

Special Affinities and Conflict Resolution: West African Social Institutions and Mediation

By Mark Davidheiser

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Introduction [1]

Social scientists have identified a particular kind of interpersonal relationship in West Africa that has been variously labeled “joking kinships,” “joking relationships,” “special affinities,” “*cousinage*,” and “*plaisanterie*”[2]. Many West Africans are connected by overlapping networks of these relationships, which can include reciprocal obligations, behavioral taboos, and stereotyping by ethnicity, region of origin, and clan affiliation. Joking kinships have been proposed as grassroots institutions that reinforce positive inter-ethnic interaction and mitigate inter-group conflict[3]. This paper examines the role of joking relationships in micro-level conflict mediation among the Mandinka of southwestern Gambia and then considers the implications of this type of relationship to mediation and conflict transformation more broadly.

Empirical and interview data on mediation were collected during 28 months in southwestern Gambia. [4] Mediators were interviewed individually and in stratified panels,[5] and actual mediations were observed,[6] and when possible recorded. The data indicate that Gambians tend to conceptualize conflict and mediation in a different manner than Americans. The Mandinka generally view mediation as a matter of persuading disputants to end their conflict and reconcile, rather than as a structured process of facilitated problem solving and negotiation. Mediators rely heavily on social ties and persuasion in their work, and they use local values and social institutions to legitimize their interventions in disputes and to increase their leverage over the disputants.

Joking relationships are arguably the most effective institution used by mediators in that manner. Joking bonds are particularly intriguing because in some cases they were instrumental in the transformation of long-standing conflicts that had been resistant to prior intervention efforts. The role of joking kinship in Gambian mediations illuminates broad dissimilarities in Gambian and American modalities of conflict resolution. The field study did not aim to investigate joking relationships, but encountered them during the investigation of local mediation practices. The assertions made here are therefore indicative rather than conclusive. However, the project findings add further evidence that pervasive trends in American mediation are culture-specific. This raises both problems and possibilities for the further development and the export of theories and practice models.

Overview of Joking Relationships in The Gambia

Joking relationships are customary ties that link various groups and individuals. This social institution can be found in many parts of Sub-Saharan Africa. In The Gambia, such ties can exist between the members of different ethnic groups and of different patrilineal clans, between the people of specific villages, between kinfolk such as cousins and grandparents and grandchildren, and between people whose lineage is connected with certain regions [7]. These relationships often signify a symbolic or fictional kinship, as exemplified below with the Jola and Serer.

The majority of Gambian ethnic groups practice this type of joking. The Mandinka, Fula, Wolof, Jola, Serahule, Serer, and Bambara (different ethnic groups) are linked through multiple crosscutting ties, including joking kinship. The Aku and the Manjago -- two groups that migrated to The Gambia relatively recently -- generally do not have institutionalized ties of this sort, however [8]. These relationships include mutual obligations and are most commonly manifested in semi-ritualized banter. The banter usually revolves around food, with individuals who share such ties teasing each other about their big bellies and love of eating. That is the most popular type of joke, but the ribbing can be extended to other topics as well. These relationships involve greater freedom of speech and behavior as one is allowed to interact with joking partners in a manner that would ordinarily be frowned upon or cause offense. Joking kin are not supposed to become angry at each other, and harming a joking partner is strongly prohibited.

There are different kinds of joking relationships in The Gambia. The distinction made by Diallo [9] between “major” and “minor” joking relations in the Ivory Coast is also applicable to The Gambia. In Mandinka, the trade language of southwestern Gambia, joking bonds are commonly known as *sanaweyaa* or *dangkutoo*. *Sanaweyaa* can refer specifically to joking ties between cousins, but is also used as a general name for joking relationships. *Dangkutoo* means to stop at something or to not go beyond a certain point, and it implies a more serious relationship. The mutual obligations of *dangkutoo* are stronger than those of *sanaweyaa* and include a strong threat of spiritual sanctions for offending or injuring one’s joking partner.

Gambian oral histories include accounts of the origins of joking links. According to Diallo, in western Burkina Faso local histories depict joking relations as the product of a “blood pact” made after a conflict between “two legendary persons” [10]. Gambian Mandinka usually refers to legendary or past events of a more cooperative nature as the source of such ties.

For example, the *dangkutoo* between Jola and Serer is attributed to a time when their progenitors were traveling in a boat. A storm caused the vessel to split in two. Those in one portion of the boat floated away in one direction, landed in the forest, and became the Jola. The other group floated in another direction, ended up by a river, and evolved into the Serer ethnic group.

The descendants of the people of the Empire of Kaabu (*Kaabunka*) and the descendants of the inhabitants of the Kombo kingdom (*Kombonka*) also maintain a joking relationship [11]. This tie is associated with the rise of the Mandinka to socio-political supremacy in the Kombo region of coastal Gambia. The Kaabu Empire sent an army to help the Kombonka Mandinka overcome the

Jola and the Bainunka and establish supremacy over southern coastal Gambia. The states became allies and the joking tie between their citizens was established [12].

The joking relations between the patronymic lineages of Fofanna and Jaiteh are said to have begun when their ancestors were traveling on a long journey without food. The student (*talibe*) Fofanna went into the bush and cut some meat from his leg and roasted it so that his teacher could eat. The teacher (*karamo*), Jaiteh ate it without realizing that it was from his student's body. They continued traveling, but Fofanna was bleeding and he became very weak. Jaiteh asked why he was so weak and Fofanna showed him his leg. Jaiteh healed the wound by laying his hands on it and praying. They then made an oath that their descendants would always support each other and never quarrel under the threat of misfortune [13]. In the personalized cosmology of the Mandinka, the historically rooted and supernatural dimensions of the joking relationship make them powerful tools for potential mediators.

