

Wandering out to the Gods

Lessons in dispute resolution from the San

Getting to Yes in the Kalahari? The famous text's co-author, *William Ury*, spent several weeks in the southern African desert with two different groups of San – one in Botswana and the other in Namibia – interviewing them about how they handle conflict. We have much to learn from them, Ury argues – but how well does 'win-win' translate?



Sharing resources as a way of preventing disputes is widely taught and practised.

IMAGES ADAPTED FROM *THE BUSHMEN*, BY ALF WANNENBURGH, PHOTOGRAPHY BY PETER JOHNSON AND ANTHONY BANNISTER (SECAUCUS, N.J.: CHARTWELL BOOKS, 1979).

The people popularly known as 'Bushmen', often called the 'San' in the anthropological literature,¹ have lived continuously in the Kalahari Desert for thousands of years.² While almost all of the Bushmen have begun to rely on agriculture and animal husbandry, a generation ago a few thousand were still living much as their ancestors had, carrying on a nomadic existence hunting and gathering. From them we can learn a little about the traditional ways of the Bushmen and how they cope with their differences.

Traditionally, the Bushmen live in small groups of 25 or so within larger social networks of perhaps 500 people. The groups are fluid; individuals and whole families often shift from one group to another. If there is a drought or a seasonal imbalance in game, plant foods or water, they will go visit relatives or friends, who will share their territory and food. One revealing estimate from studies of one Bushman group, the !Kung, is that a full two-thirds of their time is spent visiting or being visited by friends and relatives (Lee, 1968: 89). Through intermarriage and sharing relationships, everyone seems related in some fashion. Social relationships, including those between men and women, are fairly egalitarian.

Disputes abound among the Bushmen – over mates, hunting rights, perceived slights. Every man has in his possession a bow and poison-tipped arrows that doom the victim to a lingering and agonising death. Without central government, what is there to stop every serious dispute from escalating to deadly violence and even war between different bands?



PHOTO: ERIC MULLER / I-ARWA

A SYSTEM FOR CONFLICT MANAGEMENT

An effective conflict management system (see Ury, Brett, and Goldberg, 1985) performs six functions. The first is to *prevent disputes from arising* where possible. The next four involve resolving those disputes that do emerge. Resolving disputes means *healing the emotional wounds, reconciling the divergent interests, determining rights, and testing, if necessary, the relative power of the parties*. The sixth function is to *contain any unresolved disputes that threaten to escalate into violence* – and to channel them back into the system for resolution.

Prevent disputes where possible

Among the Bushmen, mothers and fathers teach their children from a very early age to avert disputes and to fear and avoid violence. As Korakoradue, one of the elders, told me, “The greatest lesson my father taught me was, ‘Never cause a problem so that it won’t have to be settled. Live in harmony.’”

Sharing resources as a way of preventing disputes is widely taught and practised. Purana, another elder, explained that when, for example, two girls quarrelled over a blanket, he told the one with the blanket that “she is very lucky that Bise [the good god] gave it to her and, to show her happiness, she should *share* her blanket with the other girl.” In other words, he reframed a zero-sum situation (in which one girl loses) into a positive-sum situation (in which both girls win).

Valuable items are shared through a system of gift exchange called *hxaro* among the !Kung Bushmen. As one Bushman described it to anthropologist Richard Lee, “*Hxaro* is when I take a thing of value and give it to you. Later, much later, when you find some good thing, you give it back to me. When I find something good I will give

it to you, and so we will pass the years together” (Lee, 1979a: 98). The function of such gift giving is to foster amicable relationships between individuals and groups.

Adults also prevent disputes by teaching respect for community norms. As an indication of how strong social discipline is, Isak, my guide and translator, told me that he had once left a tin of tobacco at his campsite near the Bushman camp, and although people there prize nothing more than a good smoke, he came back a year later and found the tin untouched.

Prevention extends to early resolution of incipient disputes. If friends and relatives of the parties detect rising tensions early on, they encourage the parties to talk out their problem and resolve it before it escalates into a serious dispute. In the words of Shakespeare, “A little fire is quickly trodden out which, being suffered, rivers cannot quench.”

Prevention of future disputes also means learning from current disputes and dealing with their causes. People come from all over to seek the help of Korakoradue in resolving disputes. He is convinced that fighting and breaking community norms stem in good measure from alcohol abuse, so he spends a lot of time enquiring about the disputants’ drinking habits and counselling them.

