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International Journal of Intercultural Relations
29 (2005) 713–738
International Journal of INTERCULTURAL RELATIONS
www.elsevier.com/locate/ijintrel

Culture and mediation: A contemporary processual analysis from southwestern Gambia

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Accepted 10 July 2005

Abstract

This paper draws on archival sources and data gleaned from over two years of intensive fieldwork in The Gambia to provide a processual analysis of culture in mediation. The literature on the salience of culture in facilitated dispute settlement includes several purported cross-cultural models, and, in some cases, these have been used to support assertions about the widespread applicability of generic approaches of conflict resolution.

The results of this study uncovered remarkable variance in societal preferences for structuring mediation, thereby problematizing the notion of widespread cross-cultural process similarities in the process. The idea of an intrinsic structure to the mediation process was further contravened by the remarkable diversity found at lower levels of analysis. Gambian mediators—even those sharing many similar attributes—exhibited remarkable diversity in their approaches. Significant variation occurred in relation to all mediation activities except setting the stage and ritualization. In fact, individual mediators often reacted to situational constraints by employing divergent process structures in different cases.

The project findings suggest that theorizing about peacemaking behaviors must delve much further than the meta-level of comparison and that constructs such as individualism versus collectivism and high- and low-context societies must be used cautiously. Societal perspectives are highly uneven and culture operates on multiple levels and is continually at work, although its effects may not always be observable. Mediators are impacted by structural constraints such as socio-cultural patterning, but they are also agents who are able to adjust their behaviors in reaction to contextual factors and according to their personal preferences.
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Keywords: Conflict resolution; The Gambia; West Africa

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0147-1767/$ - see front matter © 2005 Elsevier Ltd. All rights reserved.
doi:10.1016/j.ijintrel.2005.07.010

1. Introduction

Conflict management is an ancient art. Interpersonal human conflict has existed since the emergence of the homo sapiens species. In fact, scientists have observed mechanisms for managing interpersonal and inter-group conflicts among primates (Aureli & de Waal, 2000). Although conflict mediation is practiced in virtually all human social groups, the question of whether mediation is best seen as a generic or culturally specific phenomenon has occasioned considerable debate. Those supporting the universalistic paradigm have drawn on a number of ideas to support their position, including Gulliver's well-known cross-cultural processual model of facilitated peacemaking (cf. Nader, 1997).

Econometric and other universalistic or generic models have played a key role in the development of the emergent scholarly domain of conflict resolution (cf. Avruch, 1998). These models have been somewhat controversial in certain quarters, however, and the conversation over whether conflict mediation is significantly impacted by culture has become heated on occasion, leading one scholar to characterize it as a "raucus debate" (Zartman, 2000, p. 7). There have been numerous assertions and counter-assertions, resulting in some taking a position of "studied agnosticism (Avruch, 1991, p. 15).

Critiques of the universalist perspective have increased in recent years and many observers now recognize the salience of cultural perspectives. The field has been enriched by a body of literature that investigates social influences in peacemaking; however, recent investigations of culture and mediation have included relatively little processual analysis.

Many studies of dispute management in non-industrialized societies have been primarily ethnographic in scope or examined other questions than whether there are universal aspects to the process of dispute mediation.[1] More theoretically oriented works have tended to focus on stylistic issues such as communication styles and mediators' relationships with the parties.[2] A great deal of the literature is concerned with the applicability of conceptual categories such as individualism and collectivism, power distance, time orientations, and masculinity and femininity (e.g. Galtung, 1997; Lund, Morris, & Le Baven, 1994; Triandis, 1995; cf. Avruch, 1998, 2004; Goldstein, 1986; LeBaron, 2002). There have been relatively few recent cross-cultural examinations of the structure of mediation,[3] and to my knowledge, none that have built upon Gulliver's seminal developmental model.[4]

Mediation is now institutionalized in many contexts nationally and is also being exported overseas. Conflict resolution has become a part of the development narrative and experts have been dispatched to various spots around the globe to train people in

[1]The literature on human aggression and non-violent peoples (e.g. Fry, 2004; Robarchek, 1997) provides a well-known example of research that explores other issues.

[2]Communication specialists have analyzed distinctions between societal preferences, such as high- and low-context styles and preferences for indirect and direct approaches (see, for example, Cohen, 1996; Ting-Toomey, 1988; cf. Goldstein, 1986). Examples of analyses of mediator characteristics include distinguishing between insider partials and outsider neutrals (Lederach & Wehr, 1991). Such studies often focus on distinguishing between two purportedly distinct meta-styles—those of Euro-American and non-Western societies.

[3]There has, however, been a vigorous domestic debate over the structuring of mediations. Over the past decade the practice-oriented literature on mediation has been infused with more post-structuralist perspectives, with some writers, e.g. Bush and Folger (1994), advocating a move away from unilinear, staged process models.

[4]One notable exception is *Understanding Disputes* (Caplan, 2000). This edited volume is dedicated to Gulliver and makes a valuable contribution to contemporary legal anthropology. It does not, however, directly address the processual and structural aspects of his cross-cultural model.

mediation. This has occurred despite gaps in knowledge about fundamental aspects of the mediation process that directly relate to whether mediation as conceptualized and practiced in the U.S. represents a folk model, and how applicable it may be to other societal contexts. By providing a contemporary processual analysis, this project aims to fill a gap in the debate over the significance of cultural perspectives in conflict resolution.

2. Study design and methodology

2.1. Defining mediation

The many definitions of mediation in the literature vary in their degree of elaboration. There is much contention among scholars over the exact characteristics of the mediation process, making definition problematic at all but the most basic level (cf. Bercovitch, 1996; Wall & Lynn, 1993). For example, some definitions of mediation rest upon controversial issues such as the question of mediator neutrality. Some analysts (e.g. Bercovitch, 1996; Cohen, 1996), including Gulliver, have called for research that transcends dominant Western assumptions and investigates the potential range of mediator roles and activities.

Mediation is conceptualized here in its most fundamental sense—as the intervention outside of the legal domain of one or more individuals into an interpersonal or inter-group dispute in order to manage or resolve a conflict. This conceptualization invokes the essential nature of the process, thereby facilitating comparative research. Following the lead of the models listed below, and in keeping with our processual lens, mediation is operationalized here as the cluster of activities that occur during peacemaking sessions.

2.2. Models of mediation activities

Preparations for the field component of the project included a review of the prescriptive and ethnographic literature on mediation in various contexts. Studying a variety of descriptions of peacemaking reinforced the author's practitioner experience and assisted him in recognizing a variety of mediation activities. The literature also provided a number of models that were used for comparative purposes in the analysis stage. Three examples of such models are provided below.

2.2.1. Moore

The prescriptive literature of the US provides one source of Moore's model from *The Mediation Process* (1986) is one of the most well-known in that body of work. Many mediation training programs, including those the author has been involved with, have used Moore's framework. Due to space constraints, only the stages of Moore's model that deal with the main topic of interest—the activities that occur during the mediation session, are included.

Stage 6: Beginning the mediation session:

- opening negotiations
- establishing an open and positive tone
- establishing ground rules and behavioral guidelines
- assisting the parties in venting emotions

- delimiting topic areas and issues for discussion
- assisting the parties in exploring commitments, salience, and influence.

Stage 7: Defining issues and setting an agenda:

- identifying broad topic areas of concern to the parties
- obtaining agreement on the issues to be discussed
- determining the sequence for handling the issues.

Stage 8: Uncovering hidden interests of the disputing parties:

- identifying the substantive, procedural, and psychological interests of the parties
- educating the parties about each other's interests.

Stage 9: Generating options for settlement:

- developing an awareness among the parties of the need for options
- lowering commitments to positions or sole alternatives
- generating options using either positional or interest-based bargaining.