Different Conceptualization of Conflict, Different Methods of Conflict Mediation

Using joking ties as an analytical lens illuminates variance in how Gambians and Americans perceive conflict and peacemaking. In societies with an agrarian base, views of conflict and conflict mitigation tend to vary from those in industrialized societies. In Northern countries, conflict is often seen as a natural component of society, and is sometimes recognized as potentially productive [14]. Legal anthropology has historically presented African societies and customary dispute resolution as harmony -- and reconciliation -- oriented [15]. This idea is rooted in functionalist theory and has been critiqued by Martin Chanock [16].

Chanock, a political scientist, argues that African customary law and the scholarly views of it are artificial constructs promulgated by anthropologists with the cooperation of African lawyers and elites. He asserts that the literature has reinforced a one-dimensional conceptualization of African dispute settlement. Chanock's critique is well taken -- Africans can be vigorous and enthusiastic in their disputing. Large and small groups of Africans can be driven by conflict despite the presence of customary mechanisms for conflict mitigation and social norms that promote harmony. The application of African customary law can also result in settlements that favor particular parties and do not bring about reconciliation. However, recent studies, including this one, have confirmed the harmony and reconciliation orientation in many African societies [17]. While we should avoid over-simplification, we can acknowledge that there are differences between African and Northern perceptions of conflict, and that these play a role in conflict management.

This variance is related in part to communalistic versus individualistic social organization. In highly variable environments people use dense social networks as coping strategies to reduce their vulnerability to disaster [18]. The climactic conditions of the Sahel region of West Africa has been characterized as volatile with frequent periods of drought, floods, and other extreme conditions [19]. Groups and individuals whose crops fail and animals die often survive by calling upon others with whom they maintain relationships of reciprocity. In times of need, these relationships provide a source of shelter, food, seeds, animals, and so forth [20]. The development of societies that value harmonious relationships is therefore a "rational" socio-

cultural adaptation to an unpredictable environment.

In Gambian villages interpersonal interaction is constant, economic interdependence is the norm, individuals are part of multiplex networks of social ties, and interpersonal harmony is highly valued [21]. Locals sometimes say, “Everyone in The Gambia is related to one another” and the complexity of social networks is truly amazing. Conflict can disrupt the webs of reciprocity that Gambians use to avail themselves of help in times of need.

Rural Gambians are primarily engaged in labor-intensive agro-pastoralism. In the local moral economy, maintaining good relations with others is vital to the production and distribution of farm products [22]. For example, cooperative work-groups (*kafos*) assist farmers at key times in plowing fields and transplanting and harvesting crops. Such groups work for very little pay or for food and will not work for people on bad terms with the community.

Scholars have argued that in African societies spirituality is integrated into every aspect of life [23]. Perhaps it is natural then that Gambians share beliefs about supernatural sanctions related to disputing. In interviews conducted by this researcher, members of all three targeted ethno-linguistic groups expressed strong views about the dangers of disputing. Conflict is also potentially hazardous because disputants can go to marabouts and/or animist shrines to ask for their intercession, thereby endangering the well being of their opponent(s). Mandinka often cite *hadiths* (sayings of the Prophet Mohammed) about how Muslims should be peaceful and should not dispute with each other. Gambians hold common beliefs about divine rewards for peaceful people and temporal punishment for those who dispute with others [24].

In general, there is widespread consensus among Gambians that conflict is negative and should be avoided. Interpersonal and communal harmony is highly valued in the cosmologies of rural Gambians. In such a context, the emphasis in conflict management is on reconciliation rather than problem-solving through negotiation and compromise.

Reconciliation Versus Problem-Solving Oriented Approaches to Mediation

The practice of law in the industrialized countries of the North is, in its ideal form, based on abstract principles and carried out in impersonal forums [25]. This paradigm extends to alternative dispute management (ADR) and mediation. A multiplicity of mediation models and praxis exist in Northern nations. However, certain pervasive trends that have long influenced the field can be identified.

One of the strongest conventions in American mediation is the notion of neutral third-party mediators who are expected to facilitate the identification of essential underlying issues and the negotiation of a “win--win outcome.” Principled negotiation is one of the touchstones of this paradigm. Mediators are instructed to separate the people from the problem, uncover the essential interests of the parties, identify options for mutual gain, and use objective criteria to select the best option [26]. Other currents exist [27], but the tenets of rational problem solving has long dominated the field [28].

Among the Mandinka, the approach to dispute mediation can be quite different. Local mediation,

as with most African customary law, approaches conflict from a relational perspective rather than being issue-driven. In this perspective the focus is on reinforcing social solidarity, rather than addressing essential underlying issues [29] The emphasis is often on maintaining and restoring good relations with others, and this can take precedence over negotiating agreements about substantive or concrete issues. One reason that mediation is popular and effective in The Gambia is that it is consistent with local cosmologies of conflict; mediation is integrated into the fabric of society and consistent with attendant beliefs and norms.

“Separating the people from the problem” is contrary to the Gambian world-view in which one’s identity and status is of great significance. The identities of the disputants are of great concern to Mandinka mediators. For Gambians, social status is linked to behavioral roles and norms, and mediators operate very much within the framework of customary values. Mediators are usually not viewed as impersonal and neutral third parties; instead their status and relationships with the disputants are of primary importance [30]. Mediators tend to be more concerned with the relations between the parties than with the specific causes of the conflict. Negotiation over concrete or substantive issues is therefore not as much a part of the mediation process in The Gambia (and this is true for all the populations in this study) as in the USA.

