

Practice Note: Informal Mediation in China

GUY OLIVIER FAURE

Everywhere in the world, daily life provides abundant cases of conflict. Common events may turn into a real show when highlighted by some exotic colors such as those produced by Chinese strategies. Thus, a mediation addressing a conflict following a traffic accident can be quite revelatory of how Chinese culture approaches disputes. The following account comes from direct observation completed by interviews of onlookers.

The Incident

Shanghai, 6 P.M. It is the end of the working day. A torrent of cars and bikes is endlessly pouring onto the streets. The old part of Shanghai is especially chaotic with its ancient and messy planning, if one can even use such a term for such a maze of twisted roads and lanes. There are very few traffic lights, and road signs are merely viewed as decorations. Thus, a complex and opaque traffic rationale develops in what could be perceived by a candid observer as a typically Brownian movement, a hectic agitation seemingly leading nowhere. The infrastructure of the street is used in a quite improper way: sidewalks are extensions of shops, leaving no space to walk; cycle lanes are used by pedestrians, carts, and cars; and cycles are everywhere, moving in every direction. The one-way traffic principle is just wishful thinking. At any time, one can expect someone to suddenly appear from the right-hand side, from the left, from in front, or from behind. Some cyclists transport long pipes on their bikes, turning their cycles into battering rams. Others have equipped their rear luggage racks with a system enabling them to carry heavy gas cylinders. Small three-wheeled shopkeepers' carts, types of wooden platforms with a small fireplace where corn is cooking or donuts are frying, try to find their way.

In the fading light, even non-mobile obstacles—potholes, broken pavement, and small trenches left after the removal of pipes—play their part as unforeseeable traps. In this extreme confusion, source of all dangers, Ms. Li keeps pedaling, come what may, on her old bike. As usual, she left her workshop half an hour ago and has bought some vegetables and tofu¹ to complete the ordinary family dinner. She is not far from retirement. Her dress is quite modest for a Shanghai lady and she has her hair pulled back in a rather rough way. It has been raining this afternoon in Shanghai and the ground is greasy, shiny, and muddy, making the traffic even more difficult than usual.

All of a sudden, a car comes out of a small side lane and hits Ms. Li. The bump has not been very severe, but the cyclist does not get up. Ms. Li remains flat on the pavement, then after some time gets onto her elbow and finally sits up on the asphalt. The driver of the car paces nervously around her and the bike. He is young and well dressed and smokes frantically. His beautiful car has only a couple of small scratches, whereas the bike has its front wheel twisted.

Passers-by and cyclists begin to stop, forming a crowd of curious people who are interested in the show or moved by a situation that carries some dramatic potential. There are first ten, then twenty, then fifty people, first looking, then discussing what should be done. Subgroups organize themselves spontaneously and, as it does not look like a real emergency case, the discussion moves to who is right and who is wrong. Some people insist on how dangerous cars are compared to the extreme vulnerability of bikes, and comment on the disdain of car drivers for smaller vehicles and their lack of respect for others when they are at the wheel. Others insist on the irresponsibility of some cyclists when zigzagging among cars, their carelessness and lack of attention. They invoke the quasi-suicidal conduct of those who consider themselves virtuosi of the bicycle.

Finally, the focus of the discussion shifts to Ms. Li, who appears as a sympathetic victim. She complains about a pain in her body and that her bike has been destroyed. After a couple of minutes, she asks for a new bike and a medical checkup in a good hospital. To put more weight on her demand, she keeps showing her left leg and starts whining, even though no wound is visible in the failing daylight. She also starts complaining about a throbbing pain in her back.

