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Malaysian Community Mediation

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This study investigates the mediations of 127 village leaders (*ketua kampungs*) and 52 religious leaders (*imams*) in Malaysia. These mediators rely heavily on techniques of meeting with disputants (separately and together), listening to the disputant's side, information gathering, and calling for concessions. They also use three distinct strategies: a "meet separately" strategy, an assertive strategy, and a strategy based on information gathering. The imams rely more on prayer, moral principles, listening, and third-party advice and call less often for concessions. Imams use a unique "meet together" strategy and prayer strategy.

Malaysia is a Pacific Rim nation that lies in a well-traveled ancient trade route, which for centuries has been traversed and dominated by various nationalities. It consists of two regions: peninsular Malaysia, which borders Thailand to the north and is separated from Indonesia by the Straits of Malacca, and East Malaysia, which borders Indonesia north of Borneo (Gullick 1981).

The formal state was established about 1400 as the Sultanate of Malacca. This developed into a rich and powerful trading center, which soon drew the attention of the Europeans. In 1511, the Portuguese conquered Malacca and established the Malay Peninsula. In 1641, the Dutch took control, followed by the British in 1815 and the Japanese in 1942. After World War II, Malaysia became a protectorate of Britain; however, this rule was short lived, and independence was granted in 1957 (Kennedy 1962).

Currently, Malaysia has a tandem court system, one secular and the other Islamic. At the top of the secular system is a nine-member supreme court, and the subordinate courts consist of the sessions court, magistrates court, and native court. As in most legal systems, these courts branch out to lower courts in the criminal and civil system.

In addition to these secular courts, there are separate Islamic or *kadi* courts that have jurisdiction over Muslims but only on cases related to Islamic law.

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CONFLICT RESOLUTION

Given Malaysia's well-established legal system, do Malaysians rely on the courts to resolve disputes in the community or do they, like their neighbors—China, South Korea, and Japan—rely on third parties in communities for settling disputes? If there is third-party mediation, who are these mediators and how do they manage disputes?

To answer these questions, we turned first to the literature to learn that Malaysia has three primary groups/cultures: Malays, Indians, and Chinese. The Chinese tend to live in large cities, whereas the Malays and Indians are not as heavily concentrated in urban areas. Some live in the cities; others, in the villages.

How are disputes handled in these cities and villages? The literature gave no indication as to how disputes are handled in the cities, but it did show the approach taken in the villages. Since the 1600s or earlier (Bastin and Winks 1966), each village has been administered by a *ketua kampung* (i.e., village head man). This leader, almost always a male, is responsible, directly and indirectly, for a large number of municipal activities such as interactions with higher authorities, housing, road maintenance, utilities, law enforcement, and so on. Also, as in many village societies (Merry 1989), one of his responsibilities is to handle disputes that are brought to him.

How does the *ketua kampung* handle these disputes? A thorough search of the literature provided only one report—an in-depth study of two villages (Provencher 1968, 231) in which settling disputes was a responsibility of the local *ketua kampung*. It was also noted that the *ketua kampung* usually talked to each party separately, listened to each, and suggested some concessions or reallocations. If this failed, he would, in turn, ask each disputant to demonstrate respect for the leader's relationship with the other by following the leader's suggestions. He then made several suggestions; the disputants would agree to cease quarreling and attend a feast together at the *ketua kampung*'s house.

Finding only this example of Malaysian community mediation and a report that no study of this mediation had been conducted (Karim 1990), we began our empirical investigation. The first step was one that had proved very useful in our study of Japanese community mediation (Callister and Wall 1997): we interviewed students, asking them how disputes were handled in their country.

STUDENT INTERVIEWS

Initially, we contacted the president of the Malaysian student association at our university. In our conversation, we indicated that we were interested in studying conflict resolution in Malaysia and would like to interview students in the association. Responding favorably, the president provided the names and phone numbers of his members. From the membership, we randomly selected 30 students and requested an interview; all agreed to talk with us.

In the interviews, we asked the students where they were from in Malaysia and engaged in some general discussions about the country (e.g., climate, food, job opportunities, economic conditions, etc.). Subsequently, we asked how a dispute would be handled in their neighborhood.

Although there were some differences in the responses, a clear pattern soon emerged. The students from the cities indicated that city residents handle their conflicts as do city dwellers worldwide. Specifically, they tolerate the conflict, manage it themselves, or call the police.

From the village residents, we received a very different report. Whenever a dispute arises in a village, it is never taken immediately to the police. Rather, one of the disputants, or a third party, brings the dispute to the attention of the *ketua kampung* or the *imam*.

This was the first time we had heard of an imam as a mediator; therefore, we queried the students about him. We learned he (always a male) is the village mosque leader who conducts religious ceremonies, runs the mosque, and in general directs religious affairs in the village. He also mediates disputes brought to him. We asked about the two mediators' division of responsibilities and their mediation approaches.

When asked which disputes are taken to the *ketua kampung* and which to the imam, the students provided some rather lucid responses. Villagers may take any type of dispute to either the *ketua kampung* or the imam, and these leaders will mediate them; that is, neither claims a dispute is not part of his bailiwick. However, family disputes (especially husband-wife) are typically taken to the imam, as are all religious disputes. Other types of disputes typically are presented to the *ketua kampung*.

How do the leaders in general mediate and how do the *ketua kampung*'s mediations differ from those of the imam? The students could provide no answers to these questions. Some students reported seeing *ketua kampungs* visiting disputing parties, and other students had observed disputants visiting the imams at the mosque; yet, no one was privy to the steps taken. With more questions than answers, we began the second part of our investigation, interviews in Malaysia.

KETUA KAMPUNG AND IMAM INTERVIEWS

Our primary research goal in the interviews was to describe the manner in which the *ketua kampungs* and imams mediate. Specifically, we wanted to determine the techniques that the mediators used and the strategies (combinations and sequences of techniques) they employed.

Also of considerable pertinence were the differences between the *ketua kampungs*' and the imams' mediations. Here again we were interested in both the techniques they used and their strategies.