Forgiveness Rather than Principled Negotiation

As alluded to above, interview, panel, and empirical data were collected on how Gambians mediate. The foundation for the coding scheme applied to these data was generated from the literature and from the author’s own experience as a volunteer mediator in a community mediation center. It quickly became apparent that Gambians employ activities not found in mainstream American literature and training, and inductively generated codes had to be added to the codebook. One such code represents the activity of mediators appealing for forgiveness.

Although most American models have no corresponding activity, the Mandinka often mentioned forgiveness. “Forgiving” often entails one or more of the disputants dropping their demands and agreeing to reconcile [31]. Mediation outcomes may or may not result in agreements about compensation, changes in behavior, or other arrangements, and such agreements may be very specific or extremely general.

Participants in mediations often make statements along the line of “if you forgive now then when you (or your child or animal) make a similar mistake people will be willing to forgive you” and speak of divine rewards for forbearance. “*Sabari*” -- a word derived from the Arabic “*sabarr*” meaning patience -- is a concept that is mentioned in the majority of the collected mediations. As with much of Islam, the term “*sabarr*” has been re-interpreted in the Gambian context with the local meaning connoting forbearance and forgiveness. Often, one of the first things that people say to disputants is “*sabari*,” and mediators commonly urge the disputants to forgive each other. One mediator, a marabout from the family of a local Imam, was fond of quoting Arabic proverbs such as “*Inna Allah ma es-sabariin*” (God is with the patient/forgiving ones), and “*Es-sabr miftahul farajj*” (patience/forbearance is the key to success). Mediators’ use of the *sabari*

construct exemplifies how the Mandinka do not privilege negotiation in conflict settlement.

In fact, in some cases mediators told disputants that they did not even want to hear their explanations or narratives about the conflict. The activity of disputants presenting their viewpoints about a conflict is a component of every model of mediation that the author is aware of. In some of the Gambian cases, however, the mediators told the disputants that they did not want to hear their narratives, or discuss the issues at all [32]. These mediators were concerned only with ending the dispute and bringing about reconciliation. This pattern is associated with specific factors, [33] but forgiveness was a common theme across the different sets of cases.

In the USA, mediators are often told to “trust the process” -- the idea being that they have been trained in facilitation techniques that they apply using a unilinear staged model. The model is designed to allow the disputants to explain their viewpoints, exchange ideas about their needs and desires and generate options for a mutually beneficial settlement agreement. Gambian mediators are more likely to use persuasion to reconcile disputants, and may or may not work out an agreement relating to the issues [34].

In this approach, mediators rely on social norms to gain leverage over the disputants. Such leverage is often essential in getting disputants to reconcile, even in the absence of a compromise agreement. Mediators often highlight interpersonal ties when they begin mediating and when they call for the disputants to reconcile and/or forgive their opponent(s).

Personalized Approaches Versus Neutral Third Parties

American models of mediation generally include a setting the stage phase when mediators create an environment conducive to effective problem solving [35]. This usually entails explaining the nature of the process, going over the ground rules of the mediation (such as not interrupting the other disputant), and so forth. Setting the stage activities were quite common in Gambian mediations, but were more contextual and personalized than procedural in nature.

In creating an appropriate atmosphere, most Gambian mediators discussed their connections with the disputants, going over the history of relations between their families and relatives and mentioning any other links that they might share. They cited friendships and other bonds between their ancestors or current members of their families. Mediators have a wealth of potential socially accepted relationships to choose from such as karamo -- talibe (Islamic teacher -- student) interactions, talibeeyaa or ties between individuals who study the Quran together, seey nyo yaa or neighborliness, Muslimeiyaa the common bond between Muslims, hadameiyaa fictional kinship based on the idea of common descent from Adam and Eve, or baadiiyaa another broad fictional kinship.

Mandinka can be very creative in constructing and inventing kinship and collective identities and can get quite general making statements like, “we are all of the same village, we are all of the same ethnic group, we are all Africans,” etc. In the local political economy, such relationships imply mutual responsibilities. When the mediators appeal to disputants to forgive and reconcile,

they can greatly strengthen the force of their appeal by invoking such ties.

One of the most powerful bonds is that of joking kinship. When mediators use joking kinships, they invoke an established history of relations. Such relationships provide a script for cooperative interaction with varying degrees of reciprocal obligation. Joking relations provide mediators with considerable leverage over disputants.

Joking relationships invoke religion as well as custom and tradition. In The Gambia, Islam has been intertwined with local practices and beliefs. Before Islam, the Mandinka practiced animism. Respect for elders and one's ancestors is still very strong, making the concept of ancestors swearing an oath binding their descendants very potent.

In addition, joking kinships have been incorporated into Islamic practice. One informant, a griot, related the joking kinship between his patronym, Camara Kunda and Seesay Kunda, to Islam by saying that their ancestors lived in Mecca and then moved to Mali and from there to The Gambia. Other informants asserted that mamariiyaa, or joking between grandparents and grandchildren, originated with the Prophet Mohammed (PBUH). They explained that Mohammed's grandchildren would disturb him by pulling on his shirt and playfully pushing him while he was praying. Eventually the angel Gabriel appeared to Mohammed and told him to better train his grandchildren. Mohammed then began "beating them gently" with a stick when they disturbed him, teaching the grandchildren about respect. These examples of Mandinka intertwining joking relations and Islam demonstrate the malleability of this institution, a feature that will be discussed further in a later section of this paper.

Mandinka social organization has historically been highly hierarchical with numerous behavioral constraints on its members. In the pre-colonial era, the caste system provided a social category that facilitated conflict mediation. The nyamoolooluu, or members of the artisan classes (griots, leatherworkers, and blacksmiths), were allowed greater behavioral latitude than nobles and peasants [36]. The mediation of disputes was a part of the conventional activities of the nyamoolooluu caste. They were highly effective mediators due to their ability to speak relatively freely, to criticize even powerful people without fear of retribution, and to browbeat people into reconciliation [37]. Islamicization and Northern influences have diminished the significance of caste relations in contemporary Gambia. The behavioral restrictions found in Mandinka society are still extensive, however.

