mediation were also partially undermined by the military occupation of the Soviet and U.S. armies following the defeat of the Japanese, by the division of the country, and by the Korean War. Rapid economic development has also had a major impact. In spite of these impediments, community mediation remains intact and strong in South Korea. Korean mediators, in both the cities and villages, have no government connection. Rather, they are respected members in the local community, or they are friends who are willing to assist the disputants.

#### **CITY VERSUS VILLAGE MEDIATION**

In his discussion of current Korean community mediation, Hahm (1986) posits that the traditional mode of community mediation cannot survive in

communities larger than the village. He feels that mediation is a decision process by which the whole community enforces its "standards of propriety and decency by making its standards tangible through the compromises reached by the mediator and the disputants themselves" (p. 111). In cities, he feels, the community standards weaken and fluctuates. Therefore, their application and enforcement via mediations are more difficult and less likely.

This assertion, along with our prior study, motivated us to compare Korean city and village mediation. It seemed feasible that community mediation could be more prevalent in a village. However, in the earlier study (Kim, Wall, Sohn, and Kim 1993), we found community mediation to be alive and well in a large city (Daegu). Whether or not there would be city-village differences in the mediation itself remained an open question. In this short study, we address this issue.

Also, because we have been detecting differences between the mediations of intrafamily versus interfamily disputes in China, we also explore these differences in Korean mediations.

## **METHOD**

### **PROCEDURE**

The procedure for interviewing mediators was similar to that employed in earlier studies of Chinese (Wall and Blum 1991) and Korean (Kim, Wall, Sohn, and Kim 1993) mediation. A South Korean conducted a structured interview and initially asked the respondents (in Seoul and two villages, Hwoyngsung-kun and Pyongstak-kun) to recall a recent dispute in which they were involved that had been mediated by a third party. The mediator was then located and interviewed. If the respondent could recall no such dispute, the interviewer approached a second party and asked the same question. This process continued until an individual was located who could recall such a dispute.

In the interview, the mediator was asked initially if the dispute had been within a family or outside the family. Also, the mediator's age, sex, schooling, occupation, and current job position were recorded. The mediator was also asked to estimate the number of disputes he or she had handled in the past year and the percentage of these that were successfully settled.

The mediator was then asked to describe the dispute, its background, the disputants, and the relationship between them and the mediator. Finally, the mediator was asked to describe the steps taken to resolve the disputes. He or she was asked to be as specific as possible and to recall the sequence in which the steps were taken.

All responses were recorded in Korean and subsequently translated into English by the interviewer. 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 previously employed categories.

## RESULTS

There were 53 interviews conducted, 34 in the city and 19 in the villages.

### THE DISPUTES

As expected, the disputes handled by the mediators were varied and interesting. Table 1 highlights the variety by providing some examples of the disputes and the parties involved in them.

### CITY-VILLAGE COMPARISON

A comparison of the city and village mediations yields minor differences. As the following case illustrates, the mediators tend to control the agenda, listen to the disputants and state their points, educate the disputants on how they should think and act, and argue for specific concessions:

The mediator was the vice president of a small manufacturing company. One of his subordinates wished to marry his girlfriend; however, her parents objected to the marriage because of the subordinate's family background.

After explaining the situation to the vice president, the subordinate requested his mediation. The vice president first contacted the girlfriend and listened to her. She, in turn, asked him to meet and persuade her parents. Doing so, the vice president explained that the daughter deeply wished to marry the subordinate. The parents again voiced their objections.

Having heard both sides, the vice president recommended to the girlfriend that she consider whether or not she loved the subordinate. If she did love him (as she said), then he recommended marriage. If she did not love him, she should break off the relationship.

The subordinate and his girlfriend were soon married.

Looking at the city-village data, we find more disputes are being mediated in the villages. Specifically, village mediators, on average, estimated that they personally mediated 24.6 disputes in the past five years, whereas city mediators mediated only 12.8 cases,  $F(1, 52) = 8.28, p < .006$ .

However, the manner in which the village mediators handle disputes does not differ substantially from the approach taken by their counterparts in the

TABLE 1  
Examples of Korean Community Disputes

<i>Type of Dispute</i>	<i>Disputants</i>
<b>Intrafamily disputes</b>	
Who is to be invited to a wedding ceremony (c)	Mother and daughter
Room allocations (c)	Brother and sister
Marriage/divorce (v)	Husband and wife
Whether son is to remain on farm or work in city (v)	Father and son
Father's remarriage (c)	Father and daughter
Inheritance (c)	Son and daughter
Son's career (c)	Father and son
Donations for mother's house (c)	Son and brother-in-law
Responsibility for housework (v)	Mother and daughter-in-law
Excessive drinking (v)	Husband and wife
<b>Interfamily disputes</b>	
Performance evaluation (c)	Manager and assistant manager
Use of jointly purchased machinery (v)	Friends (co-owners)
Distribution of food allocations (v)	Soldiers in the army
Adoption of innovative farming method (v)	Two farmers
Quality of food provided to cook (c)	Cook and purchasing manager
Participation in community project (v)	Farmer and neighbor
Trespassing (v)	Two neighbors
Use of purchased land (v)	Two neighbors
Tenant's noise (c)	Tenant and neighbor
Job assignments (c)	Worker and personnel director

NOTE: (c) indicates a dispute in a city, (v) indicates a dispute in a village.

city.<sup>1</sup> As can be seen in Table 2, the average use of each technique per case (i.e., the number of times a technique was used divided by the number of disputes) is about the same in the city and village mediations. In the city, the mediators are more apt to meet together with the disputants,  $F(1, 49) = 6.75$ ,  $p < .01$ . They gather information less often,  $F(1, 49) = 4.87$ ,  $p < .03$ , and are less likely to obtain forgiveness of the other party,  $F(1, 49) = 4.63$ ,  $p < .04$ . Yet the other differences are nonsignificant.