When considering the differences in the *ketua kampungs*' and imams' mediations, we did not pose a secular-religious comparison because both *ketua kampungs* and imams are devout Muslims and thereby guided by the tenets and practices of that faith. However, we did expect the imams to make stronger use of moral dictates (e.g., Muslim law and tradition) and prayers. We expected the *ketua kampungs* to draw more often on third parties for assistance to the disputants. This last prediction was based on the assumption that the *ketua kampungs* would have access to a wider assortment of third parties because of their interactions throughout the village and with government bureaucrats.

Of secondary interest was the routing of the disputes in the villages. Here, the students' reports seemed to be appropriate guides, leading us to expect that family disputes, especially those between husbands and wives, would be taken to the imam, whereas agricultural and other community disputes would be channeled to the ketua kampung.

Finally, we wished to examine how Malaysian mediation compared to mediation in China, South Korea, and Japan. To develop some tentative hypotheses, we studied the history, religion, and social structures in the four countries, looking for characteristics that have "guidance utility." That is, we sought characteristics that differ between the countries and have an impact on mediation.

When comparing Malaysian society to Chinese, Korean, and Japanese societies, we found numerous differences. Yet, few of these features distinguish between mediation practices in these countries. For example, Malaysian village society is strongly influenced by the Muslim religion, whereas China, Korea, and Japan are, to varying extents, Confucian-based societies. However, this religious difference does not engender differences in the countries' mediation practices. Muslims (Abu-Nimer 1996), as well as Confucians (Hahm 1986), value harmony and expect others to seek this goal. Therefore, mediators in Malaysia, as well as in China, Korea, and Japan, use similar techniques (e.g., explaining the other side's point of view) in the pursuit of this goal.

When we compared Malaysia to China, we were able to detect two characteristics that had guidance utility—China's mediation system and a tenet of its communist philosophy: criticism is good.

China's mediation system is a formal one, whereas in Malaysia (as in Korea and Japan) it is not. Established in 1954, the Chinese system is composed of a rather permanent set of mediators who handle disputes in each commune (i.e., village), street committee (city units), and work unit (Yin 1984). These mediators report informally to the local court in their area and to the head of the street commune, committee, or work unit.

For the Chinese mediators, there is one principal responsibility: to provide harmonious social relations to the community; that is, to fix conflicts. The mediators are quite forceful in the pursuit of this goal. As a quasi-arm of the law, these mediators have power and they use it. They have been trained by the army to be forceful, and Chinese society expects them to wield their authority to deliver harmony. One forceful technique the Chinese mediators use is education; that is, giving advice to the disputants on how they should think or behave. Such a technique is deemed appropriate because it indicates how a citizen can best fit into society. Furthermore, the Chinese do not spend much time listening or gathering information. Rather, they determine who is right or wrong and then fix the dispute (Wall and Blum 1991).

The forceful approach is complemented by the Communist Party tenet that criticism of individuals is good. This process is viewed as a type of crucible in which society purges impurities from individuals, for their own betterment and for that of society.

By contrast, Malaysian mediators are not members of a formal mediation system; rather, they are primarily civil and religious leaders who have a broad range of respon-

sibilities. One is conflict resolution. We expect they would handle this task like any other, by meeting with the parties, gathering information, and helping the disputants to overcome the problem; not by educating them or telling them to make concessions. Because they have no ideology that criticism is good (in fact, they consider it rather rude), they probably will not rely heavily on this technique.

METHOD

SUBJECTS

The subjects in the study were 127 ketua kampungs and 52 imams from villages in the northern part of Malaysia, specifically the area from the capital (Kuala Lumpur) north to the Thailand border.

PROCEDURE

Having learned in our previous studies of China, Korea, and Japan (e.g., Callister and Wall 1997; Kim et al. 1993; Wall and Blum 1991) that citizens of the respective countries could be trained to be proficient interviewers, we recruited four Malaysian students who were very fluent in English. We trained them in interview procedures and then sent them to Malaysia.

In Malaysia, they relied on friends, relatives, associates, and their own initiative to obtain interviews with ketua kampungs and imams in villages close to their own. When interviewing these leaders, the interviewers used the same procedure we had employed in our studies of Chinese, South Korean, and Japanese mediation. Specifically, the interviewer conducted a structured interview asking each respondent to recall the last dispute that had been brought to him. Subsequently, the interviewer asked each leader/mediator to note the nature and context of the dispute and the persons involved in it. Then the mediators were asked to recall the specific measures they took for assisting in or resolving the dispute and to describe the agreement or lack of agreement.

All the mediators' responses were recorded in Malay and later translated by the interviewer. Two Western raters read the mediators' reports of the steps taken to resolve each dispute. They independently scored all the mediation techniques using the categories outlined in Table 1. When differences occurred, the raters conferred and arrived at mutually acceptable classifications for these techniques. The classification system was a modification of the one supplied by Pruitt that had been developed, refined, and implemented by his teams while studying U.S. community mediation (e.g., Pruitt et al. 1989). We relied on this list of techniques in previous studies (e.g., Kim et al. 1993; Wall and Blum 1991; Callister and Wall 1997) and added new categories (e.g., "educate" in the Chinese study) when they became salient.