Stage 10: Assessing options for settlement:

- reviewing the interests of the parties
- assessing how interests can be met by available options
- assessing the costs and benefits of selecting options.

Stage 11: Final bargaining:

- reaching agreement through either incremental convergence of positions, final leaps to package settlements, development of a consensual formula… .

Stage 12: Achieving formal settlement

- identifying procedural steps to operationalize the agreement
- establishing an evaluation and monitoring procedure
- formalizing the settlement and creating an enforcement and commitment mechanism (taken from Moore, 1986, pp. 32–33).

2.2.2. Ho'oponopono in Hawai'i

There is also a considerable body of ethnographic literature on peacemaking in various societies. Most of these studies examine ideal type practices of a particular group without much comparative and/or processual analysis. In *Ho'oponopono,* Victoria Shook offers a model of a local mediation process that has been adapted for use in contemporary Hawai'i (1985). She is careful to point out that there is a heterogeneity of practice, noting that the concept of adaptation is linked with variation and that each of the case studies in her work differed somehow from the "traditional pattern" (1985, p. 81). Although she found

evidence of differentiation between individual practitioners, Shook argues that there is a "general sequence of steps in *ho'oponopono*," namely:

1. opening phase
2. discussion phase
3. resolution phase
4. closing phase.

Shook also provides a flow chart of *ho'oponopono* intended to illustrate "how the process generally proceeds." Potential variation is accounted for with "'feedback loops' that represent alternative paths in the process" (1985, p. 88).

According to the chart, the session begins with an opening prayer (*pule*). Next is problem identification when the issues for discussion are identified, and then those subjects are debated. If the disputants are ready for confession and forgiveness then that is done and the closing prayer is made. If the parties are not ready to reconcile then the discussion continues or there is a break to cool off and regroup. If necessary, plans can be made for future meetings. The session is concluded with a closing prayer.

Aspects of this model are similar to those of the other models. The *pule* or opening prayer is part of the "opening phase" or introduction stage. It is likely that the introduction stage is a common element in virtually all mediations—it seems counter-intuitive that a mediation could begin without some sort of introduction.[5] According to most mainland US training programs, meetings should begin with an activity called "setting the stage," in which mediators give an overview of the process, describe the goals and ground rules for the mediation, and so forth.

In *The Mediation Process* these activities are grouped together as part of "Beginning the Mediation Session" (1986, p. 32). One could argue that in the US—a legalistic society where prayer is supposed to be relegated to the private sphere—the laying out of ground rules constitutes a sort of ritualization and formalization activity. The purpose of this stage is to create an atmosphere conducive to productive discussion and eventual agreement. In Shook's words the *pule* "sets a serious tone for the group effort to follow" (1985, p. 90). In some of the cases described by Witty the meetings begin with the disputants sharing tea, tobacco, and/or coffee (1980). Given the symbolic significance of sharing food this could also be considered as ritualization.

The problem identification activity also appears in models from other cultural contexts, for example in defining the issues and setting the agenda stage in Gulliver and Moore. Mediators in the US are taught to strive to identify the problem and—in one of Fisher and Ury's (1981) widely used formulations—"to separate the people from the problem" and focus on underlying interests.

The discussion phase is where the bulk of the information exchange (considered by Gulliver as one of the most essential features of negotiations) occurs. According to Shook, this stage is generally the longest in duration. "Cooling off" or *ho'omalu* is similar to the caucuses that many mediators in the US call when emotions run high during meetings. *Ho'omalu* is similar to the mainland US model of caucusing in that it is used while the

[5]One exception is the case of immediate interventions when a third party intervenes while a dispute is occurring. In such a situation, one can imagine that there would not always be a need and/or opportunity for an introduction. In general, this study refers to pre-planned interventions.

meeting is underway. *Ho'omalu* allows mediators to work individually with disputants to calm them down and iron out sticking points in the negotiations.

Next is the resolution phase. If the dispute requires restitution on the part of one or more of the parties, then that is discussed and decided upon at this time. The parties also "admit their wrongdoing" and are forgiven by the others (1986, p. 92). If other problems are still unresolved, then the group moves back to the problem identification and discussion stages.

In the closing phase the parties pray and share food. According to Shook, the sharing of food helps the parties "reenter more normal patterns of interaction" (1985, p. 93).

2.2.3. US, Canada, and Tanzania—Gulliver's cross-cultural model

In Gulliver's cross-cultural model of the negotiation process we see the integration of non-Western and North American ethnographic domains (1979). Although Gulliver used the term "negotiations" in his work, his analysis is quite relevant to mediation, and his use of the negotiations label is partly attributable to Western notions of the centrality of outsider neutrals in mediation. For example, in the Tanzanian cases he observed, extended relatives of the disputants were generally involved in the negotiations and acted as mediators. Because of their links with the disputants, the relatives do not fit into the standard Western conceptualization of mediators as impartial third parties, but they do parallel the insider/partial mediators found in many non-Western societies.

Gulliver developed his framework out of his fieldwork in Tanzania with the Arusha and Ndenduli and his study of public-policy and labor negotiations in Canada and the US. He therefore compared different types and levels of disputes. For example, one of his cases from Tanzania was a border dispute between two neighbors that was negotiated with the mediating influence of the kinfolk of the two disputants. Public policy and labor disputes involved groups of disputants who dealt with issues of immediate interest to them all.

Nevertheless, out of these diverse cases, Gulliver identified what he saw as cross-cultural information exchanging and bargaining activities (1979). Gulliver's model consists of 8 stages:

1. *Search for arena*: In this stage the parties establish where the negotiation will take place. This is fraught with symbolic and practical significance as the arena of the negotiation "may affect the recruitment and composition of disputant's teams as well as the pattern of their interaction" (1979, p. 125). This model does not really correspond to mediation in court-annex programs since such mediations generally take place in mediation centers.

2. *Composition of agenda and definition of issues*: In this stage the parties work out what will actually be on the table for negotiation. The agenda definition is significant in determining how the problem is framed and approached. This stage corresponds with the nearly identically named second stage of mediation sessions in *The Mediation Process* (Moore, 1986).

3. *Exploring the field*: Exploring the field involves the disputants giving their explanations of the situation. At this point the disputants emphasize their differences by focusing on the causes for disagreement. Gulliver also refers to this as "establishing the maximal limits to issues in dispute" as the disputants tend to take extreme positions and make extreme demands (1979, p. 135). This phase is similar to the third stage of the mediation sessions, uncovering hidden interests of the parties, in *The Mediation Process*.

4. *Narrowing differences*: Here the parties begin to move towards cooperation. As in the generating options for agreement stage in *The Mediation Process* the parties begin to explore areas of potential agreement. Gulliver sees this as the stage in which minor issues are resolved or dismissed and the major sticking points are identified.

5. *Preliminaries to final bargaining*: This stage involves one or more of the following: "the search for a viable bargaining range, the refining of persistent differences or deciding on the specifics that will be dealt with, the testing of trading possibilities, and the construction of a bargaining formula" (1978, p. 153). Again this is similar to *The Mediation Process* with its assessing options for settlement stage.

6. *Final bargaining*: *The Mediation Process* uses the same label for this part of the process. In fact, both Gulliver and Moore use the phrase, "incremental convergence" (of positions) when describing one way in which agreements can be reached. Agreement can also be reached by "jumps" (Gulliver, 1979, p. 163) or "leaps" (Moore, 1986, p. 33) toward settlement through a package deal, or an acceptable formula or procedure for the arrangement.

7. *Ritualization of outcome*: Ritualization of agreements is a common feature of the ethnographic literature on mediation. Ritualization is also described in the Lebanese context by Witty and in the Hawaiian context by Shook. The American practice of formalizing settlements through the preparation and signature of a document described by Moore (1986), and common to court-annex mediation programs, could be seen as ritualization in a legalistic society.

