Conflict Mediation and Culture: Lessons from the Gambia

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Keywords: conflict mediation, cultural variation, ethnolinguistic groups, mediation process, Republic of The Gambia

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CONFLICT MEDIATION AND CULTURE: LESSONS FROM THE GAMBIA

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Abstract

The issue of cultural variation in conflict mediation has attracted considerable interest, probably because of wide-ranging theoretical, methodological, and ethical implications. Scholars are raising increasing questions about both generic theories of the mediation process and past conceptualizations of the culture construct. This article reviews theoretical perspectives on culture and conflict mediation and discusses them in relation to fieldwork conducted in the Gambia among three ethno­­linguistic groups. Some local and cross-cultural patterns in the mediation process were found. These patterns are associated with variables such as ethnicity, gender, and social status. However, comparative analysis on the individual level revealed considerable diversity in praxis, suggesting that cross-cultural studies should go beyond descriptions of group tendencies. Indeed, the amount of variation in the data implies a need to reconsider aspects of prevailing approaches to conflict mediation. The conclusion includes recommendations for further theory development and research on this vital topic.

Introduction

There has been a surge of interest in Alternative Dispute Resolution (ADR) since the 1970s. The United Nations, regional organizations, the World Bank, NGOs, development agencies, and many others want to be involved in or associated with “conflict resolution.” One of the main tools of the field is conflict mediation. Mediation has been integrated into the legal system of the USA and other countries and has been exported from the West to other nations around the world. However, as many scholars have pointed out, we do not know enough about the role of culture in the mediation process. Some theorists take what Avruch has labeled the generic perspective, arguing that mediation is “a universal activity conducted according to generally held assumptions and conventions” (Cohen, 1996, p. 110). That viewpoint has been strongly influenced by organizational, behavioral, and economic theories and has either entirely ignored the role of population characteristics and culture in the mediation process or dismissed them as superficial (see, for example, Doob 1973; Rubin and Sander 1991; Touval and Zartman 1989). Such approaches minimize concerns about using mediation in multicultural settings and imply that the focus should be on fine-tuning hegemonic versions of the process.
Proponents of the opposing stance focus on variation rather than homogeneity. In that approach mediation is either seen as fundamentally situational or as structured in divergent ways that correlate with attributes such as ethnicity, gender, or religion. Recently, critiques of generic theories of mediation have intensified, raising renewed interest in this area, particularly in terms of socio-cultural variation. Some scholars argue that societal variation has only been examined in a limited fashion. Further, despite the current interest in this problem there remains a lack of knowledge and theory based upon empirical data derived from systematically comparative research (Bercovitch 1996; Irani 1999; Merry 1987).

The following article reviews these viewpoints and then evaluates them in terms of the results of qualitative analyses of data on conflict mediation collected from different populations in the Gambia. The data indicate that although patterns do exist, cross-cultural variation is significant. The findings illustrate the complexity of cultural influences and the necessity of using empirical data and different levels of analysis in research. Further research of this problem will lead to deeper understanding of culture and its significance in conflict management.

**Defining Mediation**

The many definitions of mediation vary in their level of elaboration. There is much contention in Peace Studies over the exact characteristics of the mediation process, making definition at all but the most basic level a difficult exercise (Bercovitch 1996; Cohen 1996; Wehr and Lederach 1996). For example, some definitions of mediation rest upon controversial issues such as the question of mediator neutrality. It is probably premature to employ a detailed definition at this point in the field's development. When one is striving to map out fundamental characteristics of a phenomenon, it is best to begin at the most basic level possible; complexity and specificity of definition should follow the establishment of a firm foundation. Scholars such as Doob (1993) and Mitchell (1981) have used a definition of mediation similar to the one employed here, namely “third-party facilitated negotiation.” Wehr and Lederach (1996) have promoted this definition because it invokes the essence of mediation and facilitates comparative research. Given that there is still so much to learn about mediation (Bercovitch 1996), it is fruitful to begin with this broad operationalization and from there, explore patterns, commonalities, and diversity. Given that there is still so much to learn about mediation (Bercovitch 1996), it seems appropriate to employ this broad operationalization of the process for research into the patterns, commonalities, and discontinuities among various social groups.

**Theoretical Perspectives on the Mediation Process**

Various theoretical perspectives have been used in the study of conflict mediation. Despite the different terminologies and labels that are used, it is possible to distinguish perspectives.
rather than situationally saturated in terms of socio-economic only been this problem. Data derived from this problem collects through patterns that lead to deeper understanding. There are fundamental levels possible; and of a firm have used a "third-party this definitionative research. In one study, it is possible to distinguish between two opposed views on the structuring of mediations. These perspectives are: 1) mediation is a generic process composed of universal information exchange, bargaining, and problem-solving activities; and 2) the mediation process is context-specific and can exhibit considerable variation.

First Perspective: Mediation as a Universal or Generic Process

The universal, generic, or behaviorist approach to mediation has been strongly influenced by organizational, behavioral, and economic theories. It either entirely ignores the role of population or societal characteristics and culture in the mediation process or dismisses them as superficial (see, for example, Doob 1973; Rubin and Sander 1991). Most of the prescriptive literature can be included here as can much of the work of political scientists, economists, and psychologists.

The prescriptive literature refers to the "how-to" books and manuals and includes such classics as Fisher and Ury's Getting to Yes (1981; see also Folberg and Taylor 1984; Goldberg, Green, and Sander 1985; Katz and Lawyer 1985). These publications typically do not include a substantive consideration of cultural differences. Some of them do not mention this issue at all, although others do briefly allude to the potential salience of cultural variation. Fisher and Ury's 1991 edition of Getting to Yes included a brief discussion of culture, for instance.

