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# *In Practice*

## The Mediator as Face-Giver

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*Face issues under the surface can make mediation akin to negotiating a minefield. This article proposes to help mediators map the terrain, uncovering critical face issues that can stymie the negotiation. The author demonstrates how, by using face-giving techniques to diffuse uncovered face issues, mediators can help move the parties through sensitive conflicts to sustainable resolution—with egos and relationships intact.*

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It is better to give than to receive. No one knows this better than the mediator, as the giving of her skills and inventiveness is one of her principal tasks. In addition to assisting the disputants by identifying, packaging, and sequencing existing issues and alternatives, and by introducing new issues and solutions that had not occurred to the disputants themselves (Rubin et al. 1994), the mediator needs to set and maintain a positive climate in which concessions can be made and, eventually, a settlement can be achieved. One of the ways in which she can accomplish this is by protecting each disputant's "face."

The word "face" has been used in Western writings as a metaphor for our self-image vis-à-vis the public. Face has to do with our concept of

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ourselves, our position in society, our status, and our credibility, and how we perceive others see our position, status, and credibility (Cupach and Metts 1994). Professors Stella Ting-Toomey and John Oetzel define face as “a *claimed* sense of desired social self-worth or self-image in a relational situation” (Ting-Toomey and Oetzel 2001).

Face is not so much what we *claim* for ourselves, but rather the image we *wish to project* concerning our social position, social status, and credibility and what we *perceive* to be the way others see us as a result. In certain circumstances, we can demand another’s respect or subservience if our status in society allows it. But such “claims” represent only a fraction of the facework we perform for ourselves and the variety of strategies we employ to uphold, maintain, or save our face. For example, we may wish to project a certain image of our social status by how we dress. We are not claiming that image but rather hoping that dressing this way will make others see us as elegant, powerful, and/or important.

Much has been written about “self-face” within the context of collectivist Asian and African cultures, in intercultural interactions, and in purely Western (North-American and European) communication. Accordingly, many theories have evolved around losing, maintaining, upholding, or saving one’s own face, and about the different strategies used by individuals and groups across various cultures to maintain face.

Considerably less has been written about when and how an individual or a group needs to save the face of *another* (either a member of the in-group or someone outside of the group). The process of saving another’s face is also known as “other-face” or “face-giving.” Face-giving refers to the strategic moves of one person in support of another’s image or identity claims (Folger, Pooles, and Stutman 2001).

As a mediator, I have found that face-giving can be very helpful and, at times, even crucial, in preserving a positive climate for conflict resolution. In a recent mediation one attorney showed up thirty-five minutes late, explaining that he had gotten lost. The parties already present were obviously annoyed, so I told the story of how I got lost finding this same office when I interviewed for my job with Hughes, Hubbard, and Reed, and as a result, I showed up late. One of the other attorneys remarked, “And in spite of that, they hired you!” And the room erupted in laughter.

Thus, a simple “face-giving” story saved the late-arriving attorney’s face and restored the climate of the mediation. This is just one example of how the mediator can play an active role as a face-giver in critical moments to prevent the participants from losing face to the detriment of the negotiation. This article explores how the tool of face-giving applies to critical moments during mediation and how the ability to pre-empt loss or restore face can make the difference between a successful resolution of the conflict and impasse.

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## The Importance of Face in Mediation

Face plays two distinct roles in mediation. First, saving face may be one of the *underlying interests* — or even the primary interest — that one party has in the resolution of the dispute. For example, for the licensee in a dispute about a trademark license any settlement must include the continued use of the trademark in order to save face for the licensee's CEO because she has bragged to her golf buddies about her company's link with this prestigious trademark.

Second, face plays a role in the *process* of the mediation as part of the interaction among the disputants during the various stages of the mediation. Here, instead of being an *underlying interest*, a heightened face concern may emerge during the session thus adding a new dimension to the conflict (Folger, Pooles, and Stutman 2001). The face concern may stand in the way of getting back to the other issues on the table (Penman 1991; Wilson 1992). Unless the mediator acts persuasively to restore the disputant's face, the mediation will likely stall or be pulled into a negative spiral that may be difficult to break until the face concern has been resolved.