Mediators' use of joking relations can open up liminal space in which the transcendence of ordinary boundaries and scripts becomes possible. The application of the mediators' leverage in this liminal space heightens possibilities for attitudinal shifts and conflict transformation. This phenomenon of mediators using a social institution associated with increased behavioral latitude and with spiritual sanctions to resolve disputes is reminiscent of the role of the nyamoolooluu in pre-colonial society. The institution of joking kinships may therefore be providing some continuity in a social function previously provided by the nyamoolooluu. In the Mandinka states of the past, peasants and rulers were expected to heed the advice of the nyamoolooluu; contemporary Gambians are expected to accede to the wishes of their joking partners.

The social capital of joking kinships is used quite deliberately by Gambians. A special affinity

tie is the reason that a migrant from Kaabu, Fa Mamodou, joined the *sate keybaalu* (council of elders) of one village in the region. The other village elders are heads of the seven main clans or wards of the village. Fa Mamodou was included because of the *dangkutoo* that he, as a descendant of the Kaabunka, had with the Kombonka [38]. The *dangkutoo* relationship that stemmed from the Kaabu Empire sending military help to the Kombonka Mandinka is still respected. Fa Mamodou's *dangkutoo* with the Mandinka of the coastal region of The Gambia made him an especially effective mediator there, and he intervened in disputes all over the region. He claims a very high success rate and the position appears to be evolving into a hereditary one. Fa Mamodou has groomed his son to take over his position, and now that he is quite old he usually remains at home letting his son go in his place [39].

Relational Mediation and Intractable Conflict

Joking relationships are so effective in mediation that in some cases they have been instrumental in settling very challenging conflicts. Scholars have identified some types of disputes as especially resistant to conflict management efforts, and labeled them as “intractable conflicts.” [40] These include conflicts over identity, values, and ideology [41]. In such cases conventional negotiation and mediation techniques are less likely to be successful since ideological differences are difficult to resolve using bargaining techniques developed from organizational theory to negotiate win-win outcomes. In these contexts forgiveness and tolerance may be essential in mitigating the conflict. Informal institutions with a great deal of legitimacy, social capital, and mobilizational potential offer great promise for tackling such disputes. Several examples from The Gambia illustrate how the influence of a mediator who has a relationship of special affinity with the disputants has great potential for transforming difficult conflicts.

One interviewee, a Camara, explained that his joking relationship with a husband allowed him to intervene in a marital dispute the man was having with his wives. The husband, from the Ceesay patriclan, was a very feared marabou and people were unwilling to mediate as is usually done when a marital conflict arises. The interviewee stated that he was only able to approach the marabou because of the *dangkutoo* between them and he used it to convince the marabou not to divorce his wife. He stated that when he used his *dangkutoo* relationship with the marabou it brought the marabou to tears, and he willingly took back his wives. Their reconciliation has been a lasting one as they are still together at present [42].

Another elder described a case in which he traveled upriver to a village where there were two brothers who had been disputing for approximately ten years before his arrival. Many people had tried to mediate between them, but none were successful. The elder was able to reconcile them using his *dangkutoo* relationship with them to make a strong appeal for their reconciliation, an appeal that they felt compelled to heed.

Land disputes constitute some of the most intense conflicts in the region. The Gambia is one of the most densely settled countries in West Africa [43], and the southwestern region is growing especially quickly [44]. The relative high fertility of the area and the availability of marine and forest resources has attracted many migrants and spurred a population boom. The construction of

new tar roads linking the southwestern corner of the country with the urban areas to the north has also led to a spike in land sales. Informants cited multiple cases of land disputes that were successfully resolved. Villagers to defuse tensions in a very heated land dispute involving three villages in the area also used joking relations.

The presidential elections of 2001 presented great potential for communal mobilization and inter-ethnic conflict. Informants asserted that joking relationships were instrumental in minimizing violence interpersonal conflict prevention, during this time of heightened tension when parochial communalistic feelings were highlighted. Collective identities were fore-grounded as various interest groups mobilized and jockeyed for power.

The incumbent president Al-Hajji Yahya Jammeh is a Jola who was strongly supported by minority populations such as the Manjago and Jola. The candidate and many leaders of the main opposition party were Mandinka, and public opinion identifies the party with that ethnic group. During the campaign and afterwards, people insulted each other using joking scripts, thereby dissipating some of the tension. No historical joking relations exist between the Mandinka and the Jola, however, some Gambians were adept at reframing inter-communal stress using the lens of joking ties. Interviewees explained that drawing upon this widely known social institution was useful in promoting integration and cooperation during this time of competition [45]. The kind of liminal space created by joking kinship combined with the forgiveness and reconciliation oriented approach makes them effective even in cases resistant to other mediation attempts.

Constructing Joking Kinship

Social scientists know that custom, “tradition,” and identities are dynamic and elastic [46]. The malleability of joking relationships is heightened by the fact that they vary by region, they are not codified, and they are extendable. This raises the possibility that joking relationships could be adapted for use in a range of conflict situations.

Gambians are adept at manipulating and reframing their identities. According to many informants, in the past, some members of the historically disadvantaged Jola minority group of The Gambia frequently re-invented themselves as Mandinka. In the wake of the coup of 1994, which brought a Jola president to power, these individuals have rediscovered their Jola identity and are reconstructing their identities accordingly.

The researcher has personally observed the impressive facility that Gambians have in shifting their identities. For example, some Mandinka claimed other ethnic identities based on family ties in certain contexts. Local identities are multi-faceted and dynamic and Gambians emphasize and de-emphasize various components of their identities (such as region of origin, caste, religion, clan affiliation, the identities of relatives and so forth) based on situational factors and the interactional context at hand.