The most prominent example from political science is the work of William I. Zartman. Zartman has strongly argued against privileging culture in theory and analysis. In one study, he compares a number of international negotiations and concludes that "[negotiation] is a universal process, using a finite number of behavioral patterns, and that cultural differences are simply differences in style and language" (Zartman and Berman 1982: 226). He has emphatically dismissed concerns over cultural variation, saying that "Culture is indeed relevant to the understanding of the negotiation process, every bit as relevant as [the] breakfast [the negotiators ate], and to much the same extent" (Zartman 1993: 227; Avruch 1998). One of his arguments is that the existence of a universal diplomatic culture obviates the relevance of cultural differences in international negotiations. Zartman prefers to concentrate on contextual factors such as whether conflicts are "ripe" for mediation (1985; Touval and Zartman 1985). It should be noted that his work is based largely upon archival data, rather than systematically collected empirical data.

Bargaining theory is largely based upon mathematical and economic paradigms. These perspectives promote a generic view of humanity in which individuals make choices based upon a benefit-cost analysis of their actions and the perceived consequences. Bargaining theory has contributed to the prominence of the problem-solving view of mediation. The work of Howard Raiffa (1982), a mathematician who has been very influential in applying game theory and decision analysis to negotiation theory, has profoundly influenced mediation theory (Zeckhauser and others 1997). More sophisticated versions of rational choice theory, such as that of Ostrom (1990), attempt to address socio-cultural variability, but still tend to de-emphasize the significance of society and culture. "[Once the dispute] process is linked with utility—whether utility be conceived in terms of the universalist maximization of interest or the pursuit of indigenous values—it is a
short step to treating the socio-cultural context as 'given' and its relationship to the dispute as unproblematic" (Comaroff and Roberts 1981, cited in Avruch 1998: 76).

Burton (1986, 1990), Doob (1971, 1973, 1974, 1993), and Kelman's (1972, 1976, 1979) analytical problem-solving workshops are prominent examples of generic approaches to conflict mediation from the field of social psychology. The contingency perspective and the strategic choice theory of negotiation are other examples (see Carnevale 1986; Carnevale and Rhoades 1999; Keashly and Fisher 1996). As discussed below other social psychologists have focused on cognitive development (as opposed to culture) as a source of variation in conflict resolution.

The communication literature may also be included here. This work has highlighted the relevance of culture in mediation, but it has also contributed to the view of cultural differences in mediation as a stylistic issue, rather than a potential influence on the actual process itself. Building on the work of Edward Hall (1969, 1973, 1976), this body of work has explored the difficulties inherent in communicating across cultures (see, for example, Condon and Yousef 1975; Gudykunst and Kim 1984) and the effects that this can have on conflict management (Cohen 1987, 1991; Ting-Toomey 1985, 1988). By framing the effect of culture on negotiations as a matter of communicating effectively; this literature implies that there is a deep structure to the mediation process and intercultural variation is essentially stylistic.

The eminent anthropologist Philip Gulliver suggested that there are basic cross-cultural similarities to negotiations. Gulliver analyzed negotiations in two settings: among the Arusha and Ndendeuli of Tanzania and among Americans and Canadians. He developed a processual model of the negotiation process based on what he saw as cross-cultural information exchanging and bargaining activities (Gulliver 1979). Gulliver's linear, staged model corresponds closely to the model of mediation predominant in the literature and in court-annex mediation programs.

Despite the dearth of empirical studies, the generic approach to mediation has long dominated the field. This approach minimizes concerns about using mediation in multicultural settings. It implies that the focus should be on fine-tuning and maximizing the effectiveness of the mediation process commonly promoted in the literature by, for example, enhancing one's communication skills so as to avoid cross-cultural dissonances and misunderstandings.

Second Perspective: Mediation as a Variable Process

Proponents of the opposing viewpoint emphasize variation rather than homogeneity. In this approach context is emphasized, and attributes such as ethnicity, sex, religion, and age-set are seen as potentially significant. Some have described mediation as an "art" rather than a science (Meyer 1960). Others posit that the variables affecting mediation are so numerous and complex that no meaningful analysis of trends is possible (Simkin 1970 cited in Bercovitch and Houston 1996).

Another argument is that variation in mediation is patterned, usually according to population attributes and/or cultural identities. Since the 1990s there has been an upsurge in interest in cultural variation in conflict mediation. Most
practice in North America remains based on the problem-solving model (Stempel 2002), but a variety of theoretical models now purports to depict intercultural patterns in mediation. The dichotomies between collectivist versus individualist societies and high context versus low context communication patterns are prominent examples. Due to a lack of empirically based and systematic comparative research, it is not clear how significant socio-cultural variation in mediation may be, and this is currently an area of considerable discussion and controversy (Avruch, Black, and Scimecca 1991; Bercovitch 1996; Irani 1999; Merry 1987). The ongoing debate has raised theoretical, practical, and ethical concerns about the nature and practice of mediation.

Contemporary critiques of the culture construct have lambasted misuse of the culture construct. Theorists such as Avruch (1998) and Handwerker (2002) call for a shift in analysis from "meta cultures" to subcultures and even the individual level in analysis. They view cultural identities as dynamic, complex, and multidimensional, arguing against the conflation of culture with ethnicity or national identity, and urging that attention be paid to the various components that make up cultural systems. The following section elaborates on the perspective of mediation as variable with an overview of the research record on factors that may be associated with the structuring of the mediation process.

Some Potential Sources of Variation and Patterning in Mediation

Ethnicity. The research literature includes some discussion of the potential relationship between ethnic identities and patterning in mediation styles. For example, scholars have written about Middle Eastern (Abu-Nimer 1996; Irani 1999; Witty 1980) and African conflict resolution (Gluckman 1967; Hagberg, Helander, and Unge 1995; Mengisteab 2002; Rugege 1995). Several fascinating projects have investigated the role of ethnicity in influencing conflict, problem-solving, and reconciliation behavior in the USA. Kochman (1981), Gadlin (1994), and Davidson (2002) examined differences between Whites and African-Americans in conflict behavior and dispute management. Interestingly, Kochman and Davidson concentrated on elucidating ethnic differences, while Gadlin emphasized that making generalizations based on race and ethnicity may be problematic.