The two roles face concerns may play in mediation are not necessarily separate and distinct, and may be regarded as a continuum. After all, face *always* plays a role (Goffman 1967), both during the mediation process and in regard to the outcome where it may not be important whether the face concern emerged prior to the mediation as an interest to be resolved or surfaced during the mediation as an additional issue.

## How Face Relates to Conflict

All conflicts are constituted, recognized, sustained, and managed by interaction between the parties involved. Once recognized as interaction, four properties offer keys to understanding the development and consequences of conflict: (1) conflict is constituted and sustained by a series of moves and countermoves; (2) conflict interaction develops momentum and the patterns created in the process tend to perpetuate themselves in both destructive and integrative cycles; (3) conflict interaction is shaped to a large degree by the *climate* of the situation; and (4) conflict interaction is influenced by, and in turn affects, the *relationships* among the parties — including “face” (Brown 1977; Folger, Pooles, and Stutman 2001; Lewin 1951; Tagiuri 1968).

Each of these four properties of conflict interaction suggests different points at which conflicts can be influenced. The skilled mediator can play an important role as to each of these properties, particularly with respect to the third and fourth properties relating to “climate” and the relationship among the parties involved in the mediation.

*How Face Affects Climate.* “Climate” refers to the overall character of the situation in which conflict interaction takes place. Climate establishes the emotional tenor of the interaction, influences how much

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tolerance for disagreement seems possible, and guides the parties' expectations of what they can safely say without losing face, escalating the conflict, or threatening relationships.

The mediator plays the leading role in setting the climate. The strategies of "icebreaking" and the mediator's opening statement encourage the participants to trust in the mediator and the process, and create a climate within which the disputants feel safe and comfortable. The mediator needs to maintain a climate conducive to reaching a resolution. It follows that the mediation climate can directly influence the need to deploy face-saving or face-giving strategies — for the disputants and the mediator. Climate influences face issues, and conversely, face issues may alter the climate of a conflict interaction.

*Managing Relationships Is Facework.* The giving and receiving of information not only conveys substantive content, but also sends a message about the relationship between the speaker and the listener (Watzlawick, Beavin, and Jackson 1967). Relational management (including facework) plays a critical role in generating the direction conflicts take. In this context, face-saving can also be described as people's attempts to protect or repair their images to others — a concern for how one appears to others during the conflict interaction and the effects this will have on future relationships.

If such attempts are managed well, they can contribute to setting a positive climate in which the conflict can be resolved. By the same token, if the attempts to protect or repair one's image are not handled successfully, or without regard to the effect they may have on the other participants in the conflict, such face-saving attempts have great potential to harm the chances for resolution and may even cause the conflict to escalate out of control (Brown 1977).

Using the principles of face-giving, mediators can better control climate, help disputants manage relationships, and keep the conflict interaction on the path to positive outcome.

## **The Mediator as Face-Giver**

How do we recognize face issues and what do we do when we see one? Face concerns tend to be elusive and highly intangible because the disputants may not know they have them and if they do, they may be reluctant to admit that a face issue has emerged or that their underlying interest is to save face. Even when asked directly in caucus, the disputant may not own up to his face needs, possibly for fear that by acknowledging it he adds to the reality of the face threat.

In order to uncover critical face needs and use face-giving to keep the mediation moving forward, the mediator must be cognizant of the actions that can set off face concerns and put disputants on the defensive. Some common triggers include.

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*Resisting Unjust Intimidation.* The need to save face often emerges from the need to resist intimidation, so that the disputant protects himself against the loss of social approval and self-esteem that may result from acquiescing to that type of treatment. This type of face-saving is almost always out in the open. The disputant may exclaim, "I don't have to stand for this treatment!" or "I don't have to take this!"

As a preventative face-giving measure, the mediator may use her opening statement to request the parties' permission to allow all participants to "vent." This way, the disputant may not feel intimidated when the other party lashes out, as he himself is "allowing" them to "vent."

If one of the disputants engages in intimidating behavior that goes beyond the bounds of "venting," it is often more desirable to caucus with the disputants separately. This allows the mediator to acknowledge the intimidated disputant's feelings and explain that the other disputant's behavior probably reflects his desire to position himself. The mediator can then combine this face-giving act with a gentle reminder of the issues at hand, bringing the disputant's focus back to the resolution of the conflict.

