DISPUTE RESOLUTION NOTES FROM THE KALAHARI

William L. Ury

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"Dispute resolution" as it appears in this journal is generally an American enterprise. I am presenting this diary here in the hope that scholars and practitioners will find it stimulating to read how a group of people in a very different culture and environment cope with their conflicts.

In the Kalahari Desert
April 29, 1989
Morning

We are here to camp for eight days near a group of San in order to learn a little about how they live and how they resolve disputes. From well over a million years ago up until ten thousand years ago, all of humanity hunted and gathered. At the time of Christ, half the world's people still depended primarily on hunting and gathering. Now almost no one does.

The group we are visiting still hunt and gather, but only for a diminishing part of their subsistence. In the youth of the older generation, however, they were primarily hunters and gatherers. They thus afford a fading glimpse of the most ancient and perhaps the most successful way of life—for the jury is still out on all the others.

Our guide is Isak, a 57-year-old Afrikaner farmer who has been visiting this group for 26 years. We are camped in the middle of the bush. The soil is sandy, but it manages to sprout grasses, thornbushes of all sorts, and occasional trees.

The population of Kua San in the vicinity is approximately 200. Only about 50 live in the encampment near us. The others are in new encampments off in the bush. Isak says that they still carry on a seminomadic existence in their territory, moving every three to six months. Their primary reason for moving is to find better food. Isak estimates that when he first came here in 1963, the San were getting 90 percent of their food from hunting and gathering in the Veld. Now that figure is more like 20 percent, perhaps higher depending on the rainfall.

We go out into the bush with four old men clothed in their skins and equipped with their hunting bags. In each leather bag, a bark quiver, a bow, arrows, a digging stick, fire sticks, and a sipping reed. They show us how they read tracks—there is the footprint of a big cat, there of a duiker, there of a steenbok. They are in search of a certain plant for making rope for their traps.

This may be the last generation to know the bushlore—hunting, trapping, and making rope. The young no longer learn these skills, but go some distance away to school and live off government grain. They no longer have the time or inclination to learn all the old stories.

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Kalahari Desert
May 2, 1989
Morning

In the morning, I interview four old "wise men" from the group: Korakoradue (in his 70s, a respected elder), //Xamgau, Ramones, and Raseukua. They all squat close togeth-

er on one side of the fire. Their wives and some young children sit nearby, leaning on each other, legs and arms atangle, almost as if they were squeezing in for a group portrait. People talk constantly, often all at once, often laughing.

The translation is somewhat tortuous. We move from my English to Isak's Tswana to Louisboy's Kua. (Louisboy is a lively and friendly Tswana who was raised by a group of San.) The old men then discuss my questions among themselves, and one volunteers an answer that goes back through the translation process in reverse. I am fortunate to ask a half-dozen questions in an hour.

"What produces disputes among you?"

"Disputes come from the bad gods who want to destroy the work of the good gods," Korakoradue replies.

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

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

"How will the dispute be solved?"

"The aggrieved man 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?"

"When we were young, no one would ever have *dared* to violate the norms and to offend others like this."

"What if a man takes someone's bow and arrows and takes them hunting?"

"Then the other man goes to the man and tells him not to do it again."

"What are the most serious disputes?"

"The most serious dispute," Raseukua says, "is when one man runs away with another's wife."

"What happens then?"

"You go and get her, and then you go and live far away so that he can't get at her again."

"What do you do if your wife runs away with yet another man?"

"You do the same. You go and fetch her."

"But what if she refuses to come?" [The old women off to the side break into laughter.)

"Then you take your children and go far away. You leave her with her new man."

"If your daughter wants to go off with a man whom you don't like, what then? Do you start a dispute?"

"The father would talk and talk and try to convince her. But if she doesn't agree, you just let her go with him, knowing that eventually she'll learn her lesson and come back."

"When people get angry in a dispute, do they ever kill each other?"

"In this region, we have never heard of such a thing." [It is hard to know whether or not this is true. They might have chosen not to talk about any murders with an outsider.]

"Why do you think people fight?"

"They *drink.* Then they commit crimes. In our village, we never get drunk, so we live in peace with the good gods."

"Does anyone stand out as a dispute resolver in the community?"

"Korakoradue is the best at resolving disputes. People come from all over for his advice,"

"What does he do?"