TABLE 1
 Malaysian Mediators' Techniques

<i>Technique</i>	<i>Description</i>
Meet separately	Mediator meets with each disputant separately
Listen to disputant's side	Mediator has disputants state their points
Argue for concessions	Mediator argues for or proposes a specific concession or agreement point and negotiates a compromise
Put disputants together	The mediator brings the disputants together for a meeting that otherwise would not take place (e.g., asks the disputants to meet at his house)
Gather information	Mediator collects or asks for information from the disputants or others and does research to obtain information
Gather information from third party	Information, opinion, and advice obtained from third party
Educate	Mediator educates, persuades, or advises one disputant as to how he or she should think or act
Meet with third party present	Mediator brings additional third disputants to a meeting
Have third party assist	Mediator offers or gets third party's assistance for the disputants or the mediator
State other's point of view	Mediator presents or argues the other disputant's point of view and asks a disputant to see the other disputant's point of view
Moral	Mediator points out a specific moral obligation or societal norm
Meet together with disputants	Mediator meets together with disputants and requires disputants to state other's point of view; mediator also has disputant state his point of view to the other
Apologize	Mediator has one disputant apologize or acknowledge his or her faults
Mediator assists	Mediator personally offers or gives assistance and takes a specific action
Obtain forgiveness	Mediator asks one disputant to tolerate or forgive the other
Relax	Mediator makes specific statements to calm the disputants
Have third party educate	Mediator has a third party educate, persuade, or advise one or both disputants on how they should think or act
Have third party argue for concessions	Mediator has a third party argue for or propose a specific concession or agreement point
Pray	Mediator prays alone or with one or both disputants
Break time	Mediator stops the quarreling and has disputant rest; has a picnic or get-together with disputant
Mediator's data	Mediator provides objective data about the dispute or the environment (e.g., inflation is 20%)
Threat	Any threat from the mediator
Note cost to third party	Mediator points out costs of dispute to others, cites an obligation (to others) not to dispute (includes noting benefits of agreement to others)
Get grasp of situation	Mediator grasps the cause (analyzes situation)
Criticize	Mediator criticizes a disputant's person, attitude, and behavior or uses a specific label (e.g., "You are rude")
Call for empathy	Mediator enhances the other disputant or calls for respect of the other; mediator puts a positive face on the other disputant, noting he or she is a good person

TABLE 1 Continued

<i>Technique</i>	<i>Description</i>
Cite dependency	Mediator expresses similarities or interdependence in disputants' goals, fates, and needs (includes mentioning personal costs of disagreement and benefits of agreement)
Have drink with disputants	Mediator has a drink with the disputants prior to agreement
Formalization	Mediator caps the agreement with techniques other than a drink
Provide logical explanation	Mediator backs up any technique with logic
Drink; capstone	Mediator has drink with disputants to cap the agreement
Analyze the disputants	Mediator analyzes disputants and grasps each disputant's characteristics
Example	Mediator cites example or similar case
Praise disputants	Mediator praises ("strokes") the disputant who is being addressed
Reconcile	Mediator negotiates a general compromise
Quote law or rule	Mediator quotes a specific law or rule that is relevant to the dispute
Written agreement	Mediator has disputants sign a quasi-legal written agreement governing their future behavior
Being vague	Mediator is intentionally vague when describing the situation or asking for concessions
Have third party criticize	Mediator has third party criticize a disputant's person, attitude, or behavior
Separates disputants	Mediator separates the disputants

RESULTS

THE DISPUTES

The mediators' descriptions of the disputes proved as interesting as the techniques used to resolve them. Western readers may believe that many of the disputes (Table 2) deserve time in court and may judge others to be private affairs that should be handled within the family. For the Malay villagers, all disputes go initially to the mediators.

WHO MEDIATES WHAT?

Because it is simple to address the routing of the different disputes conceptually and statistically, we attend to it first. An examination of the descriptions of the disputes revealed that family disputes could clearly be divided into those between husbands and wives and disputes between other family members. We noted that community disputes could be separated into agricultural (e.g., a farmer's pesticide drives rats into neighboring farmers' fields) and nonagricultural (e.g., loud music at night) categories. Consequently, we divided the disputes into four categories: (a) agricultural, (b) community (nonagricultural), (c) husband-wife, and (d) family (other than husband-wife).

TABLE 2
Sample of Community Disputes

<i>Disputes Mediated by Ketua Kampung</i>	<i>Disputes Mediated by Imams</i>
Theft of cow	Slander
Dispute over land border	Fight between neighbors' children
Monkeys in farmer's orchard	Failure to repay loan
Fight between students	Husband beats wife
Rubber tree tapper fired without reason	Wife doesn't allow husband to marry second wife
Car accident	Husband won't support wife
Firecracker rocket sets neighbor's house ablaze	Incest
Husband beats wife	Parents disapprove of future daughter-in-law
Division of land after father's death	Son drinking
Drug use leads to chicken thefts	Division of land after parents' death
Father beats drunk daughter	Son not supporting parents

TABLE 3
Types of Disputes Taken to Ketua Kampung and Imams

<i>Type of Dispute</i>	<i>Number of Disputes</i>	
	<i>Ketua Kampung</i>	<i>Imam</i>
Agricultural	29	2
Community	82	9
Husband-wife	8	27
Family (other than husband-wife)	8	14

Our initial student interviews were an accurate guide to whether disputes were routed to the ketua kampung or the imam. As can be noted in Table 3, most family disputes and a very high percentage of the husband-wife disputes were taken to the imam. By contrast, most of the agricultural and community disputes were taken to the ketua kampung. The difference in the routings is quite significant, $\chi^2(3) = 75.93, p < .001$.

THE MEDIATIONS

As noted earlier, two Western raters read the mediators' reports of the steps taken to resolve each dispute. Then, they independently scored the mediation techniques using the categories outlined in Table 1. The coders' interrater reliability was 93%. (Specifically, 1,820 techniques were scored, and the raters agreed on the classification for 1,701 of these.)

After the techniques were scored, the average use of each technique per case was determined (i.e., the average number of times a technique was used in each dispute);

the technique usage for all the mediators is presented in column 2 of Table 4. Here, it can be noted that the mediators devoted significant time and effort to meeting with the parties; specifically, they met separately with the disputants, met with them together, or brought them together for a meeting. In these separate and joint meetings, the mediators listened to the disputants' points of view, gathered information from them, and turned to outsiders—third parties—for information. Concomitant with and subsequent to the meetings and data gathering, the mediators presented one disputant's point of view to the other.

Having set this base, the mediators turned to a wide variety of techniques. There was frequent reliance on third parties; to attend meetings, to provide information, to provide assistance to the disputants, and less frequently to suggest how the disputants should behave and the specific concessions they should make.

As Table 4 indicates, the Malaysian mediators also made strong use of societal harmony norms in their approaches. For example, there were frequent citations of moral principles (e.g., tolerating the failures of others), calls for apologies and forgiveness, and praying (even at the secular *ketua kampung* level).