The car driver stands alone. He holds a mobile phone in his right hand and desperately tries to reach someone he knows. He stays out of the discussions, but at some point, he suggests that the cyclist may have nothing

seriously wrong and that even the bike does not look that bad. He says that possibly the only thing that should be done would be to change the front wheel. Several bystanders object to this way of considering the situation. This man has a car; therefore he is rich and he can pay. Some people start shouting at him, especially the women. He does not answer and retreats into his mobile phone and an overconsumption of cigarettes. Someone pushes two stones against one of the car wheels to prevent him from leaving suddenly. Ms. Li is still on the pavement, but she has made herself more comfortable by leaning up against a pole. She no longer whimpers but, getting the impression that she has the support of popular opinion, she starts arguing. The crowd takes on impressive proportions as everyone wants to see what is going on, how Ms. Li looks, and what happened to the bicycle. Traffic has ground to a halt. With such a huge jam, it is clear that the police are going to come very soon. It is obvious that the car driver does not look forward to dealing with them; nobody knows what the police will do, what their attitude will be, and who is really responsible for what has happened.

Some bystanders begin getting impatient. The case has to be settled *now*, because they want to go home. Curiosity has faded and empathy has been challenged by the approach of dinnertime. Now the point is to start talking about money. A lady next to Ms. Li drops the first figure: 500 kwai.² The driver protests because that is the price for *two* new bikes of the same type as the damaged one! But there may be some important expenses for the hospital and they have to be included, answers the same lady. Both driver and victim nervously continue to seek the support of bystanders. The crowd has a very different type of involvement. People are keeping score in the debate and evaluating the cleverness of the arguments. However, there is no real breakthrough. Finally, someone takes the initiative. An old man carefully examines the frame of the bike, obviously as a connoisseur, and states that the fork is bent and that it would involve much more repair work than just the front wheel. The lady next to Ms. Li catches the ball on the rebound: “Okay, three hundred kwai and it will be fine!” The driver answers that he has only 200 kwai on him and that it is already a lot, and that a second-hand bike should not cost more than 100 kwai. The situation is deadlocked and both sides keep silent for a while.

Then, the crowd relaunches the discussion and people tell the driver: “You are not going to quibble for a few kwai. What is it to you?”; “Be a fair player. You have knocked her down—show that you respect her!”; “Hey, this is not going to last forever; this has to be settled now!” The crowd starts

talking again about the police, who have not yet shown up (probably because of the giant traffic jam) but ultimately should reach the place at any moment.

Suddenly, the driver takes his wallet out again and miraculously finds a 50-kwai note in addition to the 200 already mentioned. He holds the whole sum in his hand. A murmur of approval runs through the crowd with this conciliatory gesture. Ms. Li acts as if she was expecting more. As nothing else comes, she takes the bank notes without a word and without even looking at the driver. She carefully scrutinizes the notes as if she expected them to be counterfeit. (As a matter of fact, there are many forgeries now circulating since new technologies have appeared.) Then, she slowly puts them inside her jacket.

Someone removes the two big stones that immobilize the car. The crowd starts to disperse. The driver leaves, but rolling very slowly. Ms. Li gets up and checks her bicycle. The old man tells her that to replace a wheel and to set the fork upright will not cost her more than 40 kwai.

So it seems that what happened to her was not such a bad deal. Ms. Li will have to catch a bus, send her son to retrieve the bike, and launder her trousers and jacket. It was an emotional time, but what a sign of Divine Providence: this common and minor accident paid off due to her acting and strategic skills, generating as much as a week's salary.

Analyzing the Dispute

To grasp the rationale of the situation, several techniques can be used. One is *negotiation theory*. Two parties involved in a conflict of interest are trying to maximize their gains or minimize their losses. However, a fresh approach is to study the case from the angle of a mediation process carried out by the audience rather than by the parties involved. With regard to this approach, our analysis focuses on the following aspects: the mediation process within the negotiation system, the strategies of the parties to the conflict, the specifics of this type of informal mediation, and the role of societal values in this collective process.

The Mediation Process Within the Negotiation System

China appears to be one of the historic cradles of mediation (Wall, Sohn, Cleeton, and Jin, 1995). Negotiating the compensation of damages is a

very common activity in China, but it is the Chinese cultural context that makes their version of this activity unique. It is an informal action; when such an accident as Ms. Li's happens, everyone gets passionately interested and involved. This tells us something important about the relationship between the collective and the personal in this culture.