In the caucus with the intimidator, the mediator can reframe the remarks of the intimidated disputant to avoid escalation of the conflict, and at the same time preserve a positive climate by asking the opponent to limit subsequent "venting" to caucusing sessions with the mediator. It may also help to use active listening techniques and I-messages: "When you vented about the way you feel about the situation, I felt intimidated even though I am the mediator. So, it would not surprise me if Frank felt intimidated as well."

*Refusing to Step Back from a Position.* Another face concern that may arise during a mediation is the fear that if the disputant gives up on a stated position or backs away from a declared set of demands, he will appear weak or vulnerable in the eyes of his group or his opponent, or that doing so might have a negative impact on either relationship (Brown 1977; Pruitt 1971). This may be particularly true in a mediation in which the disputant is asked to concede a position which she had previously represented as the "bottom line." This particular face concern is discernable when the disputant argues relentlessly for a position that the mediator has good reason to think the disputant himself no longer believes in.

In many cases, reduction in flexibility in the bargaining process may be an indication of a face concern (Folger, Pooler, and Stutman 2001). The disputant may, in fact, pretend to continue to be flexible but refuse to give in on a minor issue, or shift to an all-or-nothing stance. If the mediator does not promptly take face-giving measures, she may lose control of the process (Brown 1977).

In this context, it may be helpful to reframe the goal of the mediation. For many, "compromise" is tantamount to "giving in" or "selling out." If we

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reframe the mediation process as finding the point at which each disputant gets enough of what he wants in a manner that allows the other disputant to also get some of what he needs, then getting to a settlement agreement may be less threatening (Benjamin 2000). Another approach may be for the mediator to volunteer to frame a proposal as her own idea rather than as the idea of the disputant with the face concern. This will enable the disputant to “blame” or otherwise attribute the settlement to the mediator’s pushing for it (Brown 1977; Pruitt and Johnson 1970). The disputant can now say to his supporters or to his opponent that he conceded this point not because his opponent forced him to do so, but because he *chose* to go along with the mediator’s request for concessions (Rubin et al. 1994).

*Suppressing Conflict Issues.* Another indicator of face concern is when the disputant continually ignores or avoids an important conflict issue. The mediator may have to explore in caucus those issues and/or underlying unaddressed interests to see whether she can elicit the suppressed face concerns in a safe environment. Showing empathy for the disputant’s situation may give the disputant an opening to address the issue or interest that constitutes the face threat and share it with the mediator. For example, she might suggest that, if she were in the disputant’s shoes, she might be afraid of certain aspects of the dispute. Obviously, the mediator must build up sufficient trust so the disputant feels safe enough to share the face issue with her.

On the other hand, there may be cultural impediments that prevent the disputant from sharing face-threatening issues with the mediator, in which case the mediator may need to address the issue indirectly. It may be preferable for the mediator to make suggestions that will alleviate face concerns for the disputant in a general way. For example, the mediator can give face by building up the disputant’s self-esteem by praising him for his open-mindedness, his flexibility, or his creative ideas about options that may lead to solutions. In my personal experience, this is often preferable to forcing the disputant to openly admit to the face threat.

*Use of Defensive and Protective Strategies.* A fourth indicator of a face concern is when the disputant employs defensive strategies to protect himself from face threats. For example, a disputant may suggest that a particular proposal is just an idea that he has not yet thought through, reserving the right not to be bound by it (Goffman 1967; Hewitt and Stokes 1976).

The corollaries to defensive strategies, which are intended to save one’s own face, are protective strategies, which are intended to save another person’s face. For example, if the mediator senses that one of the attorneys is insufficiently prepared (unfortunately, not a rare occurrence), she can request that he meet with her in caucus, and there she can give him the time he needs to review the file. The mediator can either stay with him while he does his work, or go do something else as long as she

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stays out of view from the rest of the group. This is an example of how the mediator can play an active role as face-giver to prevent one of the participants in the mediation from being embarrassed or losing face.