8. *Execution of outcome*: Gulliver is careful to supply the "proper caveats concerning chronology," and he recognizes the "possibilities of overlapping phases." He does, however, argue that "there nevertheless remains a general and significant correlation between chronological time and the sequence of phased sets of interaction and purpose" (1979, p. 173). Due to its close resemblance to prevailing American formulae, Gulliver's model has been used to support the idea of a deep structure in conflict resolution processes, a transcultural processual template of negotiation and mediation (cf. Nader, 1997).

2.3. Field research

The field component of this study was conducted over 26 months in southwestern Gambia, an ethnically diverse non-Western location where conflict mediation is popular.[6] In The Gambia, the British model of indirect rule was carried out to the highest degree. The post-colonial history of The Gambia followed this pattern, meaning that local authorities have a long history of managing rural disputes. Although it would be fallacious to argue that the colonial and post-colonial regimes and globalizing processes have not exerted any influence on grassroots dispute settlement, the history of governance in The Gambia added to its suitability as the field site of this study. In addition, community members generally prefer to settle their disputes in the informal realm with minimal outsider involvement. Mediation is thus a prominent part of social life.

[6]The Gambia contains seven main ethno-linguistic groups. In the context of this study the term "Gambian" refers to members of the three sampled ethnic groups residing in the southwest of the country.

2.4. The study population

The sample population included members from three ethno-linguistic groups with diverse socio-political histories, the Mandinka, Manjago, and Jola. During the pre-colonial era, the Mandinka formed complex state-level societies based on agriculture. Their historic high level of social stratification is reflected in contemporary Mandinka society. The Mandinka are overwhelmingly Muslim and are identified as the harbingers of Islam for southwestern Gambia.

The Jola are a fairly diverse group, never having been centralized under one system of governance. Their pre-colonial authority structures were much more hierarchical than those of the Mandinka. In many areas these structures were acephalous, consisting of councils of elders, rather than single leaders. Jola social organization remains relatively horizontal with fewer status categories that are based on lineage. Hunting and collecting forest products play a significant role in the subsistence strategies of many Jola in the region. Their engagement with Islam is much more recent and uneven than that of the Mandinka, and many of them are still non-Muslim.

The Manjago have a shorter history in The Gambia, having migrated to the area from Guinea-Bissau during the colonial and post-colonial era. They have some history of stratification by lineage but no caste system comparable to that of the Mandinka. Manjago social organization in The Gambia is the least stratified of all the groups. Many Gambian Manjago do not own land. They generally rely the least on agriculture and the most on other activities—most notably collecting and selling palm oil and wine. The vast majority of the Manjago are non-Muslim.

Following the proposition that culture should not be reduced to ethnicity, other factors were examined for potential relevance during the initial stages of the project. These included deductively derived characteristics such as gender, religion, age, education, profession, and socio-economic status, and inductively generated attributes such as village of residence and clan affiliation. Out of these, ethnicity, religion, gender, and age were found to be significant, and the data were further subdivided according to these characteristics. Space constraints prevent a full review of the impact of these factors and of the various situational dynamics included as control variables, but many of them are alluded to in the following pages.[7]

2.5. Data collection

Descriptive and empirical data were collected using interviews, panel sessions with Gambian experts, and the observation and recording of live mediation events. Ethnographic interviews ($N = 54$) were conducted to gain an understanding of the target domain—local interpersonal conflict mediation—and to explore the range of that field and identify emic concepts and categories. That information provided the foundation for the construction of an interview guide for semi-structured interviews ($N = 39$) with local mediators. Empirical data were collected through the meticulous recording, translating, and transcribing of actual cases of mediation ($N = 121$). These data provided a rich source of information that was useful in interpreting the statements of informants.

[7]For an incisive analysis of the relationship between situational variables and conflict behavior see Brew and Cairns (2004) recent article in this journal.

2.6. Analysis

By the last 6 months of the field research period, a considerable amount of data had been collected, and project participants had discussed the topic in great detail and in relation to numerous specific cases. Valuable qualitative comparisons were undertaken through analytic interviews with research assistants and key informants. These discussions were very rich.

Participants drew on and referenced three sources of data—their personal experience, interviews with other respondents, and cases of mediation they had observed and translated over the course of the project. Engaging the study populations in the analysis process and gathering emic understandings of the data lessened the potential for inter-subjective bias by including different perspectives in the interpretive process.

Panel sessions with prolific mediators contributed to the participatory analysis. The panels were stratified by the same characteristics used to group the data into sets—ethnicity, religion, gender, and age. The panel sessions followed a similar sequence as the interviewing protocol. First, grand tour questions were asked in order to elicit baseline responses about mediation. The questions became increasingly specific as the conversation progressed. In the latter part of the panel sessions, analytic questions were posed and issues of how, why, and when mediations may vary were explored. Debate between panel members offered clues as to the limits of cultural consensus and where variation was most likely to be found.

Micro-level mediations were the focus of this inquiry; although data on large group-level mediations were collected, the analysis here is based on interventions 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, cases of agricultural fields damaged by domestic animals, marital and domestic conflicts, and fights over personal insults and slights.

The data were analyzed with qualitative and quantitative methods. Coding was done on the empirical data using The Ethnograph processing and qualitative analysis package. Cases of mediation were coded according to the activities that occurred throughout the mediation process. Each case was tagged according to the characteristics of the participants, the dispute, and the mediation context. The cases were divided into different sets according to these tags and were searched for themes, patterns, and areas of variation. This process was used to identify relevant variables that deserved further investigation.

Data sets were imported into the statistical package SPSS for further analysis. Many of the potential independent variables were nominal, so cross-tabulation was used to compare and contrast what activities occurred in different sets of cases. The variation was analyzed for statistical significance using χ^2 and Fisher's exact tests.

3. Findings

The results of the analyses included a remarkably high level of variation, making it difficult to perform the expected next steps of generalization and model generation. The usual procedure in a study such as this one would be to list a number of general principles of Gambian mediations and to draw up a flow chart depicting the stages of the process. Unfortunately, doing so would constitute a misrepresentation of the findings of this project. Demographic and situational variation was so marked as to make a farce of the

Table 1
Common patterns in Gambian caucuses

Caucus activities
See Table 2 for more information on how each of the activities below is carried out.

- Setting the stage, creating a mood or atmosphere conducive to constructive discussion and dispute transformation
- Introducing the topic and/or defining the agenda
- Soliciting and gathering disputant narratives and perspectives
- Transmitting information from the other party or other stakeholders
- Discussing the situation
- Expressing sympathy and appeasing the disputants
- Advising and admonishing disputants
- Bargaining and negotiation
- Encouraging and/or pressuring disputants to reconcile
- Making plans for settlement and/or reconciliation (may be generated in a collaborative fashion or crafted by the mediators).

Uses of caucuses

- Caucusing may take place with some or all of the parties. Some mediators preferred to conduct pre-meeting caucuses with those parties they felt might be particularly stubborn or difficult in a group setting.
- Mediators also utilized caucuses to facilitate communication between the parties, to work out issues, and/or to plan for a group meeting. In longer, more elaborate peacemakings, mediators sometimes shuttled back and forth between the disputants, repeatedly engaging in the caucus activities listed above and relaying messages, ideas, and proposals from the other parties.
- In some cases, caucusing continued until the mediators felt that the disputants had given their firm agreement to move beyond the dispute. Mediators then either planned for a group meeting, or they finalized the intervention in the caucuses, obtaining the disputants' agreement to end conflict behavior and/or ritualizing the agreement in the caucus setting.
- When mediators used the caucuses to plan for the group meetings, they sometimes instructed the disputants, especially less-powerful ones, on how to behave, what to say, and what not to say during the group meeting.
- In other cases, mediators restricted their caucus activities to gathering information and planning a group meeting. In this procedure the substantive negotiating, plan-making, and discussions took place in the group meeting.

notion of creating a chart purporting to represent the way that Gambians (or any subgroup among them) conduct facilitated negotiations. The most accurate approach may be to present the trends found in the data, and these are summarized in Tables 1 and 2. It cannot be emphasized enough that these tables represent lists of potential peacemaking activities; they should not be seen as exact representations of what happens in caucuses or group meetings.