Such an event can be described as a four-party game, with a cyclist, a car driver, the crowd, and the police. Each party plays a role and directly or indirectly participates in the final outcome. Ms. Li and the driver are the two main actors and the originators of the situation.

They are the formal decision-makers but they are far from being alone in this interactional space. The witnesses, the onlookers, the passers-by who comprise the crowd surrounding them form a group that plays an essential part in the settlement of the conflict. As underlined by Wall and Blum (1991), the whole society is part of the universe of obligation for the Chinese. The activity of such a group does not limit itself to watching what could be depicted as a drama in the theatrical sense, where an indispensable comedy takes place. The people implicate themselves in the situation, exchange information, discuss the issues, make their own judgments, give their own views, and take initiatives to solve the problem. They do not remain passive or neutral when facing such a situation. Like the main characters in the dispute, they have their own conception of the problem. They also have their own values that will be used as referential pillars to facilitate the reaching of an agreement, thus contributing to the determination of an equilibrium point within the demands.

The fourth component of the game, the police, are never there as such. But by their very absence they cast a shadow over the whole proceedings, and so they play a large role. Everyone tries to anticipate what the behavior of the police might be. In a way, the police are the theoretical reference point from which the whole negotiation system is organized. The police could act as mediator, or as arbitrator, or might possibly move the case up to another level. The consequences of that could be serious and would lead the disputing parties far from where they would wish to go. As the saying goes, "Once a complaint is brought to the court, nine buffalos would not be able to extract it." Therefore, both of the main actors in the incident would seem to have a shared concern for not having the public authorities involved.

Thus, we have far more than a simple dispute between two parties. We have a whole interactional system that will find its coherence and effectiveness in accordance with situational constraints such as the huge traffic jam,

the approach of dinnertime, and the fading daylight. The traffic jam gives birth to an incredible cacophony of klaxons, shouts, outcries, and lateral moves that merely make the whole situation worse. There is extremely strong pressure for quickly getting the traffic cleared. Facing this storm, and with an overriding concern for not acting against their own interests, each of the antagonists affects total indifference to the problems created for the other. The time of day also plays its part, because it is almost dinnertime and the internal Chinese clock is very much a stickler on this point. This pushes the audience into actively trying to break the deadlock.

The Strategies of the Parties to the Conflict

Chinese society is very opaque and the meanings of people's actions or silences are very challenging to decode (Faure, 1995, 1998). However, in this dispute, the people do not know each other and will probably never meet again. As they will share neither a common history nor a common future, the strategies they use are quite open and easily identified. As with "taxi confessions" (HBO television series), people can reveal more of their true thoughts.

Ms. Li initially faces a dilemma. In the Chinese public space, it is never advisable to show weakness, to let oneself express pain, to let emotions burst. One has to save face even when victim of the worst catastrophe. As expressed by the common wisdom, "Man fears to lose face as much as a tree to lose its bark." However, from a practical standpoint, to stick to such an attitude would not yield much benefit. Thus, she has to disobey this cardinal principle of affected indifference. Her challenge is to find a subtle balance between an open expression of pain and what it could pay. In such a case, being a woman is a facilitating factor. Ms. Li develops a two-stage strategy. First, she plays the suffering and silent victim who elicits sympathy, compassion, and support. Then she takes part in the negotiation as someone having withstood damage and asking for compensation. In her own way and according to Chinese norms, Ms. Li is vehement but her margin of maneuver is limited by two constraints: not to lose credibility by asking for too much while at the same time asking enough to balance the material, physical, and moral injuries she considers she has had to bear.