An intriguing pilot project in Canada found that immigrants' regions of origin correlated with marked variation in preferences for certain mediation activities (Lund, Morris, and Duryea 1994). For example, that research indicated that disputants from some cultural backgrounds may be uncomfortable with the face-to-face interactions that characterize North American mediation events. According to Lund and colleagues, such individuals prefer indirect mediation with the peacemakers shuttling back and forth between the different disputants. They argue that "the linear staged model prevalent throughout North America" may not be compatible with other cultural orientations.

Gender. Research on the impact of gender in mediation patterns has produced contradictory results. Mediator interviews by Watson and Kasten found...
that gender identities significantly correlated with behavioral variation in negotiation (1989). Additional North American studies by Gourley (1994), Picard (2002), and Weingarten and Douvan (1985) indicate that male and female mediators conceptualize their roles and responsibilities, and therefore the mediation process, in a dissimilar fashion. There is also evidence that in North America female mediators are more facilitative in style and more oriented toward relationships and reconciliation, while males are more likely to focus on the immediate problem that brought about the mediation attempt (Dewhurst and Wall 1994; Weingarten and Douvan 1985). Others have argued against focusing on gender as a source of variation in conflict management (Keashly 1994; Ruble and Schneer 1994; Watson 1994). Both sides refer to studies that support their view, while other projects have produced mixed results (Dewhurst and Wall 1994). Picard’s (2002) recent examination of gender in mediation concluded that further research is required.

Religion. Studies of religious influences in third-party peacemaking have suggested that confessional affiliation is associated with behavioral diversity in mediation. For example, an article by Galtung (1997) discusses the influence of cosmology on “Christian” (adherents of the Abrahamic religions) and “Buddhist” (adherents of Eastern religions) conflict and conflict management behavior. Abu-Nimer (1996), Irani (1999), and Rosen (1989) describe Islamic approaches to conflict management, and Merry (2000) undertook a cultural analysis of Mennonite conventions in peace-making. On the other hand, Witty's study of mediation in Lebanon (1980, see also King-Irani 2000) implies that there are broad similarities across religious groups (in this case Christians and Muslims). With the exception of Witty, all of these authors posit that there are distinctive aspects to the conflict resolution techniques of different religious communities.

Age-sets. Age-sets are a prominent feature of Gambian social organization (Sagnia 1983; Sonko-Godwin 1986, 1997), and anthropologists have observed generational differences in social groups across the globe. Although no research examining this issue in the specific context of mediation could be identified, several studies by social psychologists have investigated relationships between age and conflict resolution. Fry (2000) studied cognitive development and reconciliation goals, strategies, and behaviors among children. He found that as children get older, they become more adept at addressing interpersonal difficulties. Osterman and others (1996, p.186) reviewed the literature on this subject and concluded that among children and adolescents “conflict resolution skills improve with age.” Their cross-cultural study produced similar findings to Fry’s, linking cognitive development to conflict management skills and techniques (see also Kolominski and Zhiznevskii 1992 and Leyva and Furth 1986). In addition, researchers at the University of Hawaii, Manoa have identified generational differences in the cultural perspectives of family members who migrated to Hawaii from other countries (Bruce Barnes, personal communication, 2004).

Individual Identity and Personality. As mentioned previously, some anthropologists now advocate looking at culture on the individual level. The idea is that, despite the existence of some group-level patterns and structures, individuals have their own generalizations and behavioral patterns.

The codebook then was further refined and empirical qualitative, and in three years of 2005. The coll semi-structured interviews, ethnographic categories and normal procedures...
have their own multi-layered identities and sets of experiences. Group-level generalizations overlook the role of such variables in cognitive processing and behavioral patterning.

The conflict management literature has raised the possibility of variation on the individual level influencing mediations. Rubin and Sander (1991) argue that negotiators deal with each other as individuals, moving beyond the level of ethnic or group identification. Additionally, Picard's (2002) study on gender found that educational background and length of experience as a mediator were associated with variance in Canadian mediators' perceptions of the purpose of mediation and role of mediators.

A number of other theorists have also discussed variation in mediator styles or strategies (see, for example, Kressel et al. 1994; Silbey and Merry 1986). Riskin (1996) provides a good overview of these discussions. Their studies indicate that although individuals frequently employ varying styles in different contexts, they do tend to have a particular style to which they generally adhere. These findings suggest that human behavior oscillates between stylized, repetitive, socially structured patterns and more inchoate or contextual variations, thereby underscoring the conditionality of social dynamics and the situational nature of human behavior.

Study Design and Methodology

The research design of this study was shaped by three propositions. The first is the previously mentioned idea of culture as multidimensional. The project codebook therefore included a variety of relevant participant characteristics, such as religious affiliation, gender identity, home village, and age-set. Examining additional factors, such as dispute type and the social status of the mediators and disputants, made it possible to control for other potential sources of variation in peacemaking activities. Human behavior is often conditional, based on the context in which social action will take place; a variety of situational factors were therefore considered. Employing different levels of analysis further highlighted social patterning. Mediation activities were compared according to the particular identities of the mediation participants and their collective identities; the analysis included the individual, intra-group, and inter-group levels.

The second proposition is that methodological triangulation enables a deeper investigation of complex social phenomena. Accordingly, both descriptive and empirical data were collected, and the analysis incorporated participatory, qualitative, and quantitative methods. The findings presented here are derived from three years of field research conducted in southwestern Gambia between 1999 and 2005. The collected data include extensive ethnographic data and interviews, 129 semi-structured interviews with mediators, 21 panel sessions with expert peacemakers, and 132 observed cases of mediated disputes. The descriptive data -- ethnographic observations, interviews, and panel sessions were used to identify categories and activities common to local mediations, to establish what constitutes normal procedures versus outlying divergences, and to control for inter-subjective
bias. The panels were stratified according to ethnicity, age-set, gender, village of residence, and religion.