When we compared the technique usage across the four types of disputes, some differences were apparent. Specifically, the mediators cited moral obligations more frequently when handling family disputes ($M = .77$) than when handling agricultural ($M = .03$), community ($M = .05$), or husband-wife grievances ($M = .51$), $F(3, 171) = 6.31, p < .001$. They relied more heavily on gathering information in agricultural disputes ($M = 1.10$) than in community ($M = .62$), family ($M = .50$), or husband-wife disputes ($M = .29$), $F(3, 171) = 4.79, p < .003$. They listened to the disputants' sides more often in the husband-wife disputes ($M = 2.14$ vs. 1.32 for agricultural, 1.64 for community, and 1.41 for family disputes), $F(3, 171) = 4.09, p < .008$. They gathered information from third parties more often in community disputes ($M = .74$ vs. .35 for agricultural, .50 for family, and .26 for husband-wife disputes), $F(3, 171) = 2.83, p < .04$. They never asked for apologies in the husband-wife disputes ($M = .00$) but did so in the agricultural ($M = .19$), community ($M = .21$), and family ($M = .14$) disputes, $F(3, 171) = 3.07, p < .03$.

MEDIATION STRATEGIES

The analyses of the *ketua kampungs'* and imams' mediations are somewhat complex. Previously, we presented (Table 4) the techniques used by all of the mediators. Now, we examine their strategies using cluster analysis. We then compare the *ketua kampungs'* mediation techniques with those of the imams. Finally, we compare the *ketua kampungs'* mediation strategies with those of the imams.

Consider now the mediation strategies for the entire sample. The data in Table 4 provide a general idea of the approaches being employed by the Malaysian mediators; however, this amalgam masks some of the particular strategies that might be embedded within. For instance, one set of mediators might have met separately with the parties, gathered facts from them, and then argued for specific concessions. Another group of mediators, by contrast, could have relied on a strategy of meeting together with the disputants, asking third parties for assistance or information, and then generally advising the disputants on how they should behave.

TABLE 4
Use of Mediation Techniques

<i>Technique</i>	<i>Average Use per Dispute for All Mediators^a</i>	<i>Average Use per Dispute by Ketua Kampung</i>	<i>Average Use per Dispute by Imams</i>
Meet separately	1.79	1.82	1.73
Listen to disputant's side	1.65	1.55	1.90*
Argue for concessions	1.08	1.23	.69***
Put together	.65	.65	.65
Gather information	.62	.70	.42*
Gather information from third party	.55	.61	.40
Educate	.46	.44	.52
Meet with third party present	.34	.34	.31
Have third party assist	.30	.37	.13*
State other's point of view	.27	.26	.31
Moral	.23	.04	.67***
Meet together	.17	.20	.09
Apologize	.16	.17	.12
Mediator assists	.14	.17	.06
Forgive	.11	.10	.15
Relax	.08	.11	.02*
Have third party educate	.08	.02	.23***
Pray	.07	.03	.17**
Have third party argue for concessions	.07	.09	.02
Break time	.07	.08	.04
Mediator's data	.07	.09	.00*
Threat	.06	.08	.02
Note cost to third party	.05	.04	.06

a. Technique usage is reported only for techniques used .05 or more per dispute.

Bolding indicates significant differences between Ketua Kampung's usage and Imams's usage.

* $p < .05$. ** $p < .01$. *** $p < .001$.

To identify the specific strategies that the mediators were using, we relied on cluster analysis. This is a multivariate statistical procedure designed to organize a sample of entities into groups by using a data set containing information about the entities (Aldenderfer and Blashfield 1984). This procedure is quite well suited for our data because it can organize the mediators into relatively homogeneous groups (or clusters) according to the mediation techniques they employed. It does not require that the clusters represent multivariate normal populations and has a distinct advantage over factor analysis for us. Factor analysis indicates which techniques load together (i.e., are used together across the entire sample of mediators). However, it cannot (as cluster analysis can) detect distinct groups of mediators within the overall sample, who are employing different sets of techniques.

Cluster analysis allowed us to sort the Malaysian mediators into groups (clusters) whose members were using the same groups of techniques. The analysis detected three primary clusters. After identifying these clusters, we identified the techniques being

bolded in each group, focusing on differences between the groups. As Table 5 reveals, technique usage was different for 13 of the 22 most frequently used techniques. (The italics in Table 5 indicate the techniques employed differentially.)¹

Techniques

Each group of mediators employed different techniques. In the first cluster—tagged the “meet separately” strategy—the mediators met separately with the disputants rather than in joint meetings or meetings in which they put the disputants together. These mediators listened to the opinions of the disputants instead of gathering hard data from them or from third parties. The mediators were instructive, but not assertively so, advising (educating) the parties on how they should behave and the specific concessions they should make. In addition, these mediators seemed to base many of their suggestions on moral principles.

The second cluster of mediators differed from their meet separately counterparts in two major ways. The second cluster of mediators met with the disputants more often or put them together, and met separately with the disputants less often. Second, these mediators were more assertive, arguing for specific concessions and educating the disputants (i.e., telling them how they should act or think). Finally, and less significantly, these assertive mediators called more often for breaks and for the disputants to relax.

The third cluster of mediators employed an information strategy in that they often gathered information from the disputants and third parties. They had a mix of separate meetings and meetings with disputants. They were very unassertive and infrequently argued for specific concessions or advised (educated) the disputants on how they should behave.

Technique Sequence

The cluster analysis and the identification of the differences in technique utilization allowed us to determine which sets of techniques the mediators in each cluster were using. To further and more thoroughly identify the strategies in each cluster, it is quite important to determine the sequence in which the techniques were used.