Heal emotional wounds

Those disputes that cannot be prevented are actively resolved. At the heart of most disputes are emotions: frustration, fear, anger and distrust. A primary method for dealing with negative emotions is to air them in public. If a dispute is not resolved between the parties, the elders will convene a *xotla*, a meeting to discuss the problem.



The dance is held, one elder explained, “so that the gods can take the spirits of people falling into trance and give them advice. When they wake up, they transmit the gods’ advice to the disputants. We dance together – our spirits wander out to the gods – and we are able to resolve our disputes.”

The *xotla* includes all the adults of the community, women and men. It is held in the centre of the encampment and marked by a circle of poles. The parties are given a chance to vent their feelings and grievances publicly for as long as they like. Although people are respectful of the opinions of others, they often talk at the same time; the important thing is that everyone gets his or her say said. The process can take days – until people have talked themselves hoarse. The dispute is literally ‘talked out’. Negative feelings subside as people feel themselves heard.

When there is tension in the group, a trance dance is typically held, often lasting all night. Everyone sits around the fire clapping and singing a rhythmic song as the dancers stamp their feet spasmodically and eventually fall to the ground in a hypnotic trance. The dance is held, one elder explained, “so that the gods can take the spirits of people falling into trance and give them advice. When they wake up, they transmit the gods’ advice to the disputants. We dance together – our spirits wander out to the gods – and we are able to resolve our disputes.” The trance dance gives the disputants perspective and creates a favourable emotional climate for dispute resolution.

Even when a solution is found to a dispute, the Bushmen recognise that this is not enough. The emotional wounds created by the dispute need to be healed and the social relationships restored. The community – the precious web of ties – needs to be made whole once again. The trance dance helps accomplish this by changing the mood from conflict to harmony and by reminding the parties of their essential unity.

Apologies also play a vital role in restoring relationships. “The offender must ask forgiveness in front of the whole community,” Korakoradue explained, “and not just in private because the offended person might claim that the offender hadn’t apologised.”

“Suppose,” I asked, “that I as an offended husband still have anger in my heart toward my wife. How is that anger dissolved?”

“First, you talk to your wife and tell her how badly you feel. She wraps her hands together and asks forgiveness.”

“What if I still feel angry?”

“You tell her how badly you *still* feel and she asks forgiveness again. Then the community holds a dance in a circle, and they sing and ask the gods to remove the bitterness in your heart.”

In those disputes where tempers remain high, the elders will counsel one of the parties to go visit relatives for awhile, thus allowing a chance for cooling off and regaining perspective.

Reconcile divergent interests

Negative emotions are usually generated by frustrated interests. One person may feel cheated of his proper share of the meat. Or the parents of a young woman believe her husband is not treating her right. Or two men may be interested in marrying the same woman. Opposed interests create the conflict.

Conflict resolution among the Bushmen is basically consensual. The goal is a solution that meets the needs of all the parties and that everyone can support. The parties and their relatives and friends are contacted informally before a *xotla*. No one is surprised; everyone has a chance to reflect on the problem and the possible solutions before the actual meeting is convened. At the *xotla* itself, everyone, not just the immediate parties to the dispute, has a chance to have his or her say and to try to persuade the others. People are also given the chance to ask the parties whatever questions they have. The process is open and inclusive.

Gradually, a consensus will crystallise in the community as to the appropriate solution. The elders will voice this consensus. Every effort is made to ensure that the consensus is genuine and that no opposition remains. There is no notion of a quorum for decision making; the quorum is everyone. The *xotla* serves as a kind of people’s court except that there is no jury vote or ver-

dict; decisions are made by consensus.

Anthropologist Megan Biesele, who has worked a great deal among the Ju/wasi and the !Kung Bushmen, describes the discussion process as centrifugal (Biesele, 1978: 939-940). In Western political meetings, the process is centripetal – a competition to get into the centre, have your say, make your important speech, draw attention. In contrast, the Bushmen tend to flee the centre, not wanting to draw too much attention to themselves, deferring to others and encouraging everyone to have their say. So deeply engrained is this egalitarian ethos that no one wants to assume authority. Those who play a leadership role in the process of conflict resolution act as facilitators and facilitative mediators rather than as arbitrators or judges.

Determine rights

Clashes of interests do not take place in a social and cultural vacuum but rather in the context of a community with customs and norms specifying what is right. Because rights and norms are almost always involved, an effective conflict management system needs to offer a way of determining the facts of the situation, applying the appropriate norms and, where norms conflict, deciding which ones will prevail – the functions a modern court carries out. The Bushmen accomplish this task not only through a *xotla* but also through the practice of securing witnesses who educate and admonish the offending party about the norm he or she is transgressing.