Third, the project design addressed problems of idealized representations of behavior and informant accuracy. Anthropological research has revealed significant problems with informant recall, underlining the limited accuracy of respondents' answers based on memory (Bernard and others 1994). Respondents' representations of social phenomena may also be influenced by ideological factors or may serve utilitarian purposes. Scholars of dispute management have also demonstrated the problems with recalled data. Kressel and Pruitt found "weak correspondence between retrospective accounts and what actually happened in mediation" (Kressel and Pruitt 1989b: 430). In their study, mediators were given checklists of activities to fill out immediately after the conclusion of a session. When these lists were compared to empirical records of the mediations, significant discrepancies were found. Due to such issues, conflict scholars have called for empirical data on what mediators actually do (for example, Avruch 1991; Bercovitch and Houston 1996).

In the study presented here, much attention was given to methodology and addressing the problem of intersubjective bias. The collection and analysis of empirical data was a top priority; the observed mediations were meticulously translated and transcribed. All data were carefully processed; group work and back translation were used to minimize interpreter bias, for example. A purposive sampling strategy was used to maximize data quality and quantity. I identified active mediators in the target communities and worked with those who were willing and able to participate effectively in the project. Initially, I concentrated on formal and informal village officials such as village headmen and the women in charge of female circumcision. Interviews with such high-profile individuals constituted one point of approach. However, it quickly became apparent that many persons who did not hold a formal title or position were also prominent peacemakers. Ethnographic interviews generated lists of active mediators and discussions were held with many individuals. Doing village-wide surveys and making connections with many different people mitigated the dangers of being limited to specific networks. In order to maximize the accuracy of collected information, data processing was done very carefully; teams of translators were used to reduce the possibility of interpreter bias, for example.

Micro-level mediations were the focus of this inquiry; although data on large group-level conflicts were collected, the analysis here is based primarily on peacemaking between individuals or small groups. Mediations dealt with conflicts between family and clan members, spouses, neighbors, friends, and relative strangers. The disputes encompassed a variety of issues such as land disputes, crops damaged by domestic animals, marital and domestic conflicts, personal insults and slights, and public policy concerns.

The data were analyzed using qualitative and quantitative methods. Coding was done on the 121 observed cases using The Ethnograph data processing and analysis package. Cases of mediation were coded according to the activities that occurred throughout the mediation process. Each case was also tagged according to the characteris...
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The Gambia

The Gambia is a small country of 11,300 square kilometers with slightly over one million inhabitants located on the coast of West Africa. In pre-colonial times parts of the Gambia were subsumed into different local kingdoms and polities, such as the Wollof states and the kingdoms of Kombo and Kaabu, while other parts were ruled by local chiefs or councils of elders (Faal 1999; Godwin-Sonko 1997). The Gambia was a colony of the United Kingdom from 1816 to 1965, however British influence outside the urban areas was minimal and the Gambia was the ultimate example of indirect rule style preferred by British colonial authorities. The Gambia never supported much of a settler population and had a very limited colonial infrastructure.

The Gambian population is ethnically and religiously diverse. There are seven ethnic groups that are considered as indigenous. The majority of Gambians are Muslims with significant populations of animists and Christians as well. There is considerable religious syncretism as the practices of many Gambians in rural areas incorporate both elements from one of the Abrahamic religions and animism.

This study was based in the southwestern corner of the country and in particular the district of Kombo South. This area has a higher proportion of Manjagos, Jolas, and non-Muslims than most other rural areas in the Gambia. The presence of ethnically distinct villages in the district helped facilitate inter-ethnic comparison.
Sample populations were drawn from the Mandinka, Jola, and Manjago inhabitants of the region. These groups were chosen because of the diversity of their pre-colonial and contemporary socio-political systems; they are differentiated by religion and by shared norms, values, and habituated behaviors (Sagnia 1983; Sonko-Godwin 1986, 1997). In fact, they were arguably the most dissimilar of all the Gambian ethnic groups. Much of the study data was collected in ethnically distinct villages where contemporary manifestations of historical socio-political characteristics are prevalent.

The Mandinka are the most numerous group in Kombo South and rural Gambia in general. Their pre-colonial history was characterized by highly stratified state-level agrarian societies and kingdoms. They are an overwhelmingly Muslim population and make up the leadership of that community in the area.

Pre-colonial Jola social organization was much less hierarchical, and the Jola engaged in much more hunting and gathering than the Mandinka. The Jola are the only historically acephalous Gambian ethnic group. Although village chiefs were imposed on them during the colonial era, their chiefs are markedly less influential than those in Mandinka villages, and they share their authority with councils of elders. The Jola are also more religiously diverse than the Mandinka. The Mandinka forcibly converted many of them to Islam, but in the early 21st century, large animist and Christian-animist Jola populations remained extant.

The Manjago are an immigrant population from Guinea-Bissau. There has been a great deal of interaction and intermarriage between Muslim Jolas and Mandinkas, but this has not been the case with the Manjagos of Kombo South. In southern Gambia Manjago settlements are often clustered around Mandinka and Jola areas, and their communities are much more insular than those of the other two groups.

The Gambia offered an interesting site for this study because the extremely limited colonial infrastructure left most dispute management in the hands of local authorities and residents. In addition, rural Gambians generally share a negative view of the legal system and emphasize the importance of settling disputes informally. Local mediation procedures have therefore played a pivotal role in the nation’s history and have considerable significance on the contemporary scene. The current situation is characterized by legal pluralism; there are a number of different arenas for formal and informal dispute settlement. In Kombo South, villagers can choose between a variety of potential fora, such as a hearing at the home of the village chief, the tribunal court in the district capital, the magistrate's court in the division capital, and for Muslims, the Islamic court near the national capital. All of the options other than mediation involve significant transaction costs in terms of time and money.

Discussion

Qualitative and quantitative analyses were conducted on transcripts of actual mediations and of interviews and panel sessions (stratified by age, gender, and ethnicity) to examine how mediators mediate and with what overall success. The mediating populations are differentiated by religion and by shared norms, values, and habituated behaviors (Sagnia 1983; Sonko-Godwin 1986, 1997). In fact, they were arguably the most dissimilar of all the Gambian ethnic groups. Much of the study data was collected in ethnically distinct villages where contemporary manifestations of historical socio-political characteristics are prevalent.
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and ethnicity) with local mediators. The results revealed considerable variation in mediator styles and mediation activities. The variation is not random; it correlates with certain factors and activities. Variation occurred at both the group and individual levels and there were also discontinuities across cases mediated by the same persons. Each mediation case was unique to some degree, but there are recognizable themes and patterns. Some observed patterns are described below.