In mediation, as in war, chess, football, manufacturing, and many other endeavors, the sequence in which techniques (i.e., behaviors) are employed is as important as the techniques themselves. Consider, for example, the following strategy from chess. In a castling strategy, pawns are moved first, usually to create an interlocking position two rows out. Next, the knight and bishop are moved, again to positions of mutual support. The king and rook are then moved simultaneously (castling) to an approximate exchange of positions. The result is a “fort” of interlocking defenses. Note that in the castling strategy, the specific techniques (e.g., moving the bishop to a certain position) are important. Yet, even more critical to the success of the strategy is the sequence of

1. The probability levels in Tables 5 and 8 should not be viewed as a test of the significance of the clusters. Rather, the significance levels, along with the means, indicate which techniques are more frequently used in each cluster of mediators.

TABLE 5
Cluster Analysis of Malaysian Mediators

Technique	Average Use per Dispute ^a		
	Cluster 1 <i>Meet Separately</i> (n = 74)	Cluster 2 <i>Assertive</i> (n = 59)	Cluster 3 <i>Information</i> (n = 46)
Meet separately	2.82	.78	1.43***
Listen to disputant's side	1.93	1.80	1.04***
Argue for concessions	1.09	1.47	.54***
Put together	.45	.85	.72**
Gather information	.42	.36	1.28***
Gather information from third party	.27	.54	1.00***
Educate	.39	.68	.30**
Meet with third party present	.23	.44	.37
Have third party assist	.31	.20	.41
State other's point of view	.39	.15	.24
Moral	.43	.12	.04**
Meet together	.01	.47	.02***
Apologize	.12	.22	.13
Mediator assists	.16	.14	.11
Forgive	.04	.10	.24*
Have third party educate	.04	.10	.11
Relax	.01	.22	.02***
Mediator's data	.12	.00	.07*
Break time	.03	.14	.04*
Pray	.09	.08	.02
Have third party argue for concessions	.08	.07	.04
Threat	.05	.05	.09
Note cost to third party	.07	.03	.02

a. Technique usage is reported only for techniques used .05 or more per dispute.

Bolding indicates significant differences among clusters.

* $p < .05$. ** $p < .01$. *** $p < .001$.

techniques: the pawns are moved *first*, *then* the knight and bishop are put into place; only then are the king and rook moved simultaneously (Wall and Stark 1996).

The importance of examining sequences is also mentioned in the communication literature, where it is noted that negotiations should be viewed as sequentially structured. That is, they should be perceived as interactions in which the steps and stages unfold over time (Boden 1995; Putnam 1985).

Shift now to mediation. Here, the order of the techniques is also a central element (Maggiolo 1971). As simple examples, consider two mediations in which the mediators use only two sets of techniques: (a) meeting separately with parties and (b) arguing for concessions. The mediation strategies could be very different simply because of the differential sequencing. One mediator could meet separately, first with one disputant and then with the other. Subsequently, she could ask for concessions. This would be considered a participative strategy, much less assertive than one—a second strategy—in which the mediator first proposes concessions and then moves back and forth

between the disputants. In the latter strategy, the techniques are the same but the sequence is different, yielding an assertive “selling” strategy.

Given that sequencing is important, we determined the order in which the techniques were used in each of the three strategies (i.e., meet separately, assertive, and information). The process for the sequence identification is rather straightforward. First, the individual mediators in each cluster are identified. Second, the order (i.e., round 1, round 2, etc.) in which each technique is used by each mediator is determined (e.g., mediator 6 in cluster 1 used meet separately first [in round 1], listening to a disputant’s side second [in round 2], putting the disputants together third [in round 3], education fourth, fifth, etc.). Third, the number of uses of each technique across each round in the ordering are totaled. Finally, the totals in each round are examined to identify the general sequence of the techniques for that cluster.

For better clarification, we will work through this sequence identification process for cluster 1, the meet separately strategy. Table 6 includes the technique usage of all mediators ($n = 74$) in this cluster. The order in which the techniques were used is represented horizontally, and the techniques are delineated vertically. The body of the table indicates the number of times each technique was used in each round (i.e., first, second, third, etc.).

The meet separately technique was used first 65 times; second, 6 times; third, 38 times; and so on. The listen to disputant’s side technique was never used first; it was used second 58 times and third 9 times.

After providing the sequence of usage for each technique (which produced significant differences in Table 5) and examining the overall pattern of sequences (Table 6), we detected a rather apparent strategy for the meet separately mediators. They first met separately with a disputant and then listened to the disputant’s side. Then they met separately again (probably with the other side). Subsequently, separate meetings and listening to each side were used alternately. Finally, the techniques “argue for concessions” and “cite moral principle” were used, but with no apparent ordering between them.

In Table 7, we delineate this meet separately strategy with the sequences for the assertive and information strategies. The methodology for determining the sequences for the two latter strategies was analogous to that used above. We omit the details of the procedure.

KETUA KAMPUNG VERSUS IMAM MEDIATIONS

After examining the technique usage and mediation strategies of the composite ketua kampung and imam mediations, we examined the mediations separately. The relative usage of the techniques are presented in columns 3 and 4 of Table 4. We found a modest number of differences (indicated by italics) between the two types.

Techniques Used

As expected, the imams relied more on prayer, $F(1, 177) = 6.78, p < .01$, and moral principles, $F(1, 177) = 62.14, p < .001$, than did the ketua kampungs. They were less

TABLE 6
Technique Usage in Sequence for Meet Separately Strategy

Technique	Order of Technique Usage																	
	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18
Meet separately	65	6	38	21	13	13	9	13	16	3	5	1	4	1	1	0	0	0
Listen to disputant's side	0	58	9	28	17	7	7	5	4	2	1	2	0	1	1	0	0	1
Argue for concessions	0	2	0	4	8	15	10	12	9	8	3	1	3	4	1	1	0	0
Cite moral principle	0	0	2	4	3	4	6	7	2	3	1	0	0	0	0	0	0	0
Gather information	0	5	9	4	4	4	1	1	0	0	0	2	1	0	0	0	0	0
Gather information from third party	5	0	2	3	1	3	4	0	0	0	1	0	0	0	0	0	0	0
Put together	3	0	5	0	3	5	3	1	1	2	5	2	1	0	1	0	1	0
Educate	0	1	0	2	5	2	5	1	3	3	5	1	1	0	0	0	0	0
Mediator's data	0	0	0	1	1	2	1	2	0	0	0	1	0	0	1	0	0	0
Relax	0	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Meet together	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0