#### COMPARISON WITH OTHER FINDINGS

As they reveal few differences between the practice of mediation in the city and village, the data in Table 2 provide a replication of our earlier study. We find—when comparing the community mediation in the former study (column 4) with the mediations in the current one—that Korean mediators

1. The interrater reliability in scoring each of the mediators' techniques was 94%.

TABLE 2  
Average Use of Techniques in Korean Community Mediation<sup>a</sup>

<i>Technique</i>	<i>City Mediations (n = 34)</i>	<i>Village Mediations (n = 19)</i>	<i>Community Mediations in Former Study</i>
Control agenda			
Meet together with parties	.34	.26	.37
Meet separately with the parties	.74	.89	.19
Call for break	.00	.00	.06
Educate	.44	.47	.57
Reconcile <sup>b</sup>	.12	.11	—
Analyses			
Getting grasp of the situation	.21	.10	.39
Analyzing the parties	.03	.00	.04
State other's point of view	.53	.42	.34
Listen to other's point of view	.68	.47	.35
Call for empathy and understanding	.35	.21	.22
Get apology	.29	.26	.35
Gather information			
Mediator obtains	.06	.26	.15
Obtained from third party	.00	.00	.15
Argue for concession or settlement point with logic <sup>c</sup>	—	—	.32
Argue for concessions	.32	.37	.23
Criticize	.06	.00	.33
Some formalization (capping of the agreement)	.09	.05	.13
Having a drink to cap the agreement	.15	.11	.17
Logic <sup>b</sup>	.06	.11	—
Cite dependency	.03	.05	.06
Have drink with parties	.00	.00	.05
Provide objective data	.06	.00	.05
Obtain forgiveness	.00	.11	.07
Mediator assist	.00	.05	.01
Threat	.00	.00	.03
Educate with logic <sup>c</sup>	—	—	.06
Written agreement	.00	.00	.04
Example of similar case	.21	.21	.04
Relax	.00	.00	.04
Have third party assist	.00	.00	.02
Note cost to third party	.00	.06	.01
Cite moral principle	.06	.16	.05
Meet with third parties present	.00	.00	.01
Quote law	.03	.11	.03
Treasure feelings	.00	.00	.01
Have third party educate	.00	.05	.01

a. Average use per case = number of times a technique was used divided by the number of disputes.

b. Not measured in former study.

c. Not measured in present study. Logic was scored separately.

rely heavily on about 10 techniques. After learning of a dispute, they control the agenda, separating and/or meeting together with the disputants. In these meetings they listen to each disputant's point of view and then relate it to the other disputant. As they do so, the mediator asks the disputants to empathize with and understand the other person. Consequently, they advise the parties as to how they should think or behave in general, and then argue for specific concessions or settlement points. In these mediations they analyze the situation as well as the parties and, on occasion, they have a drink or two to cap the agreement.

There are some differences between the two data sets. The larger frequency for "meet together with parties" and "meet separately with the parties" in the present study can be attributed to the detailed nature of the present interviews. Here the interviewer probed to determine if the mediators had met together with the parties and/or met separately with them. In the previous study, the mediators were simply asked to describe the steps they had taken to mediate the dispute. Perhaps the personal, detailed discussion of the dispute and the steps taken to resolve it also account for the increased reporting of listening to the other's point of view and stating this point of view, as well as lower reportings of criticizing the disputants.

#### DISPUTES WITHIN AND OUTSIDE THE FAMILY

Finally, in comparing the techniques used for disputes within versus outside the family, we found few differences. Mediators did more frequently "educate" and advise the members in intrafamily disputes (.68 vs. .29,  $F[1, 49] = 8.37, p < .006$ ); they more often called for forgiveness here (.09 vs. .00,  $F[1, 49] = 4.63, p < .04$ ); and they less frequently capped agreements with a drink (.00 vs. .23,  $F[1, 49] = 5.18, p < .03$ ). But otherwise, there were no significant differences.

### DISCUSSION

This study, when aligned with the earlier one, gives us a more complete picture of community mediation in South Korea. Korea has a long tradition of community mediation, one that is nested in its own and China's feudal, Confucian cultures.

In Korea, this tradition has remained intact despite Japanese colonization, military occupations subsequent to World War II and the Korean War, and rapid industrialization. As our two studies reveal, this approach to conflict resolution is well-used in two cities—Daegu and Seoul—as well as in the more traditional village setting and it is practiced about the same in these locales.

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