In interviews and panel sessions people tended to emphasize structure and homogeneity, but their own vignettes about past mediations revealed diversity in practice. Thorough questioning also elicited comments and observations about heterogeneity in praxis and the significance of contextual factors. The procedure that mediators usually described when asked “grand-tour” questions (very general and open-ended questions designed to elicit emic perspectives on an issue) about mediations was strikingly similar to descriptions of ho'oponopono from Hawai`i, the Gada system of the Oromo of Ethiopia, and becharaa of the Semai of Malaysia (Shook 1995; Tuso 2000; Robarchek 1997). This model was also common in the empirical cases from the Gambia and is outlined below.

• Pre-meeting activities: Initiation of mediation effort, information gathering, mediator caucuses with disputants, mediator strategy sessions
  • Introduction: Setting the stage, creating positive atmosphere prayer, statements emphasizing social ties and norms and values promoting harmony, defining the agenda
  • Disputant testimony and narratives
  • Discussion: can include the following activities
    - Judging, stating guilt
    - Advising disputants
    - Negotiation, only occurs in certain cases often the mediator just urges reconciliation without negotiation over substantive issue
  • Plan making: Exploring options, debating plans, mediator sometimes proposes the plan rather than eliciting it from the disputants
  • Ritualization: Shaking hands, prayer, sharing food and drink

The above model should be seen as a simplification of a widespread pattern in the Gambian data. Although there often is a progression through these activities and stages, meetings can jump back and forth between activities and stages, skip certain of them entirely, and in general differ considerably from the list above. The process is not homogenous or unilinear.

In fact, the Gambian mediations demonstrated considerable variety in structure. Some mediation cases involved only caucusing with the disputants; in this peacemakings the disputants never met jointly with the mediator. Other cases consisted of only group meetings. The most common procedure was for mediators to caucus with the disputants first and then bring them together for a group meeting.

In this modal procedure, most of the information gathering and exchange and negotiation took place during caucuses. The mediator(s) shuttled back and forth between the disputants, sometimes carrying messages between them, and always
encouraging them to settle. In some cases there was a single caucus with each party, while others featured multiple caucuses. In some of these cases, the group meeting followed the model presented above with discussions of the dispute, disputant testimony, assignment of blame and so forth.

Often the substantive negotiations were concluded in the caucus and the group meeting consisted of a formal reconciliation of the parties and a ritualization of the agreement. In such cases the mediator(s) did most of the talking during the group meetings.

The mediator(s) set the stage and gave a short discussion of the situation (without going into particulars) and the need for settlement. Sometimes the mediator(s) re-stated judgments arrived at during the caucusing process, other times they just gave general advice to both disputants. The disputants often did not say much in such meetings other than to perhaps make a formal statement about the reconciliation. They usually did not go into the details of the dispute. The group meeting often concluded with ritualizing activities such as hand-shaking, the exchange of kola nuts, goods, or money, prayer, the sharing of food, and so forth.

Re-thinking the role of caucuses in mediation

An examination of the literature reveals a tendency to concentrate on group meetings as the foundation of the mediation process. Some theorists lump caucuses in with “pre-mediation activities” while others ignore caucuses completely. Most of the models from other societies focus on group meetings with much less discussion of caucuses. This is consistent with praxis in court-annex programs in the USA where caucuses are typically only an optional adjunct of the group meeting - mediators call them during meetings if they feel that they are needed. Another example is Shook’s model of ho'oponopono in which mediator(s) may call a ho’omalu or “a cooling off period” if tensions get high during the group meeting with much anger being expressed (1995). In ho'omalu the mediator(s) take the angry disputant(s) aside and help them vent their negative emotions.

Greater attention should be paid to caucuses as they can play a more important role than a reading of the literature suggests. Some scholars have noted a lack of comfort in face-to-face meetings between disputants and a preference for caucuses among Japanese and members of other Asian societies (Goldstein 1986; Duryea and Grundison 1993). In the Gambian data caucuses played a very prominent role and were often pivotal. In one marital mediation, for example, there were 17 caucuses.

In caucuses the mediator(s) solicited the permission of the disputants to mediate, listened to the disputants' testimony and narratives, collected and transmitted messages, and/or used a variety of persuasive tactics to encourage the disputants to settle. The mediator(s) often discussed the matter with the disputants identifying relevant topics and seeking out potential points of agreement and so forth. The caucuses sometimes included discussions of various options and the selection of a course of action. On occasion, the mediator(s) attempted to impose their preferred plan. Agreements reached during the caucuses may or may not have been ritualized in group meetings; some mediation cases consisted solely of caucuses. Caucuses outside of the

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strate on group lump caucuses lately. Most of the less discussion is in the USA group meeting needed. Another group(s) may call a group meeting for(s) take the play a more role. We have noted a preference for Goldstein 1986; played a very example, there the disputants to collect and encourage the the disputants statement and so options and the would to impose may not have stood solely of caucuses. Caucuses also made the negotiation process easier as it could take place outside of the high pressure setting of a face-to-face meeting.

Caucuses also enabled the circumlocution of social norms that can inhibit the reconciliation process. In caucuses disputants could express viewpoints and emotions that would be inappropriate in a group meeting. For example, the hierarchical nature of Mandinka social structure limited disputants’ ability to voice negative thoughts and feelings in the presence of social superiors. Caucuses therefore played a vital role in the reconciliation process and in the therapeutic aspect of mediation, as they allowed disputants to vent negative emotions without violating social mores.