"He is convinced that every problem comes from people drinking too much. So he asks them about their drinking habits. In the old days, they never had alcohol, so there were no fights."

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Kalahari Desert
May 2, 1989
Evening

We sit around the campfire with a group of San. They sing as one man plays a four-string guitar made up of a piece of wood attached to an old oil can. Their voices harmonize with one another beautifully. Without television or other forms of recreation, they entertain one another.

On a previous trip, Isak told the San about man going to the moon and pointed out Apollo 11 in the night sky. Now the San sing a song about Apollo II, whose refrain goes "Mama, buy me an Apollo 11." Another song is about a group Isak once brought to the Kalahari to view Halley's Comet in the clear night. They brought expensive telescopes with them and looked and looked, but could hardly see anything. The San found the event hilarious and made up a song about it. As they sing it, they shake with laughter.

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Kalahari Desert
May 3, 1989
Morning

Today I resume the interview with the four elders:

"What do you know of war between different groups?"

"Yes," replied //Xamgau, "long ago there was war between us and the Bakalagadis. It came about because we did not speak well to each other. The Bakalagadis had only sticks; the San had spears and bows and arrows. The San were beating the Bakalagadis. The war however was not *here*— it was up at the Lipepe River. It involved another tribe. I don't know how many died if any."

"Do you know of any wars between groups of San?"

"I have walked all around here," replies Korakoradue, "and I've never seen war between San groups."

"Have you ever known of one man murdering another?"

"In all our lives," Korakoradue and //Xamgau answer, "we've *never* heard of a murder. The biggest problems we know of are a man stealing another's wife—and then the most that will happen is that someone will get a great hiding."

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"Do you use any special techniques to resolve disputes?"

"If a dispute can't be resolved," answers Ramones after a long discussion among the group, "Korakoradue will call a *xotla* (a kind of pow-wow). The *xotla* is held in the center of the encampment and is marked by a circle of poles. Everyone will question the two who are in dispute until they have resolved the dispute. The *xotla* includes women and men but not children. Everyone has a chance to have their say. It can take days—until they've talked each other lame. Then they will come to a resolution of the dispute."

"Does the trance dance play a role in dispute resolution?"

"If there is such a dispute, first we will call for a dance 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."

"What if a dispute occurs between two people from different communities?"

"We'll send for the person from the other community. If he doesn't come, our community will go to his community and we will have the *xotla* there. In the old days, if the *xotla* didn't work, how did you break a deadlock in a situation of great conflict between two families?"

"In the old days, the only other recourse was for one of the sides to move away."

"Why did four heads of families whom Isak knows move away from here? Was there a dispute?"

"Actually seven groups of families moved away. They moved to live at different places . . . because their wives were afraid of the prospect of disputes between themselves and the other women of the community."

"Do disputants ever leave the community without trying to resolve the dispute?"

"Under no conditions," Ramones says, "will a person be allowed to go away until the dispute is resolved. We will go and fetch someone if he leaves before the dispute is resolved. People do not usually stay angry afterward so they do not move away."

"Why are you so afraid of an unresolved dispute?"

"People are afraid," says Ramones, "because God is in the sky, on the Veld, and underground. You don't want to make the gods angry—and they are everywhere. They know if you've been good or bad."

"What happens to the dispute once it is resolved?"

"Bise [the good god] takes it and gives it to Parabise [the bad mischievous god]."

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Kalahari Desert
May 3, 1989
Late Afternoon

Later, we go out into the bush with the four "wise men" to look for the beetle larvae needed to make poison for their arrows. As they look, they keep up a continuous stream of conversation. When one of them comes upon the kinds of plants that beetles like, he uses his digging stick to sift through the sand to find a tiny clod of beetle larvae. Everyone rushes over to see the discovery.

The men always keep their eyes open for animal tracks or for other things they need from the bush. When they see the tracks of a steenbok, a smallish antelope, they follow them until they find a bush which the steenbok has rubbed against to mark its territory. They can tell by the slight rubbing mark on the bark and the little ball of fur. They know the animal will return to the same spot in a day or two to remark the boundaries of its territory. They find a branch nearby and bend it, fix it in the ground in a little hole they make. Then they use the rope made from the plant they gathered several days ago. The rope is tied to the branch and looped so that when the animal steps on that spot, its leg will be caught by the loop, the branch will bend back and the animal will be trapped. They finish by carefully covering the trap with brush.