As mentioned previously, Gambians also exhibit remarkable creativity in the crafting of social ties. In addition to joking kinship, Gambians may construct ties by drawing upon myriad

potential factors such as extended family members growing up in the same compound, sharing the same name, friendships between relatives, religious ties, mentor relationships, ties built through the participation in ceremonies. Narrow or broad common identities as students of the same or similar Islamic teachers, inhabitants or descendants of inhabitants of the same area, members of the same ethnic group, common kinship of descent from Adam and Eve, and so forth. Fictional kinship abounds in local social relations, and the Mandinka are quite dexterous in linking themselves to others in a way that could theoretically make it possible for almost anyone to claim some sort of joking relation [47].

Diallo and Wilson-Fall [48] have illustrated the elasticity of joking kinships in their discussions of how Fulbe migrants use them to integrate themselves into the social and economic fabric of new areas. As mentioned previously, a common form of joking kinship is that between particular lineages. Patronymics may shift according to geographical area, a phenomenon described by Wilson-Fall as the “lateral correspondence of patronyms” [49]. Regional family names have corresponding counterparts in other locations and migrants can assume these when traveling.

In the Gambia these types of linkages can be both intra-and-inter-ethnic. For example, the Fulbe Bah are also said to be “the same as” the Jola Badjie, meaning that they can theoretically avail themselves of each other’s social networks. People from different parts of The Gambia also cite variations in joking ties. In some areas Badjie Kunda may joke with Sonko Kunda, while in other areas Badjie Kunda may joke with Jarjue Kunda, for example.

The variation of joking partners by region opens the door to potential manipulation of this institution by mediators or others [50]. There is no definitive or written list of these relationships so they can be invoked in many different situations and are difficult to challenge. Most mediators agreed that it is possible to build a joking relationship with disputants without having a firm historical basis for doing so. They explained that one can, for example, connect with the person on an individual level, reference other social ties, and use them in a similar manner to joking kinship.

In addition, according to a local saying in Islam, a lie is not a lie when it is for a good cause, [51] thereby providing religious justification to those who might manipulate joking relations. Some mediators stated that they might invoke *dangkutoo* or *sanaweyaa* even if they were unsure of whether they actually had such a relationship with the disputants. For example, one mediator explained that he might start joking with disputants, even if he did not have an established joking kinship with them. If the disputant responded favorably, he would use that tie to encourage the disputant to end the dispute. If the disputant challenged it, he would say something like, “Well, you are acting like one of my joking partners.”

In an observed case regarding a heated cross-ethnic land dispute between two villages, a partisan mediator was able to construct a fictional joking relationship that proved vital. A meeting between the parties had become very tense and seemed destined to result in an increase, rather than a decrease, in grievances. However, a nominally Mandinka mediator invoked a joking relationship common to the Jola ethnic group. Maternal uncles have a strong joking relationship with their nephews and nieces, and the mediator’s mother was a Jola. On that basis, he claimed a joking relationship with the members of the Jola village. The Jola villagers responded positively

to this and the resultant joking had an obvious calming effect. At that point, the tone of the meeting began to shift from quarreling to discussing possible agreements. We cannot be certain that the outcome would have been different had this imagined relationship not been created, but it is worth noting that the meeting was a success [52].

Although relationships such as joking kinship can be highly effective institutions for mediators to draw upon, there are limits to the efficacy of such ties. The author was impressed by the creativity of Gambian mediators in constructing social ties, but their inventiveness did not always result in successful outcomes. In one observed case, the mediator used his status as a respected elder and the head of his clan or ward and also invoked multiple social ties in a marital mediation, yet the mediation was unsuccessful. In a caucus with the husband, he constructed multiple ties between them saying that he had looked after the husband's father when he was undergoing circumcision, and that they were both soldiers and had a common bond. None of these strategies worked, however, and the elder went on to say that if they had had a historically robust *dangkutoo* relationship then his hand would have been greatly strengthened and the husband would have been likely to agree with him. Clearly, widely accepted ties with strong historical roots will generally be more effective than constructed relationships that are based on more tenuous links.

Therein lies the power of joking kinship -- they are socially sanctioned [53] and historically rooted, they are associated with both Islamic and pre-Islamic beliefs, and they include an implicit threat if disregarded. However, joking relationships have their limitations. In the unsuccessful marital case above, for example, the elder who mediated explained that a very serious consideration kept the husband from agreeing to reconcile, despite the elder's strenuous efforts. Beliefs and behavior undergo continual processes of modification, adaptation, and re-negotiation; no custom or tradition is absolute [54]. Contextual factors can prevent disputants from agreeing even when their joking partners plead with them to do so. In other cases people even enter into disputes with their joking partners [55]. It should be clear that the utilization of joking kinship does not guarantee conflict cessation, although it greatly heightens that possibility in the Gambian context.

Many elders expressed a fear that young people are moving away from their historical heritage and may not respect customary institutions such as joking relationships. It is worth noting that there is considerable latent tension between youths and elders in The Gambia. Elders are fond of complaining about youths in regard to any number of topics. Young people themselves expressed a strong respect for joking kinship. Youths referred to elders as the source of knowledge about customary institutions, but stated that they believe this one to be legitimate and significant. Overall, youths appeared to be less likely to engage in the ritualized interaction common to these relationships, but that follows a general trend in which Mandinka become increasingly "traditional" as they age. Follow-up research on this topic is needed to clarify when, how, and how often Mandinka will use these ties as their society continues to change and adapt.