In caucuses mediators were able to advise the disputants on how to behave around the other party(s) and what to expect from and what to do in any planned group meetings. Mediators could also appease disputants without offending the other party. In addition, they could give disputants the impression (whether true or false) that the other party regretted their actions and that they were eager to settle. In one observed case, the mediator told each of the disputants that the other party wanted to reconcile. Although many Western readers might doubt the efficacy of such a tactic, the mediator was able to affect a sustainable restoration of the friendship between the two men in question.

Ethnic identities were associated with divergences in caucusing. In both the descriptive and empirical data, Manjagos relied more heavily on group meetings than Mandinkas or Jolas. Mediations conducted only through caucuses appeared to be a very rare tactic among Manjagos, who tend to emphasize face-to-face communication, judging, and collective rituals.

The study findings suggest that a nuanced approach to caucusing is necessary for an interculturally sensitive approach to mediation. We should recognize that certain social groups tend to be more comfortable with caucusing than others. Group meetings may be important to some persons, while for others they may hinder effective conflict transformation. However, we should also recognize that there is no simple formula that we can apply. Persons who generally rely upon or respond well to caucuses may find them inappropriate in certain situations. It appears that an informed flexibility is most appropriate. Mediators should be aware of general patterns among target populations, but they should also be attuned to the dynamics of the case in question and able to adjust their strategy accordingly.

More Examples of Variation in Mediation Activities in the Gambian Data

Significant variation was found in relation to two common activities that are common features of the mediation process cross-culturally: mediator collection of disputant narratives and testimony, and the assignment of blame.

Mediator collection of disputant narratives and testimony
Soliciting and listening to disputant explanations and viewpoints are an integral part of the mediation processes described in the ethnographic and
prescriptive literature. This activity is part of the information gathering and exchange process that some consider as vital to the negotiation and mediation process (Gulliver 1979). It serves several purposes as it enables negotiation, the re-framing of disputes through the exchange of viewpoints, feelings, and perhaps previously unavailable or misunderstood information. It is also a key part of the therapeutic aspect of mediation highlighted by researchers such as Gibbs (1963), Robarchek (1997), and Shook (1985).

Gambian mediators included collection of disputant narratives in their explanations of the process, and this activity was common in the empirical data as well. Some variation did occur in relation to this activity, however. In interviews and panel sessions some mediators stated that in some cases they instruct the disputants not to relate the details of the dispute to them. There was some association with ethnicity here as more women respondents than men mentioned this pattern. This procedure occurred in the empirical cases as well and was associated with particular contextual variables.

One such variable was related to Gambian social structures and related cultural norms. In some Mandinka and Jola cases with disputants with significant status disparities the lower status disputant did not give testimony in the presence of the senior disputant. In such cases, unless they were able to caucus privately with the mediators, the junior disputants did not usually get a chance to express their viewpoints and feelings.

For example, Gambian social groups share strong beliefs about the hierarchical relationship between parents and children. In a mediation case between a father and his son, the mediator was informed about the dispute by the son’s brother, but was not given much detail about the conflict. The mediator caucused with the father and then called in the son for a group meeting. The father repeated his explanation of the dispute in the group meeting, but the son restricted his comments to a plea for forgiveness and a promise that he would never again get into a conflict with his father. The meeting ended successfully with a ritual event of the type that generally signals a successful reconciliation. Interestingly, after the meeting ended, the son accompanied the mediator as he walked home, and during the walk, he expressed his view on the dispute.

In other caucuses and group meetings, the mediator(s) said, in their introductory statements, that they did not want to hear any details about the dispute, but that did not prevent the disputants from getting into such explanations. That phenomenon illustrates the significance of this activity. Disputant testimony is often the most important component of the information collection and exchange undertaken by mediators. It is also part of the “therapeutic” aspect of mediation (Robarchek 1997), as the disputants are able to express their viewpoints and ventilate their feelings.

Another pattern in the empirical data consisted of mediators limiting or attempting to halt disputant testimony when they felt that it was becoming repetitive or bringing forth negative emotions. It was also quite common for the mediators to instruct the disputants not to discuss the causes of the conflict in group meetings when the subjective testimony in those cases the med people so the st associated with the disputants than the disputes common am强调了 relevant; man Mandinka stated that go to interfere differs from the

Judging evaluative and any evaluative neutral facilitators. people from (Cohen 1996; literature, evaluative procedures.

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Mandinka status dispute that the other Instead the y social superior female Mandinka are right in
when the substantive negotiations were completed during pre-meeting caucuses. However, there were also instances in which there actually was no disputant testimony in the caucuses or the group meetings, although these were rare. In such cases the mediators often had heard many of the details of the dispute from other people so they were already well-informed about it. These mediations were associated with a particular kind of relationship between the participants — specifically when the mediator(s) were of high social status, usually of higher status than the disputants. Ethnicity was also linked to these cases as they were most common among Mandinkas and almost absent among Manjagos, who strongly emphasized reviewing the details of a dispute. The variable of dispute type was also relevant; many of these cases were marital mediations, for example. A saying in Mandinka states that when a man and a woman fight in their house at night, and you go to intervene, you should not ask about the cause of the problem. This pattern differs from the models presented in the cross-cultural and the Western literature.

Judging, evaluating, and assigning blame

The ideology that dominates the literature and most training materials in the US encourages mediators to avoid evaluating disputes or at least to avoid expressing any evaluations that they may form. The assumption that mediators should be neutral facilitators who do things like use “objective criteria” to help “separate the people from the problem” is deeply ingrained in Western mediation ideology (Cohen 1996; Della Noce 2001). Despite the dominance of this viewpoint in the literature, evaluative approaches are more common than one might presume.

The predominant ideology in the Gambia is that mediators should make explicit judgments about a case. Mediators are often expected to “tell the truth” and “give the party their rights.” When questioned about this respondents generally stated that it was an integral part of the mediation and resolution process often adding that if one does not tell the parties who is right and who is wrong then the conflict will never end. This is congruent with descriptions of mediation from other African and non-industrialized societies (see, for example, Bourdieu 1965; Cloke 1990; Davidson 1966; King-Irani 2000; Robarchek 1997; Tuso 2000).