The San are amazingly resourceful, using only the materials they find around them. I am reminded that we are alive today in teeming millions in our skyscraping cities as a result of just such ingenuity exercised for hundreds of thousands of years by our hunter-gatherer ancestors.

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Kalahari Desert
May 4, 1989

In the morning, we drive an hour or so through the bush to reach a little hamlet where two families live in traditional San grass huts. The huts are constructed in a few hours around a structure of branches and are quite simple. They are generally used for storage. People don't sleep in the huts except in rainy weather. They prefer to sleep in the open air huddled around the family campfire for warmth. Around the campfire the San build a little windbreak. This space is their combined living room, dining room, and bedroom.

In the afternoon, I begin my third interview with the four elders:

"What do you know about war?"

"What do I know about war?" asks Korakoradue, his voice more forceful than in previous days. "We were in the veld, seeing lions, hyenas, jackals, wild animals. We haven't seen anyone killing one another. There were no white people around."

[It's interesting that he makes the connection between war and white people. Isak adds that they have no stories of war passed down through the generations.]

"Most peoples kill each other in great numbers. What are your secrets for avoiding war?"

Everyone laughs.

"It is because we live good lives," answers //Xamgau with animation. "We pray to the gods. We pray for no war so we have no war."

"Is there a word for war in your language?"

"Xchau" or "xgao" or "achoo" or "barua."

Isak explains that the reason I am asking these questions is that he had told me that there is a clever people who know peace, who know how to resolve disputes, and that I am here to learn from them so that their lessons can be applied elsewhere. They respond with laughter and clapping.

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Kalahari Desert
May 4, 1989
Evening

Around the campfire, Louisboy sings a song to the tune of a string fiddle about these funny white people who come and ask difficult questions about disputes and wars, and how the San pray to God to give them answers.

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Kalahari Desert
May 5, 1989
Morning

An interview with Korakoradue by himself:

"Is it true that the best friend of the offender is approached to bring his constructive influence to bear on the offender?"

"Yes. All the friends are approached. Others who have great influence over the offender are also approached, usually separately, to ask if they can have a word with the offender."

"In a dispute, how is the relationship restored? Does the offender apologize?"

"Yes, the offender must ask forgiveness in front of the whole community and not in private because the offended might lie and say that the offender did not apologize."

"Suppose 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."

"Are certain people recognized as being better at dispute resolution than others?"

"If a person hunts better, it must be because of his father. The skill is inherited. The same is true of the skill of dispute resolution."

"Did your father teach you to resolve disputes?"

"Yes."

"What lessons did he teach you?"

"The greatest lesson my father taught me was to tell the people: 'Never cause a dispute so that it won't have to be resolved, Live in harmony.' "

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Kalahari Desert
May 5, 1989
Afternoon

We go on a gathering expedition into the Veld with a group of 20 women and girls clad in skins, many with San strapped to their backs and sides, and armed with digging sticks. Their sleek athletic bodies, graceful gaits, and high cheekbones make them uncommonly beautiful. They naturally blend nursing their babies with trotting through the Veld.

The expedition is a little bit like a shopping party—they all appear to be having fun, chattering and laughing. One finds a melon, strikes it open, and shares it with friends. Others find bulbs and tubes and put them away in their leather sacks. It is this activity that traditionally provided the greatest and most predictable pan of the community's diet. So critical is the women's gathering role that some anthropologists have suggested calling these societies "gatherer hunters."

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Kalahari Desert
May 6, 1989
Morning

This morning, I conduct one last interview, this time with Purana, another elder

"What happens when two children quarrel over a blanket? One gets one and the other gets jealous."

"If one child is jealous of another's blanket, I will tell the one with the blanket that she is very lucky that God gave it to her and, to show her happiness, she must *share* her blanket with the other little girl."

[This is a classic example of refraining a zero-sum situation (in which one girl loses) into a positive-sum situation (in which both girls win). Sharing the blanket is not just a compromise: The girl with the blanket now receives pleasure from the other girl sharing it.]

"What do you do if one of your daughters runs away from her husband and says she doesn't want him anymore?"