The mediator can also employ a protective strategy by reinforcing a disputant's defensive strategy. For example, when one of the attorneys attending the mediation makes an excuse for not having brought a crucial document, such as "My assistant must have forgotten to include the document in the file," the mediator could make a remark along the lines of "Yes, I have this problem frequently. Recently, I found myself in court without a necessary exhibit because my assistant did not properly prepare the file. Is it possible for your office to fax the document to this office?"

*Beware of the Fake Face Concern.* While striving to be more sensitive to face issues in every culture, profession, and conflict, mediators need to beware of a phenomenon that I call the "fake face concern." Disputants' ways of interacting in a mediation are often colored by their perceptions and judgments about the mediator's trustworthiness, the other disputants' intentions (good or bad), and their own determination to win. Because of this, disputants may try to project a certain image in order to shape others' assumptions. Such projection of a "fake face concern" can be misleading to the mediator who may mistake what is essentially "posturing" for a disputant's need for face-maintenance.

### **The Culture of Face-Giving: Individualistic versus Collectivist**

Face-giving is more common in cultures that are predominantly collectivistic, it is such as those in Asia, Africa, and Latin America, than in more individualistic cultures such as those in the United States and Western Europe (Ting-Toomey 1988). Collectivist cultures focus primarily on preserving the social status of the in-group and rely on face-giving to support the members of the group.

In China, the process of mediation can be seen as a series of face-giving actions. Bringing the Chinese mediation to a settlement often starts with the mediator telling Party A that he must "give the mediator face" by accepting what is proposed. Contained in the proposal is a face-saving gesture for Party B. Next, the mediator will try to convince Party B that "face has been given" and that she is obliged to return the favor by agreeing to the settlement as well. Thus, in a successful Chinese mediation, the mediator starts a cycle of "giving face" and reciprocating favors that ultimately leads to resolution (Chia and Chu 1999).

In Korea, the greater part of *che-myon* (one of the principal Korean notions of face) appears to be given by society, and individuals protect it by meeting the expectations of society (Lim and Choi 1996). Therefore, Koreans spend much time and energy in dealing with the needs of others within the context of projecting their own images as desirable relational

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partners in society. The example of *che-myon* illustrates how collectivism and individualism can interact within the same culture.

To develop an awareness of face issues, it is important for the mediator to acquire an understanding of cultural differences, while at the same time recognizing that individual differences sometimes outweigh cultural similarities. With an in-depth knowledge of cultural differences a mediator can develop a more accurate perspective and reframe his own interpretation of a conflict situation from the disputants' respective cultural standpoints.

Professors Ting-Toomey and Oetzel (2001) contend that independent-self *individualists* tend to operate from an outcome-oriented model. The mediator can use this knowledge to emphasize a desirable mediation model in which: (1) the parties are willing to deal with the conflict and the issues openly and honestly, (2) individual goals are addressed and differences are dealt with openly and fairly, and (3) the outcome is productive when tangible goals are reached and a plan of action is developed.

Conversely, interdependent-self *collectivists* tend to follow a process-oriented model. The mediator can generate a mediation model in which: (1) proper facework management is accomplished — weighing any face threat within the context of the relationship between the groups involved or represented in the dispute — before any substantive issue discussion takes place; (2) the parties engage in mutual face-giving, addressing face issues adequately, and attending sensitively to relational/in-group feelings; and (3) the outcome is productive when both parties can claim win-win results with regard to face, in-group relationships, and substantive agreement (Ting-Toomey and Oetzel 2001).

## **Open-Minded and Mindful: Cultivating a Mediator's Ability to Give Face**

For a mediator to develop mindfulness, she has to acquire a holistic view of the critical factors that frame the antecedents, process, and outcome of the mediation. This means that the mediator will need to attend to both sides' cognitions, emotions, and internal assumptions about the conflict, and be open to novel and unfamiliar behavior from a nonjudgmental perspective.