Under further questioning some mediators went on to add that not all mediations included this activity as it could jeopardize settlement of the dispute if one of the parties rejected the judgment or became upset. In fact many of the collected cases did not include judging or stating guilt. This variation is associated with ethnicity as Manjago mediators were more likely to insist that judging was necessary for dispute resolution than Jola or Mandinka respondents. In addition, a higher proportion of Manjago than Mandinka and Jola cases included this activity.

Mandinka, and to a lesser extent Jola, respondents also stated that lower status disputants (wives, younger siblings, children, and so on) should not be told that the other higher status disputants (husbands, elder siblings, parents) are guilty. Instead the younger disputant should be criticized for having a conflict with their social superior. Expected variation along gender lines did not occur here - most female Mandinka and Jola respondents said that wives should not be told that they are right in disputes with their husbands. Ethnicity was significant; however, as
Manjago respondents were much less likely to say this. Twice during panel sessions with men a Manjago said that lower-status disputants (specifically wives) should always be told that they are guilty, but they were immediately challenged on this by the other participants. The empirical and descriptive data are fairly congruent on this point. Although Mandinka (in particular) and Jola mediators did blame higher-status disputants in some cases, this was rare. Manjago cases in which the mediators blamed the higher-status disputants were much more common.

The number of mediation participants and the forum in which it took place are also associated with whether the mediator(s) expressed their opinions on disputant culpability. Across ethnic groups, large formal meetings in which disputants met together with multiple mediators, witnesses, and/or onlookers tended to include the assigning blame activity. Most of the cases in which the mediators did not express judgments about the merits of each disputant’s position were characterized by fewer participants and a more private setting.

**Individual level variation in Gambia**

Contemporary anthropological approaches assert that cultural analysis should focus on the individual rather than the group level (Avruch 1998, Handwerker 2002). This study incorporated this micro level of analysis by investigating individual level patterns and variation in mediation. The results suggest that there should be more attention paid to this in the cross-cultural literature.

In terms of Riskin’s grid (1996) Gambian mediators overall tend to lean towards the evaluative broad style. In addition to assigning blame, Gambian mediators often offer proposals and plans for settlement and they can be quite assertive in promoting their ideas. Although in some cases they focus only on the immediate concrete problem or issue (a “narrow” orientation), their definition and approach to the problem is generally broad with much concern for restoring harmony and the long-term relationship between the parties. In some cases Gambian mediators also exhibit concern for the maintenance of community norms and values and apply them to the dispute, praising and criticizing the disputants in relation to their actions’ conformity with societal conventions. In this way Gambian mediators’ orientations resemble those found in other non-industrialized societies (Cloke 1990; Faure 2000).

Two important caveats should be applied here in order to avoid overgeneralization. The anthropologist was able to work intensively with several mediators and gathered many cases from each of them. Individual level variation in mediator styles was quite apparent in the empirical data. Some variation was found between members of different clans. In particular, two mediators from the same distinctive clan exhibited some commonalities in their mediation styles. Their approaches were not identical, however, and in fact every mediator appeared to utilize a characteristic style. For example, some mediators would begin their meetings with elaborate introductions, setting the stage, defining the agenda, and so forth, while others would quickly proceed to the issues at hand. Some mediators were more facilitative (as opposed to evaluative and directive). Such mediators were more likely to be peacemakers.

These variations in mediator style were not the result of differences in individuals’ issues or cultural contexts. Rather, varying tactics reflected the specific mediation style employed by the mediator(s). For example, some mediators that tended to be facilitative in some settings might be evaluative in others. Such mediators often showed evidence of a more active role in mediating disputes, while other mediators were more facilitative (as opposed to evaluative and directive). Such mediators were more likely to be peacemakers.

Individual level variation in mediation style is a serious overgeneralization. The anthropologist was able to work intensively with several mediators and gathered many cases from each of them. Individual level variation in mediator styles was quite apparent in the empirical data. Some variation was found between members of different clans. In particular, two mediators from the same distinctive clan exhibited some commonalities in their mediation styles. Their approaches were not identical, however, and in fact every mediator appeared to utilize a characteristic style. For example, some mediators would begin their meetings with elaborate introductions, setting the stage, defining the agenda, and so forth, while others would quickly proceed to the issues at hand. Some mediators were more facilitative (as opposed to evaluative and directive). Such mediators were more likely to be peacemakers.

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more likely to work with the disputants to explore options for settlement, while
peacemakers often imposed their own plans on the disputants. The complexity in
variation in mediator behavior was even more extensive, however, as the same
individuals also mediated differently in different cases. In other words individuals' mediation styles are not absolute, as they react to the situation at hand and employ varying tactics based on the context.

These findings are consistent with those from studies of mediator style in
the USA (See, for example, Silbey and Merry 1986; Kressel and Pruitt 1989b; Kressel and others 1994). One of the major contributions of this study is the analysis at the individual level as this is entirely lacking in the cross-cultural literature on mediation. This gap in the research record should be addressed in order to deepen our understanding of culture and its significance in conflict management.

Conclusion

The conceptualization of mediation as a process with an intrinsic structure
is a serious oversimplification. Although some simplification is necessary for theory
development, any model — particularly any unilinear model — purporting to
represent the structure of mediations is inadequate. The amount of variation found
in Gambian mediations demonstrates the need to explore the range of different
mediation styles that exist and what variables are associated with them. The fact that
some mediation cases do not include an activity as seemingly central as the
disputants narrating their points of view to the mediators and/or each other
illustrates the limitations of rigid generic models of the mediation process.

Variation in the Gambian data associated with attributes such as ethnicity
and clan membership suggests that culture does matter. Minor differences in
mediation style according to gender were also observed17. Sophisticated approaches
to culture are needed to explore the dynamics of such relationships and the interplay
between culture and contextual factors.