Ms. Li is an older woman who is strongly influenced by traditional Chinese culture, and one who has also lived through the hardest periods of communism, especially the Cultural Revolution. She has had considerable experience of the ups and downs of life and has managed to survive those

terrible times. In any circumstances, she knows how far she can go without going too far. In Chinese terms, she has to be careful not to “weave a cocoon merely to become entangled in it.” The driver has few options for action, irrespective of his legal responsibility. He is viewed by at least part of the crowd as the cause of the trouble, meaning he is the culprit. Furthermore, he is clearly younger than Ms. Li. This is far from being an advantage in a society where seniority is valued and old people are highly respected. He cannot expect much in the way of support, which is a crucial asset in Chinese society; no other driver is going to come to his rescue. He attempts to buy time and strives to remedy his isolation by seeking help and advice via his mobile phone. However, he knows perfectly well that, as the proverb says, “If the water is far away, the thirst will not be instantly quenched.” His objective is simply to limit the damages by exposing himself as little as possible. Although he is, like any Chinese person, driven by face-saving concerns, he is not going to involve himself in a fight. He keeps a low profile and does not intervene very much. He does not even feel bound to answer questions and suggestions from various onlookers. Here, silence is culturally considered to be an acceptable answer. He knows he will have to compensate Ms. Li, but all he wants is to mitigate his potential for loss. His other major concern is to not have the police involved.

The crowd of spectators establishes itself as party to the dispute. It has neither been asked to intervene nor been formally acknowledged in its role of third party. However, the onlookers spontaneously participate with no restraint. Each person witnessing the situation wants an emotional show with a fair ending. Moreover, everyone wants to know the outcome before leaving the place. In fact, this crowd strongly contributes to reaching a satisfying result by its informal and improvised action. The spectators act as mediators and even end up helping to decide the acceptable amount of compensation, almost arbitrating the dispute. They do not care about any legal aspects, or about the driving code and its application. *They do not consider for a minute the possibility of having the driver's insurance pay the damages.* It is probable that most people do not even know about this new option, which was introduced with the economic opening of the country, and it is far from certain that the driver has even subscribed to an insurance policy. These people simply express what seems fair to them. In its own way, the crowd has set itself up as the de facto authority, acting as a panel of unsolicited arbitrators.

The fourth party, the police, never shows up, but as a *potential* intervener in the game is likely to strongly influence the final outcome. Nobody

can come close to predicting the line of reasoning the authorities will adopt to analyze the situation. The consequences of police intervention could take this case far away from what might be expected.

The major strategic orientations of the two main contenders are implemented through a number of tactical moves. Ms. Li has to hold onto the capital of sympathy she has got from the crowd. Knowing that any accident is a show, her concern is to make the most of it by conforming to all its requirements while being careful not to botch up the performance. The bystanders are mostly people from her generation. She well knows what they feel and expect and also knows how to inspire their empathy. Being patient is essential; patience is a virtue that should yield some benefit. She needs to time everything just right. As the saying goes, "With time and patience, the leaf of the mulberry becomes silk." However, Ms. Li also knows that her audience is in a hurry, as everyone is in China at that time of day, and she cannot keep the show going too long. She wants to avoid "earning a few seeds but losing the melon."

One has to let the situation ripen while giving the impression that enough time and energy have been invested in the problem so that everyone becomes convinced that the emerging solution is the best that could be devised. In other words, the parties to the dispute have to *deserve* the final outcome. Part of the damage incurred by Ms. Li is subject to a considerable level of uncertainty: What about the reality of the pain in her left leg? How much pain is she suffering in her back? Hospital treatment is very costly and normally not covered by a health system. Is she bluffing, "making a mountain out of a molehill"?

Respect is a basic requirement for any normal or simply decent behavior (Kirkbride, Tang, and Westwood, 1991). Such an essential Confucian principle applies here; when things could go out of control one has to remember that "words are the flowers of silence." Whatever the circumstances, one should not get overly angry. "To be patient for a day of anger is to escape from one hundred days of sadness." Certainly one can play as Ms. Li does with emotions. However, this has to be done within limits, regardless of whether the actor is a woman or a man. "The absence of excess is the virtue of the wise person" (Jullien, 1991). In Chinese culture, serenity when facing a situation of disorder is a sign of perfection because "the heart has passions as the tree has worms." In the ultimate phase of the negotiation, Ms. Li has to remain realistic. Until the very end, she has to show that she is reluctant about the final offer made. The idea behind this is not to reject the offer but to prevent the other side from trying to pay

less. She has to give the impression that she is not fully satisfied but that her level of dissatisfaction is bearable.