3.1. Examples of areas of significant variation

In interviews and panel sessions, respondents tended to emphasize structure and homogeneity, making sweeping statements such as, "we are all blacks and we are all Africans and this is how we mediate." The procedures that mediators described when asked "grand-tour" questions exhibited a good deal of convergence.[8] However, thorough questioning elicited data on variance and the significance of contextual factors. Accounts

[8]Grand-tour questions are very general and open-ended inquires intended to educe emic perspectives.

Table 2
Common activities in group meetings

When peacemakings combined both collective and separate discussions, the group meetings generally occurred after some caucusing had taken place.

Setting the stage
- creating a mood or atmosphere conducive to constructive discussion and dispute transformation (e.g. joking, praying,)
- emphasizing right of mediators to intervene
- reviewing social ties between the mediators and the disputants and between the disputants
- discussing shared norms relating to peace, patience, and harmony.

Introduction
- making calming statements and framing the conversation
- introducing the problem and issue
- defining the agenda and clarifying the mission of the mediator
- soliciting disputant testimony.

Disputant testimonies and narratives
- disputants explain what happened, present their viewpoints

Discussion
- mediator questions to clarify certain points or prompt disputants for further information
- mediator responses to testimony
- disputant responses to each other's narratives and to the contributions of the mediators
- evaluating disputant actions, positions, and statements
- judging, stating guilt, and apportioning blame
- advising disputants.

Negotiation, bargaining, making plans, exploring options, promoting forgiveness, narrowing differences (if not concluded during caucuses)
- revising positions
- exploring options for agreement, resolution, reconciliation
- proposing, debating, rejecting, and reworking plans
- repeated pressuring or urging from mediators to agree or to forgive (usually occurs throughout the process)
- promoting, soliciting, and expressing forgiveness and/or reconciliation.

If agreement is not reached, the intervention effort may be abandoned, or the mediators may schedule another sessions.

Ritualization of agreement
- shaking hands, prayer, exchanging kola nuts, sharing alcohol, kneeling before wronged disputant, etc.
- eating and/or drinking alcohol together
- friendly chatting, (re)establishing precedent or script of harmonious interaction.

of actual mediations and the observed data revealed a remarkable diversity in praxis that encompassed virtually all of the activities associated with third-party peacemaking, including some that are seen as central such as negotiation and discussion. These patterns did not appear to be stochastic, however. Instead, variation generally occurred in relation to certain activities and factors.

The following discussion examines several aspects of the mediation process that exemplify the patterning and variation in mediation activities. These are the significance of caucuses and group meetings in the process, whether or not the mediators collected

disputant testimonies and whether they explicitly apportioned blame amongst the parties. We will turn first to the composition of peacemaking sessions and whether mediators employ shuttle diplomacy and/or meet with disputants collectively.

3.2. Caucuses and group meetings

As indicated above, the Gambian mediations demonstrated considerable variety in the use of caucuses and group meetings. Some mediations involved only caucusing with the disputants never meeting with the mediator at the same time. In other cases the mediators caucused with the disputants individually first, and then brought them together for a group meeting.

Sixty percent of the empirical cases ($N = 73$ of 121) included caucuses. In 16% of them there was only one caucus; in 20% there were two; and in 24% there were three or more. In these mediations the information gathering and exchange often took place during caucuses. The mediators shuttled back and forth between the disputants, sometimes carrying messages between them and always encouraging them to settle.

One common pattern was to first caucus with the parties and then bring them together for a group meeting. Mandinka respondents described this as the most common approach to mediation and approximately a quarter of the observed Mandinka cases were conducted that way. This procedure was also fairly common among the Jola but was relatively infrequent among the Manjago.

Some cases did not include substantive (or any) negotiation. However, some disputes over material issues that required bargaining also consisted only of caucuses.[9] The mediators conducted the negotiations and discussions over how (and whether) to resolve the dispute separately with the disputants, often shuttling between them with messages and/or proposals, or simply pressuring or appealing to the disputants until they agreed to forgive their opponents.

We now turn to the mediations that were conducted entirely through caucuses with the disputants never meeting together. Thirty-one percent of the observed cases were conducted in this manner. There were significant ethnic differences in relation to this type of mediation. Only 8% of the Manjago cases did not include a group meeting compared to 49% of the Mandinka cases, and 16% amongst the Jola.

It seems likely that social structures and their attendant values are linked to the Mandinka tendency to privilege caucuses in their peacemaking, and to the Manjago reliance on face-to-face meetings. Mandinka society is stratified with many behavioral taboos and social norms that impact disputing and peacemaking. One likely reason for why caucuses are so frequent among the Mandinka is that they allow the mediators to interact with disputants in ways that would not be permissible when the other disputant is present. For example, sons should not criticize their fathers. In a Mandinka mediation between a father and his son, the son was entirely submissive during the group meeting, asking only for his father's forgiveness and apologizing.

Manjago tend to be much more direct and blunt and freer in their speech, both within mediations and in general. In some Manjago mediations junior disputants openly

[9]In one case, for example, the mediator caucused with the disputants, told them the other was eager to reconcile, and then left them to meet each other for tea. Despite the prior intensity of the conflict, the disputants never discussed the issues or engaged in any bargaining behavior.

confronted their opponent in ways that would have caused great opprobrium had they been Mandinka. The hierarchical nature of Mandinka society thus appears to contribute to the greater role of caucusing in their mediations. The Jola and Manjago are not purely egalitarian societies by any means, but Jola social organization has historically been much less stratified than that of the Mandinka. This may be associated with their greater willingness to engage in direct discussions and deal more openly with disputes. The Manjago are also less stratified than the Mandinka, and they have a reputation for being very assertive both within The Gambia and elsewhere (cf. Gable, 1990).

Type of dispute was also a significant variable in the structuring of mediations, illustrating how contextual variables beyond population characteristics are significant in mediation. Examining cases that fell into one of three common types—marital, material, and face or honor issues—revealed significant variation in how mediators structured their interventions. In cases over issues of honor or face, both caucuses and group meetings were common, being used in 69% and 72% of the cases, respectively. Caucusing was much more frequent in marital mediations, being used in 88% of those cases, while only 49% included group meetings. In material disputes mediators relied heavily on group meetings, caucusing with the disputants in only 41% of the cases and bringing them together in 82% of the disputes.

Face disputes were generally sensitive matters. The high rate of both caucuses and group meetings reflects how mediators frequently used the tactic described above of first caucusing with the disputants, obtaining their agreement to resolve the dispute, and then bringing them together to formalize the reconciliation. Many Mandinka and some Jola mediators stressed that it is best to caucus with disputants before bringing them together for a group meeting; otherwise they could offend each other and worsen the situation. This is especially true in cases where people's sense of honor has been violated.[10]

Marital disputes often involve very private matters and can be embarrassing to mediation participants. There are many taboos about keeping the secrets of the household within the household, and this is linked to the lower rate of group meetings in these cases. Meeting privately with the spouses can allow the mediator to delve into sensitive issues in a less high-pressure environment. Respondents were most likely to describe caucusing in relation to marital cases. Many mediators stated that they had gone first to talk with husbands and then proceeded to caucus with their wives.

The different ethnic groups varied in their response to marital issues. Marital disputes handled entirely through caucuses were relatively frequent among the Mandinka. Every one of the 18 Mandinka marital cases included caucuses and only 44% included group meetings. The observed case that included the most caucuses—18 in all—was a Mandinka marital mediation.