Constructive conflict management skills refers to the ability to manage intercultural conflicts "appropriately, effectively, satisfactorily, and productively" (Ting-Toomey and Oetzel 2001). Professors Ting-Toomey and Oetzel distinguish several constructive conflict management skills that can help us focus on the mediator's ability to be mindful of the intercultural context in which face issues can emerge. Three translate well into a mediation context:

*Mindful Observation.* Mindful observation means that the mediator monitors, describes, interprets (in multiple ways), and suspends judgment on the cultural differences in both verbal and nonverbal signals of the

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disputants. For example, if the mediator observes that one of the disputants will not maintain eye contact with her counterpart in the negotiation, she may want to engage in multiple interpretations: "Maybe from his cultural framework, eye contact avoidance is respectful behavior; while from my cultural perspective, it is considered a disrespectful sign." In such an event, the mediator needs to suspend her ethnocentric evaluation and respect the possible cultural differences, while acknowledging her discomfort with unfamiliar behaviors.

*Mindful Reframing.* A skilled mediator will be familiar with the technique of reframing, particularly in relation to words or phrases that are dichotomous, linear, static, or positional (Benjamin 2000). For example, "positions" reframed become "perspectives;" a "compromise" reframed becomes "meeting the needs or interests of both parties." In mindful reframing, the mediator dealing with disputants from different cultures needs to take reframing one step further by addressing both the cultural and the personal level.

The mediator can develop a reframing model that distinguishes: (1) cultural dimensions of reframing, which may cause him to investigate what each disputant's cultural identity tendencies are (individualistic or group based?) and what each disputant's facework assumptions are (I-identity or we-identity face model?); and (2) personal dimensions of reframing, causing her to investigate how each disputant would like to be respected (on an equal basis or a deferential basis?) and their individual face needs (autonomy, approval, and/or competence face?).

*Facework Management.* Facework management skills help validate the disputants' social self-esteem and social self-worth issues. In this context, the face-giving tasks will be different toward a collectivist disputant and an individualistic disputant. With respect to a *collectivist* disputant, the mediator may want to acknowledge the disputant's conflict concerns and obligations toward his in-group, to *mindfully listen* and hold an "other-oriented" perspective, and to give credit to the teamwork or family members that frame the collectivists' action or accomplishment.

For an *individualistic* disputant, the mediator's face-giving tasks may include engaging in explicit verbal acknowledgment and feedback; recognizing the individual names, faces, abilities, and skills of the disputants; and, where appropriate, complimenting the unique contributions of the disputant and the relevant members of his group.

Although becoming knowledgeable in these areas of intercultural complexities is clearly important, it is almost impossible to learn the customs and traditions of each nation or group of people, and sometimes, a little knowledge can be a dangerous thing. In my experience, developing *sensitivity* to and *awareness* of cultural differences is often sufficient to enable mediators to communicate successfully with disputants of different cultural backgrounds.

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While culture can play a critical role in defining and addressing face-giving needs, so do each disputant's regional or ethnic background, profession, class or social status, and organizational "culture." In addition, each disputant's economic status, political orientation, gender, family history, communication and language skills, individual personality, and mood all contribute to a person's bargaining behavior and, consequently, his face needs (Sebenius 2002).

## **Be Aware of Underlying Values and Nonverbal Cues**

Values are frequently overlooked as a critical element of a disputant's face needs profile. While mediators work to uncover underlying interests, it is rare that they delve deep enough to unearth the values that support those interests. In the context of values, interests can take on a whole new meaning with regard to face issues. As Michelle LeBaron points out, "Parties' values are more than just interests, or what is important and why . . . [V]alues are actually windows on complex worldviews related to how individuals and groups make meaning" (LeBaron 1998).

In the context of developing an awareness of face issues, determining the value system of each party in conflict is highly relevant as it can change the entire landscape of understanding. Using the example of a public policy mediation involving land use in a forested area, LeBaron (1998) stresses that a "mediation process focusing on interests and issues may delegitimize" certain values (i.e., conservation) if the mediation process itself or the mediator herself "reflects a cultural orientation valuing efficiency, monetary reward and productivity."

The process of attempting to determine values is made more difficult because parties do not normally articulate their deeply held values and worldviews. However, the mediator can remain aware of the fact that each of the disputants holds values and can ask each of the disputants whether a certain resolution to the conflict is consistent with a disputant's value system. A resolution that is contrary to the values of a particular group represented in the mediation will not likely endure.