TABLE 7
Mediation Strategies for All Mediators

Meet separately strategy	
Sequence	Technique
1	Meet separately
2	Listen to disputant's side
3 and 4	Meet separately
3 and 4	Listen to disputant's side
5 and 6	Argue for concessions
5 and 6	Cite moral principle
Assertive strategy	
Sequence	Technique
1	Meet together or put disputants together
2	Listen to disputant's side
3	Relax (used infrequently)
4	Break time (used infrequently)
5	Educate
6	Argue for concessions
Information strategy	
Sequence	Technique
1	Gather information from third party
2	Meet separately
3	Listen to disputant's side
4	Gather information

fact oriented than the ketua kampungs; that is, they gathered information from the disputants less often, $F(1, 177) = 3.72, p < .05$, and supplied data themselves less often, $F(1, 177) = 4.53, p < .03$. They preferred to listen to the disputants' point of view, $F(1, 177) = 5.25, p < .02$. Moreover, the imams were less assertive in that they argued for concessions themselves less often, $F(1, 177) = 12.08, p < .001$, preferring more often than the ketua kampungs to call upon third parties to give advice (i.e., educate), $F(1, 177) = 19.86, p < .001$. Finally, the ketua kampungs, as expected, did call upon third parties more frequently for assistance, $F(1, 177) = 5.69, p < .02$.

Strategic Clusters

It should be noted that our previous cluster analysis of the combined data did not produce a separate cluster containing the ketua kampungs versus a cluster containing the imams. Rather, we found three principle clusters that contained both sets of mediators.

Turning now to the cluster analyses of the ketua kampungs' and imams' techniques, we find three strategies in the ketua kampungs' approaches (Table 8).

In general, the ketua kampungs' strategies paralleled those found earlier. Specifically, cluster 1 is a meet separately strategy in which the mediators preferred separate to joint meetings with the disputants. Although the differences for the technique "listen to the disputant's side" were not significant for this cluster, we do see the same pattern as in the meet separately strategy for all mediators (Table 5); namely, the mediators

listened to the opinions of the disputants rather than gathering information from third parties. A major difference between the ketua kampungs' meet separately strategy and that detected for the entire sample (Table 5) is that the ketua kampungs were more assertive, calling for specific concessions.

The assertive cluster for the ketua kampungs also had a technique pattern that paralleled the one found across all the mediators. Specifically, the ketua kampungs met together with the disputants in joint meetings or in meetings put together by the mediator. Second, the mediators were more assertive, arguing for specific concessions. Finally, these assertive mediators more often called for breaks and for the disputants to relax.

In cluster 3, we found that the ketua kampungs employed a strategy that is somewhat similar to the information group of the overall pool of mediators. Namely, the ketua kampungs relied heavily on information gathered from third parties and they also relied on third parties to attend their meetings. Finally, they rarely argued for specific concessions.

In the cluster analysis of the imams' mediations (right-hand section of Table 8), three clusters were identified. Cluster 1 of the imams was similar to the meet separately cluster for the overall grouping (Table 5) and for the ketua kampungs (Table 8, column 2). These imams met separately with the disputants, listened to their opinions, and infrequently brought third parties to the meetings.

The other two imam clusters, however, did not have identical counterparts in the overall and ketua kampung clusters. Specifically, the second imam cluster did rely heavily on meeting together with the disputants, as did the mediators in the two assertive clusters. Yet, the imams in this cluster were not assertive; that is, they did not argue for specific concessions nor did they educate the disputants. Thus, this strategy was labeled the "meet together" strategy.

We detected no assertive strategy for the imams, nor did we find one that we could label information oriented. Rather, the third strategy was one of prayer. As the last column in Table 8 indicates, there was nothing distinctive about this cluster in terms of technique usage other than a heavy use of prayer.

Strategic Sequences

After determining the strategic clusters for the ketua kampungs and the imams, we determined the order in which the techniques were used within each cluster. These are delineated in Table 9.

The sequencing for the ketua kampungs' strategies, (i.e., meet separately, assertive, and information) are approximately the same as for the strategies of the entire sample.

In the sequences for the imams, we find a pattern similar to the meet separately strategy. In their meet together strategy, the imams tended first to meet separately with the disputants, then put them together for a discussion, and subsequently listen to the disputants' sides.

Finally, the imams' prayer strategy was rather straightforward in that the imams met separately with the disputants, listened to each side, and prayed with him or her.

TABLE 8
Cluster Analysis for Ketua Kampung's and Imams' Mediations

	<i>Average Use per Dispute^a</i>					
	<i>Ketua Kampung</i>			<i>Imam</i>		
	<i>Cluster 1 Meet Separately (n = 43)</i>	<i>Cluster 2 Assertive (n = 75)</i>	<i>Cluster 3 Information (n = 9)</i>	<i>Cluster 1 Meet Separately (n = 3)</i>	<i>Cluster 2 Assertive (n = 21)</i>	<i>Cluster 3 Information (n = 28)</i>
Meet separately	3.30	.99	1.67***	4.67	.76	2.14***
Listen to disputant's side	1.72	1.49	1.33	3.67	1.86	1.75**
Argue for concessions	1.58	1.13	.44**	0.33	.67	.75
Put together	.67	.61	.78	.00	1.14	.36***
Gather information	.77	.68	.56	.33	.43	.43
Gather information from third party	.30	.52	2.78**	.00	.19	.50
Educate	.44	.44	.44	1.33	.43	.50
Meet with third party present	.26	.33	.89**	.00	.57	.14*
Have third party assist	.40	.33	.56	.00	.10	.18
State other's point of view	.44	.17	.11**	.67	.24	.32
Moral	.02	.07	.00	.33	.81	.61
Meet together	.00	.33	.00***	.00	.05	.14
Apologize	.07	.25	.00	.00	.19	.07
Mediator assists	.07	.24	.11	.33	.00	.07
Forgive	.02	.07	.67***	.33	.29	.04
Relax	.00	.19	.00**	.00	.05	.00
Have third party educate	.00	.03	.00	.00	.33	.18
Pray	.02	.04	.00	.00	.05	.29
Have third party argue for concessions	.09	.09	.00	.00	.00	.04
Break time	.00	.13	.00*	.00	.05	.04
Mediator's data	.16	.07	.00	.00	.00	.00
Threat	.07	.09	.00	.00	.00	.04
Note cost to third party	.00	.00	.00	.00	.05	.07

a. Technique usage is reported only for techniques used .05 or more per dispute.