Group meetings are central to Manjago marital mediations. Seven out of eight or 88% of the observed Manjago marital mediations included group meetings (as compared to 44% among the Mandinka). Only one (12.5%) of the Manjago marital mediations was handled through caucuses alone (the figure for the Mandinka is 56%). This was consistent with the statements of Manjago mediators who unanimously focused on group meetings in their explanation of how they mediate and their descriptions of past mediations.

[10]The Mandinka concern with face and their circumspect style of mediation is discussed further in the section on ethnicity.

Sixty-three percent of the Manjago marital cases also included caucuses (as compared to 100% among the Mandinka). Many of these consisted of the wife, and occasionally the husband, reporting a problem to mediators after which the mediators called a group meeting. Unlike the Mandinka, the mediators often did not caucus with the other spouse, preferring to proceed directly to group meetings. In the one Manjago case conducted entirely through caucuses, mediators spoke with a husband who had returned his wife to her parents and convinced him to try taking his wife back. They then went to her parents and were able to persuade them to allow their daughter to return to her husband.[11] In these more informal interventions, there was no ritualization in the common manner of drinking alcohol after agreement has been achieved.

Only two instances of exclusively Jola marital mediations were observed. One consisted entirely of caucuses and the other entirely of group meetings. In interviews Jola respondents did describe caucuses as a significant part of transforming marital conflicts and related past mediations that they carried out using them.

Forty-one percent of the material disputes included caucuses and 82% included group meetings. Conflicts over property, possessions, or money are often handled in more formal forums such as at the *Alkalo*, or village headman, level. This is probably in part because *Alkalos* can theoretically order disputants to pay compensation.[12]

The forum where the mediation takes place is also related to the composition of mediation efforts. Cases handled by the village headmen constitute the most standardized set of cases.[13] All of them included group meetings.

Group meetings were much less pivotal in cases conducted by another locus of power in Muslim villages—the *Imam* (leader of the Muslim community)—suggesting that the status of the *Alkalo* as a village official is associated with the more formal approach. However, although village headmen represented the first vanguard of the formal legal system, they preferred to mediate rather than adjudicate disputes.[14] The difference is that cases mediated by *Alkalos* were more formal than those handled by other mediators and had a more established script.

Women were less likely to use caucuses than men. The male Jola panels unanimously described caucusing with the parties and then a group meeting as the most common procedure, although they noted that some disputes can be resolved through caucusing alone. Female panels, on the other hand, usually described bringing the disputants together without caucuses as the main way to mediate. They noted that one could also use caucuses but stated that this was rare, particularly in regards to cases that only included women. A common theme in the Jola interviews was that caucusing is dangerous because it can cause the disputants to suspect the motives of the mediator. As

[11]Several Mandinka cases followed this pattern as well.

[12]However, mediations led by *Alkalos* often did not result in compensation being paid to the disputants. *Alkalos* explicitly appealed for reconciliation and forgiveness only slightly less than other mediators, and, as with most Gambians, *Alkalos* tended to focus more on reconciliation than distributive issues.

[13]The most common procedure in cases mediated by *Alkalos* is testimony by all the disputing parties, discussion, evaluation of the disputants' statements, and suggestions for what if anything should be done.

[14]The preference for mediation over adjudication is widespread among all levels of the Gambian populace. Judging by *Alkalos* tends to be a participatory and negotiated process. Participants can respond to the headman's statements, and the *Alkalo's* original position can undergo significant modifications, or be dismissed altogether. Attendant community members also participate in the debate and decision-making. This dynamic also extends to other cases. Here, the term "judging" should be understood to refer to a dialectical, negotiated process.

one woman said, "As far as I can understand we women are very worried about suspicions. That is why we always try to bring the two parties together for mediation." Males did not bring up this point, but, in a few of the empirical cases, male Mandinka mediators were observed denying having caucused with the opposite party, although they had already done so.

Men tended to think of caucusing as the first angle of approach to mediating a conflict, in contrast to women who tended to conceptualize group meetings as their primary tool. Female respondents made many statements such as, "Dealing with the disputants separately is sensitive and it is only done in special cases," and "There are only a few cases in which you can meet with the disputants separately. This is when it is with hot-tempered people and you have to talk to them separately. Even if you meet with them separately, you will have to bring them together and give them advice."

3.3. Disputant narratives

Gambian mediators included the solicitation and collection of disputant narratives in their explanations of mediation, and this activity was common in the empirical data as well. The American and ethnographic mediation literature asserts that disputants should present their narratives (e.g. Gulliver, 1979; Kovach, 1994; Moore, 1986; Robarchek, 1997; Winslade & Monk, 2000). Disputants telling their stories is thought to be central to the facilitation of conflict resolution by enabling such things as the collection of information that may be vital to resolving the conflict and the expulsion of negative emotions. Gambian discourse may also references such beliefs, as reflected in the Mandinka saying, "*Kumo mim be kono nii maa foo a kanfa buka bo*—"If you do not say what is in you, the anger will not go."

In the vast majority of the collected cases, the disputants did provide their perspectives on the causes and nature of the conflict. In some mediations disputant narratives were collected in the caucuses and then presented again in the group meetings. This was most common among the Manjago, and in cases conducted in more formal group settings. The Mandinka were more likely to gather disputant narratives during caucuses and then attempt (sometimes unsuccessfully) to conduct group meetings without statements from the disputants about the events surrounding the conflict. In a meeting between members of a household, for example, a mediator said, "If we ask you about how this problem happened, then it will bring another problem again." In four out of 33 Jola cases, the mediators also tried to prevent the disputants from giving their testimonies in group meetings by saying that they were already acquainted with the causes of the problem and that they were not there to go back over them.

Disputants did not always heed the instructions of the mediators. Sometimes they narrated their takes on the matter (occasionally at great length) despite being asked not to, thereby highlighting the significance of this activity. Mediators also attempted to limit or halt disputant testimony when they felt that it was becoming repetitive, bringing forth negative emotions, or contravening proper behavior.

Mediations without any presentation of disputant narratives constituted an interesting divergence from the modal pattern. In interviews and panel sessions some mediators stated that sometimes they instructed the disputants not to relate the details of the dispute. This pattern occurred in the empirical cases as well and was associated with particular contextual variables.

One such variable was related to Gambian social structures and corresponding cultural norms. In some Mandinka and Jola cases with disputants of significant status disparities, the lower status disputant did not provide her viewpoint in the presence of the senior disputant. According to the interviews, there were ethnic differences in relation to this variance. The descriptive data indicated that Mandinka were the most likely to instruct disputants not to go into their testimonies, and the Manjago the least likely. Multiple Mandinka and, to a lesser extent, Jola mediators described instances in which they instructed the disputants to refrain from presenting their explanations of the conflict. Manjago respondents, however, strongly emphasized the need to hear out the disputants and then judge them. This is consistent with the overall greater emphasis for face-saving among the Mandinka than the Manjago.

The trend in the descriptive data was borne out in the empirical data. Although the numbers were small for all the ethnic groups, the Mandinka data set contained the highest proportion of cases that did not include disputant narratives (13% as compared to 3% and 4% for the Jola and Manjago). A small number of mediations from each of the ethnic groups featured the peacemakers asking the disputants not to go into their testimony. There were, however, qualitative differences in how they did so. The Mandinka frequently asked the disputants to avoid going over the causes of the dispute during group meetings, something that the other two groups did not often do. This exemplifies the circumspect style of the Mandinka and their concerns about maintaining the disputants' face and avoiding open conflict. Also, their requests generally were taken more seriously by the mediators themselves and the disputants.