Implications for Mediation Studies and Praxis

The use of joking kinship in peacemaking raises several points relevant to dispute resolution more broadly. Implicit and explicit suggestions that conflict resolution practice models largely transcend cultural differences have been reviewed and debunked elsewhere [56]. Nevertheless, recently Senger reported that in his international travels he found the tenets of interest-based negotiation to hold up reasonably well [57]. However, these tenets were not compatible with the beliefs expressed by Gambian mediators or with much of their peacemaking behavior. Mandinka mediation preferences suggest that the paradigm of negotiated problem solving is not a universally relevant framework, but is the product of a particular socio-cultural milieu.

The concerns dealt with by Mandinka mediators support alternative views of conflict management that incorporate affective and symbolic components of disputing and conciliation. There is currently a movement to shift the focus of the field from problem solving to a more relational framework. Efforts in that direction include the transformative mediation approaches of Bush and Folger, John Paul Lederach, and Michelle LeBaron [58], and narrative mediation [59]. The investigation of other modes of mediation should continue.

In a similar vein, Gambian mediators' use of special affinity relations suggests that there is great promise in exploring new ideas in mediation. For example, prior to dispute intervention efforts, should anthropologists identify key actors who have relevant ties with the disputants? These actors could then be trained in mediation techniques and attempt an intervention on their own, or in collaboration with the diplomats and/or professionals that have dominated past efforts.

Can we incorporate informal institutions into mediation? Might it be possible to combine the affective power of Gambian style mediation with the strengths of Northern models? Can we formulate hybrid methods combining the strengths of different approaches? Should Northern mediators construct, reinvent, or invoke shared identities and socially rooted scripts to aid in conflict transformation? Could liminal space be created during Northern mediations? It would be fascinating to see mediators trying creative ideas in their work such as incorporating prayer, sharing food, drawing on social institutions such as sports, and so forth.

The popularity of mediation in The Gambia has implications for organizations involved in international peacebuilding initiatives. Efforts to promote conflict mitigation in Southern countries are often led by individuals whose experience is based around Northern modes of disputing and peacemaking. The worldviews of these experts leads them to perceive such modes as appropriate and effective, although locals may find them awkward and/or alien [60]. Exporting Northern models piece-meal to other countries may therefore not constitute the most effective approach.

Instead, international and intercultural mediations should incorporate local mediation techniques, resources, and institutions in order to draw on social capital that may assist in dispute transformation. All mediators should be aware of societal influences in training and praxis. In some cases indigenous mediation styles may tend to be more personalized than formal or professional, and may rely more on persuasion than negotiation and "rational" problem solving. The existence of local mediation techniques should be recognized and training programs should

be adapted accordingly, in order to avoid adding to the colonial legacy of imposition of foreign models on African societies [61]. Training programs should consist of more collaborative efforts that aim to create hybrid procedures, and/or draw from the best aspects of different approaches [62].

Laura Nader has raised valid concerns about the influence of harmony models on ADR [63]. It is true that a focus on reconciliation can lead to the sidelining of significant disputant concerns and policy-makers should keep this in consideration. On the other hand, we must also be careful about imposing hegemonic cultural norms and notions of “justice” on others. The notion of “justice” is socially constructed and deeply embedded in conceptual frameworks, and as such is subject to ideological and cultural influences.

It is worth noting that Gambian disputants frequently expressed satisfaction with mediation outcomes. Some individuals, even those who appear to be disadvantaged by a settlement, may consider a mediation to have succeeded if they are reconciled with their opponent(s). False consciousness or controlling processes notwithstanding, we should be leery of adopting the stance that we have a better understanding of what others need than they themselves do [64]. The fact that the hierarchy of goals of other societies may differ significantly from our own should not lead us to dismiss their concerns and ignore their perspective. If a farmer is willing to forgo compensation for damaged crops in favor of forgiveness, thereby shoring up ties with others who may offer vital assistance in the future, it seems patronizing to assume that is a product of harmony models imported from the North and bolstered by local elites.

In addition, nations such as The Gambia have a weak and limited legal-rational judicial system, where access to formal judicial forums is difficult and expensive, and unbiased treatment of disputants is by no means guaranteed [65]. In such areas, mediation may provide a vital means for underprivileged disputants to seek redress and in some cases may actually empower them. The example of the marabou marital mediation discussed above demonstrates one of the positive aspects of joking kinship -- they can have a leveling effect in which normal social hierarchies are de-emphasized and opportunities for conflict transformation are opened up.

In countries where courts may reinforce structural inequalities (consider, for example, the case of Islamic law in Northern Nigeria), ADR may actually offer a more empowering option for disadvantaged peoples. Although micro-level mediations may not immediately change the structural violence inherent in stratified societies, they can provide effective mechanisms for addressing concerns of both high and low status peoples. The use of historically rooted mechanisms for ADR presents potential benefits as well as challenges to those interested in equitable peacemaking [66].

Conclusion

The intention here is not to set up a strict dichotomy between Gambian and American mediation styles. A range of practices exists in both contexts. For example, in some cases Gambian mediators do deal with concrete issues and facilitate negotiations. When doing so, they may use techniques that are taught to American peacemakers, such as addressing less contentious issues first and highlighting areas of potential or actual agreement in order to create positive

momentum. American mediation is an enormous and diversified field with a number of different currents. The growth of lawyers practicing mediation may be leading to an increase in directive mediation in the U.S. and the aforementioned alternative approaches are promoting a more relational praxis. In the American milieu, these trends exist in contradiction to one another. Overall, the mediation style of Gambians is simultaneously more directive and more reconciliation-oriented than the style of mediation used in most American training programs.