I discussed with Korakoradue what happens if a per-

son from one group hunts on some other group's territory without permission.

"If someone kills an animal on someone else's land, does that cause a dispute?" I asked.

"Yes. But if you shoot an animal and it then wanders into your neighbour's territory and you go and get it, that's not an offense," he replied.

"How will the dispute be solved?"

"The aggrieved person [the owner of a *n!ore*, the locality surrounding a water hole] will call three people as witnesses and he will show them the offender's footprints. Then they all go and talk to the offender and admonish him not to do it again."

"Suppose the man does it a second time – what happens?"

"This time, the aggrieved will get four witnesses. Now they speak very loudly to the offender and tell him not to do it again."

"What if he does the same thing a third time?"

"No one," Korakoradue pronounced, "would ever have dared to violate the norms and offend others like this."

The Bushmen are a truly interdependent society: they are socialised from birth to be acutely aware of and sensitive to one another's needs. Since every individual depends on the community for his or her material and psychological well-being, it is rare for an individual to deliberately flout the communal will.

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In recent years, the !Kung Bushmen have found it useful to take their more serious disputes – those that might result in violence – to the court of their neighbours, the cattle-herding Tswana. The court has become popular in good measure because it provides a last resort short of running the risk of breaking up the community or violence (Lee, 1979b: 96-97).

Test relative power

Ultimately every dispute takes place within a wider context of power. Power is the ability to satisfy one's interests with or without the cooperation of others. In a relationship of mutual dependence, the relative power of the parties is determined by who needs whom most.

Where a dispute cannot be resolved, one or both of the parties is faced with the choice between lumping it – in other words, dropping their grievance – or escalating the dispute into the domain of power. A variety of power-based alternatives may be available – some unilateral, some bilateral and some trilateral. A unilateral alternative for pursuing one's interests independently of

the other side's cooperation is to walk away. A bilateral and coercive method is to fight in order to compel the other side to give in; the extreme version of this is war. A trilateral process is to appeal to the surrounding community to intervene and impose a solution. A healthy conflict management system not only reduces the frequency of resorting to these power-based procedures through effective prevention and resolution but also provides less costly power-based procedures as an alternative to major violence.

In Bushman society, power is fairly evenly and widely dispersed. It is quite easy to move away – to take your few belongings and travel to another place or perhaps join some relatives far away. People, in other words, have a good unilateral BATNA (Best Alternative To a Negotiated Agreement).

The fear of violence is great, and for good reason. Every man and teenage boy has in his possession a bow and arrows coated with a poison that dooms the person who is shot to a lingering and agonising death.



Bilateral alternatives to negotiation exist, but they are constrained by the freedom of people to exercise their unilateral BATNAs. When people can leave, coercion cannot easily be exercised by one individual over another or one group over another. Perhaps for this reason among others, the Bushmen do not engage in warfare. I once showed some elders pictures of people fighting and killing each other from an international news magazine. They seemed slightly incredulous: what was the sense of war?

I have not found examples of ritualised combat among the Bushmen as a way of testing the relative power of different individuals or groups, but they have been noted in other hunter-gatherer groups. The hunter-gatherer tribes of Siberia, Alaska, Baffinland and Northwest Greenland traditionally arrange wrestling bouts to settle their disputes. The Eskimos of Central Greenland slap each other's faces. The Hadza of East Africa sometimes gather together to brandish their weapons and fight a mock battle while carefully refraining from killing anyone. Such ritualised combat is much more like the modern game of football than like modern war. Indeed, its purpose is often to release dangerous tensions and help the aggrieved parties re-establish peaceful relationships.

As for trilateral alternatives to negotiation in Bushman society, they exist in the power of the community to bring pressure to bear on an individual or group that is refusing to resolve a dispute. The community would not forcefully impose a resolution, but it could show its active disapproval by ostracising the offender.

Contain potential and actual violence

The Bushman elders I interviewed in Botswana had no memory of homicide in their group, but homicide resulting from impulsive violence has been amply documented in other Bushman groups (Lee, 1979a: 371).

The fear of violence is great, and for good reason. Every man and teenage boy has in his possession a bow and arrows coated with a poison that dooms the person who is shot to a lingering and agonising death. As anthropologist A. Warnerburg has explained:

Within Bushman bands to this day, everything possible is done to defuse situations that could lead to clashes between individuals in which poisoned arrows might eventually be exchanged. If it reaches this stage, both belligerents are likely to die in lingering agony... In their relations with other bands ... the poisoned arrow was the Stone Age equivalent of a nuclear deterrent ... The slow action of the poison left a stricken adversary ample time in which to avenge the suffering that lay ahead of him (Dyer, 1985: 7).