When Manjago and Jola mediators told disputants they did not want to hear their narratives, they were more likely to be ignored and/or chided by other mediators who asked them how they expected to mediate without giving the disputants a chance to clarify their perspectives on what happened. Manjago and Jola mediators who asked disputants to refrain from narrating their stories seemed more interested in limiting disputant statements in order to prevent emotions from flaring up, rather than attempting to completely bypass this activity. One Jola mediator linked this approach to the level of anger on the parts of the disputants. She said:

> Well, I can remember some [mediations] that were difficult. If the case is very difficult we do not ask the parties about it. After the greetings we pray, and then we do not ask any party about it. We say, 'We do not want you to explain. We know everything that happened. Please we do not want this to happen anymore.'

Mandinka peacemakers were more likely to assert that mediation could be done in the absence of testimony, without qualifying that assertion by referring to particular circumstances that would require such an approach. Mandinka disputants in caucuses did sometimes narrate their perspectives on the dispute to mediators when asked not to do so, but they usually did not do so during group meetings. In addition, Mandinka mediators did not challenge their colleagues when they said that the disputants should not explain what happened.

The level of formality of the mediation effort was associated with the provision of disputant statements. The scripts for formal mediation efforts, such as cases mediated by the village headmen (*Alkalos*), include disputant testimony. Disputants were expected to narrate their perspectives on the conflict in these forums, and they did so in 100% of the *Alkalo*-level cases.

Among the Mandinka and, to a lesser extent the Jola, the nature of the social ties between the participants is the most influential factor in whether the disputants give their perspectives. High status mediators were more likely to attempt to prevent the disputants from describing the dispute. For example, in one marital dispute the mediators were a group of old Mandinka women who were the leaders of the women of their clan. Although they caucused separately with the spouses they instructed them not to speak about the cause of the problem, and they were able to reconcile them without their ever having done so.

Power and status imbalances between the disputants were also associated with the lack of disputant narratives during mediation efforts. In non-Manjago cases some junior disputants did not provide their viewpoint in the presence of the senior disputant. This meant that, if there were no caucuses during which the junior disputants were able to relate their account of the matter privately to the mediators, they were not able to do so at all.[15]

In some cases the mediators disagreed over whether to ask for disputant narratives or not. The occurrence of debate among mediators over whether to collect disputant testimonies demonstrates that, although disputant testimony is a mainstay of the process, variance in relation to this activity is an established pattern in Gambian mediation praxis.

3.4. Apportioning blame

Whether mediators assigned blame in a dispute provides an excellent example of societal influences in mediation. The Manjago exhibited a clear preference for a more directive style of mediation than the Mandinka. The Jola seem to be located between the two groups with women having a stronger evaluative orientation than men.[16]

Evaluating who was to blame for the dispute was a surprisingly common mediation activity that occurred both in caucuses and group meetings.[17] There is widespread cultural consensus among all the surveyed groups that in a conflict there will be a faulty party. As one mediator said during a public-policy case, "In every dispute there must be someone guilty and someone innocent." When respondents answered grand tour questions about how disputes are mediated, they invariably mentioned judging activity on the part of the mediators as part of the process. However, despite some participants' claims to the contrary, mediators did not invariably assign blame or judge disputes. Whether they did so or not was linked to their ethnicity, gender, the level of formality of the mediation effort, the power balance between the involved parties, and the context of the conflict.

One indicator of the strong cultural influence regarding evaluative activity in mediation is the ethnic variance in mediators' responses to follow-up questions about judging. Mediators of all three groups typically mentioned judging between the disputants when asked how they had mediated past disputes.[18] After further questions (and sometimes without them), some Mandinka and, to a lesser extent Jola, mediators explained that judging had to be done carefully or was not always appropriate. The most common

[15]In many cases, particularly marital ones, the junior disputants provided their testimony during caucuses and then refrained from making anything but reconciliatory statements during group meetings.

[16]For a discussion contrasting evaluative/directive and facilitative/elicitive mediator styles see Riskin (1996, 2003).

[17]A widespread ideology in the US stipulates that mediators should not judge the disputants.

[18]As many readers will recognize, this is quite different from the dominant ideology of Western mediation which emphasizes neutrality and facilitation.

clarification was that explicit evaluation might anger the disputants judged guilty and block reconciliation.

The Manjago, however, overwhelmingly re-stated that mediators must declare who is at fault; otherwise any reconciliation or agreement they brought about would not be sustainable. All segments of the Manjago population agreed on the necessity of mediator evaluation with no appreciable variation by gender. The qualifications and reservations expressed by some Mandinka about mediators expressing their evaluations of who was responsible for a conflict were also absent. The Manjago simply emphasized that this was a necessary part of the process, period.

The empirical data were congruent with trends in the statements made by mediators on these points. Eighty-eight percent, or 22 out of 24, of the Manjago cases did clearly include this activity, reinforcing respondents' assertions of the prevalence of evaluation in Manjago mediation. The two other cases were over highly contentious issues, and the mediators attempted to relax the disputants by telling them that they were not there to judge between them. However, despite those statements, they ended up assigning blame during the course of the mediation.

Some Manjago disputants explicitly solicited judging from the mediators, further illustrating its prevalence, and respondents underlined that if peacemakers failed to apportion blame the conflict would continue raging, regardless of what was said during the session. Establishing which party is faulty is linked to a near-universal feature of Manjago cases—the ritualization activity of sharing alcohol after a settlement has been reached. The party termed guilty by the mediators is the one who is responsible for purchasing the alcohol.

By contrast only 16 of 45 (36%) collected Mandinka cases included statements of guilt by the mediators. In general the Mandinka clearly prefer a less confrontational style of mediation than the other two groups and are therefore less likely to deal with issues of disputant culpability. Mandinka mediators frequently avoided explicit evaluation by blaming negative supernatural forces rather than individuals. The strength of Islam in Mandinka society is relevant here as the term that they used, "*saytano*," is derived from the Arabic word for Satan, "*sheitan.*" Mandinka mediators frequently made statements such as "This problem was just caused by *saytano*." Such statements defused the situation by diffusing guilt, shifting the blame for the conflict to an external force and reducing the culpability of the disputants. Invoking religion also increased the normative power of the mediators' attempts to get the parties to reconcile. Blaming *saytan* was consistent with the Mandinka preference for saving face. Jola mediators were much less likely to invoke *saytan*, while the Manjago almost never mentioned it.

The relationship between parties was of paramount relevance to whether evaluating culpability occurred or not in the Mandinka cases. Social hierarchies are the most pronounced, and norms regarding social status are strictest, among the Mandinka, which was reflected in mediation praxis. Mandinka mediators found it difficult to express judgments if they were of lower or equal status to the disputants. If they did so, it would contradict social norms in which subalterns are supposed to maintain a high level of respect for their social superiors.

As was generally true, the Jola were located between the Mandinka and the Manjago in terms of evaluative activity with it occurring in 19 out of 33 Jola cases. The link between the presence or absence of judging and contextual factors was particularly apparent amongst the Jola. The two most prominent variables are type of dispute and the forum in

which the dispute was mediated. Most of the cases in which evaluation was present concerned public policy and/or group disputes The scripts for large or public mediation attempts include judging, although it is not inevitable.

The cases in which judging did not occur generally dealt with private matters and were mediated in a private forum. In several such cases the dispute was about a larger group issue, but the case was mediated privately. There are only two Jola cases in which there is no apparent contextual explanation for why judging did not occur.

3.5. Gender and blame

According to both male and female Jola informants, women are more likely to judge cases than men.[19] Women said that "men do not want to tell the truth" and that they are more concerned with smoothing over bad feelings than dealing directly with the issue. The women vigorously rejected this approach saying that mediators should "tell the person on the right that they are right and tell the faulty person that they are wrong." The empirical data were consistent with this trend as the female mediations did include more blaming than those of men (100% versus 43%).