One of the goals of this paper is to discourage debating over what single method of mediation should be institutionalized and encourage an inclusive perspective on mediation with multiple options for potential consideration and use. Perhaps mediation approaches should vary on a case-by-case basis. For example, it is not always possible to work out a win-win solution, and third-party assisted negotiations will sometimes fail. Can the Gambian approach of forgiveness and reconciliation offer a model that could be used in such contexts? Perhaps mediation styles should also vary according to the worldviews of the participants, but we do not yet know to what extent this may be true. These questions require further exploration.

In summation, viewing mediation through the lens of joking relationships provides a fresh perspective on the challenge of conflict transformation. Those interested in enhancing mediation theory and praxis would do well to consider “alternative” approaches to alternative dispute resolution. The author anticipates continuing this line of inquiry and hopes to participate in the development of more diverse and robust repertoires of mediation. In a world characterized by increasingly destructive and dangerous conflicts such a development offers great promise.

Endnotes

[1] For a more anthropological analysis of this topic, see Davidheiser, M. (2006). "Joking for Peace: Social Organization, Tradition, and Change in Conflict Prevention and Resolution." *Cahiers d'Etudes Africaines*. No. 183-184.

[2] Colson 1953; Radcliffe-Brown 1940; Stevens 1978; Wilson-Fall 2000

[3] Moreau 1944; Radcliffe-Brown 1940

[4] The author is grateful to the United States Institute of Peace and the University of Florida's Center for African Studies for their financial support of this project.

[5] Panels were stratified by the inductively and deductively significant variables of age-set, village, religion, sex, and ethnicity.

[6] How mediation should be defined is a contentious issue in the literature. Following calls for inclusive theorizing and analysis (see for example Bercovitch 1996), 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 (cf. Doob 1993). This investigation focused primarily on inter-personal mediations; cases between spouses, family members, neighbors, and farmers and herders were some of the common types.

[7] The grandparent-grandchild relation is known as *mamariiyaa*, and the relationship between cousins is referred to as *sanaweyaaa*. One informant also stated that his caste, the griots or bards, has a joking kinship with the Dyula people of Mali, Cote de Ivoire, and Burkina Faso. The exact configurations of these ties may vary. Among the Jola, a special affinity exists between maternal uncles and their nephews and nieces.

[8] The Aku are descendants of the members of the Krio ethnic group of Sierra Leone. They migrated to The Gambia to work as officials in the colonial administration. They usually live in urban areas and are largely outside the complex matrix of networks that cut across rural Gambia. The Manjago migrated to The Gambia from Guinea-Bissau and the Casamance region of southern Senegal. Some Gambian Manjago do practice *mamariiyaa* or joking between grandparents and grandchildren. This may be the result of cultural diffusion from the Mandinka who dominate rural southwestern Gambia. One respondent indicated that in Guinea-Bissau, Manjago from different regions such as Churr and Pulund might have a special affinity relationship. However, most Manjago stated that their customs do not include any joking relations.

[9] Diallo 2002

[10] Diallo 2002:2

[11] The Kaabu Empire of the Mandinka existed in the 15th through 19th centuries and was located in parts of present-day Guinea-Bissau, Casamance, and upriver Gambia. The kingdoms

of Kombo were located on the coastal southern-bank Gambia and a small part of northwestern Casamance.

[12] Sonko-Godwin 1994

[13] Another informant recounted the same story in reference to the Touray and Camara relationship and a Fula informant referred to this story when explaining the origin of the tie between the patronyms Bah and Jallow. A similar account is also used to explain the kinship between the Bozo and the Dogon of Mali (Galvan 2003).

[14] Abu-Nimer 1996; Fisher and Ury 1991; Duryea and Grundison 1993; Myers and Filner 1997

[15] e.g. Elias 1956; Gibbs 1973; Gluckman 1967; Maquet 1972

[16] Chanock 1985; cf. Nader 1991, 1997

[17] e.g. Darboe 1982; Hoffman 2000; Mengisteab 2002; Rugege 1995

[18] Blaikie et al. 1994

[19] Behnke and Scones 1992; Ellis and Swift 1988; Freudenberger 1995

[20] Bassett 1988; Guéye 1994

[21] Darboe 1982

[22] See James Scott's The Moral Economy of the Peasant (1976) for a thorough explanation of such systems.

[23] e.g. Maquet 1972; Mazrui 1993

[24] Mediators told disputants that they would not receive the normal blessings from undertaking the *Hajj* or pilgrimage to Mecca if they had an ongoing interpersonal conflict when they went there, for example.

[25] Holleman 1974, cited in Darboe 1982

[26] See Fisher and Ury (1991) for a highly influential presentation of this approach.

[27] For example, two recent approaches -- transformative and narrative mediation -- offer a more relational and post-structuralist take on mediation (cf. Bush and Folger 1994, 1996; Winslade and Monk 2000). However, most American practice remains based on the problem-solving framework (Stempel 2002).

[28] Scholars have used a variety of different labels to refer to the prevailing paradigm in which

conflict is considered to be the product of objective issues or problems. Kressel and Pruitt (1989) label this as a “task-oriented” approach, Crocker, Osler, and Aall (1999) as “structuralist,” and Picard as “content mediation” (2002). Students of Fisher and Ury refer to this as “interest-based negotiation” (Fisher and Ury 1991; Senger 2002). Proponents of transformative mediation often use the label “problem-solving model” when referring to the standard Northern approach (e.g. Bush and Folger 1994; 2001). Abu-Nimer 1996; Stempel 2002

[29] In the Mandinka worldview a win-win outcome may actually be conflict cessation and reconciliation. In some cases that is the main “issue” that the participants feel must be dealt with. Darboe 1982; Elias 1956

[30] In marital disputes, for example, wives often ask their husbands’ friends to mediate

[31] Mandinka mediators often make statements such as: “No matter how angry you are and how difficult the situation is you must leave it.”