The driver has an uneasy position and tries at first to improve it. Through mobile phone conversations, real or simulated, he aims to signal that he is not alone and not deprived of means of action in a society where the social network is an essential tool for solving any problem (Solomon, 1987). He well knows that the whole situation is viewed as a confrontation and that he will not be able to change that perception. There are two parties, a “strong” and a “weak,” a metal car frame against a helpless human body. Sympathy spontaneously goes to the weakest, the most vulnerable. Furthermore, it is a matter of confrontation between “rich” and “poor.” In a society where social discrepancies are becoming wider and wider, the sympathy goes to the poor.

The driver has no solid ground on which he can rest to defend his position, even if he may not be legally responsible. Most of the time, surrounded by the crowd and put in the position of culprit, he withdraws into a reserved attitude, making use of silence an ally. As Confucius stated in his time, “Silence is a friend that never betrays.” However, at some point he has to compromise. Still, this should not be done too early as it could encourage the cyclist to increase her demands by, for instance, discovering a new pain. He has to show everyone that a limit has been reached and that any other outcome would not be reasonable or acceptable.

The Specifics of Informal Mediation: Principles and Characteristics

In spontaneous mediations, facilitators do not usually introduce themselves as mediators. They involve themselves for a number of reasons, such as expecting some personal benefit in case of agreement, in this case being able to get through the traffic jam and go home. It can also be for the fun of taking public action, showing how good one can be.

Whatever the motivation, the crowd is not a passive audience but a very active group that feels an immediate concern in such events as public disputes. In Chinese culture, as stated long ago by Confucius, “Between the four seas, all men are brothers” (*Analects*, XII, 5). Thus, it is quite natural for witnesses to an incident to feel involved. One should not leave people alone to face their problems and their opponents. The onlookers take on the job, trigger a movement, and carry it through to the end.

Among the functions performed by mediators, research indicates suggesting trade-offs, helping parties to save face, contriving a prominent position,

and highlighting the costs incurred in case of nonagreement (Bercovitch, 2007). In fact, the crowd fulfils these functions while resorting to typical mediation techniques. First, it prevents the rivals from having to directly face each other. This is a way to limit the magnitude of the conflict. This is a method for avoiding any physical violence. Each party can act as if the other were not there. It prevents both sides from “adding frost to snow,” in other words, from escalating. By suggesting solutions, the crowd also prevents the whole process from getting stuck in a vicious circle in which each side continually reiterates the same arguments and positions, thus entrenching themselves in an everlasting deadlock.

Another essential function performed by these spontaneous mediators is to restructure the power relationship that was so detrimental to Ms. Li at the very moment of the accident. The crowd encircles the place and the contenders so that no one can escape. They also block the car with stones, thus sending a very clear signal. The driver is not permitted to feel comfortable or remain under the impression that he is like “a crane in a poultry yard.”

The mediating crowd takes care of managing the process in terms of movement and time. It makes offers and suggests concessions, thereby finding ways to overcome deadlocks and to prevent the parties from resorting to harsh tactics that would jeopardize the whole process. Intuitively, the crowd knows how to make serious and credible suggestions. The gender issue may have exacerbated the case because seeing a lady knocked down on the road by a car is a traumatizing sight that could lead to strong reactions. During the discussion, the women are more committed and more resolute than the men. They do not look prone to giving in because most probably they identify with the victim; like Ms. Li, many of them use a bicycle.