3.6. Blame and social status

As with many other aspects of mediation, the relationships between the participants and their relative social status influenced evaluative and directive activity. Most Mandinka and many Jola respondents stated that lower status disputants should not be told that their higher status opponents are guilty. Some mediators of both sexes said that if the senior disputant was actually responsible for the dispute they would tell that to the senior disputant privately in a caucus. Others simply insisted that the junior disputant should always be blamed.

Although variation by gender was not significant, ethnic identities were associated with whether social status impacted the apportioning of blame in mediations. Manjago respondents did not share the perspective that disputant status must be considered when assigning blame. Manjago mediators overwhelmingly agreed that judgments must be fair, and this was borne out in the empirical data with junior disputants at times being told that they were the correct ones in a conflict. In two different panel sessions a participant said that lower-status disputants should be told that they are guilty even if this was not so, but the other mediators immediately challenged these individuals on this. The majority Manjago opinion was clearly that social status differences were not relevant to judging guilt, while among the Mandinka the majority opinion was the opposite. Across all the sets of cases lower status parties received more criticism, but the opposite also occurred.[20]

[19]Due to the sample composition, the gender comparison is restricted to the Jola ethnic group. However, the descriptive data from the other two ethnic groups are congruent with the finding that women prefer evaluative styles.

[20]The propensity of some mediators to criticize less powerful disputants raises questions of fairness and justice (see Nader, 1997 for an analysis of issues of social justice). Ethnic variance in the Gambian data regarding the issue of power suggests that there is a cultural dimension to this problem. In addition, mediators from all participating groups were observed criticizing more powerful disputants. This does not mean that social hierarchies do not influence mediator behavior; instead, their influence is situational, rather than absolute. A forthcoming paper analyzes power and justice issues in detail; see Davidheiser (2006) for a detailed discussion of this topic.

Patterns of societal stratification contributed to the ethnic variance in dealing with status inequalities. Although all three societies have a gerontocratic social hierarchy,[21] the Mandinka are the most stratified, while the Manjago value outspokenness and are more rebellious and individualistic.

3.7. Size and formality of mediations

The formality of the mediation effort also influenced whether judging occurred or not. Mediations with more participants were more formal in tone and more likely to include evaluation than those conducted by one to three mediators. The script for these larger mediations was more pronounced and defined than that for small cases mediated in more private settings. This script includes a group meeting with testimony by the parties, judging by the mediators, and ritualization. These activities occurred in cases with fewer mediators as well but not as frequently. There was less expectation of conformity in smaller cases and the mediators were freer to improvise and shape the mediation according to the context and their personal preferences.

Other variables could be mentioned, but the examples above should demonstrate that there is no easy formula for determining whether or not mediators apportion blame. A thorough analysis that incorporates contextual factors does not mean that cultural factors must be discarded, however. Context and culture act upon each other and are inextricably linked. The data indicate that societal preferences do not exist in a vacuum and are continually mediated by the situation at hand. However, the strengths of these preferences vary, and the sampled groups tended to respond to some circumstances in a dissimilar manner.

4. Discussion

4.1. Meta-level comparison of modalities

Comparing the Gambian data as a whole and the ideal model of Western praxis uncovers significant differences in approach. The conceptual frameworks from which Gambians and Americans view mediation are dissimilar. In the Gambian context, conflicts tend to be viewed more as disruptions in the social network than matters of specific issues or incompatible goals. Gambians are thus much more relational in their approach than American mediators. However, the Gambian mediation style also contrasts with alternative American models of mediation that are more relational than the conventional modality. For example, Gambian mediators frequently actively engage in discussions and negotiations, rather than restricting themselves to facilitation.

These different perspectives affect the structuring of the mediation process. Gambians are often explicitly evaluative and do not pay the sort of attention to facilitative techniques that Western models call for. They may judge between disputants, express sympathy, agreement, or disagreement with disputants, appease and advise the parties, and pressure the disputants to agree. These activities are not found in the American models. Unlike American models, Gambian mediations do not always include bargaining, or the generation and selection of options for agreements that will end the conflict.

[21]Caste, lineage, familial and ancestral ties, and other factors also influence relative social status.

There are many shared aspects of West African cultural systems. These shared values are linked to the overall differences in the mediation styles found in The Gambia and in the prescriptive models of mediation in the US. Although they are often presented as value-free, the prescriptive models should be considered as the products of specific socio-cultural and historical contexts that reflect particular ideological influences.

4.2. Intra-Gambian comparisons

The Gambian data illuminate varied tendencies among the three ethno-linguistic groups. The clearest contrast is between the Mandinka and the Manjago. Manjago mediators tend to be the most evaluative of the three groups and they depend the most on face-to-face interaction in their negotiations. The Mandinka tend to have the strongest focus on reconciliation and frequently attempt to resolve disputes through caucuses alone.

Patterning related to characteristics other than ethnicity was also discovered. Variance in belief systems associated with religious affiliation may contribute to the shaping of mediation behavior. Most notably, non-Muslim and less Islamicized populations tended to use more direct and evaluative approaches. Gender identity was also significant in this regard with women showing a stronger preference for directive approaches than men. In The Gambia the relationship of gender on mediation appears to be the reverse of that hypothesized for the US, where women are seen as more facilitative mediators than men. Age groups also exhibited dissimilarities in their approaches; younger mediators tended to be more elicitive and indirect than their elders.

Adjusting the lens to focus on the micro-level uncovered still more variation. Individual mediators have their own cognitive frameworks that color their preferences and praxis. Such preferences are a product of both societal and structural variables and also of the idiosyncratic, particular, and experiential framework and personalities of the mediator concerned. These preferences do not mean that these individuals always mediate in the same way. On the contrary, they can employ quite different approaches depending on the situation in question. However, individual tendencies to favor certain styles are discernible.

4.3. Summation: mediation activities in a comparative perspective

Returning to our operationalization of the mediation process as a cluster of activities, we find only two whose occurrence appears to be relatively uniform across societies. Setting the stage and ritualization are common in mediations in diverse settings. These activities are widespread in the Gambian cases, American models, and the ethnographic literature and do not appear to be linked to ethnicity or other corporate identities. Activities used by mediators after setting the stage and before concluding with ritualization are much more varied. These points are briefly explained below, using a very wide angle for our analytical lens.

4.4. Near-universal components—setting the stage and ritualization

An introductory phase occurred in most Gambian cases. Introductory statements of mediators could be of varying length and complexity, but they took place both in caucuses and group meetings and served to establish an atmosphere conducive to conflict transformation. All of the target populations employed setting the stage activities;

variation in the rate of occurrence was associated more with situational factors than group identities.

The ethnographic literature is also replete with this activity. For example, in Hawaiian *ho'oponopono*, the *pule* or opening prayer represents a similar activity (Shook, 1985). During *becharaa*' the Semai of Malaysia chat about other matters prior to the discussion of the conflict in order to establish a relaxed atmosphere, and the preliminary speech by the elders introduces a tone of cooperation and harmony (Robarchek, 1997). Setting the stage may also be identifiable in the pre-meeting caucuses in Lebanese *sulha* (and also common in the Gambian mediations) in which the mediators meet privately with the disputants before bringing them together (Witty, 1980; King-Irani, 2000). The caucuses are used to create a positive environment, thereby preparing the way for the group meetings when the disputants are brought together.

Most of the American models include setting the stage and introductory activities, such as explaining the mediation process and the ground rules and building trust (see also Moore's Stages 1–5). We may therefore hypothesize that introductory setting the stage activities are, if not universal, very widespread components of mediation. In fact, setting the stage appears to be a vital element in the efficacy of mediation. No discernible societal variation was found in relation to setting the stage.

At the other end of the mediation process is the ritualization of the agreement or reconciliation. This is also common in all of the Gambian data sets. Ritualization did not occur in every single Gambian case, but that was attributable to contextual considerations, with no apparent links to group or even individual identities.