There is great need for further study of this topic. On the one hand, there are
similarities between the Gambian data and mediations in other non-industrialized
societies (for example, the prevalence of blaming by mediators and their focus on
reconciliation). In that sense distinctions made by Ting-Toomey and others about
Eastern/high-context/collectivist and Western/low-context/individualist societies
have some heuristic value. Such dichotomies have dominated the study of cultural
influence on conflict management and mediation (see, for example, Barnes 1994;
Duryea and Grundison 1993; Galtung 1997; Goldstein 1986; Myers and Filner
1997). However, the Gambian data indicate that relying solely on such sweeping
generalizations is not sufficient as they account for only part of the picture. In fact,
this study suggests that even models that purport to represent the mediation process
used by a particular population are flawed. Such models are useful as general
guidelines or templates to use as a beginning point for analysis and for praxis; a new
prescriptive literature and training model for dealing with culture in conflict
management that relies heavily on these sort of collectivist/high-context and
individualist/low-context dichotomies is emerging. However, by glossing over inter-
and intra-societal variation they contribute to unfortunate misconceptions about the
mediation process.

Future studies of structure and agency in mediation should attempt to avoid
the theoretical and methodological limitations of past research. A comparison of the
Gambian interview and empirical data indicates that respondents tend to highlight
patterns and can impose structure on complex and varied phenomena. Due to the
intersubjectivity of perception, relying on interview data alone is an insufficient
strategy. Researchers should attempt to combine the rich insights of qualitative,
descriptive data with empirical observation.

Researchers must also be open to the possibility of variation and not
overlook it in favor of creating a neat theory or tidy model. When creating models,
scholars should avoid using numbered stages or steps, as this reinforces
conceptualizations of the mediation process as unilinear and adds to the reductionist
confusion in mediation theory. A fluid, unnumbered depiction of stages more
accurately portrays the dynamic nature of the mediation process. Further study that
incorporates the above recommendations will enable the field of mediation to move
forward and help it attain its rich potential for contributing to the betterment of
human social life.

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**Endnotes**

1There has been vigorous debate over the issue of mediator neutrality. Some scholars argue that mediators must be neutral, while others refer to their research as evidence that the concept of the neutral mediator is linked to societal norms and values (for example, Cloke 1990; Cohen 1996; Kochman 1981; Lund et al. 1994).

2Zartman edited a recent volume on African conflict management techniques indicating a possible broadening of his view on societal variation. However, in his introduction he suggests that “traditional” African peace-making procedures are probably examples of universal processes or phenomena. He does note that this question requires testing and he calls for studies (such as this one) investigating universal and particular aspects of conflict transformation (2000).

3Keashly and Fisher's contingency perspective asserts that various kinds of third-party interventions are appropriate for different types and stages of conflicts (see Webb and others 1996 for a critique). The strategic choice model espoused by Carnevale and others has been influenced by rational choice theory and uses decision analysis to examine behavior in mediations.

4The variables below do not provide an exhaustive list. In the USA, for example, socio-economic status, profession, and other variables affect cultural identities and mediation styles (Handwerker 2002; Goldstein 1986; Picard 2002; Silbey and Merry 1986). However, these variables are not significant in the context of rural Gambia.

5The comparisons made in this study focused on differences in mediation conventions between individualist and collectivist, or North Atlantic and non-Western societies.

6This is known as “caucusing.” Goldstein notes a similar preference in Asian societies (1986, see also Lebra 1984 for a study of this preference among Japanese). She also reviews a study in which Hong Kong Chinese recommended caucusing and Americans recommended face-to-face meetings as a strategy for dealing with business disputes (Bond
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Caucusing is also a prominent feature of many Gambian mediations. See Abu-Nimer 2001 for a good discussion of the significance of religion in conflict management.

Interestingly, Galtung lumps Christianity and Islam together under the label “Christianity” in his analysis (1997).

“Expert peacemakers” refers to well-known conflict intervenors who are frequently sought out for their reputation as effective mediators. Observed cases often involved multiple sessions dedicated to resolving the dispute in question; in one case there were seventeen separate meetings.

Due to the virtually inevitable tensions with research assistants, researchers who engage in intensive, long-term ethnographic investigations of dispute management have the opportunity to explore their subject from an alternative, reflexive perspective. My dedication to thorough data processing led to occasional debates with project participants. These and similar experiences provided fascinating insights and much food for thought.

Conflict management can be a highly sensitive subject. Extensive relationship building and language learning were essential for gaining the trust of potential project participants. The accuracy of the data was a key concern, and checks for accuracy were included in the processing techniques. One portion of the data supplied by a single informant was found to be suspect; consequently, all of the materials associated with that person were discarded.

The fieldwork was conducted between 1999 and 2002 and was made possible by a David Niddrie grant through the Center for African Studies of the University of Florida and a Jennings Randolph Peace Scholar Fellowship from the United States Institute of Peace.

Tuso’s description of the Gada system of the Oromo of Ethiopia also follows this pattern. In his 13 step model step five consists of the mediators caucusing with the disputants to calm them and gather information on the conflict. The disputants are then brought together for a group meeting in step eight (Tuso 2000).

The quoted phrases are taken from Fisher and Ury (1991). Although they were writing about negotiation, their problem-solving, integrative approach has profoundly influenced North American mediation praxis. Fisher and Ury’s tenets were central components of most of the mediation training programs that I have participated in, for example. The mediation training of the author stressed many of Fisher and Ury’s tenets.

There are significant differences between theoretical and academic mediation guidelines and the world of praxis. For example, although the prescriptive literature is dominated by the facilitative paradigm, many practicing mediators have been trained as attorneys and bring an evaluative approach to the field.

These phrases are taken from interviews and were used quite frequently.

Interestingly the observed variation was opposite of that described by Picard (2002) and others in North America where women tend to be more facilitative broad in style than men. In Gambia it is the opposite at least in terms of the facilitative - evaluative pole. Female mediators also seem less likely to mediate without group meetings in disputes between other women.

A US study in which mediators were given checklists of activities to fill out immediately after they ended a mediation session revealed significant discrepancies with a comparison to the empirical data on those mediations (Kressel and Pruitt 1989a). Clearly, descriptive data should be approached with some caution (Bernard and others 1984).