The mediating crowd does a great facilitating job by making demands and offers that will be more easily accepted by each of the parties than if they were coming from the other side. The informal mediation method relies on a rationale that is the philosophy of the game of “Go.” The objective is not to destroy the other side, as is done in the game of chess, but to score more points than the opponent. Maneuvers to achieve this goal consist of organizing chains, creating areas of influence, controlling territories, and building encircling rings. Such activity may look Machiavellian but, in reality, the game follows a different rationale, a much gentler type of action. Each party achieves some gains in the end. Nobody is dramatically affected and face is preserved (Redding, 1990; Faure, 1998).

The crowd is formally independent of the parties but, functionally, within the current situation, the re-launch of the traffic depends on getting to an agreement. The mediators have a vested interest in having the problem solved and this has to be achieved within a reasonable time. The mediators are not really neutral; their sympathy goes to Ms. Li. But in this case, taking sides to a small extent is not an obstacle as long as their suggestions remain credible. When a dispute arises in China in the public arena, impartiality is not the order of the day. The traditional saying, "Helping neither the monks nor the nuns," is valid only if people remain indifferent to the consequences of the situation, which was not the case at this time. So the mediators here are partial and non-neutral as they bring their own pressures to get the problem solved. Thus, neutrality and impartiality are not an absolute requirement as long as the disputants benefit more than they would have without third-party intervention (Faure, 1989).

We have here an intuitive mediation performed in a most unsystematic way. It is a mere expression of the culture and underlying values of the society. The mediating intervention is based on the form and on the substance of the dispute as defined within Chinese culture. It means more than one might think, because to the damages inflicted to the bicycle and the physical pain incurred by the cyclist must be added the humiliation of being thrown on the pavement in the dirt and finally the total paralysis of the traffic. Chinese culture, an extremely weak legal culture, has the ability to deal intuitively with all these issues together in a manner far from the Roman legal approach or the Cartesian method of dealing with difficult problems.

The Role of Societal Values as the Driving Force of Chinese Mediation Style

In a society with an almost-nonexistent legal system, values are essential means of solving problems. The set of laws and rules that is supposed to govern behavior is either absent or only minimally implemented. As a consequence, behaviors have to be controlled in another way, which means internally. This is done through values. Probably as a consequence of the victory of the Confucians over the Legists in ancient times, the Chinese people still act according to what they consider as right. The mediating crowd must first create the conditions that will enable the parties to move toward an agreement. The basic requirement is to preserve everyone's face and to promote enough mutual respect, without which nothing is possible in terms of

settlement seeking. Face in China is a vital social asset. No one can live out of the sight of others. Public humiliation is the most painful challenge to bear (Pye, 1982; Brunner and Wang, 1988; Fang, 1999; Faure, 2007). One has to be careful and not directly or recklessly tell what he or she really thinks. In traditional China, only devils move on a straight line. Civilized people have to take a much longer and more convoluted road.

One of the cardinal values of Chinese society lies in the principle of the “golden mean.” The point is not to find an agreement exactly down the middle of the offers made by each side but to reject all excess in demands and attitudes. As the saying goes, “Excesses kill more surely than swords,” and this principle organizes the whole social life in China. The point is to take a moderate position in which there is no winner or loser (Chen, 1999). For this purpose, Chinese people apply a principle of effectiveness that consists of “slipping into the continuous, fluctuating and fluid course of events” (Jullien, 1992). The idea for the contenders and the mediators is to make use of the process dynamics in an almost passive way, and not to harm the existing balance. This can be done the Taoist way by putting oneself “at the centre of the ring and letting things happen spontaneously” (Kaltenmark, 1965). Here, the Taoist approach provides means of action in complex situations. People gradually integrate relatively incompatible views to reach a solution that should then be accepted by both parties because it has already received the approval of the whole crowd. Formulating the agreement is the final stage of what can be defined as a process of paradoxical management (Faure, 2008a; Faure and Fang, 2008c).