Bolding indicates significant differences among Ketua Kampung clusters or Imam clusters.

* $p < .05$. ** $p < .01$. *** $p < .001$.

DISCUSSION

The contributions of this study are threefold. First, it is the first empirically based report of Malaysian community mediation; second, it is the first delineation of mediation strategies with technique combinations and sequences in any culture; third, it allows us to compare Malaysian mediation with that in other Pacific Rim nations. There are similarities and differences in the approaches of the two types of mediators. Both sets of mediators rely on these techniques:

TABLE 9
Ketua Kampung's and Imams' Mediation Strategies

Ketua Kampung's meet separately strategy	Technique
sequence	
1	Meet separately
2	Listen to disputant's side
3	Meet separately
4 and 5	State other's point of view
4 and 5	Argue for concessions
Ketua Kampung's assertive strategy	Technique
sequence	
1	Meet separately
2	Listen to disputant's side
3	Argue for concessions
Ketua Kampung's information strategy	Technique
sequence	
1	Meet separately
2	Listen to disputant's side
3	Gather information from third party
Imams' meet separately strategy	Technique
sequence	
1	Meet separately
2	Listen to disputant's side
Imams' meet together strategy	Technique
sequence	
1 and 2	Meet separately
1 and 2	Put together
3	Listen to disputant's side
Imams' prayer strategy	Technique
sequence	
1	Meet separately
2	Listen to disputant's side
3	Pray

- Meet with the disputants, separately or together
- Bring disputants together frequently
- Listen to each side's point of view
- Gather information
- Advise the disputant
- Call for concessions
- Make ample use of third parties.

The differences in technique usage between the ketua kampung's and imams' approaches can be easily explained. It is no surprise that the imams relied more on prayer and moral principles than their secular counterparts and less upon data collected by them or third parties. It is also understandable that they would be less assertive than the ketua kampung's.

Consider now the strategy delineation for the overall sample, as well as a comparison of the ketua kampung's with the imams. Previously, researchers grouped mediation

techniques according to (a) similar goals (e.g., Carnevale and Henry 1989), (b) technique similarity (e.g., Silbey and Merry 1986), (c) target for control (e.g., Elangovan 1995), or (d) concurrent usage (e.g., Wall and Rude 1985). Having done so, these researchers referred to these groups of techniques as strategies.

However, no researchers have determined the true operational strategies of the mediators; that is, both the grouping of the techniques and the sequences in which the techniques are employed. Without knowledge of technique sequence, one is uncertain about which strategy the technique usage implies or may draw conclusions that are incorrect. Consider for example the technique employment limned in column 2 of Table 4. These averages indicate that Malaysian mediators meet separately with disputants, listen to each side, argue for concessions, and then put them together. However, the sequence analysis indicates this was not the case for any of the three clusters (Table 7). Instead, one group of mediators followed a meet separately-listen-meet separately-listen approach. The second group used a strategy in which they met together with the disputants, listened, educated, and then argued for concessions. The third group began by gathering information from the disputants.

Our analysis not only allowed us to describe the strategies used by the Malaysian mediators, it also enabled us to establish differences between the *ketua kampungs'* and *imams'* mediations. Not only did these mediators use different techniques; in addition, they employed different strategies. As noted earlier, both used a meet separately strategy; however, the *imams* used a meet together and a prayer strategy, whereas the *ketua kampungs* did not.

Turning to a comparison of Malaysian mediation with that in China, South Korea, and Japan, recall that we expected differences only between Malaysians and Chinese. Specifically, we posited that the Malaysian mediators would use education, criticism, and arguing for concessions less frequently than the Chinese. Furthermore, we felt the Malaysians would listen more frequently and would more often gather information.

Table 10 indicates that our expectations were somewhat correct. Because the periods for data collection, sample sizes, and translators were different for the Malaysian, Japanese, Chinese, and Korean samples, a comparison of technique usage is probably not in order. However, comparisons of the rank orders do indicate the relative importance of the techniques in each society and provide a base for cross-country comparisons.

By comparing the Malaysian and Chinese rank ordering, it is evident that mediation in these countries is different. Note there is very little overlap between the top five Malaysian and Chinese techniques. The Chinese rely primarily on education, calls for concessions, criticism, and separate meeting. Like the Chinese, the Malaysians have separate meetings and frequently (and unexpectedly) argue for concessions. Yet, as expected, the Malaysians use education and criticism less frequently than the Chinese, but they listen to the disputants and gather information from them or third parties more often.

We noted some similarities between Malaysian and Japanese mediation. The correlation between the rank orders is significant (Spearman's $r = .41, p < .04$), and there is a strong overlap between the top five techniques of the Malaysians and the top five techniques of the Japanese (Table 10). Furthermore, in an examination of technique usage

TABLE 10
Use of Mediation Techniques in Malaysian,
Japanese, Chinese, and Korean Disputes