When tempers rise and violence threatens, friends and relatives go find the poisoned arrows and hide them far away in the bush. If a fight breaks out, people try actively to break it up. This is dangerous work – a high proportion of the recorded homicides in this century among the !Kung Bushmen is of would-be peacemakers and bystanders (Lee, 1979a: 392).

Even a single violent death in a Bushman band is considered a great tragedy. Naturalist Laurens van der Post once asked a group of Bushmen to describe a fight they had had: "Was it an awful war?" I asked. And they said, "It was a terrible war." I asked, "Were many people killed?"



In places like Schmidtsdrift in the Northern Cape where the San have been resettled, what happens to the 'community's' traditional system for resolving conflict?

PHOTO: COURTESY OF UBUNTU TELEVISION AND COMMON GROUND PRODUCTIONS

And they said, 'One man was killed.' That was enough. One man."⁴

And if tensions still remain high, as might happen in the case of homicide, one or more of the groups involved will be asked to move away – in order to let tempers cool down and avoid further escalation. In the words of one Bushman:

In the old days the people would bury the dead and over the grave would look at each other with suspicion; there might be whispering of killing another. Then the one who wanted to kill would cry out and writhe and tear his hair: "Oh why can't I kill one of them, since my man is dead?" But the elders would take hold of him and forbid further fighting. Then the elders would say, "We see that these people cannot live together properly. You people must separate and each group go into its own n!ore and eat only in its own n!ore (Lee, 1979a: 3951).



PHOTO: SCOTT KWALI / I-ARXIA

Perhaps the most dramatic episode of containing violence was documented by Richard Lee. In the 1940s, a man named /Twi who had killed two people and was possibly psychotic was ambushed by his community and fatally wounded. After he was dead, all the men and women stabbed him with spears, thus symbolically sharing the responsibility for what had amounted to a collective execution (Lee, 1979b: 96).

THE SECRET: TAP THE THIRD FORCE

Conflict is usually pictured as taking place between two opposing forces. Among the Bushmen, there is

always a *third force*: the surrounding community within which the conflict takes place. The two opposing parties are not separate from but form part of this larger community – indeed, that is how the community is able to influence them.

The secret of the Bushman system for managing conflicts is the vigilant, active and constructive involvement of the community. It is the community which socialises the young to avoid violence. It is the community which exerts a pacifying influence on family and friends. "All of the friends [of the offending party] are approached," said Korakoradue. "Others who have great influence

over the offender are also approached, usually separately, to ask if they can have a word with the offender." It is the community which participates for days and nights in *xotlas* and trance dances. And it is members of the community who risk their lives to break up fights.

The community will not rest until a dispute is resolved, as any dispute threatens to tear the web and sunder ties that are critical to collective unity and survival. "Under no conditions," one elder informed me, "will a person be allowed to go away until the problem is resolved. We will go and fetch someone if he leaves before the dispute is settled. People do not usually stay angry afterward so they do not move away."

"What if a dispute occurs between people from different groups?" I asked.

"We'll send for the person from the other group," he said. "If he doesn't come, our group will go to his group and we will have a talk there."

In every serious dispute between two individuals or groups, then, there is a third party at work. The third party is usually not a single individual but a collectivity of third parties: a third force of concerned relatives, friends and elders. These third parties are typically

'insider third parties' with strong ties to either one or both sides. There can be no private disputes of any seriousness because a dispute affects everyone. Those who play the role of third party are not doing so purely out of disinterested altruism but out of enlightened self-interest. A dispute, particularly a violent one, would compel them to take sides, perhaps even to fight, thereby sundering emotional bonds and breaking valuable sharing and trading relationships.

Unlike governments and states, therefore, the third force is not a transcendent institution that dominates everyone, but an emergent impulse that comes from the vital relationships between each person and every other person in the group. It springs from the great horizontal web of sharing relationships, trading ties and kinship bonds that constitute hunter-gatherer society.

The third force, in short, is the community at work in preventing, resolving and containing conflict. The community serves as the container within which the work of conflict resolution is performed. Emotional wounds and injured relationships are healed within the context of the emotional unity of the community. Opposed interests are resolved within the context of the commu-



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nity interest in peace. Quarrels over rights are sorted out within the context of community norms. Power struggles are contained within the context of overall community power.