Ms. Li perceives herself as a person who has been knocked down on the pavement, brutalized, hurt, made dirty, and humiliated. The driver thinks of himself as the scapegoat in a traffic system where driving becomes more and more impossible. He should not, under the pretext that he has a car, be considered as poultry to pluck. As a moderator of viewpoints and as a problem framer, the crowd imposes a realistic view by establishing limits to its intervention. The goal here is not to set up a process of reconciliation between both parties to the dispute, but simply to solve an immediate problem of compensation. In Chinese culture, the collective plays an important role. The number of participants reassures people and strengthens positions. As quoted by Lubman from an interview with a Chinese person involved in a conflict, “If I did not depend on everyone, nothing could be solved” (1967). Here, in this case, the pressure to compromise comes from the number of people involved in the mediation process at any given time. Such mediation is also performed under the principle of transparency.

The process is entirely public and makes any arrangement behind the curtain impossible. Secrecy would be considered only as having a negative effect. Here, the crowd acts as an uncertainty reducer in the exchange of information and consensually establishes the necessary level of compensation.

Conclusion

Considering the usual Chinese aversion to legal conflict (Zhang and Baker, 2008), informal and spontaneous mediation is the most common way to handle public disputes. This third-party intervention drastically modifies the overall situation, making negotiation possible and contributing to a positive result. It is a two-stage process, dealing first with the structure of the game, including the issues to be negotiated, and then with the negotiation itself until an acceptable outcome is found and implemented. These two stages actually happen simultaneously, as the haggling goes on until Ms. Li accepts the deal by simply pocketing the banknotes. The agreement is clearly nonverbal and the whole process remains informal until its very end.

At the beginning, the case can be described as a conflict of interests and a confrontation of people. The cyclist tends to see herself as the victim of a reckless driver. The driver sees the situation as an attempt at extortion. Both parties know that if they remain antagonistic to the point of playing win-lose it will mean there will be no way to settle the dispute. A deadlock is a negative situation for both because there is very little room for maneuvering. "There can be only one tiger on a mountain; when two tigers fight each other, one is sure to lose," states the common wisdom. Here, no one is going to take the risk of such a fight (Faure, 2003). Hence the condition for reaching an agreement is to transform the nature of the game by changing the confronting parties. The mediating crowd does this, thereby shifting the game rationale and the responsibility for its outcome.

To continue with the metaphor, the crowd manages to turn the tigers into foxes. It is no longer a fight but a clever process for handling several issues at the same time in such a way as to satisfy all parties, including the bystanders. Fear of police intervention by the driver, and possibly by Ms. Li, combined with the role of the audience, acts as an accelerator to change what could have been a lose-lose game into a win-win process. Ms. Li receives a substantial compensation, including for the humiliation she had to bear in being thrown to the ground, and the driver avoids all future hassles.

Informal collective mediation in its Chinese form can thus be defined as combining a method with a system of values. The method is based on

intuitive action led by a holistic approach. Guidance is provided by a set of social values, here mostly Confucian, expressing a moderate and compassionate approach. This very specific combination assures the effectiveness of the overall process.

As we can see from the bicycle incident, the Chinese practice of mediation does not exactly coincide with a Western definition of mediation, because it is somehow closer to arbitration. The crowd is virtually the decision maker. Although both parties to the dispute may formally refuse the suggestions made by the crowd, they also know that attempting to escape its collective pressure will become more difficult as time goes on, because consensus is one of the cardinal values of Chinese culture.

Notes

1. Tofu or bean curd is a paste made of coagulated soy milk. It is an extremely common food.
2. Kwai is a colloquial term for yuan, the currency unit in China.

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Guy Olivier Faure is a sociologist dealing with international negotiation, visiting professor at CEIBS, Shanghai, and director at the PIN/Clingendael, International Conflict Resolution Center, The Hague, Netherlands. Among his most recent publications are *Engaging Extremists* (USIP), *Negotiating with Terrorists* (Routledge), and *Escalation and Negotiation* (Cambridge), all three books with William Zartman; *How People Negotiate* (Kluwer Academic); and *Culture and Negotiation* (Sage), with Jeffrey Z. Rubin.