[32] Such cases were infrequent, comprising 10 out of 121 observed cases. Long-time intercultural mediator Richard Salem observed a similar pattern among the “mamas” engaged in dispute mediation in South Africa (personal communication 5/10/03). Also in Griots at War, Barbara Hoffman describes a mediation in Mali in which the mediators told the disputants not to give their testimony (Hoffman 2000). The disputants gave their testimony anyway, something that also occurred in some of the Gambian cases.

[33] For example, cases in which mediators told the disputants not to explain what happened in the dispute were usually ones where the mediators were of higher status than the disputants, or had a joking relationship or other strong bond with them.

[34] Only 55% of 45 observed Mandinka cases included negotiation of substantive issues.

[35] Burton 1986; Moore 1993; Myers and Filner 1997

[36] Janson 2002; Sonko-Godwin 1997

[37] Sidia Jatta personal communication 1999; Hoffman 2000

[38] Fa Mamodou’s surname identifies him as a descendent of the *Nyanchoo* ruling class of the Kaabu empire (Faal 1999).

[39] The service Fa Mamodou and his son provide is unpaid; it does bring them respect and happy disputants may give them gifts of appreciation, but they are essentially volunteer mediators.

[40] cf. Kriesberg, Northrup, and Thorson 1989

[41] Burton 1990; Lederach 1995

[42] How to determine whether mediation was a success is a complex and thorny subject. Not only do scholars disagree on how to define success (cf. Bercovitch 1996), the whole notion of “success” is highly subjective and linked to ideological factors. Transformative mediators define success in a much different manner than problem-solving mediators, for example (Bush and Folger 1994, 2001). Here an emic definition of success is employed with statements by the disputants that they are pleased with the outcome of mediation used as indicators of a successful outcome.

[43] Dibba 2003; Swiss Tropical Institute 2003

[44] Touray 2001

[45] As previously noted, joking kinship exists in many parts of Africa including Cote de Ivoire. A comparative analysis of the historical, ideological, social, material, and political variables that enabled the contribution of these ties to conflict mitigation in The Gambia, while they were either not used or did not have a significant effect in Cote de Ivoire would be a fascinating study.

[46] Benedict Anderson (1991) presents a classic discussion of the constructed or “imagined” nature of identity (cf. Nagel 1994). See Hobsbawm and Ranger (1992) for a seminal presentation of the construction and re-invention of “tradition” and custom.

[47] In fact, the author was drawn into joking relations with others through his Gambian patronymic.

[48] Diallo 2002 and Wilson-Fall 2000

[49] Wilson-Fall 2000, p.56

[50] For example, a census worker pretended to have joking kinship with the inhabitants of villages where he had problems getting responses to his survey. This “imaginary” joking relation proved quite effective in his successful accomplishment of his task. O’Bannon’s chapter in this volume provides further examples of the extendable nature of these relationships. See in particular his account of the Jola, Wolof, Serer encounter in Casamance.

[51] Gambians describe this saying as a *hadith* or saying of the Prophet Mohammed (PBUH). According to Saudi Arabian scholars of Islam, this hadith refers only to exceptional situations, particularly to cases of war when a leader is killed or severely injured (Dr. Aida Bamia personal communication 12/5/03).

[52] How to determine whether mediation was a success is a complex and thorny subject. Not only do scholars disagree on how to define success (cf. Bercovitch 1996), the whole notion of “success” is highly subjective and linked to ideological factors. Transformative mediators define success in a much different manner than problem-solving mediators, for example (Bush and Folger 1994, 2001). In this study, statements by made by disputants -- in the absence of the other mediation participants -- that they were pleased with the outcome of the mediation were taken as

indicators of success.

[53] In an observed peacemaking, the mediator -- who had *dangkutoo* with the disputants -- was told that he would have “had bad things happen to him” if he had not intervened. In another example of the widespread social acceptance of this institution, a police officer insisted upon mediating between his joking partners instead of taking up formal legal proceedings.

[54] Boone 2003; Hobsbawm and Ranger 1992

[55] Disputes between joking partners appear to be fairly infrequent as most Gambians attempt to avoid such situations and act quickly to resolve them when they occur. During the study period a young man exhibited great concern when his joking partner became upset with him. Despite feeling that he was correct in that situation, he went to great lengths to humble him, appease his partner, and ensure that there would be no hard feelings between them. It is unlikely that conflicts between joking kin will become violent since spilling the blood of your joking partner is one of the strongest taboos of these relationships.

[56] e.g. Abu-Nimer 1996; Avruch 1998; Cohen 1996; Merry 1987

[57] Senger 2002

[58] Bush and Folger 1994, 1996, John Paul Lederach 1995, and Michelle LeBaron LeBaron 2000, 2002

[59] Alternative approaches to mediation have their own culturally-rooted components. For example, transformative mediation is sometimes presented as aiming to empower individuals by encouraging them to affect their own destiny and to resolve or transform their disputes (Bush and Folger 1996). These beliefs in individual responsibility, agency, and empowerment are profoundly Northern (cf. Brigg 2003). Cobb 1994; Winslade and Monk 2000

[60] This was in fact the response by panels of Gambian mediators after listening to the commonly used training guidelines encountered by the author during his training and his assisting in the training of prospective mediators.

[61] See Myers and Filner 1997 for an example of general suggestions for cross-cultural mediation training.

[62] For a strong proposal in this direction, see John Paul Lederach's elicitive approach to peace-building (1995).

[63] Laura Nader 1991, 1997

[64] In terms of the field of socio-economic development and assistance, this attitude has led to many a failed project.

[65] For example, a woman describing a mediation that took place after her child's garden was

destroyed by cows said, “The reason w

Also available at http://www.beyondintractability.org/essay/joking_kinship/?nid=6754.