The third force is the voice of the community. It is the voice of collective interests and norms: "Violence is wrong." It is the voice of collective power: "No one," the voice underscores, "can injure or kill one of us without reckoning with the rest of us." The third force is the community will-for-peace, the countervailing force against violence and war.

A CIRCULAR, COMMUNITY-BASED SYSTEM

At the risk of reducing the Bushman conflict management system to an ideal type, let me sum it up in a diagram (see Figure I). As the diagram indicates, the Bushman conflict management system prevents disputes wherever possible, resolves the others and contains those disputes that threaten to turn violent. The system thus consists of a series of successive safety nets for catching disputes and disputants. If one method fails to work, another is readily available to be tried.

There is a rough sequence to the activities – prevent, resolve, contain – but note how the Bushmen make the sequence circular. For them it is not enough to contain a conflict to keep it from turning violent; they insist on returning to resolve it. Nor is it enough to resolve a conflict; they pay careful attention to healing the injured relationship so as to prevent the parties from soon falling into conflict over another issue.

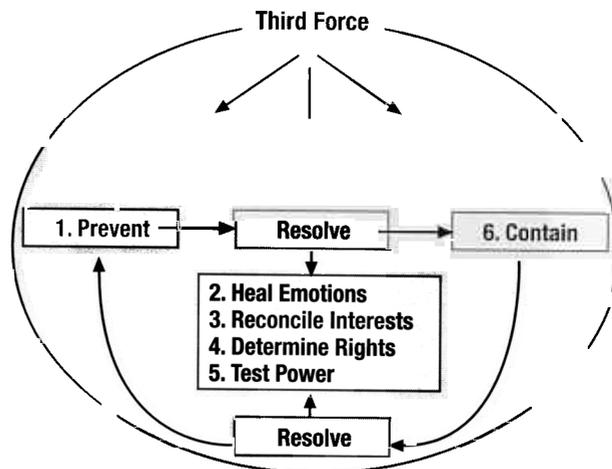
The Bushman conflict management system deals with the four main strands of conflict: emotions, interests, rights and power. All four coexist in any dispute like the strands of a rope. At different stages in the process of resolution, different strands become salient. Here, too, there is a rough sequence.

The first task is to create a favourable emotional atmosphere. Indeed, sometimes that in itself may be sufficient to resolve a dispute. The second task is to identify and try to reconcile the underlying interests. Sometimes, too, the dispute may be resolved at this point. The third task is to determine rights – in other words, to apply appropriate norms to the dispute or, simply speaking, to determine who is right. If the dispute is not resolved at this stage, the fourth task is to test the relative power of the parties in as low cost a manner as possible. This is a reality check: Who is more powerful? Who needs whom most? The Bushman system thus resolves disputes by healing emotional wounds, reconciling interests, determining rights and testing relative power.

The system is community-based. The context within which the disputes occur and are handled is the surrounding community. The two opposing forces in any dispute are complemented by a third force, the collectivity of third parties who emerge from the surrounding community and work hard to prevent, resolve and contain the disputes. As the diagram depicts, this third force is the animating force behind the Bushman system.

While the Bushmen do not always successfully avert violence, they succeed in dealing with their differences in a remarkably constructive and peaceful fashion. The accomplishment is all the more notable when one considers that they do this without the mechanism of formal government and with a deadly arsenal of poisoned arrows at the disposal of every youth and man. We who

Figure I: A community that works to prevent, and contain conflict:



live in far more technologically advanced societies have much to learn from this so-called simple but in many ways more socially advanced society.

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NOTES:

1. Since the appellation 'Bushman' was often a term of denigration in southern Africa, many anthropologists have come to use the term *San*. But unfortunately *San* is also unsatisfactory, meaning 'rascal' in Khoi-Khoi. Besides, the *Bushmen* themselves don't use the term *San*. According to anthropologist Megan Bieselee (personal communication to the author, May 1989), they – at least those residing in Namibia – think the term *Bushman* as a general appellation is just fine. So it goes.
2. Some scholars have suggested that the Bushmen are the survivors of groups that were driven by Dutch and Bantu invaders deep into the Kalahari desert in historic times. Richard Lee (1979a: 76) refutes this with strong archaeological evidence and the oral traditions of the Bushmen themselves.
3. *King Henry VI*, Part 3, Act 4, sc. 8, line 7.
4. A version of this is given in *The Lost World of the Kalahari* (van der Post 1985: 221).

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