*Watch for Nonverbal Cues.* Communication occurs not only by the conveyance of literal content contained in the verbal messages, but also in the disputants' body language and facial expressions (voluntary and involuntary). To understand and be able to respond to nonverbal cues add a critical dimension of knowledge and understanding to the mediator's face-giving tool kit.

In the context of intercultural communication, it is especially noteworthy that involuntary facial expressions prove to be virtually identical and recognizable across cultural boundaries (Gladwell 2002). Experiments show that the meaning of many involuntary facial expressions such as a frown or a smile are universal.

Over a period of many years, Professor Paul Ekman and his collaborator, Wallace Friesen, have assembled what they call the Facial Action Coding

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System (FACS), which lists more than three thousand meaningful combinations of facial muscle movements, together with the rules and interpretations for each of them. It would go too far to suggest that mediators should learn FACS as it takes many weeks to master the system, and so far, only about five hundred people around the world have been certified to use FACS in their research. By the same token, Eckman's work does demonstrate the importance of facial expressions (Ekman and Friesen 1978).

## **Be Aware of the Mediator's Own Face Needs**

As a human being, the mediator cannot and should not leave her emotions at the door when she commences a session. Consequently, it is important for the mediator to be aware of her own face needs.

If mediators adopt an attitude of humility for the privilege of mediating the dispute (and often being privy to very personal information), maintain an open-minded willingness to listen, and demonstrate genuine empathy for the parties, much of the preventative facework they need to do for themselves will have been accomplished. They can also take comfort in the status and authority bestowed upon them by the mere fact that they are the invited mediators in the dispute — as long as they don't allow this to go to their heads.

Nonetheless, there may be situations in which mediators experience a face threat from one of the disputants. In such a situation, it is helpful to realize that most outbursts directed at the mediator are inspired by fear and insecurity. Behavioral knowledge aids us in the ability to accept such outbursts for what they are and not to feel threatened. This does not preclude us from taking the disputant aside to discuss the face issue using I-messages: "When you speak to me in such a loud tone of voice, I feel threatened and disrespected." Paraphrasing back to the disputant what he said may help diffuse the situation and clear the air, resolving the mediator's face issue without harming the climate of the mediation.

In extreme cases, the mediator may not be able to remedy the face threat related situation, especially if it was accompanied by a threat of violence. In such event, the mediation can be adjourned to another day and perhaps be continued in the company of a co-mediator (assuming this is acceptable to the disputants). Such a solution might give the face-threatening disputant the opportunity to apologize, diminish the chance of re-occurrence, and preserve the gains derived so far in the mediation process.

## **Conclusion**

Wherever we live and whatever we do, all of us deal with face issues in our everyday lives. It is not surprising that important face issues occur in any mediation, irrespective of whether the disputants all belong to the same culture or whether the mediation is intercultural. Although the

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disputants' face needs are often difficult to discern, certain predictable indications emerge that make it easier for a skilled mediator to recognize a face need and take appropriate face-giving measures.

An increased awareness of and sensitivity to intercultural differences, personal values, and the many other factors that make up disputants' face needs in the mediation process, as well as a thorough knowledge of the meaning of body language and nonverbal facial expressions, form a solid foundation for the mediator to recognize face concerns as they emerge and take appropriate action in those critical moments.

The more we, as mediators, are aware of other cultures and our own ethnocentric biases, the more we can develop the mindfulness and flexibility that allow us to be sensitive to the face needs of the disputants. Recognizing the face issues of the disputants allows us the opportunity to employ meaningful face-giving strategies that help sustain a climate in which a successful resolution of the conflict can emerge.

## NOTES

This article is largely inspired by the extensive work on face-saving done by professors Stella Ting-Toomey and John Oetzel, as well as the more general coverage of "face" within the context of the study of conflict and communication by Joseph P. Folger. The author analyzes how the lessons learned from studies of intercultural relations and face-saving can be applied to the face-giving role of the mediator. In the interest of readability some references to Ting-Toomey and Oetzel, and Folger have been omitted.

The author wishes to thank Professor Robert Chandler of Pepperdine University for his valuable comments and Daphne Tam for her creative suggestions.

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