Gulliver's model includes ritualization of the agreement (1979). Ritualization is also part of *ho'oponopono* (Shook, 1985), *sulha* (Witty, 1980; King-Irani, 2000), and most of the other models in the ethnographic literature. In *becharaa*', ritualization is effected by a series of formal speeches and the proscription of ever discussing the matter again (Robarchek, 1997).

In the US, mediations usually conclude with the writing up and signing of a formal contract or document of some sort (narrative mediation does not call for a legal contract but does call for codification of the outcome in writing). In the large post-industrial societies of North America, the writing and signing of a document could be considered as ritualization. Ritualization, or at least some formalization of the resolution of the conflict, therefore appears to largely transcend societal boundaries.

4.5. More variable components—the body of the mediation

What occurs in between the two activities that frame the mediation process is much more subject to variation. What mediators do after setting the stage and before ritualizing does appear to be linked to societal setting. The heterogeneity of mediation praxis casts doubt on the notion of creating a comprehensive list of mediation activities. However, the findings regarding some common components of mediation are summarized below.

Gathering and discussing disputant narratives is included in most models of mediation. Although this activity is widespread in The Gambia, it is less common among the Mandinka suggesting there are societal influences at play. Hoffman's description of Mandinka mediators in Mali also trying, albeit unsuccessfully in that case, to mediate without listening to the disputants' stories, is another example of this pattern (Hoffman, 2000).

Most models from the ethnographic literature do include disputant narratives. One of the most elaborate examples is found in *becharaa*', in which the events that took place before the mediation are described and re-narrated from every conceivable perspective (Robarchek, 1997). However, noted scholar-practitioner Richard Salem observed mediation without the explication of disputant perspectives in South Africa (personal communication May 2002). According to Merry, "Mediators in non-industrial societies bring to the mediation session considerable knowledge of the events in the dispute and the character of the disputants" (1989, p. 85). Mediators with such knowledge and with considerable social capital are able to de-emphasize disputant stories and focus on resolution. Taken as a whole, the evidence suggests that in the majority of mediations disputants do present their narratives, but this activity is not universal or independent of culture.

Evaluating disputant positions, advising disputants, and proposing plans for settlement are very common components of non-Western mediations where mediators often take a normative and active stance. This is true for all the Gambian groups, as well as for other groups such as the Semai (Robarchek, 1997), the Lebanese (Witty, 1980; King-Irani, 2000), the Chinese (Cloke, 1990), and the Nuer (Evans-Pritchard, 1940). Patterns of mediation from non-Western societies with disengaged mediators who limit their role to the procedural domain have not been found.

We have discussed the pervasive American ideology proscribing mediators from partaking in shaping the content of discussions. American mediators are not supposed to intervene from a normative position and many mediators adhere to that (Merry, 1989). However, some researchers have found that some American mediators do explicitly evaluate disputant statements and positions and advise the disputants (e.g. Kressel & Pruitt, 1989; Kressel, Frontera, Forlenza, Butler, & Fish, 1994; Riskin, 1996, 2003). Intra-societal variance thus occurs in relation to the advising activity.

Promoting forgiveness and reconciliation is another potential mediation activity found widely in non-Western settings. These were common in the Gambian data and variance in their occurrence was linked more to situational factors than group identities. Other non-Western societies, including those previously mentioned, also place great emphasis on forgiveness and reconciliation (cf. Cloke, 1990).

American models of mediation generally do not include activities related to forgiveness. This may change if the relational perspectives of alternative models become more widespread. There has been a recent surge of interest in incorporating unorthodox techniques into American mediation, including apologies (see Cloke, 2001; Schneider, 2000). At present, however, such techniques remain very much a fringe approach that could be characterized as an example of the variation in all cultural systems (a phenomenon especially apparent in large-scale complex societies with well-developed means of information transfer).

Other mediation activities such as issue identification and bargaining vary considerably within the Gambian mediations. Mediators may or may not try to identify issues and help the disputants negotiate in a substantive manner. Whether or not they did so was associated with ethnic identities, being most frequent among the Jola population and least pervasive among the Mandinka. The conclusion that negotiation is a culturally rooted component of mediation is supported by the contrast with American models. While bargaining occurred in less than half of the Gambian cases, mainstream American models

always include some negotiation, as do many of the models of the ethnographic literature (cf. Merry, 1989).

The fact that the majority of the activities that may occur in mediation do vary in association with culture leads us to the conclusion that cultural perspectives are highly significant. The level of heterogeneity in the process makes the suggestion of an intrinsic structure to the mediation process untenable. The proposition that other societies undertake essentially the same mediation activities but in their own preferred styles is also unsustainable. Although in some Gambian cases negotiations occurred in caucuses rather than in group meetings, in more than half of them no negotiations occurred. While cultural perspectives may well affect how mediation activities are carried out, their effects also go well beyond that. The very nature of the mediation process is subject to cultural influences.

5. Conclusion

The resulting picture of Gambian mediation is a shimmering mosaic. Upon first glance, it may appear like a unified whole, but a deeper look reveals great unevenness and multiplicity. The range of factors involved in mediation and the complexity of their interrelatedness evoke an image of an intricately detailed, yet loosely woven tapestry. Some strands of this tapestry are woven in discernible patterns, but the level of movement is remarkable, making a mockery of the thought of an intrinsic mediation structure.

The overall level of contextual variation in the data was truly remarkable, highlighting how peacemakers construct their interventions based on the situation at hand. Indeed, the same individuals employed varying sets of activities in different cases. Additionally, some mediators carefully planned their interventions in advance based on the particular characteristics of a dispute, thereby demonstrating the agency of mediators and the significance of context.

Shared values have a profound effect both on how mediation is practiced and on the nature of the process itself. However, this impact is multi-dimensional and resists easy generalization. Some of the features of the portrait formed out of the Gambian data resembled descriptions of mediation in other non-Western societies; however, differences were also found. The overall amount of variation within the Gambian data implies that great caution should be used in descriptions of societal patterns. While it is true that there appear to be meta-level normative differences in orientations to mediation in the West and elsewhere, there is also great heterogeneity in both of these areas. Dichotomizing mediation praxis according to whether the practitioners are Western or non-Western, traditional or modern, high- or low-context communicators, glosses over the multiplicity of practice found outside the realm of theory and dramatically over-simplifies a complex picture.

Mediation practices can be described as "embedded," or linked to macro- and micro-level influences and varying according to the specific context and characteristics of each case. Peacemaker behavior was influenced by numerous factors, including the socio-cultural perspectives of the participants and situational variables such as the type of dispute in question, the nature of the social relations between the parties, and the participants' personalities.

Cultural variation can extend far beyond modes of communication to impact the very interpretive and behavioral processes that lead to disputes and facilitate reconciliation. Different groups conceptualize conflict and peacemaking in very dissimilar manners, and

this affects the nature of their practice. Although cross-cultural commonalities in mediation exist, they are not absolute or universal except at the most general level. Furthermore, intra-group variation can also be quite significant. Scholars of mediation would do well to treat sweeping comparisons and predictive and prescriptive models with great care. A more robust study of mediation will develop if scholars use empirical as well as descriptive data, do not restrict their analytic lenses to a particular type of group, and incorporate individual level variation in analysis and theory. Continuing to refine our understanding of mediation preferences will greatly enhance our capacities for conflict analysis and resolution. In an age of increasingly dangerous conflicts such a development offers great promise.

Acknowledgments

This project was made possible through financial support from the United States Institute of Peace and the University of Florida's Center for African Studies. Art Hansen, Anthony Oliver-Smith, Robert Ziller, and Dennis Galvan's advice was invaluable, as was Indira Rampersad's excellent editing suggestions. Finally, the people of southwestern Gambia have earned my eternal gratitude; their trust, generosity, and support are a great inspiration.

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