Technique ^a	Malaysian Mediation		Japanese Mediation		Chinese Mediation		Korean Mediation	
	Rank Order	Average Usage ^b	Rank Order	Average Usage ^b	Rank Order	Average Usage ^b	Rank Order	Average Usage ^b
Meet separately	1	1.79	1	1.93	4	.38 ^c	1	.51
Listen to disputant's side	2	1.65	4	.60	16	.16 ^c	3	.47
Argue for concessions	3	1.08	3	.65	2	.43	5	.37
Put together	4	.65	8	.32				
Gather information	5	.62	2	.74	6	.28	11	.16
Gather information from third party	6	.55	23	.04	24	.02	13	.11
Educate	7	.46	7	.38	1	.67	2	.49
Meet with third party present	8	.34	26	.00	23	.02	25	.01
Have third party assist	9	.30	16	.13	10	.24	24	.02
State other's point of view	10	.27	5	.48	5	.30	4	.43
Moral	11	.23	21	.06	14	.20	19	.03
Meet together	12	.17	13	.14	9	.25 ^c	6	.35
Apologize	13	.16	6	.43	7	.26	7	.30
Mediator assists	14	.14	17	.13	17	.14	18	.04
Forgive	15	.11	12	.15	18	.14	14	.06
Relax	16	.08	14	.14	22	.03	23	.02
Have third party educate	17	.08	25	.00	8	.26	22	.02
Pray	18	.07	27	.00	25	.00	26	.00
Have third party argue for concessions	19	.07						
Break time	20	.07	10	.31	20	.08	17	.04
Mediator's data	21	.07	20	.07	19	.10	16	.04
Threat	22	.06	22	.06	21	.04	20	.02
Note cost to third party	23	.05	24	.03	12	.22	21	.02
Logic	24	.04	19	.08	11	.22	10	.23
Call for empathy	25	.01	11	.16	13	.20	9	.26
Criticize	26	.01	18	.11	3	.38	12	.16
Grasp	27	.01	9	.31	15	.17	8	.29
Drink	28	.00	15	.13	26	.00	15	.04

a. Techniques with Malaysian usage above .00 are reported (with the drink technique as the exception).

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

c. Technique was measured in only one study.

by the Malaysians and Japanese, we find major differences in rank for only five techniques (i.e., gather information from third party, meet with third party present, have third party educate, call for empathy, and grasp).

These similarities came as a surprise because many differences between the Malaysians and Japanese exist. Malaysia is less industrialized than Japan; Malaysia has strong Muslim roots, whereas Japan is Confucian and Buddha based; Malaysia has

three ethnic groups, whereas Japanese society is quiet homogeneous; and Malaysian society does not have the hierarchical levels found in Japan.

Given these and other differences, why are there similarities in mediation? Our tentative explanation is that similarity arises because both sets of mediators are reluctant, nonassertive mediators. The Japanese are reluctant because their strong hierarchical social system dictates that one does not step out of place and intrude in others' affairs, especially for something as personal as a dispute. To do so is to be *osseikai* or meddlesome.

The source of the Malaysians' reluctance, although just as strong, is different. We suspect that the *ketua kampungs* and imams are quite busy and therefore not enthusiastic about mediating. The *ketua kampungs* have to attend to all village operations, and these responsibilities probably leave them little free time. Likewise, it seems reasonable that the imams, as religious leaders and top mosque officials, would be pressed for time and therefore would be just as reluctant to mediate.

Malaysian mediators share many characteristics with their counterparts in preindustrialized societies (Merry 1989). They know the disputants, understand the dispute, and wish to resolve the dispute fairly and in the interest of societal harmony. Furthermore, as the mediators seek resolution, they lack formal civil authority to impose judgment; yet, they have considerable power because of strong community support.

In some ways, however, Malaysian mediation differed from that in preindustrialized societies. The Malaysian mediators do not obtain their positions by virtue of kin networks or because of their expertise in moral issues. They are willing to assist in disputes that extend beyond their village, and they must manage some disputes involving industrialized issues (e.g., a highway crossing a farmer's land or electricity not being supplied).

In addition to the similarities and differences with preindustrialized societies, Malaysian mediation proved interesting because of its tandem structure. We knew of dual mediations in Zambia where a family head or a village head could handle disputes (Canter 1978). In Lebanon townships, the mayor or president can mediate (Witty 1978), and in rural India, either the *panchayat* or the village elders can provide mediation. But only in Malaysia did we find the civil (i.e., *ketua kampungs*) religious (i.e., imams) combination.

We did not determine the effectiveness of the mediators in dealing with conflict, nor did we determine which techniques and strategies led to conflict resolution. To meet these objectives in future research we need to have mediators recall successful versus unsuccessful mediations or we must interview the disputants to measure the success of the mediations.

A second limitation of the study is that our sample was opportunistic. As mentioned earlier, the interviewers relied on friends, relatives, and associates to gain access to the *ketua kampungs* or imams. It is reasonable to assume that they conducted interviews in the more accessible villages. Therefore, the sample is not random and may not accurately reflect mediation in all Malaysian villages.

Third, the study is based on the mediators' recall; therefore, there is a bias toward techniques that they can remember. Furthermore, some mediators possibly forgot steps they had taken, and perhaps approaches that were mentioned were not used.

We consider the principal contribution to mediation theory to be the demonstration that mediator behaviors can be limned in terms of strategies and techniques. This will hopefully encourage scholars to develop hypotheses in which they predict additional mediation strategies and their antecedents and outcomes.

A practical implication of the study is that practicing mediators give as much consideration to the sequencing of techniques as to the techniques themselves.

The second practical implication is perhaps less evident. As Tinsley (1998) notes, international trade, mergers, and joint ventures bring with them increased cross-cultural interactions that can be jeopardized by managers' inability to understand cultural differences. One of these differences is that easterners (e.g., Chinese, Koreans, Japanese, and Malaysians) depend on third parties to help mediate conflicts that arise in their communities and organizations (Augsburger 1992; Lederach 1995). Therefore, when disagreements and disputes arise in cross-cultural economic ventures, managers are well advised to forgo autocratic measures and to depend instead on or facilitate intraorganizational mediation. The type of mediation will be or should be different for the various Pacific Rim societies. For example, it seems plausible that the Chinese would be more receptive to assertive mediation within their firms, whereas the Malaysians would be more comfortable with an informal listening, opinion gathering, discussion approach.

In closing, we note that our primary goal in this study was to describe community mediation in Malaysia. The tandem mediations—with ketua kampungs and imams—appear to be unique among Pacific Rims nations. Our analyses indicate that ketua kampungs and imams use similar and dissimilar mediation techniques and strategies. It is hoped that we have contributed to a better understanding of mediation in the Pacific Rim.

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