"If, after a year of marriage, my daughter says she wants a new husband, I tell her to come home and live with me. I tell her, 'If you were not satisfied with your first choice, you will not be satisfied with your second choice.' If she doesn't listen, then I leave her to do what she chooses, and to pay the price on her own."

I again asked about war.

> Purana replied: "When I was very small, I heard from my father that the people of Mau were having a dispute and killing each other, but I don't know what it was about."
>
> Isak shows Purana and Louisboy [the translator] pictures in *Time* magazine of fighting in Soviet Georgia, of the French Revolution, of unrest in China, and wars elsewhere in the world. Purana and Louisboy exclaim in surprise: "Oh! Hey! Ayy! Eee! Ho!"
>
> "Why then don't you make war on each other like everyone else?"
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> "The San have no cattle, no things . . . We live off the Veld . . . God looks after us . . . He knows we struggle and because of our poverty, he takes care of us."
>
> In the evening, the last one we will share on this trip, the San dance a "trance dance." The women and girls and babies sit around the fire clapping and singing a rhythmic song. The men stamp their feet spasmodically. I try it for a bit and can feel the hypnotic power of the dance. Under the stars, two men fall to the ground with a loud thump—presumably in a trance. Old Korakoradue is the most active, chanting and dancing, shaking his legs flirtatiously in the women's faces.

Conclusion

In conclusion, a few thoughts. I was struck by the care taken by San to avoid stoning and escalating disputes. If someone is wronged, he just tells the person not to do it again. Also noteworthy is the way they carefully recruit witnesses and dispute resolvers so that the dispute is not just between the "parties," but between the offender and the community.

The trance dance plays an interesting role in creating a favorable climate for dispute resolution. It changes the mood from conflict to unity, giving the disputants perspective, and creating the goodwill necessary to deal with the dispute. The subsequent talking out of the dispute at the *xotla* gives people a chance to ventilate, to be heard, to be swayed. It serves as a kind of people's court except that there is no jury vote or verdict; instead, a consensus gradually crystallizes in the community as to what the proper solution is.

The anthropologist Megan Biesele, who has worked a great deal among the JuAvasi and the !Kung San, describes the discussion process as centrifugal. In Western political meetings, the process is centripetal—it is a competition to get into the center, have your say, make your important speech, draw attention. In contrast, the San tend to flee the center, not wanting to draw too much

attention to themselves, deferring to others and encouraging everyone to have their say. So deeply ingrained is the egalitarian ethos that no one wants to take authority. The process is very open and inclusive, naturally taking a long time. Although people are respectful of the opinions of others, they often talk at the same time; the important thing is that everyone gets their say said and that a consensus is slowly built up. There is no notion of a quorum for decision-making; the quorum is everyone.

As these notes and conversations suggest, the San of the Kalahari are a truly interdependent society: they are socialized from birth to be acutely aware of and sensitive to one another's needs. Not surprisingly, they appear bewildered by the notion that an individual would deliberately flout the communal will by failing to resolve a dispute or (even worse) use force to do so.

Without courts and police, social discipline is strong. Just to cite one example, Isak told me that "you could leave a tin of tobacco here at the campsite and, although a smoke is highly treasured the the San, you could come back a year later and it would still be there untouched." In all of Isak's visits over a quarter of a century, nothing has ever been stolen. Indeed, one might argue that the existence of courts and police in a society is an indicator not of compliance with socially-arrived-at dispute settlements but rather of lack of compliance.

Disputes can tear the net of human survival—the social fabric. In the modern world, we have the dubious luxury of wallowing in our disputes. Not so here among the San, who try to resolve all serious disputes for fear of the consequences of leaving them to fester. Their accomplishments in peaceful dispute resolution are all the more remarkable—and perhaps easier to understand—when one considers that every youth and man traditionally possesses, in his hunting arsenal, deadly poisoned arrows.

In these people's lives—and presumably in our ancestors' lives as well -- cooperation more than competition becomes the order of the day. In our modern economies, based as they are on competition among individuals and groups, it is easy to see the human adventure as a struggle for survival in which you

must win at all costs at the expense of others. Our way of life is a few centuries old; the San's has lasted tens of millennia. Life may in fact be about the "survival of the fittest," but what makes people truly "fit," as the SanSan remind us, is their ability to cooperate and to settle disruptive disputes.

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